

D R A F T

Report of the Public Access Focus Group

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We recognize a wide spectrum of public access tools available to the county to control and limit the flow of people through historically sensitive areas, limited resource areas, and potentially hazardous areas. Our concern is that people in North Kohala have a strong voice in making all decisions regarding limiting access. This includes decisions by the county, the state and the federal governments.

Because our district has a centuries-long history of unrestricted access, something unique in Hawaii, we recommend decisions on providing access on lands to be subdivided and developed lean to the side of providing more access than provided by Chapter 34 of the Hawaii County Code and Rule 21 of the County of Hawaii Planning Department rather than less, as it has been in the past.

We recommend amendments to Chapter 34 to provide safe lateral shoreline access along all land with shoreline boundaries. These accessways should follow existing or traditional trails or roads as much as is safely possible. All shoreline accessways should be "floating" in that when beach erosion or geological damage makes the accessway unsafe, the legal boundaries can be moved inland. Because many families in our district rely on shoreline access for food gathering we recommend mostly vehicular mauka-makai access with pedestrian access only where distances are not great. We recommend that a minimum of two parking spaces be required at the shoreward end of vehicular mauka-makai accessways. Also a minimum of two parking spaces should be provided at the mauka

end of pedestrian access when the trail starts at a government road.

Access to customarily used mountain areas for hunting, gathering and recreation is described as a public right in Hawaii Revised Statutes Chapter 46 – 6.5, the enabling legislation for the County's Chapter 34. The county has yet to make provisions for mountain access. We recommend Chapter 34 and Rule 21 be extended, as allowed by law, to include mountain access, both lateral and mauka-makai. North Kohala has existing mountain access to the Kohala Forest Reserve, the northern valleys and mauka lands of the Kohala Mountain. This access is both lateral and mauka-makai over government roads, former cane field roads, ranch roads and trails, which were freely open to all until the 1980's when publicly used roads and trails were blocked with fences and gates.

King Kamehameha I of North Kohala established Hawaii's first rights of public passage with his Kanawai Mamalahoe (Law of the Splintered Paddle) which concept later was adopted as the first article of our Hawaii State Constitution. In the 1980s that legacy was reaffirmed in public access landmark court cases supported by Kohala's Hui Mamalahoa at Kapanaia in Civil HA-5464 Kohala Corporation vs. Ahoi, at Upolu Point in Civil HA-xxxx Kohala Corporation vs. Kahoi and in Mahukona in Civil HA-55-469 (Hannigan), Civil HA-5467 (Callish) and Civil 89-289 (Magoon). In recent years the public's rights to coastal and mountain access has been accentuated by court decisions relating to the Public Trust Doctrine, and the decision on Hokulia development.

Our shoreline is ringed with land designated in the conservation district, administered by the State Board of Land and Natural Resources. Therefore our coastline trails will be all or in part in need of identification by the state. In addition the shoreline from Upolu Point to our district boundary north of Kawaihae has been designated part of the Ala Kahakai National Trail System. We see cooperation between all agencies, with the community of Kohala having a strong voice, as the best way to accomplish our priorities of responsible stewardship of public access ways. The community, either through existing community organizations or through a new community-represented trails stewardship group, plans to assist in the maintenance, repair and policing of accessways, provided the county, state and federal government help supply resources – funds, and/or labor, and liability protection for volunteers.

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North Kohala Public Access Priorities With Accompanying Map

The people of North Kohala have enjoyed unrestrained access to the ocean and to the mountains since earliest settlement for fishing, hunting, gathering, recreation and cultural and spiritual practices. Only in recent years have new land owners tried to bar the public from access ways that the public has rights to by way of actual use, custom, prescription, and in some cases implied dedication, court-ordered dedication and dedication as a condition of government permits. The public does not have to ask for easements to the ocean and mountains. The people already have the access. What is needed is coordination between the public, represented here by Kohala community individuals and organizations, the land owners and the county and state agencies with authority over identifying, designating, accepting and maintaining specific public access ways.

