

William P. Kenoi
Mayor



Duane Kanuha
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County of Hawai'i
PLANNING DEPARTMENT

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October 24, 2014

Mr. William Pink
Haleakala B&B
78-6612 Mamalahoa Highway, Apt. A
Holualoa, HI 96725-9734

Dear Mr. Pink:

Subject: Public Access Complaint at Hokulia

We have received your complaint via email dated October 1, 2014, in which you state that you were denied access by a Hokulia private security supervisor who stated that the beach was closed because wave action made it dangerous.

After a review of the Shoreline Park Management and Public Access Plan (November 1998) for The Villages at Hokukano (the Plan), which was submitted by Oceanside 1250 pursuant to Conditions "K" and "L" of Ordinance 96-7, Conditions "H" and "I" of Ordinance 96-8 and Conditions 8 and 10 of SMA Use Permit No. 345, which was approved by the Planning Director's letter of January 29, 1999, we find that the plan included sections for safety considerations, which does allow for public access to the park be temporarily suspended during periods of adverse weather generating high wave conditions or when a danger to the public exists.

Section 3.4 (Safety Considerations) of the Plan states "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)." (emphasis added)

Section 4.4.3 (Access Restrictions) of the Plan states "*The Park management reserves the right to control or prevent access to the areas, that, in the management's judgment, 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 in the event of a County or State declared emergency. Additionally, the management would also have the right to

Mr. William Pink
Haleakala B&B
Page 2
October 24, 2014

control or prevent access to persons who, in the management's judgment, 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 authorities upon occurrences of such actions." (emphasis added)

We find that this specific incident does not violate the terms of the approved the Shoreline Park Management and Public Access Plan and, therefore, does not warrant any corrective action by this office. If you have any questions, please feel free to contact Jeff Darrow at 961-8158.

Sincerely,



DUANE KANUHA
Planning Director

JWD:klt

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cc w/copy of email: Kona Planning Department
Mr. Larry Brown, Long Range Planning
SMA 345
REZ 765
REZ 812