
*Shoreline Park Management
and Public Access Plan*

The Villages at Hokukano

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NOVEMBER 1998

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At the onset, we would like to acknowledge those members of the Community Advisory Group and representatives of State and County agencies, whose input and insights were instrumental to the formulation of this Plan. Those individuals who have been a part of this process include:

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1.0 INTRODUCTION

1.1 Background

The Villages at Hokukano is a Master Planned Development of approximately 730 private homesites, a private golf course and an 80-unit members' lodge on the 1,550-acre Hokukano property in North and South Kona, Hawaii. The approximately 140-acre coastal portion of the development has been planned as a public oceanfront park with the intent of encouraging public use and enjoyment of the recreational and cultural attributes of this rural stretch of the shoreline. The shoreline park is envisioned as a passive park, encouraging uses such as hiking, picnicking, swimming, recreational fishing (non-commercial), snorkeling, and to some extent, camping, within appropriate use areas. Although proposed as a public park, the cost of the park improvements, maintenance, and management would be assumed by the Villages at Hokukano property owners.

Since its initial conception, the establishment of a coastal park and the preparation of a management plan for the park has also been included as "conditions of approval" for the various permits and approvals for the Villages at Hokukano project. These include:

- Ordinance 96-7, Conditions (K) and (L)
- Ordinance 96-8, Conditions (H) and (I)
- SMA Use Permit No. 345, Conditions 8 and 10

For reference, a summary of the regulatory requirements pertaining to the establishment of a coastal park and the Shoreline Park Management and Public Access Plan is included within Section 5.1 of this report. Additionally, in that the park area is situated within both the State Conservation District and County Special Management Area, a Conservation District Use Permit and a SMA Use Permit related to the park use will be required from the State and County, respectively. This plan is also intended to supplement the submittal requirements for those applications.

1.2 Purpose

This *Shoreline Park Management and Public Access Plan* (hereafter referred to as the “Plan”), for the planned 140-acre shoreline park at the Villages at Hokukano was prepared by Oceanside 1250, in consultation with representatives of the Department of Land and Natural Resources (DLNR), the County of Hawaii Planning Department, and an advisory group consisting of concerned individuals and representatives of various community groups and resource organizations. In addition to meeting the regulatory requirements of various State and County approvals related to the Villages at Hokukano development, the Plan serves as a guide for the implementation of park improvements and the management of the shoreline park area (hereafter referred to as the “Park”).

Early in the planning process, Oceanside 1250 and members of its advisory group met on several occasions to identify areas of concern and prepare a set of goals and objectives that would serve as a basis for formulating the Plan. These goals and objectives are as follows:

Goals

- To preserve and enhance the natural, historical and cultural resources of the park area.
- To preserve and protect the park’s scenic resources, including important view points, landscapes and topographic features.
- To increase public awareness of the park area’s natural, cultural and historic resources.
- To provide, improve and protect public shoreline access opportunities in the park area.
- To provide for the proper and safe use of the Park area.

Objectives

- Comply with applicable laws, rules and regulations.
- Designate and maintain appropriate public access routes and parking.
- Establish dedicated easements providing for continued public access to and over the coastline park area.

Shoreline Park Management and Public Access Plan

- Implement management controls to help protect the safety and enjoyment of those using the park area.
- Implement management procedures to help prevent inappropriate access into culturally or environmentally sensitive areas and near shore resources.
- Implement monitoring and management controls to help protect potentially sensitive cultural and historic resources.
- Implement monitoring and management procedures to help protect shoreline area from over use.
- Upgrade and enhance previously unattended or neglected areas.
- Implement cooperative programs aimed at public education for the protection of the Park's natural and cultural resources.
- Implement improvements that enhance the overall appearance of the area that is in keeping with the natural character of the area.

This Plan includes a description of the planned improvements at the Park, including the phasing and timing of these improvements. The Plan also provides structure for the management of the Park area, including monitoring and reporting procedures to the appropriate State and County agencies.

Additionally, a set of Park Rules and Provisions is also included as part of this report (Appendix A). These regulations, which are based in part on the rules and regulations for State parks, have been formulated to address the special needs of this privately operated park and to reinforce the Plan's overall goals and objectives.

As noted above, permit approvals for the proposed Park use will be required from both the State and County prior to implementation of the planned Park improvements. As such, some modification to the Plan may be necessary as part of the regulatory approval process.

1.3 Overview of the Plan

The 140-acre shoreline Park area is a portion of the Villages at Hokukano (hereafter referred to as the "Project"), an approximately 1,550-acre master planned community in North and South Kona (Figures 1 and 2). The Park property is owned in fee by Oceanside 1250. However, included within the Park area (subject to State approval) is a portion of State-owned land known as the "Hokukano Village" parcel. There are also several kuleana parcels located just south of Pu'u Ohau, in the area of Nāwāwā Bay, which are adjacent to but excluded from the Park area as they are not owned by Oceanside 1250.

Existing Conditions

The Park area, shown in Figure 3, is topographically divided into two distinctive areas: the area south of Pu'u Ohau, where the shoreline consists of cliffs that range from 25 to 80 feet in height and are undercut in several areas by erosion; and the area extending north of Pu'u Ohau, which has a more gentle terrain, allowing greater access to the shoreline and open areas for passive recreational uses. Throughout the Park area are concentrations of important archaeological sites, including house sites, heiau, agricultural features, salt bowls, game boards, and petroglyphs.

While trail access would be provided to the southern portion of the Park, the major focus of the management program is aimed at the northern area between Pu'u Ohau and the northern Park boundary, where a greater concentration of activity is expected. The terrain in this area provides significant opportunities to access important archaeological sites, the shoreline, and small, open, sandy areas, and areas for picnicking and limited camping. Additionally, along the shoreline are several coastal features of interest, including blow-holes, geologic features, tide pools and coastal views.

Located near the northern portion of the Park, just north of Keikiwaha Point, are the remains of a prehistoric fishing village known as Hokukano Village (hereafter referred to as the "Village"). A large portion of the Village site, comprising of approximately 11.7-acres, is owned by the State of Hawai'i, with portions of the Village extending into the adjacent Oceanside 1250 property. Oceanside 1250 is working with the State to include the Village as part of the Park management program, through a "management lease" or similar agreement with the State, although ownership of the parcel would likely remain with the State.

Located in the area south of Pu'u Ohau and overlooking Nāwāwā Bay, are 14 privately-owned "kuleana" parcels, none of which are owned by Oceanside 1250. Access to these parcels is currently provided by way of the existing ranch roads leading from the top of the Oceanside 1250 property, at the current terminus of Haleki'i Street, to the area of the Park.

Public Access

A public road would provide direct access from the mauka property boundary at Haleki'i Street or from the planned Mamalahoa Bypass Road to a parking area at the Park. The parking area is planned in the central portion near Keikiwaha Point where there is the greatest potential for recreational use and shoreline access. There are also portions of foot trails and ranch jeep roads on adjacent properties near the Park area that can provide lateral shoreline access from these properties to the north and south of the Park. Mauka of the Park area is the State-owned Ala Loa Trail, also referred to as the Old Government Road, or Ala Aupuni Trail. As shown in Figure 3, the Plan provides for potential links to this trail, as well as another mauka-makai trail linking the shoreline area to a planned historic park at the 275 foot elevation and to the abandoned railroad bed in the upper elevations of the property. Shorter connector trails would provide access between the shoreline area and historic sites within the Park. In all, several miles of trails and trail loops of varying difficulty are planned for public use.

Along the shoreline, some sandy tide pools are found which are suitable for wading during certain times of the day, however, because of the rocky shoreline conditions, opportunities for safe access to the ocean are limited to just a few locations.

Park Improvements and Management

Park visitors would be asked to comply with the regulations established under this management program and detailed within the Park's rules and regulations. Any restrictions on uses are guided by the goals and objectives for the Park area, which are aimed at protecting the land and marine resources and the general welfare, safety and enjoyment of park visitors. Although the hours of operation would generally be between dawn and dusk, extended hours for activities, such as overnight camping and night fishing, are provided under the management program.