While the people of Kohala, their families and friends, and by extension the general public, have used access ways from the remotest valleys to the arid leeward coast for generations, it is recognized that opening all these access ways to the widest definition of public, would be a detriment to the fishing and hunting resources, the delicate balance of native flora and fauna as well as the archaeological and spiritual sites of the more remote areas. Also because of the hazardous nature of many of the access ways, wider use could endanger the public. Future educational or stewardship monitoring programs may be needed in some areas.

In order to leave a legacy of coastal and mountain access it is important that the people of Kohala, on behalf of future generations, at this time re-affirm their already existing access ways. Also for them to

define for existing and future land owners which access ways rate the community's highest priorities so that rights to the ocean and mountains can not be diminished by fencing, signs or claims of trespass. Even though some of the designated access ways will need the protection of limited entry by coordinated action of the community, land owners and the government, these access ways need to be identified now so that the public trust rights be maintained. Existing community organizations, such as Hui Mamalahoa and Kamakani O Kohala Ohana (KAKO'O), have offered to take stewardship over accessways. This focus group recommends formation of an all-inclusive community organization or agency to oversee access issues and stewardship in the future.

It should be emphasized that all the trails and roads named here are traditional or have been in existence for many years. The only exceptions are newly created easements identified by the county as public access as permit requirements in subdivisions or development. Where the latter are identified, the priority listed here is the community recommendation, not necessarily the access brokered by the County Planning Department.

- **Priority one – Coastline trail** A trail that starts at the beach in Pololu Valley and follows the coastline of the district to Kawaihae. The trail would be for pedestrian use except for the already existing vehicular lateral roads. The trail should follow the Ala Loa where it can be identified or traditional fishing trails. When the trail is identified by metes and bounds from the Certified Shoreline, it must include provisions to move the trail inland when the Certified Shoreline is moved inland because of erosion or landslide. This trail is reached from the Akoni Pule Highway by already existing vehicular mauka-makai roads. A minimum of two parking spaces should be available at the junctions with the lateral trail. These mauka-makai roads have been identified as:

- Pololu Lookout – an existing paved state highway to a paved parking area. This links the trail from the bottom of Pololu Valley to the trail that heads toward Akoakoa Point. The Pololu Valley trail is administered by Na Ala Hele, the state trail system
- Keokea County Park Road – an existing paved government road leading through Niuli'i to Keokea Park
- Kapanaia Bay road -- an existing court-ordered vehicle access on an unpaved road to Kapanaia and

Hapu'u bays (Civil HA-5464 Kohala Corporation v. Ahoi). The roadway is currently owned by the State.

- o Kauhola Lighthouse Road – an existing government road prior to 1872 and a federal right of way since 1912. This access is the subject of Subdivisions 7776 & 7776-A.
- o Ainakea Road – an existing paved county road through Ainakea subdivision then extending into a private unpaved road makai in Ainakea auh upua'a.
- o Union Market Road – a vehicular public access on an unpaved road granted with county Subdivision XXXX, SMA 417, Special Permit 1117, Sunderland & Watkins for a retreat.
- o Hawi Road – a vehicular public access extending from the makai end of Hawi Road, a county paved road, to Pahoa Beach granted with Subdivision 2000-0148, Mohammadi. *(DC – NO! no vehicular access was part of the county agreement. Only pedestrian mauka-makai, which is*
- o Hoesa Road – a vehicular public access extending from the makai end of Hoesa Road, a paved county road, to the ocean via a private unpaved road.
- o Upolu Road – a paved government road to the airport on the coast. Vehicle access on an unpaved road eastward then makai to the ocean in Kealahewa ahupua'a as a condition of Subdivision 2000-72.
- o Upolu Road – a paved government road to the airport on the coast. Vehicle access on an unpaved road westward to the road between the ahupua'a of Upolu and Honoipo (Old Coast Guard Road). A portion of this road is granted as vehicular lateral access by Subdivision 2000-209.
- o Old Coast Guard Road – a paved federal right of way to the former Coast Guard Loran station, now and OHA center. A parking lot exists at the shoreline. Vehicular access travels northeast along the old railroad right of way, a government highway prior to 1892 mauka of the OHA center. Pedestrian access travels makai to the coastal road at both Mo'okini Heiau and Kamehameha Birthsite on existing trails in Puuepa ahupua'a granted by Subdivision 2000-209.
- o Kukuipahu (Parker Ranch subdivision) – vehicular access on an existing paved road in the Subdivisions 7520, 7521 and 7526 or alongside the property.

