

TOWNSCAPE, INC.

Environmental and Community Planning

900 Fort Street Mall, Suite 1160, Honolulu, HI 96813
Telephone (808) 536-6999 Facsimile (808) 524-4998
email address: mail@townscapeinc.com

North Kohala CDP

MEMORANDUM [\(Revised per comments from Toni W. and Debbie C.\)](#)

To: Access Focus Group

From: Bruce Tsuchida

Date: November 12, 2007

NOTES FROM MEETING OF 11/08/07 WITH CHRIS YUEN AND PETE HOFFMANN

1. **Field Recon** – We gathered at the Kapa`au Senior Center and then drove out to look at two priority access areas: (1) shoreline (lateral) access on former Surety Corporation land, now owned by New Moon Foundation, located off of the “Lighthouse Road,” and (2) unpaved road to Kapanai Bay, located off of road to Hapu`u Bay. Participants were: Mike Gomes, June Gomes, Ted Matsuda, Sarah Frances Bumbard, Toni Withington, Mark Grandoni, Robin Mullin, Chris Yuen, Pete Hoffmann, Christian Kay, Deborah Chang, and Bruce Tsuchida. Discussion in the field included:
 - Access easement on New Moon property: still need to complete ground survey. The easement can then go to County Council for acceptance. [Key issue: there are 2 other parcels west of the New Moon property that do not have lateral access requirements. There is thus a “gap” in shoreline access here.](#)
 - Key issue/question: who will construct access trails and roads; who will manage and maintain?
 - Old road to Waimea established c. 1850 – still [walkable](#)
 - Pratt Road is an old cane haul road that parallels the main Kohala road
 - Hale Kaili Heiau – owner Charlie Anderson would like to give the Heiau site to Kamehameha Schools, but KS has apparently said they are not interested
 - There is a 4-foot wide [\(unsurveyed\)](#) pedestrian path from Hale Kaili Heiau to Kapanai Bay, [per Civil Case No. 5464.](#)
 - The incline road at Kapanai, built by King Kamehameha, should be closed to vehicles.

2. **Discussion on Access Priorities** – The group then convened at the Senior Center for some discussion on access priorities. Mike Isaacs joined the group; Mark Grandoni did not choose to continue with the group. Toni Withington provided a summary of the preliminary map that the Focus Group members had drawn showing “Big Picture” long-range goals for public access, both mauka and makai. The overall goal is to establish **a continuous coastal trail from Pololu to Kawaihae**, together with adequate vehicular and pedestrian access. Highlights of the discussion that followed:
 - Chris Yuen noted that public access can be established through a number of means, including: legal right of access (example: old government roads), agreement with a land owner to permit public access, government can purchase an access easement or “condemn” land for that purpose, an access easement can be required in connection with land use and/or subdivision approvals. He noted that Chapter 34 relating to Public Access applies only to oceanfront property, and only when such property is subdivided into 6 or more lots. The County has more flexibility to negotiate access easements in the case of SMA permits or rezoning. He noted that the community’s desired accesses could be included in the CDP, and that this would facilitate County actions for acquiring access easements. He said that the Planning Dept. can work on establishing easements

“on paper,” but that some other County department would need to construct and maintain actual physical accesses.

- There was some discussion on which County department might be put in charge of constructing, managing, and maintaining public accesses. Candidates included County Dept. of Public Works and Dept. of Parks and Recreation. It was noted that neither of these departments was interested in assuming these responsibilities. Chris Yuen suggested that the County is better at doing a specific project rather than structuring an entire County-wide program, so it may be better to define a specific project, implement that project, and then begin to build a program from there.
- Pete Hoffmann observed that there is a “disconnect” in the County’s decision-making process – i.e., “How would the County Council know that Council action is required to accept a particular access easement (like the Puakea easement)?” The easement was required as a condition of subdivision approval for the [Kukuipahu subdivision](#), but since County Council does not have a role in the subdivision approval process, Council was not aware of this requirement. Pete noted that he has proposed that County Council review and comment on (major?) subdivision approvals, but that the Planning Director does not support this proposal. Pete said that the community needs to be clear about what they want, and that the County needs to address the issues of management and maintenance of access easements.
- It was suggested that the National Park Service’s “Ala Kahakai” program should have a role in establishing coastal accesses in Kohala.
- The need for management rules and enforcement of rules was discussed. Several people noted that most of the negative activities that occur in coastal easement areas are associated with vehicular access.
- There was general agreement that the County needs to move forward with positive actions on public access, and that County Council action on the shoreline access easement on the New Moon Foundation property could take place as soon as the survey work has been completed. [\(Note: some members of the Access Focus Group are very concerned that the original access easement agreement for this area leaves a “gap” in the lateral easement, and that action by County Council should be deferred until an agreement to provide a complete lateral easement has been resolved. Accordingly, representatives of the Access Focus Group should play an active role in resolving this easement agreement.](#)

3. **Access Focus Group Meeting** – The meeting with Chris Yuen and Pete Hoffman ended at about 4:45, and they left. The group was joined by Lucy Paseo, Marlene Ching, Nancine Lloyd, and Kelly Vitorino.

Bruce Tsuchida summarized the outcomes of the meeting with Chris Yuen and Pete Hoffmann. He said that the meeting had been positive and productive, but that critical management issues still need to be addressed and resolved. Mike Gomes noted that coastal lands are Land Court properties, and that there are many detailed legal issues that must be clearly and factually understood and documented if the Access Plan is to be a credible plan. He showed the group a report that the County had produced in 1982: “Shoreline Public Access – Legal Issues.”

Next Steps: after some discussion it was agreed that the group would meet with Debbie Chang on Friday, Nov. 16 at 4:00 pm at the AG classroom at KHS to review and discuss the “Big Picture” map in detail.