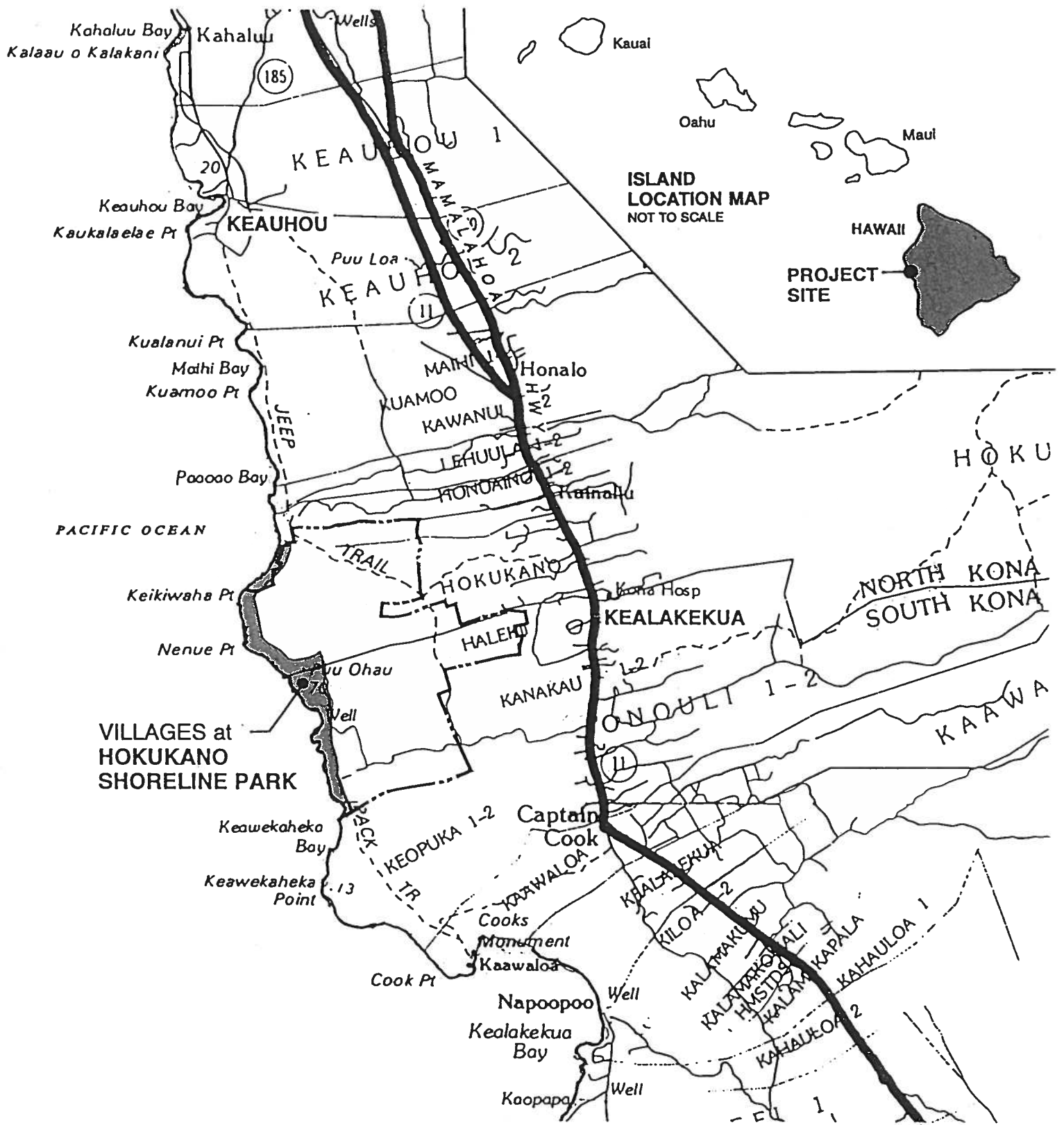


Figure 1: Location Map

Shoreline Park Plan
 Villages at Hokukano



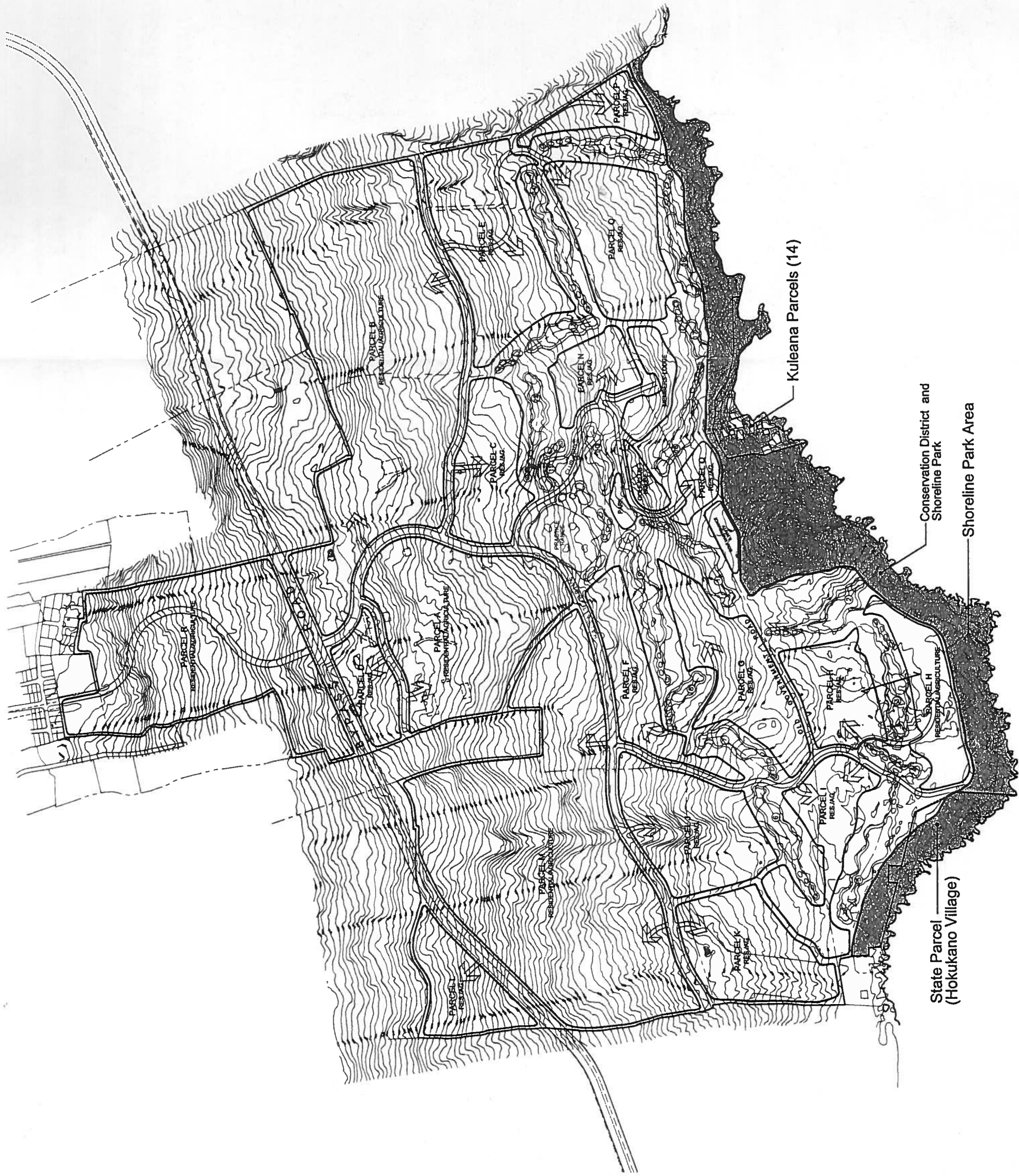


Figure 2: Project Site Map

Shoreline Park Plan

Villages at Hokuano





— SEE EXHIBIT 6 FOR PROPOSED ACCESS AND PARKING DETAIL

Figure 3: Shoreline Park Concept

Shoreline Park Plan

Villages at Hokukano



Not to Scale

Shoreline Park Management and Public Access Plan

Oceanside 1250 would implement the Park improvements in phases, with the first increment of improvement concentrated near the primary access and use area, between Keikiwaha Point and Pu'u Ohau. Included with these initial improvements would be a parking area, portable restroom facilities, showers, rest areas, tables and benches, signage, and debris clean-up and landscape remediation. Trails from the parking area to the shoreline would be improved and some historic sites in the area would be cleaned and identified with appropriate signage as part of an overall interpretive program.

The overall cost of improvements and the maintenance and management of the Park would be assumed by a management entity eventually funded by the Villages at Hokukano property owners. No fees would be charged to the public for use of the Park. The management entity for the Park would be comprised of representatives of the developer and property owners.

2.0 EXISTING CONDITIONS

2.1 Property Ownership and Access

The Park area encompasses approximately 140 acres and is comprised of the Tax Map Keys (TMK) 7-9-12:03 and a makai portion of 8-1-4:03. TMK 7-9-12:03 is an approximately 9.42 acre parcel referred to as Hokukano Village owned by the State of Hawai'i, and TMK 8-1-04:03 is owned by Oceanside 1250. In the area of Nāwāwā Bay, just south of Pu'u Ohau, are fourteen kuleana parcels of various ownership, none of which are owned by Oceanside 1250. Immediately north of the park and outside the Project area is the Kainaliu Beach area with its associated beach lots and homes, which are owned by others and are not included in the Park.

Access to the Conservation District is currently provided from an old private ranch road extending through the Villages at Hokukano property, from Haleki'i Street next to Kona Scenic Park to the shoreline just south of Nenu Point. This approximately 9-foot wide road, which is accessed through a locked ranch gate at the Haleki'i end, was recently paved by Oceanside 1250. Currently, Oceanside 1250 allows access to the shoreline for fishing, camping or other recreational uses with written liability waivers. The current procedures for access are intended to inform guests of the property conditions, promote protection of resources and to address concerns of owner liability. The provisions for continued public shoreline access as part of the Project development is further delineated within this plan. Private access to the kuleana parcels is also provided through existing ranch roads. With development of the Project, access to the kuleana parcels will be maintained over internal project roadways.

2.2 Geology/Soils

The topography and geology of the coastal area is divided into two distinct areas, north and south of Pu'u Ohau. Pu'u Ohau, a prominent cinder cone rising to a height of 225 feet above sea level, is centrally located primarily within the Park area. Inland of the Pu'u, the soil is a shallow stony, silty clay loam covering, to some extent, a pahoehoe subsurface. South of the Pu'u, the ground is covered by a thin layer of extremely stony silt loam, with the shoreline consisting of cliffs that range from 25 to 80 feet in height. Erosion from wave action undercutting portions of the cliff area is evident in several areas along this souther portion. In the area north of Pu'u Ohau, the coastal area consists of a more gentle rolling terrain consisting of pahoehoe lava flows with occasional pockets of sand. The sandy pockets along this area are all contained by lava flows and, as such, no sandy beach areas are directly exposed to the ocean.

2.3 Biological Resources

A botanical survey for the overall Villages at Hokukano property was conducted in November 1991. The survey described the vegetation within the coastal area as consisting predominately of Kiawe trees (*Prosopis pallida*) with a mixed grass understory and the occasional noni (*Morinda citrifolia*) and physic nut tree (*Jatropha curcas*). No threatened or endangered plant species were found to be identified on the property.

A faunal survey of the Hokukano project site, including the proposed shoreline Park area, was conducted in October 1991. The survey reported that neither endemic birds nor unique wildlife habitats were found on the property. Common winter migratory shorebirds such as plover, Ruddy Turnstone, and Tattler, were found in coastal areas.

A Quantitative Assessment of Marine Communities and Water Quality was completed in April 1992. The survey found that marine communities fronting the Conservation District are diverse and the fish communities do not show the declines in abundance that have been encountered in other Hawaiian coastal settings. No unusual marine species or communities were noted, nor were green turtles seen, although it is expected that turtles likely pass through waters fronting the proposed Park area.

To quantitatively assess water quality characteristics fronting the Park area, 24 sites were established, including a nearshore brackish water well. Water quality sampling indicated that conditions fronting the project site were typical of well-flushed, undeveloped West Hawai'i coastal settings.

2.4 Archaeological and Cultural Resources

An Archaeological Inventory Survey of the full 1,550-acre Villages at Hokukano project site was performed by Cultural Surveys Hawai'i from August 20, 1991 to January 17, 1992. The survey was designed to meet the requirements of DLNR's SHPD and to identify the cultural resources within the total Villages at Hokukano property, including the Park area. The property inventory survey report covering the full property was approved by SHPD in October 1996.

The Park area contains 94 sites that have a wide array of functions related to traditional Hawaiian and historic-era settlement patterns and land use, habitations, burials and religious sites. This area was a loci for traditional Hawaiian and historic period habitation up until the mid to late 1800s when

most settlement had become focused along the mauka roadway corridor. The sites in the Park area exhibit characteristics that are shared with other documented sites along the Kona coast, however these sites are also different in some aspects. That is, the habitation settlements in the Park area are distinct because they did not develop into a royal center nor were they influenced as heavily by post-contact Euro-American trade and commerce as were other nearby settlements. There are also examples of adaption to historic-era influences on habitation such as walled house lots, mortared tombs or crypts, as well as those influences from the newer market-based economies of commerce and ranching exemplified in part by cattle walls, corrals and even a retail store.

In general, the density of sites is high in the northerly portion of the park area between Keikiwaha Point and Nenu Point and decreases greatly to the south of Pu'u Ohau except for a concentration of sites around Nāwāwā Bay. Thus, the focus of the interpretative program will be on those sites in the northerly portion of the Park area.