Vehicular access was not provided in the above subdivisions, but should have been.

- o Kapa'a Park Road – an existing paved county road to the county park.
- o Kapa'anui (Mahukona resort) – The resort's public access plan shows vehicular access on private subdivision roads in the resort development as a condition of SMA 341, Change of Zone ordinance 93 109 and Surety Kohala Public Access Plan. The existing public access is court-ordered over the existing jeep road on the railroad bed.
- o Mahukona – vehicular access on the paved government road to the harbor and Mahukona County Park. Also vehicular access to shoreline within the Mahukona Resort as a condition of SMA 341, Change of Zone ordinance 93 109 and Surety Kohala Public Access Plan. The existing public access is court-ordered lateral vehicular access over the existing jeep road on the railroad bed.
- o Lapakahi State Historical Park – existing vehicular access on a paved road within the park to the parking lot, then pedestrian access to the shore.
- o Lamaloa ahupua'a – (just south of Lapakahi Park) vehicular access on an existing jeep road over state land, TMK 5-7-01:22 and a private parcel, TMK 5-7-01:11.
- o Pao'o ahupua'a (Secrets)– vehicular access on an existing jeep road over state land, TMK 5-7-01:21 and a private parcel TMK 5-7-01:5.
- o Kaiholena ahupua'a – vehicular access through Subdivision 7543 as provided by SMA 92 (Pohaku Kea LLC).
- o Makeanehu ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-8-01:12.
- o Kehena 2 ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-8-01:9, to Keawenui and Keaweula Bays.
- o Puanui, Puaiki and Ki'iokalani ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-8-01: 15 and Ponoholo Ranch, Ltd. Land TMK 5-9-03 to Malae Point. Also over Kamehameha Schools land TMK 5-8-01:8 to Wawaionu Bay.
- o Kalala ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-9-03:1 to Big Bay.

- Makiloa ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-9-03:1.
- Kahua 1 and 2 – vehicular access on an existing jeep road over private land, TMK 5-9-01:8 to Waiakailio Bay.
- Kohala Waterfront subdivision – vehicular mauka-makai access over subdivision or alternative road to a lateral shoreline trail. The County Planning Commission approved SMA 212 in 1996, an amendment to the 1984 SMA. The provisions call for public parking on Akoni Pule Highway with pedestrian access to the shoreline trail. The shoreline trail has not been built to this date.
- Mahukona to Kawaihae road – the remnants of this road still exist and are used for vehicular traffic from immediately south of Lapakahi State Historical Park to Keawenui Bay and also from Wawaionu Bay to the district boundary.

- **Priority two – Mountain trail** A trail that traverses the upper slopes of the north district just below the forest reserve from Pololu Valley to the Kohala Mountain Road at the old Puu O Kumau Reservoir (Taga Pond). This trail was a well-used field road for the sugar plantation, was unrestricted and widely used to access hunting, gathering and recreation areas prior to the 1980s. Portions of it are a government highway. It is reached by mauka-makai access from Akoni Pule Highway by the following existing roads:

- Mekanikahio – vehicular access on an existing jeep road in Mekanikahio and Waiapuka ahupua'a.
- Makapala – vehicular access on a paved government road leading to an existing jeep road.
- A'amakao (above Kapanaia Bay) – vehicular access on an existing jeep road between Puwaiola and Waiohia gulches. This existing limited public access was granted in Civil HA-5464 Kohala Corporation v. Ahoi. The key system for card holding members of the Kohala community is administered by Hui Mamalahoa and Surety Kohala Corp.
- Halelua Government Road (between Halawa and Halaula) – vehicular access in Halelua ahupua'a on the main government road from Kohala to Waimea prior to 1892. The road exists through private land, TMK 5-3-04:1. The road extends beyond the proposed mountain

trail to meet the Kohala Mountain road south of Lahikiola cinder cones.

- o Kynnersley Road – vehicular access on the paved county Kynnersley Road extending mauka on an existing unpaved road over private land to Puuokumau Reservoir (Taga Pond) in the Puehuehu ahupua'a.
- o Puuokumau Reservoir (Taga Pond) – vehicular access on existing unpaved road to a parking area at the mountain trailhead. On private land TMKs 5-7-04:13, 5-4-01:18 and 5-4-01:4.

- **Priority three – Kohala Windward Valleys** Trails were built almost 100 years ago to service the Kohala Ditch Water System and the Kehena Ditch System. Some of them were built over traditional trails. The coastal and valley trails have been maintained by the Kohala Ditch Company as well as other valley land owners, frequent Kohala-based users and the public. The Kehena trail system was maintained by land owners, Kohala-based users and the public. Some sections of the trails were damaged by the earthquake of 2006. Existing users of the trails should not be hampered in their access to the valleys.

- o Pololu Lookout – vehicular access on a state highway to the paved lookout at the trailhead to Pololu Valley. The valley trail system would start at the bottom of the valley.
- o Mekanikahio – vehicular access on an existing unpaved road, also listed in the mountain trail (Priority 2) to the mauka trailhead of the valley trail system.
- o The Kehena Ditch Trail on private land will be accessed by parking available at the trailhead in Kaupalaoa off of the Kohala Mountain Road.

- **Priority four – Old Government roads and the Railroad Right of Way** Government roads that existed prior to 1892 unless abandoned formally remain within the public domain. The Mahukona to Niuli'i railroad carried public passengers, mail, government officials and is classified as a government road. It is desirable to identify these public rights of way for trails to important areas for fishing, hunting, gathering as well as cultural, spiritual and recreational uses.

- o Railroad Right of Way – portions of the railroad right of way are being used now for public vehicular traffic or named in court cases requiring vehicular public access, such as Mahukona and Kapa'anui, access to pedestrian trails at Mo'okini and Kamehameha's Birthsite. The remaining railroad right of way should become a trail.
- o Roads mauka of Akoni Pule Highway on the leeward coast – many of the old government roads have been named as mauka-makai and lateral vehicular access for the coastal trail (Priority 1). It is expected that these roadways mauka of the highway maintain their status as government roads and be preserved as public trails. The Puu Hue to Honoipu government road (Pineapple Road) is an existing vehicular roadway.

Action Priorities for North Kohala Coastline Trail

- **Priority One --- Kapanaia to Ainakea**
 - o Secure County Council acceptance of an amended public lateral coastline trail and mauka-makai vehicular access identified by the Planning Department at Kauhola Lighthouse Road (Surety Kohala Corp.) Subdivisions 7776 and 7776-A. The agreement needs to be amended to make a continuous shoreline trail across the subdivision westward to Ainakea.
 - o Mauka-makai vehicular access on an existing roadway extending seaward from Ainakea subdivision across private land when the owners come in for county approvals.
 - o Survey and improve vehicle rights of way in favor of the State of Hawaii for access to Kapanaia and Hapu'u bays as established in 1982 Civil No. 5464 Kohala Corp vs. Ahoi.
 - o Survey and record with Bureau of Conveyances the shoreline trail "from and including Hapu'u Bay to and including Kapanaia Bay" as granted in the same case.