Located on the lava bench along the coastline between Keikiwaha Point and Nenu Point are sites 16747, 16755, 16756 and 16758 which are good examples of prehistoric permanent habitation sites that are in good condition within what is thought to have been the locus of activity in the village cluster. Located near these habitation sites are two coastal heiau, sites 16757 and 16762, (probably *ko'a*) that are in good condition and may have functioned in conjunction with each other to locate offshore fishing spots or to denote the distribution and/or procurement of marine resources.

To the south of Pu'u Ohau and above Nāwāwā Bay, is a small cluster of sites including two prehistoric permanent habitation sites, a heiau, and the foundation site of the old Greenwell Store at Wool's Landing on the south side of the bay. This cluster includes Sites 16432 and 16434 which are the habitation sites, Site 16703 which is the *Pali O Niu* heiau overlooking Nāwāwā Bay, and Site 16702, which is the foundation remnant of the old Greenwell Store.

2.5 Hazards

The majority of the Park area is outside the 500-year flood plain. Due to exposure to high wave action, especially during storm periods, the Federal Emergency Management Agency's Flood Insurance Rate Map for Hawai'i County classifies the land adjacent the shoreline as Zones AE and VE, indicating coastal flood areas with potential wave hazards. Although the coastal flood zones generally occur along the entire coastline, these extend further inland near Nenu Point and Keikiwaha Point.

Shoreline Park Management and Public Access Plan

The shoreline Park area lies within lava flow Hazard Zone 3, with Zone 1 being the area of highest risk and Zone 9 being the area of lowest risk. Zone 3 is characterized by lava coverage of about 5 percent in the past 200 years, and 15 - 75 percent within the past 750 years. The general area of the Park is situated on lava flows that occurred between 1,500 and 10,000 years ago. In terms of seismic risk, the entire Island of Hawai'i is designated within Earthquake Zone 3, which is the zone of highest seismic occurrence and danger. In 1951, a 6.9 magnitude earthquake occurred about one mile offshore of the project area, and in 1983, a magnitude 6.6 earthquake occurred at a depth of seven miles midway between Kilauea and Mauna Loa, causing a landslide at Kealakekua Bay (2 miles south of the Park) shortly thereafter.

3.0 PARK IMPROVEMENTS

3.1 Access Improvements

Vehicular Access and Parking

Vehicular access to the shoreline, as shown in the Public Access Plan (Figure 4), would be provided through a proposed public road extending from Haleki'i Street at the eastern (mauka) property boundary, and/or from the planned Mamalahoa Bypass Road which will pass through the Project to the inland boundary of the shoreline Park. The public access parking area is located near Keikiwaha Point and the southern boundary of Hokukano Village.

As planned, the road would extend from Haleki'i Street in a mauka-makai direction toward the central portion of the property where it would join with another proposed public road that would lead to the public parking area at the shoreline Park. Initially, the parking area would provide twenty-five (25) public parking stalls, with additional parking for Park employees. The parking lot would be paved and furnished with trash receptacles and appropriate signage indicating pedestrian access routes to the shoreline. A separate parking area will be provided for Villages at Hokukano residents to avoid use of the public parking area. Improvements to the primary shoreline access area, including provisions for parking, are shown in Figure 5.

Pedestrian Access/Trails

A trail network to facilitate pedestrian access through the Park to designated picnic and camping area, to sites of historical and cultural interest and the shore, is planned as part of the Park improvements. These include improvements to existing trails, trail connections and extensions. The trail improvements will consist of four to six feet wide foot-paths with a variety of surfaces, including concrete or grass pavers, paving stones, crushed rock or coral, and a variety of grasses. All materials will be chosen to compliment the passive nature of the Park area. Sections of these trails will be designed to meet appropriate American Disability Act (ADA) specifications to allow barrier free access to portions of the Park.

Trail improvements will be implemented primarily by hand and will include such activities as hand clearing of vegetative cover, removal of small trees (less than six inches in diameter), removal of dead or diseased trees or limbs, removal of overhanging limbs, hand clearing of trail corridors, placement of wood or rock steps, and definition of trail edges with rocks, coral, logs or landscaping. Introduced landscaping will generally consist of native species which are particularly adapted to the climatic conditions of the area.

The intent in the creation of the trails, pathways, and trail connections are to help meet the objectives of the plan as to recreational access, enjoyment, safety, maintenance and management while preserving an unobtrusive and natural feel to the Park area.

3.2 Park Improvements

In keeping with the goal of a more natural character for the Park area, planned improvements would be limited to providing restrooms, signage and park furniture (benches, tables, waste receptacles and fire pits) clearing of trails, protection and stabilization of archaeological sites, and providing areas for picnicking and camping. All clearing work would be carefully implemented, mostly with hand equipment and would generally involve the removal of weeds, dead or diseased trees and limbs, small trees (less than six inches in diameter) and overhanging limbs. Thinning of trees of all sizes will be done to promote the movement of ocean breezes, thereby, making the Park climate more comfortable. The specific improvements planned within the park area include:

- **Structural Improvements and Park Facilities**
 - Vehicular access and parking improvements for a minimum of 25 public parking stalls and separate project employee and resident parking
 - Information kiosk
 - Restroom facilities with showers and drinking water
 - Rest areas with wood or stone tables and benches
 - Civil Defense warning system
 - Camp sites with tables, benches, barbeque pits and coal disposal bins



LEGEND



-  Public Access Signage
-  Shoreline Access Route

Figure 4: Public Access Plan

Shoreline Park Plan
Villages at Hokukano



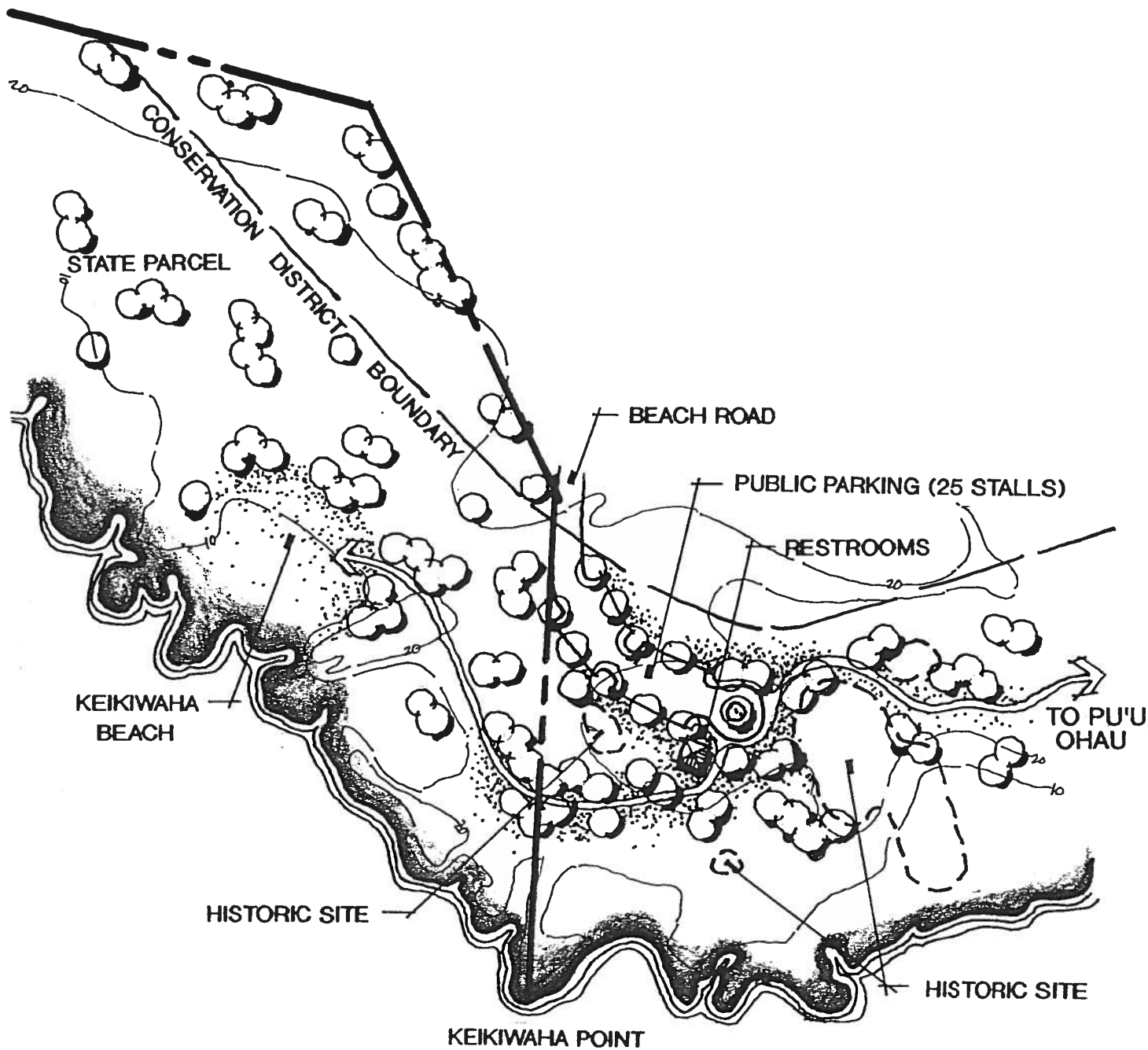
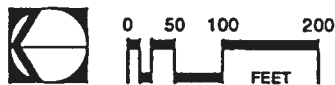


Figure 5: Shoreline Access Area (Detailed)

Shoreline Park Plan
Villages at Hōkukano



- Portable restroom facilities
- Trash receptacles at parking, picnic, and camping areas
- Emergency telephone system
- Landscape Improvements and Landscape
 - Possibly grassing in picnic and camping areas
 - Buffers for restrooms and other structures
 - Shade trees, as appropriate
 - Accent planting of plants which are adaptive to the site conditions
 - Flowering species to add color and variety.
- Landscape Clean-up Remediation
 - Primarily hand-clearing of vegetative cover from trails, archaeological sites, and use areas
 - Removal of weeds, diseased & dead trees and limbs, trees and over hanging limbs
 - Thinning of trees
- Trail Improvements
 - Improvements or extensions to existing trails
 - Trail connections
 - Public shoreline access trails
 - Interpretive trails to selected archaeological sites with interpretive signage

- Signage (Meeting DLNR signage rules)
 - Directional
 - Instructional
 - Interpretive

Initially, the parking area and restroom facilities would be located near the Park boundary. Eventually, as Project related improvements extend utilities to the vicinity of the Park, a permanent restroom facility is planned. The locations of these Park improvements are indicated on the Shoreline Access Area Plan, Figure 5, following Page 12.

All park improvements would be constructed and maintained by a management entity established by Oceanside 1250 and eventually funded by the Villages at Hokukano property owners. Funding prior to that time will be provided by Oceanside 1250 or its assigns. The management entity would also be responsible for all maintenance and operation of the Park.

Signage

- **Public Shoreline Access Route.** Signage would be posted along the public access route at strategic locations and at parking area entrances. Public shoreline access signage would generally be consistent in form and content to the public access signage used by the County of Hawai'i, as shown in Figure 6, however, modifications may be sought with regards to materials and lettering style in order to achieve a consistency with other Project signage.
- **Directional and Informational Signage.** Other directional and informational signs would be proposed at the parking area and various points along pathways, trails and use areas.

All signs within the Park area (Conservation District) would also comply with the signage requirements under Section 13-5-22, P-8 of the DLNR Administrative Rules. These guidelines specify that no sign shall exceed twelve square feet in area, and that signs shall be self-supporting and erected no higher than eight feet above finished grade.

Additionally, interpretive signage would be placed in association with selected archaeological sites, which would be implemented as a component of an approved archaeological mitigation and interpretation plan. The form and content of the interpretive signage would comply with the DLNR signage guidelines.

3.3 Potential Impacts

While the Plan provides for improved access to and use of the shoreline area, among the primary goals is to provide appropriate monitoring and management controls to ensure that the level of use within the Park does not adversely impact the important resources of the area. Some of these resources include the concentration of archaeological resources near the coast, the ocean and nearshore marine resources, biological resources (flora and fauna), and scenic resources. Although the Park area includes no identified rare, endangered or threatened species, management controls are needed to protect the existing natural character of the area. There is a concentration of archaeological sites within the Park area, including heiaus, burials, suspected burial sites, house sites and shelters, agricultural features, petroglyphs and more. Access to sites would need to be monitored to ensure that they are not impacted as a result of improved access. In addition to the cultural and biological resources, the visual resources (view sheds and viewing points) require protection to preserve the natural character of the area and to enhance the enjoyment and appreciation of these resources. A part of the goal for resource management is to prevent any areas within the Park from having a “worn” look.

Properly managed, increased access to the Park will not negatively impact the existing and future uses in and around the area. These uses include shoreline access, the existing and future residential uses within the kuleana lots at Nāwāwā Bay at the “beach lots,” north of the Park at Kainaliu, and the house lots within the proposed Villages at Hokukano. Activities within the Park area will be monitored and managed to ensure that park users are neither negatively impacted by, nor have a negative impact on, adjoining uses.

3.4 Safety Considerations

To maintain the continued safe use of the Park area, access to the area will be temporarily suspended in the event of a state of emergency (declared by the appropriate State or County agency) or during periods of adverse weather generating high wave conditions, or to portions of the Park where topographic conditions present particular safety concerns (e.g., loose or unstable ground conditions along the shoreline cliffs).

4.0 IMPLEMENTATION MEASURES

4.1 Phasing Plan

Oceanside 1250 will finance and implement the planned improvements to the Park area in a phased manner, in accordance with phased development of the Hokukano project. The segments of the Park area that correspond with the phased improvements are indicated in the phasing plan shown in Figure 6. The phased improvements would be accomplished as follows:

Phase One

Phase One improvements would generally occur in the area near Keikiwaha Point and the Park's northern boundary as shown on the Phasing Plan (Figure 7). This plan would include improvements on the Hokukano Village parcel under joint sponsorship with the State of Hawaii. To ameliorate degraded conditions which currently exist along the shoreline area, this and other selected areas will undergo a general clean-up and landscape remediation consisting of the limbing of trees, removal of diseased, dead and noxious plant materials, and removal of rubbish. The coastline area vegetation consists of primarily introduced *prosopis* (kiawe) with an understory of introduced pasture grasses and various herbaceous plants. Scrub trees, especially *prosopis* and *leuceana leucocephala* (koa haole) that have roots which are damaging historic sites will be trimmed or removed in order to stabilize these sites. There are also large numbers of *jatropha curas* (physic nut) which should be removed since they have seeds that are very toxic. No native plant taxa were found in the proposed Park area. In some locations, plant materials, including climatically appropriate grasses and shade trees, will be introduced to maintain an adequate vegetational cover, help provide erosion control measures and maintain the pleasant landscape setting of the area.

Phase One improvements will include an unpaved dust-controlled public vehicular access from a nearby public roadway and creation of 25 public parking spaces separate from resident and employee parking. The access road will be paved and the number of parking spaces may be increased commensurately with development of subsequent Park phases, and in keeping with protecting the Park from overuse.



Figure 6: Public Access Signage

Shoreline Park Plan
Villages at Hōkukano

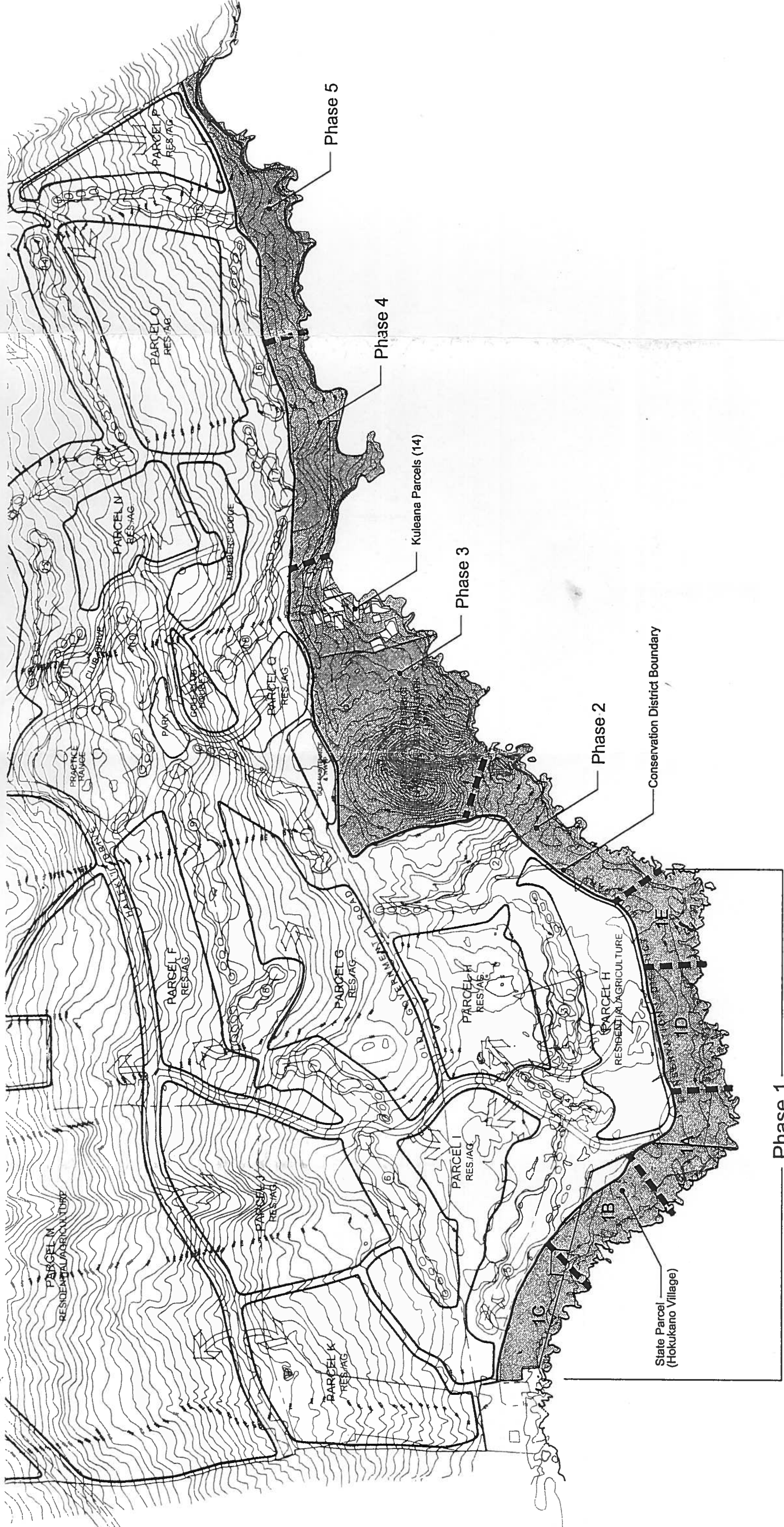


Figure 7: Phasing Plan

Shoreline Park Plan

Villages at Hokukano

Scale bar showing 0, 200, 400, 800 FEET. PBR logo (Professional Boundary Surveyors) and date 11/98.

At the public access trail head makai of the public parking area, an orientation area will be established for visitors providing drinking water, portable restroom facilities and showers, directional, educational and resources information, along with a resting area to include wood or stone tables and picnic benches.

Phase One improvements will also include development of pedestrian uses and access along a self-guided interpretative trail in the area between the orientation area and Keikiwaha Point. A connector trail between the public shoreline access area and the State-owned "old government road" will be included near the project roadway that provides public access to the shoreline area. Some vegetation will be removed or trimmed to locate these trails in the optimal locations. Kiawe trees that have hazardous thorns will be removed or trimmed to improve walking conditions along the trail.

Campsite with benches and tables would be located within the Village area. Other improvements will include a continuation of the lateral shoreline foot trail into the Village from the public access shoreline area near Keikiwaha Point. On the north side of the Village, a connector trail will link the lateral shoreline trail with the "old government road" at a point south of Kainaliu Beach.

The Park improvements will be integrated into the site to protect view sheds, marine resources and sensitive archaeological sites. All archaeological mitigation measures will follow the recommendations and guidelines of the approved archaeological mitigation, and preservation plans and are expected to be directed toward the stabilization of selected historic sites, limited restoration of selected sites, non-intrusive archaeological study and appropriate interpretive measures.

To provide for notification and preparation for emergencies and hazardous conditions, a civil defense warning system and emergency phone system will be installed within the Park area.

In concert with the regulatory requirements, Phase One improvements, which encompass 25 percent of the total Park area, will be completed incrementally over a five year period. The first increment of improvements (Phase 1A - as shown in Figure 7), which will be focused at the primary use area near Keikiwaha Point, will be completed and open to the public within 30 days of the golf course opening. The remaining Phase 1 increments (1B through 1E) will be completed sequentially over the remaining four to five years. As noted, those improvements within the State owned parcel will be contingent upon entering into an agreement with the State for the use and management of this portion of the Park area.

Phase Two

Phase Two improvements would occur generally in the area between Nenu Point and Pu'u Ohau. It is proposed that improvements in this parcel will be similar in nature to those implemented in Phase 1. To ameliorate degraded conditions which currently exist along the shoreline area, this area will undergo a general clean-up and landscape remediation consisting of the limbing of trees, removal of diseased, dead and noxious plant materials, thinning of trees, and removal of rubbish. These improvements include landscape maintenance and planting of appropriate species such as grasses and shade trees that compliment the passive uses of the shoreline area. In addition, directional and interpretive signage will provide general interpretative information and indicate where access is located within this area.