- **Priority Two --- Upolu to Mahukona**
 - Secure County Council acceptance of public lateral coastline trail and mauka-makai access as identified by the Planning Department at the following:
 - Kukuipahu (Parker Ranch) Subdivisions 7520, 7521 and 7526 for lateral shoreline access and amend the current pedestrian mauka-makai access to vehicular access.
 - Mahukona (Kohala Preserve Trust) Change of Zone ordinance 93 109, SMA 341 and Chalon International Corp. Shoreline Access Plan 1992. Court ordered public vehicular access has been blocked and pedestrian access limited since 1990 while awaiting development of the Mahukona Resort and subdivision. Condition P of the Change of Zone ordinance requires recordation of the shoreline access through the Conservation District prior to the issuance of the final plan approval for the hotel or final subdivision, whichever is first. Seventeen years after the access was blocked the owner has yet to apply for access approval in the Conservation District.
 - Encourage the county to require land owners not to lock or block traditional trails or court-ordered access while the public waits for transfer of access to county-accepted roads and trails. Kukuipahu lateral access requires the county to build, maintain and insure the shoreline trail. No provisions are made for maintaining the existing trail until county takeover. The county currently has no facilities for building or maintaining trails. Mahukona land owner has blocked traditional and court ordered access for 17 years during delays of the development.

- **Priority Three --- Ainakea to Upolu**
 - Secure County Council acceptance of public lateral coastline trail and mauka-makai vehicular access as identified by the Planning Department and oversee the transfer of access at the following:
 - Honopueo (Watkins-Sunderland) Subdivision 2000-200, SMA 417, Special Use Permit 1117. By permit the public access must be surveyed and opened when the owners apply for a Certificate of Occupancy. No County Council action is needed.

- Pahoa Beach (Mohammadi) Subdivision 7640, Revised 2. This subdivision is under enforcement by the county for violations of its subdivision conditions. Original permit was for pedestrian mauka-makai access to Pahoa Beach with no lateral access. The community seeks vehicular access from Hawi Raod to the rim of Pahoa gulch with parking and pedestrian trail to Pahoa Beach. Also lateral access along the shoreline of parcels TMK 5-5-08: 67 and 5-5-08:60.
- Hualua (Surety Kohala Corp.) Subdivision 07643 providing lateral trail access and vehicular mauka-makai access from the bottom of Upolu Airport Road eastward to Kealahewa ahupua'a then shoreward.
- Puuepa-Upolu (Surety Kohala Corp) Subdivision 07589. Lateral vehicular access along the coast, lateral trail access, vehicular access to Mo'okini Heiau and pedestrian mauka-makai access from the old Railroad bed/government road to Mo'okini Heiau and Kamehameha's Birthsite. Access here was also subject to Court case HA-XXXX Kohala Corporation vs. Kahoi.

- **Priority Four --- Pololu to Kapanaia**

- Pursue shoreline lateral trail access from the Pololu lookout to Keokea Park and from Keokea to Kapanaia by appeals to Kamehameha Schools and private land owners.

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- o Makeanehu ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-8-01:12.
- o Kehena 2 ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-8-01:9, to Keawenui and Keaweula Bays.
- o Puanui, Puaiki and Ki'iokalani ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-8-01: 15 and Ponoholo Ranch, Ltd. Land TMK 5-9-03 to Malae Point. Also over Kamehameha Schools land TMK 5-8-01:8 to Wawaionu Bay.
- o Kalala ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-9-03:1 to Big Bay.

- Makiloa ahupua'a – vehicular access on an existing jeep road over State land, TMK 5-9-03:1.
- Kahua 1 and 2 – vehicular access on an existing jeep road over private land, TMK 5-9-01:8 to Waiakailio Bay.
- Kohala Waterfront subdivision – vehicular mauka-makai access over subdivision or alternative road to a lateral shoreline trail. The County Planning Commission approved SMA 212 in 1996, an amendment to the 1984 SMA. The provisions call for public parking on Akoni Pule Highway with pedestrian access to the shoreline trail. The shoreline trail has not been built to this date.
- Mahukona to Kawaihae road – the remnants of this road still exist and are used for vehicular traffic from immediately south of Lapakahi State Historical Park to Keawenui Bay and also from Wawaionu Bay to the district boundary.