Phase Three

Phase Three improvements would occur in the area between Pu'u Ohau and Nāwāwā Bay. Additional landscape maintenance activities, which were initiated as part of Phase One, will resume in order to conclude the general landscape remediation in this area. The public access road to the shoreline access parking area at Keikiwaha Point will be paved. Also, the pedestrian access trail will be extended from Keikiwaha Point south to Pu'u Ohau, where the trail will follow an alignment along the State Land Use Conservation Boundary that runs mauka of Pu'u Ohau. In the interest of safety and the protection of sensitive archaeological sites, trail access onto the makai side of Pu'u Ohau will be carefully restricted. Additional directional and interpretive signage will provide general interpretative information and indicate where access is located within this area.

In order to provide a degree of privacy for the Kuleana parcels located around Nāwāwā Bay, public access in this area will be limited to an extension of the footpath mauka of Pu'u Ohau to the south along the mauka edge of the kuleana parcels within the Conservation District. A connector trail will be provided to link the mauka side of Pu'u Ohau with the "old government road" and the historic park which is centered around the heiau on the hillside, about 70 feet mauka of the Park.

Phase Three improvements will also include additional restroom facilities in the area south of Nenué Point, as well as improvements for passive recreational uses, such as small grassed areas for picnicking and seating. In conjunction with these improvements, additional protective and interpretative measures, such as interpretative signage, site stabilization and/or partial site restoration, will be implemented in accordance with the approved archaeological mitigation plan.

Phase Four

Phase Four improvements would occur in the area between Nāwāwā Bay and Kalukalu Bluffs. Pu'u Ohau represents the transition point between the northern portion and southern portion of the shoreline park. This transition is evident in the steep cliff-like and overhang conditions of the southern shoreline, in contrast to the much lower lava delta and shelf that is predominant along the northern shoreline. Access at or near to the shoreline in these steep areas will be setback from the cliff edge, and the trail through this area will be a continuation of the footpath from the north at Pu'u Ohau. There will also be a short scenic footpath down to a grassy overlook and seating area within an area near Wool's Landing.

Associated landscape maintenance and additional signage will be undertaken in conjunction with trail improvements and stabilization of historical sites in this phase of the Park improvements. To ameliorate degraded conditions which currently exist along the shoreline area, this area will undergo a general clean-up and landscape remediation consisting of the limbing of trees, removal of diseased, dead and noxious plant materials, thinning of trees, and removal of rubbish. Two or three small rest areas will be maintained for bench seating along the trail.

Phase Five

Phase Five improvements would occur in the area between Kalukalu Bluffs and Keawekaheka Bay, at the property's south boundary. Landscape maintenance activities initiated as part of Phase Four will resume to remove dead, diseased and noxious plant materials, thinning of trees and removal of trash and to conclude general landscape remediation. There are limited portions of this area within which trail access along the cliff is neither safe nor suitable. Thus, the extension of the lateral footpath in this area will be setback from the cliff edge. The trail will be a footpath that will continue to the property boundary mauka of Keawekaheka Bay. An additional three to four small rest areas will be provided in this portion of the Park with bench seating for trail users. Also, a small restroom facility with toilets, washbasins and drinking water will be located at the junction of the trail and the "Old Kalukalu Road."

4.2 Phasing Schedule

As outlined in Section 4.1, the Park improvements will be phased in conjunction with the phasing of the Hokukano Project development. Each phase is planned to be coordinated with the overall project development such that improvements can be made in an orderly, economic and efficient manner. In general, phasing of the park improvements is aimed at first implementing the initial improvements proximate to the central portion of shoreline, and then implementing the remaining improvements in the northern and southern sections of the shoreline in latter phases coordinated with lot development activities. The sequence and timing of the Park phases are as follows:

Timing of Improvements

<u>Phase</u>	<u>General Location of Improvements</u>	<u>Timing</u>
Phase 1 - Park improvements	Keikiwaha to Pu'u Ohau	5 years
Phase 2 - Park improvements	Keikiwaha to Kainaliu	3 years
Phase 3 - Park improvements	Keikiwaha to Pu'u Ohau	3 years
Phase 4 - Park improvements	Pu'u Ohau to Wool's Landing	2 years
Phase 5 - Park improvements	Wool's Landing to Keawekaheka	2 years

The first components of the Phase One Park improvements will be completed and available for public use within 30 days of the official opening of the Project golf course. The unimproved north/south shoreline trail through the Park, with its connection to the Old Government Road will be accessible from the opening of the Park following the initial (Phase 1A) improvements. The State owned "old government road" is a portion of Keauhou - Napo'opo'o Trail which provides alternate lateral access through the Project. Subsequent park improvement phases would be developed and opened to the public within 18 months of the date that future final subdivision approvals are granted by the County for the related lot development. All Park improvements are subject to government approvals including, a Special Management Area Permit, Conservation District Use Permit and approval by the State for improvements within and management of the State's Hokukano Village parcel.

4.3 Operation and Management

Once improvements are implemented, these areas will be managed and maintained by a management association established by Oceanside 1250 and funded by the Property Owners of the Villages at Hokukano in concurrence with applicable regulatory permits and approvals. This managing body would be responsible for all maintenance and operations of the Park. Income for the ongoing management, operation and maintenance would be provided from association dues paid by property owners within the project. The obligation of the property owners to continue to finance the management and maintenance of the Park area would be included within the conditions, covenants and restrictions (CC&Rs) for the Project, such that all property owners would be informed of the obligation of the property owners' association to fund the management operation and maintenance of the park area in perpetuity. A copy of the applicable portions of the draft CC&Rs are included as Appendix B.

4.4 Management Strategies

4.4.1 Management of Marine Resources

With increased public access to the shoreline area there may be greater pressures on the local marine resources. To provide for the ongoing management of the coastal area and the shoreline marine resources, the Management Association would establish a Shoreline Resource Advisory Committee (SRAC). The purpose of this committee would be to develop and oversee a program aimed to protect the nearshore environment from damage resulting from increased shoreline access through proper management and educational activities.

Among the responsibilities of the committee would be to review monitoring reports and presentations by the Park management staff and consulting biologist, to establish policies and guidelines for protection of the marine resources, to review the effectiveness of these policies and guidelines, to coordinate with DLNR's Aquatic Division to ensure compliance with the Department's rules and regulations, and to participate in the development of marine-oriented educational programs.

The committee would consist of representatives of community resource groups, such as fishing, hiking, trails, ocean recreation, ocean resource management and Hawaiian organizations, as well as concerned individuals and the park owner and park management representatives. Although the committee would initially meet on a quarterly basis, it is expected that the group would establish its own schedule, as needed. All meetings would be open to the public and publicized in at least one major West Hawai'i newspaper.

Rather than establishing a comprehensive resource management program as part of this Plan, it is recommended that the SRAC determine the extent of its involvement and develop appropriate management policies to meet its program objectives and to respond to marine-related issues as these arise. Based on discussions with the community advisory group during the preparation of this Plan, it is suggested that the marine resource management program be developed and implemented in the spirit of the traditional Hawaiian (Konohiki) resource management system. It is also recommended that the committee explore the possibility of creating a Fishery Management Area (FMA) or Marine Life Conservation District (MLCD) for those portions of the shoreline park area, where needed. It is worth noting that, through the enactment of Act 306 in 1998, the entire west coast of Hawai'i Island was designated as a Fishery Management Area (FMA). Subsequently, the DLNR established the West Hawai'i Fishery Management Council which serves as a coordinating group for the shoreline resource management activities taking place in West Hawai'i.

An important component of the SRAC's role will be to participate in the development of marine-related educational programs. These programs would be aimed at encouraging a greater awareness and appreciation of the ocean resources and the objectives of the marine resource management program. One measure that is planned to foster a greater public awareness and conservation ethic is the placement of an information kiosk near the entrance(s) of the shoreline park. The kiosk would include information on signage displays, existing fishing regulations and conservation practices, and public safety. The committee would explore other educational forums, such as walking tours, preparation of informational brochures, and presentations by the management staff, local resource persons and other specialists.

The SRAC will also coordinate its activities with the WHFMA Council, through meetings and information sharing, to ensure that they have the full benefit of experience from similar programs in West Hawai'i and to avoid the possible duplication of efforts.

4.4.2 Protection of Historical and Cultural Resources

As noted, the largest concentration of archaeological sites is found near the shore within the park area and includes a wide array of functional types including habitation sites, burials, petroglyphs, and religious sites. Protection of these and the other, widely-varied sites in the Park area will enhance passive and interpretative preservation, and will provide thematic overviews of the two developmental trends that are generally represented by these sites - traditional and historic settlement patterns. Preservation would take the form of simple physical preservation in place, or in some cases, preservation would take the form of appropriate interpretive and restorative activity. To accomplish meaningful preservation and interpretation, the best examples of a wide range of site types and functional varieties will be included. The goals of the Park preservation and interpretation program will be:

- Preservation of sensitive sites of traditional Hawaiian cultural significance,
- Interpretation of significant site types, functions and thematic correlation,
- Other long-term research and protection criteria, and
- Appropriate treatments for all cultural and historical resources.

Since traditional and historic settlement patterns are demonstrated by the sites in the Park, we believe much can be learned about the chronology of traditional and historic settlement and land use especially as they relate to habitation, resource management and perhaps agriculture within the area's ahupua'a. Other interpretative data, educational information and research study could provide detail on the relation between temporary and permanent habitation sites, the socio-political rank of area habitations, or development of other shoreline-related land uses.

As many sites have several levels of cultural significance and have multiple physical features with mixed uses including burials and other sensitive remains, specific preservation plans will be formulated after additional research and planning. Specific recommendations will be part of a comprehensive archaeological and interpretive program for the Park area that will be reviewed and approved by the State and County. This plan will be implemented by Oceanside 1250 and its consulting archaeologist, in consultation with DLNR's SHPD, knowledgeable area residents, Hawaiian organizations and consulting professionals. The preservation program would be implemented according to an overall Archaeological Site Preservation and Interpretive Plan approved by DLNR's SHPD and the County of Hawai'i Planning Director. The interpretive plan would include descriptions of buffer zones, preservation measures, site-specific plans and interpretive signage.

The potential impact of public access to these sites would be evaluated by the Park management, in consultation with its consulting archaeologist, to determine if further mitigation measures are warranted, such as increasing buffer zones, restricting access, or other modifications to protect sites from further disturbance. Should impacts to the archaeological sites within the Hokukano Village parcel be noted, the SHPD and County of Hawai'i Planning Department would be notified and appropriate mitigative measures, as approved by DLNR and the Planning Director, would be taken.

4.4.3 Access Restrictions

The Park management reserves the right to control or prevent access to areas that, in the management's judgement, pose a danger to the public or that requires protection to preserve the area from over use. Access to the public parking area may also be restricted during periods when the public parking area is full. The management would also have the right to control or prevent access to the Park area in the event of a County or State declared emergency.

Additionally the management would also have the right to control or prevent access to persons who, in the management's judgement, present a danger to the safety, character or interest of the property or to the uses of the Park area. However, the management would immediately notify the appropriate public authorities upon occurrences of such actions.

4.5 Uses and Procedures

4.5.1 Hours of Use

Generally, the Park hours of use would be from dawn to dusk, with special provisions for night time fishing, overnight camping, and group functions. Procedures for use of the Park areas at night or group functions, which would include sign in/out requirements and/or issuance of a special permit, camping or night time fishing permit, are described within Section 5 of the Park's Rules and Regulations.

4.5.2 Restricted or Prohibited Activities

Restricted and prohibited activities will be imposed to protect the character of the Park and surrounding area, as well as the safety and enjoyment of the park users. Restricted and prohibited activities are delineated within Sections 2 and 3 of the draft Park Rules and Regulations. These regulations were compiled based on the rules and regulations for State parks (Chapters 13-146, HAR), although modified to reflect the management requirements of a privately-operated park and to reinforce the goals and objectives of the Plan. As noted above, certain activities, such as night fishing, camping, and group activities, are to be regulated through permitting procedures. Prohibited activities include littering, vandalism, soliciting, possession of firearms, alcohol, illegal drugs, loud noise or music and destroying natural, historical or archaeological features. Signage providing a summary of the park regulations would be provided at appropriate locations in the Park.

4.6 Monitoring Procedures

Monitoring of the Park area would be conducted by the Park management, its employees, consultants and agents. Monitoring would be focussed on detecting negative impacts in four areas: vegetation and natural character, archaeological sites, and marine resources (hereafter referred to as "Resources"). The Park management would be directly responsible for monitoring the Park area for evidence of damage to the Resources within the Park and violation other Park rules and regulations. Such occurrences would be reported on a daily basis to the Park management for appropriate corrective action.

The nearshore and marine environment would be monitored on a regular basis by a marine consultant according to the procedures established within the water quality and marine life monitoring and mitigation plan prepared by Richard E. Brock, Ph.D. A copy of the monitoring and mitigation plan is enclosed within Appendix C. Initially, a baseline analysis of the nearshore marine environment was conducted of April 1992 (A Quantitative Assessment of the Marine Communities and Water Quality, Villages at Hokukano, Final EIS, Section II-3). This study described the baseline conditions for the marine communities and water chemistry characteristics along the coastline fronting the property. The study would be updated prior to the first construction or land alteration within the Project, following which, monitoring of the marine environment would be undertaken on a regular basis, as required by the Department of Health's Water Management Division. The Water Quality and Marine Life Monitoring and Mitigation Plan (Appendix C) recommends that monitoring takes place on a quarterly basis throughout the Project construction period. Monitoring would take place annually thereafter, unless statistically significant changes are noted and increased or

decreased monitoring is warranted. The marine monitoring program would adhere to the monitoring protocol guidelines established by the West Hawai'i Coastal Monitoring Program. This program established a set of uniform standards for marine biologists to ensure that a comparable methodology is used for marine monitoring in West Hawai'i. The procedures for reporting monitoring results to the appropriate State and County agencies are described within the monitoring plan. Generally, the Plan recommends a program of quarterly reporting during the period of construction, and annual reporting thereafter. The period of construction for the Project is expected to occur over a fifteen to twenty year period, similar to the phased improvements within the Park area. As described in Section 4.4, the water quality and marine life monitoring reports would also be reviewed with the park advisory group, as part of an ongoing program to manage and protect the Park's nearshore marine resources.

4.7 Reporting Procedures

Oceanside 1250 will submit an annual report to the Board of Land and Natural Resources and the County of Hawai'i Planning Director for the period up to completion of final phase of improvements proposed under the Plan. Currently, the proposed improvements are planned to be implemented over a fifteen to twenty year period. An annual report will be submitted to the State and County within thirty days of the anniversary date of the issuance of the Conservation District Use Permit and SMA Use Permit for the Park Improvements, respectively. The annual report will include a general statement of progress toward implementing the Park improvements and compliance of any conditions imposed by the State or County in meeting the conditions of the Park related permit approvals. The annual report will also contain any proposed changes to the Plan implemented to further meet its objectives.

5.0 JUSTIFICATION

5.1 Consistency with Conditions of Approval

5.1.1 Ordinance 96-7 and Ordinance 96-8

Ordinance 96-7 established the conditional zoning for a portion of the Project lands. Condition “K” and “H” of Ordinance 96-7 and 96-8, respectively requires that:

“A final comprehensive public access plan, to be developed in consultation with community groups, shall be submitted to and approved by the Planning Director prior to final subdivision approval, or any land alteration activity, whichever come first. The final comprehensive public access plan shall be developed in consultation with the Planning Director and the Department of Land and Natural Resources and shall include mauka-makai and lateral shoreline accesses, parking area(s), signage, emergency response considerations, restrictions on use (if any), provision of recreational and restroom facilities at appropriate locations, and related improvements; provided, that the construction of the coastline park and access ways shall be subject to the obtaining of all necessary discretionary permits (e.g., Conservation District Use Approval, Special Management Area Use Permit, etc.); provided, further that the applicant shall be responsible to comply with the following terms and conditions:

1. An area comprising twenty-five percent (25%) of the total park area, as shown on Exhibit “E” attached hereto and made a part hereof, shall be developed and improved by the applicant or its agent in phases within five (5) years from the date Final Subdivision Approval is obtained on the subject property. The first phase shall be completed and open to the public within thirty (30) days following the opening of the golf course;

2. Upon opening the first phase of the park area, a minimum of twenty-five (25) public parking stalls in addition to parking stalls for residents, guests, and employees within the subject property and the applicant's adjacent lands at the principal shoreline access parking area(s), signage and provisions for public access for night fishing and marine food gathering purposes over designated vehicular and pedestrian access routes subject to restriction which limit said uses to recreation uses only, and other restrictions which provide for the health and safety of the general public and residents alike. The number of parking stalls shall be increased commensurately with the approval of additional park phases in accordance with the public access plan: and
3. The public shoreline access plan shall also integrate where appropriate, any public access way(s) to interpretive trail system(s) and to the historical and archaeological sites to be approved by the Planning Director, in consultation with the Department of Land and Natural Resources in conjunction with the detail mitigation plan for the park area situated in the Conservation district."

Additionally, the condition to develop a final comprehensive public access plan is reiterated within Condition 8 of SMA Use Permit No. 345 which states:

"A final comprehensive public access plan, to be developed in consultation with community groups, shall be submitted to the Planning Director in conjunction with golf course plans submitted for plan approval review. The final comprehensive public access plan shall be developed in consultation with the Planning Director and the Department of Land and Natural Resources and shall include mauka-makai and lateral shoreline accesses; parking area(s), signage, emergency response considerations, restrictions on use (if any), provision of recreational and restroom facilities at appropriate locations, and related improvements. Within one (1) year from the date of approval of the final comprehensive public access plan by the Planning Director, the Applicant shall apply for a Conservation District Use Permit, Special Management Area Use Permit and other applicable permits/approvals to allow for the implementation of the recommendations of the approved Plan."

This plan being prepared, in part, to meet the requirements of Conditions "K" and "H" of Ordinances 96-7 and 96-8 and Condition 8 of SMA Use Permit No. 345.

5.2 Consistency with DLNR Regulations

The proposed land use is consistent with the identified land uses within the Limited (L) subzone of the State Conservation District, Section 13-5-23, HAR, which includes the following:

- (L-2), Botanical gardens and private parks
- (L-4), Landscaping and removal of noxious plants
- (L-7), Accessory structures

This Plan is to be submitted to DLNR, with a Board permit application in meeting the management plan requirements for the proposed use within the Conservation District, Limited (L) subzone.

5.3 Consistency with Chapter 205A, HRS

The proposed land use is also consistent with the objectives of the County's SMA, as delineated within Section 9-6 of the County of Hawai'i Planning Commission Rules of Practice and Procedures. The pertinent objectives are as follows:

- 1) Provide coastal recreational opportunities accessible to the public.
- 2) Protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- 3) Protect, preserve, and where desirable, restore or improve the quality of the coastal scenic and open space resources.
- 4) Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

In addition to meeting the conditions of regulatory approval listed within Section 5, this Plan is being submitted with an application for an SMA Use Permit to allow for the proposed Park uses within the County SMA. The proposed use is supportive of the County's objectives for the coastal area by implementing a management program that provides for the safe enjoyment of the shoreline area in a manner that is protective of the natural and manmade historic and prehistoric resources that are present within the Park area.

1.0 INTRODUCTION

1.1 Purpose

The purpose of these rules and provisions are to govern the use and protection of all lands and historical and natural resources within the Villages at Hokukano shoreline park (Park) area.

1.2 Definitions

“Abandoned property” means any and all property, including personal property, items, materials, equipment, fixtures, motor vehicles, or vessels, that have been left unattended for a continuous period of more than twenty-four hours without the written permission of the park management (Management) or its authorized representative.

“Animals” mean all animals, wild and domestic.

“Authorized representative” means any person authorized by the Management to act for the Management in the administration of these rules and regulations.

“Camper” means any person engaged in a camping activity.

“Camping” means remaining within a designated camping area during park closing hours or sleeping during nighttime hours on the premises or the use or occupation of the premises by one or more persons who remain or intend to remain on the premises between the hours of twelve midnight and one half hour before sunrise, except persons with special permits or other types or permits or authorization from the management or its authorized representative to remain on the premises for other purposes.

“Motor vehicle” means a motor vehicle of any type, including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, mopeds, dune buggies, or ATVs, whether the vehicle is licensed or unlicensed.

“Nude” means uncovered post-pubertal human genitals, pubic areas, or the nipple or areola of post-pubertal human female breasts.

“Park area” or *“Villages at Hokukano shoreline park”* means property owned in fee by 1250 Oceanside Partners at North and South Kona, Hawai‘i (portion of TMK 8-1-4: 03), which is designated within the State Conservation District and required by the County of Hawai‘i under Conditions 8 and 10 of SMA Use Permit No. 345 and Condition H of Ordinance 96-8 and Condition K of Ordinance 96-7, to be established as a privately operated park; and that property owned in fee by the State of Hawai‘i, TMK 7-9-12:03.

“Park management” or *“management”* means the management entity established by Oceanside 1250 or its legal designee, which is responsible for the management, maintenance, security, and operation of the shoreline park area.

“Premises” means any lands within the shoreline park area.

“Picnic” means an outing with food provided by members of the group and eaten in the open.