- **Priority two – Mountain trail** A trail that traverses the upper slopes of the north district just below the forest reserve from Pololu Valley to the Kohala Mountain Road at the old Puu O Kumau Reservoir (Taga Pond). This trail was a well-used field road for the sugar plantation, was unrestricted and widely used to access hunting, gathering and recreation areas prior to the 1980s. Portions of it are a government highway. It is reached by mauka-makai access from Akoni Pule Highway by the following existing roads:

- Mekanikahio – vehicular access on an existing jeep road in Mekanikahio and Waiapuka ahupua'a.
- Makapala – vehicular access on a paved government road leading to an existing jeep road.
- A'amakao (above Kapanaia Bay) – vehicular access on an existing jeep road between Puwaiola and Waiohia gulches. This existing limited public access was granted in Civil HA-5464 Kohala Corporation v. Ahoi. The key system for card holding members of the Kohala community is administered by Hui Mamalahoa and Surety Kohala Corp.
- Halelua Government Road (between Halawa and Halaula) – vehicular access in Halelua ahupua'a on the main government road from Kohala to Waimea prior to 1892. The road exists through private land, TMK 5-3-04:1. The road extends beyond the proposed mountain

trail to meet the Kohala Mountain road south of Lahikiola cinder cones.

- o Kynnersley Road – vehicular access on the paved county Kynnersley Road extending mauka on an existing unpaved road over private land to Puuokumau Reservoir (Taga Pond) in the Puehuehu ahupua'a.
- o Puuokumau Reservoir (Taga Pond) – vehicular access on existing unpaved road to a parking area at the mountain trailhead. On private land TMKs 5-7-04:13, 5-4-01:18 and 5-4-01:4.

- **Priority three – Kohala Windward Valleys** Trails were built almost 100 years ago to service the Kohala Ditch Water System and the Kehena Ditch System. Some of them were built over traditional trails. The coastal and valley trails have been maintained by the Kohala Ditch Company as well as other valley land owners, frequent Kohala-based users and the public. The Kehena trail system was maintained by land owners, Kohala-based users and the public. Some sections of the trails were damaged by the earthquake of 2006. Existing users of the trails should not be hampered in their access to the valleys.

- o Pololu Lookout – vehicular access on a state highway to the paved lookout at the trailhead to Pololu Valley. The valley trail system would start at the bottom of the valley.
- o Mekanikahio – vehicular access on an existing unpaved road, also listed in the mountain trail (Priority 2) to the mauka trailhead of the valley trail system.
- o The Kehena Ditch Trail on private land will be accessed by parking available at the trailhead in Kaupalaoa off of the Kohala Mountain Road.

- **Priority four – Old Government roads and the Railroad Right of Way** Government roads that existed prior to 1892 unless abandoned formally remain within the public domain. The Mahukona to Niuli'i railroad carried public passengers, mail, government officials and is classified as a government road. It is desirable to identify these public rights of way for trails to important areas for fishing, hunting, gathering as well as cultural, spiritual and recreational uses.

- o Railroad Right of Way – portions of the railroad right of way are being used now for public vehicular traffic or named in court cases requiring vehicular public access, such as Mahukona and Kapa'anui, access to pedestrian trails at Mo'okini and Kamehameha's Birthsite. The remaining railroad right of way should become a trail.
- o Roads mauka of Akoni Pule Highway on the leeward coast – many of the old government roads have been named as mauka-makai and lateral vehicular access for the coastal trail (Priority 1). It is expected that these roadways mauka of the highway maintain their status as government roads and be preserved as public trails. The Puu Hue to Honoipu government road (Pineapple Road) is an existing vehicular roadway.