“Reasonable conduct” means behavior or activity that is fair, proper, just, moderate and suitable under the circumstances. Such behavior or activity may fairly, justly and reasonably be required of an individual or group of individuals while in the Park.

“*Recreational trailer*” means a vehicle propelled by its own power or by some independent power and used as a dwelling.

“*Vehicle*” means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, including mopeds, and other devices moved by human power.

1.3 Hours of Use

The park may be used by the public only between the hours of 7:00 a.m. and 15 minutes after sunset daily; provided, however, that Management may issue night fishing, special use, or camping permits pursuant to Section 5 as specified herein.

1.4 Access

1.4.1 Oceanside 1250 shall have the right to control or prevent access to the park by all persons whose presence in Management's judgement shall be adverse to the safety, character, or interests of the park or of users of the park.

1.4.2 In case of invasion, mob riot, public excitement, or other commotion, Management reserves the right to prevent access to the park during the continuance of the same for the safety of park users and the protection of the property in the park.

1.4.3 Persons violating the park rules and regulations may be denied subsequent use of the park by Management in its sole discretion, and may be subject to expulsion and penalties, as set forth in Section 4 herein described.

1.5 Noise

All activities conducted at the park shall not exceed a reasonable and prudent noise level, and in no event shall such activities exceed 60 DBA sound pressure level.

1.6 Hazardous Activities

No activities shall be conducted in the park that are or may be unsafe or hazardous to any person or property. Management reserves the right to stop any activity within the park that it determines in its sole judgement, has become unsafe or a hazard.

1.7 Obstruction of Passageways

No trails or passages in the park shall be obstructed or used for any purpose other than foot trail within the park, or ingress or egress from the park.

1.8 Lost Articles

Any person finding lost articles shall deposit them at the Management's office, leaving their name and address.

1.9 Intoxication

Management reserves the right to exclude from the park any person who, in Management's judgement, is intoxicated or under the influence of liquor or drugs so as to create a risk to persons or property and said person shall be subject to expulsion and penalties set forth in Section 4 herein.

1.10 Standard of Reasonable Conduct

Without limiting the generality of any of the park rules and regulations, any activities not covered hereby shall be subject to a standard of reasonable conduct.

1.11 No Liability

Neither management nor owner shall be liable for any damage or injury to anyone or anything that may occur as a result of enforcement or failure to enforce these park rules and regulations.

1.12 Nonwaiver

Failure to enforce these park rules and regulations on any occasion shall not be construed as a waiver and shall in no way affect Management's right to subsequently enforce these park rules and regulations.

1.13 Lifeguards

Neither owner nor Management will be responsible for providing lifeguard services.

2.0 REGULATED ACTIVITIES

The following activities are allowed only in designated areas indicated by appropriate signage:

2.1 Picnicking

Picnicking or any outing with food provided by members of the group; provided, however, that a permit is obtained when required pursuant to Section 5 herein.

2.2 Fires

All fires (i) shall be confined in barbeque pits designated and provided by Management; (ii) shall not be allowed to burn in a manner that may threaten surrounding shrubs, grass, trees, or other combustible matter, or endanger structures that could be burned, scorched or damaged; (iii) when no longer needed, shall be completely extinguished and coals shall be deposited in designated ash disposal pits provided by Management; (iv) shall not be left unattended.

2.3 Parking

All parking of motor or other vehicles shall only be in designate Park parking areas provided, however, that Management may direct persons utilizing the park through the issuance of a permit as set forth in Section 5 hereof, to park in areas other than those specifically designated for public parking. In the event of an infraction of this rule, violators shall be subject to expulsion and penalties set forth in Section 4 herein below, and Management shall be entitled to have the offending vehicle towed to the holding area of a towing service and to charge the owner or driver of the vehicle the full amount of the towing cost.

2.4 Access

All vehicular and pedestrian ingress to and egress from the park shall be confined to access ways that have been designated for such purposes; provided, however, that Management may direct persons utilizing portions of the park through the issuance of a permit as set forth in Section 5 hereof, to utilize access ways other than those specifically designated for public use.

3.0 PROHIBITED ACTIVITIES

The following activities are prohibited in the park:

3.1 Alcoholic Beverages

Possessing or drinking any alcoholic beverage, except in connection with public gatherings or special events for which permits have been issued in accordance with Section 5, hereinbelow.

3.2 Illegal Drugs

Possessing or using narcotics, controlled substances, or any illegal drug.

3.3 Disorderly Conduct

Disorderly conduct, including but not limited to, fighting, violent or tumultuous behavior, making unreasonable noise or offensive or abusive or threatening utterances or gestures.

3.4 Audio Devices

Operating or using any electrical or battery powered audio device, including but not limited to, radios, tape recorders, television sets, amplified musical instruments, compact disc players, and noise producing devices such as electrical generating plants, or other equipment driven by motors or engines in a manner and at times that create excessive noise or annoyance to park users or others outside the park (see Section 1.5, Noise, hereof).

3.5 Public Address Systems

Operating or using public address systems, whether fixed or portable, or vehicle mounted, on land, water or roadways, except when the use or operation is in connection with public gatherings or special events for which permits have been issued by Management in accordance with Section 5 hereinbelow, or when the use is in conjunction with emergency or rescue operations.

3.6 Communication Equipment

Installing or operating aerials, antennas, transmitting or radio, telephone, television or other communication equipment (except hand held portable devices, cellular phones or equipment within vehicles).

3.7 Camping

Camping, unless specifically allowed by Management through the issuance of a permit, as set forth in Section 5 hereof. Camping Permits will provide for a maximum of three (3) nights and successive permits for a particular site must be separated by a minimum of one night.

3.8 Recreational Trailers

Using recreational trailers or other camper units.

3.9 Closing Hours

Remaining in the park between the closing hours of 15 minutes after sunset through 7:00 a.m. unless specifically permitted by Management through the issuance of a permit, as set forth in Section 5 hereof.

3.10 Animals

Bringing animals into the park, except properly leashed seeing-eye dogs accompanied by their masters shall be permitted. Running at large, herding, driving across, raising or grazing animals.

3.11 Natural Resources

3.11.1 Molesting, disturbing, injuring, trapping, taking, catching, possessing, poisoning, introducing or killing any wild bird or animal or disturbing the habitat of any such bird or animal.

3.11.2 Gathering or collecting any natural product, including, but not limited to, sea shells, fruits, berries, flowers, seeds, pine cones, driftwood and pebbles for commercial uses or purposes.

3.11.3 Destroying, digging, removing, or possessing any tree, shrub, or plant of any kind.

3.11.4 Destroying, disturbing, or mutilating any geological feature or digging or removing sand, earth, gravel, mineral, rock fossil, coral or any other substance.

3.12 Bicycles, Skateboards, Roller Skates, Roller Blades

Riding bicycles, skateboards, or roller skates/blades.

3.13 Horseback Riding

Riding horses or any other animal.

3.14 Motorized Vehicles

- 3.14.1 Except on park access roads and designated parking areas, driving or riding vehicles or motorized bikes, including, but not limited to, automobiles, trucks, vans, motorcycles, motor bikes, mopeds, scooters, ATVs, motorized go-carts or trail bikes, and in no event unlicensed vehicles other than those vehicles operated by the park management and used for park operation, management or maintenance.
- 3.14.2 Leaving motor vehicles or other property unattended so as to interfere with the safe and orderly management and use of the park.
- 3.14.3 Abandoning motor vehicles (as defined in §290-1 of the Hawai'i Revised Statutes, as amended) or other property (as defined in §171-1 of the Hawai'i Revised statutes, as amended).
- 3.14.4 Operation of motorized hobby crafts such as aircraft, automobiles, and similar motorized vehicles.

3.15 Gambling

Gambling, betting, or wagering money on the outcome of a game or contest or other event.

3.16 Aircraft

- 3.16.1 Landing or launching of aircraft, including, but not limited to, airplanes, airships, balloons, gliders, hang gliders, helicopters, parachutes, dirigibles, and other similar means of conveyance.
- 3.16.2 Kite flying

3.17 Metal Detectors

Possessing or using a mineral or metal detector, magnetometer or other metal detecting device.

3.18 Agricultural Activities

Cultivating soil, planting or producing crops, farming, or any other agricultural activity; provided, however, that Management may conduct landscaping or other ongoing maintenance, cultural, demonstration or educational activities.

3.19 Nudity

Nudity, which shall be defined as the uncovered post-pubertal human genitals, pubic areas, or the nipples or areola of post-pubertal human female breasts.

3.20 Golf

Golfing, hitting or driving golf balls.

3.21 Firearms

Possessing or using firearms, including, but not limited to, bow and arrows, crossbows, firearms, pellet or BB guns, power heads, bang sticks, slingshots, or other implements designed to discharge missiles.

3.22 Soliciting

Soliciting, canvassing, begging or peddling of any kind, including, but not limited to, displaying merchandise, demanding or requesting gifts, money or services, or dispensing information.

3.23 Rubbish

3.23.1 Bringing, carrying or transporting garbage, trash, rubbish, refuse or waste from outside the park for deposit or dumping in the park.

3.23.2 Burning of trash.

3.23.3 Draining or dumping garbage, trash, rubbish, refuse or waste other than in receptacles provided for these purposes.

3.23.4 Littering or scattering rubbish or other materials in places other than trash receptacles provided in the park.

3.24 Electrical Equipment

Using portable motor driven electrical generating plants, pumps, compressors, or other portable motor driven machines, except through the issuance of a permit by Management.

3.25 Explosives

Possessing or using explosives, including, but not limited to, fireworks and firecrackers.

3.26 Lodging

Establishing a temporary or permanent lodging or residence other than that which may be established by Management and permitted by the State and County for the purpose of providing a caretakers' residence.

3.27 Boats

3.27.1 Transporting, bringing or carrying boats (including sailboats, powerboats, canoes, kayaks, jet skis, and/or motorized rafts), or any other aquatic vehicles onto, into or through the park.

3.27.2 Moving, tying, storing, repairing or cleaning any boat, canoe, raft or other vessel, except through the issuance of a permit by Management.

3.28 Water Pollution/Contamination

Polluting or contaminating any water used for drinking purposes, natural body of water, pools, ponds or the ocean.

3.29 Toilet Facilities

Urinating or defecating other than in the designated toilet facilities provided at the park.

3.30 Archaeological/Historical Resources

3.30.1 Appropriating, damaging, removing, excavating, disfiguring, defacing or destroying objects of antiquity, prehistoric ruins and monuments; provided, however, that Management may permit, with the concurrence of the State Department of Land and Natural Resources, qualified persons or institutions to examine ruins, reestablish archaeological sites, excavate archaeological sites or gather objects of antiquity for safe keeping.

3.30.2 Destroying, defacing, or removal of any natural or historical feature or natural or historical resource.

3.31 Monuments

Installing any monument, memorial, tablet, or other commemorative installation.

3.32 Vandalism

Intentionally or wantonly destroying, injuring, defacing, removing, disturbing or possessing in any manner any geologic feature, objects of antiquity, prehistoric ruins, monuments or feature, public or private building, sign, equipment, monument, marker or other structure.

4.0 PENALTIES

4.1 Violation of Rules

Any user or potential user of the park shall be subject to immediate exclusion and/or expulsion from the park if, in Management's sole determination:

- 4.1.1 A violation of the rules and regulations set forth herein has occurred.
- 4.1.2 Such action is necessary to enforce any provision in the rules and regulations set forth in this document.
- 4.1.3 Said user or potential user has failed to obey orders of park management personnel and/or orders of Federal, State or County law enforcement officers.

4.2 Penalties

Any violation of these park rules and regulations shall subject the violator to:

- 4.2.1 Civil and/or criminal liability for damages to public or private property and/or confiscation by appropriate governmental authorities of any prohibited materials, machines, tools, vehicles or equipment.
- 4.2.2 Permanent prohibition from future entry into and use of the park facilities.

5.0 PERMITS

5.1 Classification of Permits

Permits shall be required for the following uses and activities in the manner specified herein below:

5.1.1 Group Use Permit:

Any group larger than twenty-five members that desires to picnic in the park shall be required to obtain a Group Use Permit from Management.

5.1.2 Special Use Permit:

Special uses shall be permitted only with a Special Use Permit issued by Management. Special uses are group functions, other than group picnics, considered compatible with the functions and purposes of each individual area, facility or unit of the park, including, but not limited to, assemblies, celebrations, festivals, gatherings, meetings, pageants, parades, public expressions of views, rallies, shows, weddings, filming or photography sessions and other community events or activities.

5.1.2.1 Before any motion picture film, video recording, television production, or sound track is made that involves the use of professional casts, models, settings, or crews, by any person other than bona fide newsreel or news television personnel, a Special Use Permit must be obtained from Management that shall be subject to terms and conditions set by Management.

5.1.2.2 Before any still photograph may be taken by a commercial photographer for commercial purposes, a special use permit must be obtained from Management that shall be subject to terms and conditions set by Management.

5.1.3 **Camping Permit:**

All persons, groups, organizations, or associations desiring to camp within the park area shall obtain a Camping Permit from the Management authorizing the use of specific camping areas. However, the following provisions shall apply to camping:

5.1.3.1 Use of recreational trailers is prohibited within the park area.

5.1.3.2 The Management shall establish the location and term of the camping activity.

5.1.3.3 Installation or construction of permanent camping facilities is prohibited except by the Management with authorization from the Board of Land and Natural Resources.

5.1.3.4 Digging or leveling of the ground at any campsite is prohibited.

5.1.3.5 Camping equipment shall be completely removed and the campsite cleaned before departure from the site.

5.1.4 Night Fishing Permit:

Access to the park after closing hours (after 15 minutes post sunset) for purposes of night fishing and/or spearing shall be permitted only with a Night Fishing Permit issued by Management.

5.2 Authority to Use Permits

Management shall have the exclusive authority to issue Group Use, Special Use, Camping, and Night Fishing Permits (“Permits”). Management shall be entitled to impose conditions upon the issuance of Permits and/or may impose an administrative fee for requested Permits. The following conditions shall apply to all Permits:

- 5.2.1 Permits shall be issued on a first come, first serve basis.
- 5.2.2 All responsible persons twenty-one years of age or older shall be eligible to secure Permits.
- 5.2.3 Permits shall be obtained by submitting an application in person or by mail to Management.
- 5.2.4 Requests for Group Use Permits and Special Use Permits shall be submitted to Management a maximum of thirty (30) days before the date of the use being requested and shall include the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith. If the event is for the purpose of raising funds, a statement of how the profits will be used is required. Requests for Night Fishing Permits shall include the same information, but shall be submitted to Management a minimum of five (5) working days and a maximum of thirty (30) days before the date of the use being requested.

Requests for Camping Permits shall include the same information, and shall be submitted to Management a minimum of five (5) working days and a maximum of thirty (30) days prior to the date of the use being requested.

- 5.2.5 Management shall have fifteen (15) days from receipt of an application for a Group Use Permit or Special Use Permit, five (5) days from receipt of an application for a Camping Permit, and three (3) days from receipt of an application for a Night Fishing Permit, to either grant or deny the application.
- 5.2.6 Permits shall not be transferrable.
- 5.2.7 Persons or organizations to whom permits are issued (the "permittee") are bound by the Permit conditions stipulated on or attached to the permit, and any applicable Federal, State and County laws, ordinances and rules and regulations.
- 5.2.8 All permittees shall, upon request, show the Permit to any law enforcement officer, security personnel, or employee of Management.
- 5.2.9 Other procedures, terms and conditions deemed necessary by Management may be adopted by Management in order to carry out the provisions of this section, or any applicable Federal, State and County laws, ordinances and rules and regulations.
- 5.2.10 As a condition of granting a Permit by Management, the permittee shall agree to hold the owner and Management harmless and indemnify Oceanside 1250 from any liability or damages resulting from the use of the park by the permittee or by any of the permittee's guests. Each Permit shall specifically provide the following:

“The permittee shall indemnify, defend and hold harmless owner and Management, its officers, directors, stockholders, attorneys, agents, servants, representatives, employees, corporate affiliates, predecessors and successors interest (collectively, the “indemnitees”) from and against any and all past, present and future claims, actions, causes of action, suits at law or inequity, liabilities, demands, losses, decrees, judgements, awards, liens, costs, fees, damages, expenses (including attorneys’ fees) and compensation of whatsoever kind or nature, resulting from, arising out of, connected with, or traceable either directly or indirectly to any and all matters relating to the use of the park by the permittee or by an of the permittee’s guests. The permittee shall reimburse indemnitees or pay over to indemnitees immediately when due all judgements and claims for damages that indemnitees shall pay or become liable to pay by reason of such use of the park by the permittee or by any of the permittee’s guests, and will make such payment to indemnitees as soon as indemnitees become liable therefore, whether or not indemnitees shall have paid out such or any part thereof.”

- 5.2.11 Permits shall set forth the day and time the permittee shall be allowed to remain in the park.
- 5.2.12 Management may require the permittee at the permittee’s own cost, to provide licensed security services, in the interest of public safety and welfare and for the protection of property.
- 5.2.13 Requests for Permits shall each be considered on their own merits, including their effect on the park, facilities, and the public’s use and enjoyment thereof.

- 5.2.14 The Permit may contain conditions relating to protection and use of the park area for the purposes for which it is maintained, and reasonable limitations on the size of the group, time and area within which the event is being permitted.
- 5.2.15 The Permit may contain conditions relating to parking and access for the use being permitted.

5.3 Denial of Permit Applications

An application for a Permit may be denied when:

- 5.3.1 The Park or Park facilities are closed or will be closed because of damages, or because of scheduled or ongoing construction, repairs or maintenance activities, dangerous weather conditions; County or State declared emergency or because of other reasons.
- 5.3.2 Natural or civil disturbances occur or threaten to occur, including, but not limited to, tsunamis, floods, earthquakes, storms, riots, and demonstrations.
- 5.3.3 There are inadequate facilities or space to accommodate the needs of the applicant for the permit.
- 5.3.4 The applicant has a prior record of noncompliance with permit conditions or violations of park rules and regulations.
- 5.3.5 The event will present a clear and present danger to public health and safety.
- 5.3.6 A prior permit for the same time and place has been or will be granted.

- 5.3.7 The event will significantly interfere or conflict with the public's general use and enjoyment of the park.
- 5.3.8 The event will threaten, endanger, or disturb natural and historical resources of the park.
- 5.3.9 Applications or requests for permits are not received by Management within the time periods specified in Section 5.2.4 herein.
- 5.3.10 The proposed event includes activities that may be a violation of any Federal, State or County law or ordinance.

5.4 Cancellation of Permit

A Permit may be canceled or terminated at any time without advance notice when:

- 5.4.1 A state of emergency is declared by Management or governmental authorities.
- 5.4.2 Natural or civil disturbances occur or threaten to occur, including, but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations and employee strikes.
- 5.4.3 A permittee creates a clear and present danger to public health and safety.
- 5.4.4 A permittee violates permit conditions, provisions of these park rules and regulations, or any Federal, State or County law or ordinances.

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 1. Recitals

2. Creation of the Park
 1. Intent
 2. Duration
 3. Governing Documents

3. Concepts and Definitions

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 1. Purpose
 2. Membership
 3. Voting
 4. Board of Directors
 5. Duties
 6. Approval of Members
 7. Non-Liability of Officers

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 1. Blanket Easement
 2. Easements of Encroachment
 3. Easements for Utilities
 4. Easements to Serve Additional Property
 5. Right of Entry
 6. Easements for Maintenance and Enforcement
 7. Rights to Stormwater Runoff, Effluent and Water Reclamation
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 9. Easements for Use of Private Streets
 10. Easements for Tax Exempt Organizations

6. Assessments

1. Budgets and Allocations
2. Reserves
3. Authority to Assess Owners
4. Time of Payment
5. Certificate of Payment
6. Declarant's Option to Fund Deficits
7. Regular Assessments
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9. Special Assessments
10. Revegetation & Restoration Easements
11. Historic Sites Easements
12. Failure to Assess
13. Exempt Property
14. Capitalization of Property
15. Personal Obligation
16. Lien for Assessments
17. Date of Commencement of Assessment Obligations

7. Insurance

1. Authority to Purchase
2. Association Responsibility
3. Non-Liability of Association, Board and Officers
4. Premiums
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8. Maintenance and Repair

1. Level of Maintenance Required
2. Association Responsibility
3. Responsibility for Repair and Replacement
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13. **Amendment**
 1. Amendment of Declaration
 2. Effect of Amendment
 3. Required Approvals
 4. Owner's Right to Amend
 5. Validity and Effective Date of Amendments

14. **Rights Reserved to Declarant**
 1. Construction of Improvements
 2. Right to Use Common Area
 3. Other Covenants Prohibited
 4. Right to Approve Changes in Park Standards
 5. Use of the Phrase "The Villages at Hokukano"
 6. Right to Transfer or Assign Declarant Rights

15. **Protection of Mortgagees**
 1. Notices of Action
 2. No Priority
 3. Notice to Association
 4. No Personal Liability

16. **Relationships with Other Entities**
 1. Relationship with Tax-Exempt Organizations
 2. Cost Sharing with Non-Residential Properties
 3. Conflicts

17. **General Provisions**
 1. Notices
 2. Captions and Exhibits
 3. Severability

18. Changes in Common Area

1. Condemnation
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19. General Provisions

1. Power of Attorney
2. Gender
3. Public Dedication
4. Assignment
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20. Owner's Disclaimer of Representations