Action Priorities for North Kohala Coastline Trail

- **Priority One --- Kapanaia to Ainakea**
 - o Secure County Council acceptance of an amended public lateral coastline trail and mauka-makai vehicular access identified by the Planning Department at Kauhola Lighthouse Road (Surety Kohala Corp.) Subdivisions 7776 and 7776-A. The agreement needs to be amended to make a continuous shoreline trail across the subdivision westward to Ainakea.
 - o Mauka-makai vehicular access on an existing roadway extending seaward from Ainakea subdivision across private land when the owners come in for county approvals.
 - o Survey and improve vehicle rights of way in favor of the State of Hawaii for access to Kapanaia and Hapu'u bays as established in 1982 Civil No. 5464 Kohala Corp vs. Ahoi.
 - o Survey and record with Bureau of Conveyances the shoreline trail "from and including Hapu'u Bay to and including Kapanaia Bay" as granted in the same case.

- **Priority Two --- Upolu to Mahukona**
 - Secure County Council acceptance of public lateral coastline trail and mauka-makai access as identified by the Planning Department at the following:
 - Kukuipahu (Parker Ranch) Subdivisions 7520, 7521 and 7526 for lateral shoreline access and amend the current pedestrian mauka-makai access to vehicular access.
 - Mahukona (Kohala Preserve Trust) Change of Zone ordinance 93 109, SMA 341 and Chalon International Corp. Shoreline Access Plan 1992. Court ordered public vehicular access has been blocked and pedestrian access limited since 1990 while awaiting development of the Mahukona Resort and subdivision. Condition P of the Change of Zone ordinance requires recordation of the shoreline access through the Conservation District prior to the issuance of the final plan approval for the hotel or final subdivision, whichever is first. Seventeen years after the access was blocked the owner has yet to apply for access approval in the Conservation District.
 - Encourage the county to require land owners not to lock or block traditional trails or court-ordered access while the public waits for transfer of access to county-accepted roads and trails. Kukuipahu lateral access requires the county to build, maintain and insure the shoreline trail. No provisions are made for maintaining the existing trail until county takeover. The county currently has no facilities for building or maintaining trails. Mahukona land owner has blocked traditional and court ordered access for 17 years during delays of the development.

- **Priority Three --- Ainakea to Upolu**
 - Secure County Council acceptance of public lateral coastline trail and mauka-makai vehicular access as identified by the Planning Department and oversee the transfer of access at the following:
 - Honopueo (Watkins-Sunderland) Subdivision 2000-200, SMA 417, Special Use Permit 1117. By permit the public access must be surveyed and opened when the owners apply for a Certificate of Occupancy. No County Council action is needed.

- Pahoa Beach (Mohammadi) Subdivision 7640, Revised 2. This subdivision is under enforcement by the county for violations of its subdivision conditions. Original permit was for pedestrian mauka-makai access to Pahoa Beach with no lateral access. The community seeks vehicular access from Hawi Raod to the rim of Pahoa gulch with parking and pedestrian trail to Pahoa Beach. Also lateral access along the shoreline of parcels TMK 5-5-08: 67 and 5-5-08:60.
 - Hualua (Surety Kohala Corp.) Subdivision 07643 providing lateral trail access and vehicular mauka-makai access from the bottom of Upolu Airport Road eastward to Kealahewa ahupua'a then shoreward.
 - Puuepa-Upolu (Surety Kohala Corp) Subdivision 07589. Lateral vehicular access along the coast, lateral trail access, vehicular access to Mo'okini Heiau and pedestrian mauka-makai access from the old Railroad bed/government road to Mo'okini Heiau and Kamehameha's Birthsite. Access here was also subject to Court case HA-XXXX Kohala Corporation vs. Kahoi.
- **Priority Four --- Pololu to Kapanaia**
 - Pursue shoreline lateral trail access from the Pololu lookout to Keokea Park and from Keokea to Kapanaia by appeals to Kamehameha Schools and private land owners.