

Shoreline Access Inventory Update - Final Report

County of Maui
Job #01-02/P-31



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Executive Summary

Executive Summary

The Maui County shoreline access inventory has not been updated since 1986 when the Maui County Shoreline Access Management Plan was written. As expected, the demographics of Maui County and the need for shoreline access have changed dramatically since 1986. The need to have updated information in order to analyze existing and future shoreline access points prompted the inception of this project. The project area encompasses all of Maui County, which includes the islands of Maui, Lanaʻi, and Molokaʻi. This report concentrates on the Island of Maui since access and growth issues appear to be of paramount concern there. Most of the priority sites are located in high growth areas near larger population centers where multiple uses, property right issues, and limited physical space make access a complex issue.

Priority sites were established for each Community Plan through field research, interviews, and conversations with community members and groups, and a review of Federal, State and County shoreline access documents. After priority access areas were established for each Community Plan, summaries of the sites were given and each site was measured against the Site Assessment Criteria.

While this document provides recommendations for future access or improvements to existing access, its alternate purpose is to provide tools to evaluate existing and future access for acquisition on an ongoing basis. To ensure that beach access information is current and relevant, annual review and re-scoring of beach access points should occur.

Shoreline access priorities are subjective and constantly changing. Priorities and criteria for importance vary from person to person and community to community. Shifting populations, increased environmental awareness, and changes in access to a site influence how access priorities are chosen. This document can be used as a tool to reevaluate and reprioritize access points on a regular basis.

Based on community input, maintenance and improvement of existing access points was deemed more important than the acquisition of new access points. One continuing problem cited by stakeholders was the ongoing conflict with property owners' desire for privacy and exclusivity around their properties and the public's desire and right to have vertical and lateral access to Maui County shorelines. This conflict manifests itself through residents physically blocking off access through fencing, removing access and parking signage, planting of vegetation, allowing vegetation to obscure access points, or posting security personnel to block the public's access to the shore (in the case of some hotels).

Current access points are fairly evenly distributed based on population density. The recommendations emphasize improvement, formalization, or enhancement of existing access points with some recommendations for new access points such as that for Kahana Sunset. If Maui County acquires additional access sites, this document can be used to analyze the appropriateness of the acquisition. The electronically created maps with GIS-capabilities should be updated annually to ensure their accuracy.

Section 1
Introduction and Background Research

Section 1

Introduction and Background Research

1.1 Introduction

The shoreline of Hawai'i is integral to island life and identity, providing countless opportunities for fishing, swimming, gathering, relaxing, and a host of other activities. The beaches of Maui County are public up to the upper wash of the waves, typically indicated by the vegetation line. However, to use the shoreline, the public must have access to the shoreline (vertical and lateral). Since the last shoreline access inventory in 1986, shoreline access and its related issues have undergone many changes. The population of Maui County has increased significantly, shoreline parcels have been developed, parcels have been subdivided, zoning designations and landowners have changed, shoreline and recreational activities have evolved, and legal and regulatory decisions have been promulgated.

Oceanit Laboratories, Inc. (Oceanit) was contracted by the Maui County Planning Department to complete an update to the 1986 plan. This report provides the following:

- Background research on policies and changes in laws since 1986, which may affect existing and future access
- A map database and methodology used in identifying and reviewing existing access points
- Recommended site assessment criteria standards to analyze existing and future access points
- Policy approach and considerations that can be used as tools to analyze existing or acquire future access
- Population and density analyses
- Access priorities
- Analysis of results and recommendations

This update provides a framework and baseline from which to analyze, evaluate and prioritize scenarios to achieve the safest, most convenient, economical, and enjoyable shoreline access points for residents and visitors, while preserving and enhancing the unique social, environmental, and cultural values of Maui County.

1.2 Federal Changes Since 1986

1.2.1 Regulatory/Legislative (Coastal Zone Management Act of 1972-Amended 1996)

In order to secure Federal monies, the Maui Shoreline Access provisions are ultimately required to be consistent with Federal Coastal Zone Management provisions through State consistency requirements. Federal coastal access provisions are designed to "encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic

values as well as the needs for compatible economic development". Under Section 1452 of the Act, one of the policies is to enhance public access to the coasts for recreation purposes.

Changes Since 1986

The Coastal Zone Management Act was amended through the Coastal Zone Protection Act of 1996. This act primarily emphasized increased preservation of natural resources, management of coastal development, public access, assistance in redevelopment, assistance to states for coastal management planning and cooperation with the public and other federal agencies. These changes include:

Section 306(a)-Administrative Grants and Coastal Resource Improvement Program. Allows for state/federal matching grants for various aspects of State Coastal Management Programs.

Section 308-Coastal Zone Management Fund. Funds various demonstration projects or management issues that are regional in scope.

Section 309-Coastal Zone Enhancement Grants. Funds various coastal zone enhancement objectives.

Section 310-Technical Assistance. Support for the development and implementation of State Coastal Management Programs.

1.2.2 U.S. Supreme Court Legal Decisions Affecting Public Shoreline Access (Informational Only - Not a Legal Interpretation)

The following cases deal with takings issues. While there have been other cases related to access/dedication issues in general and takings issues in particular since 1986, the following two cases are representative of court cases that may effect how Maui County acquires future access or enforces existing access.

Dolan v. City of Tigard (Oregon)

No. 93-518. Argued March 23, 1994 - Decided June 24, 1994

Held:

The city's dedication requirements constitute an uncompensated taking of property. The government may not require a person to give up a constitutional right in exchange for a discretionary benefit conferred by the government where the property sought has little or no relationship to the benefit. In evaluating Dolan's claim, it must be determined whether an "essential nexus" exists between a legitimate state interest and the permit condition and the degree to which the exactions demanded by the permit condition bears the required relationship to the projected impact of the proposed development.

Nollan v. California Coastal Commission

No. 86-133 Argued March 30, 1997 - Decided June 26, 1987

Held:

Although the outright taking of an uncompensated, permanent, public access easement would violate the Takings Clause, conditioning appellants' rebuilding permit on their granting such an easement would be lawful land use regulation if it substantially furthered governmental purposes that would justify denial of the permit. The government's power to forbid particular land uses in order to advance some legitimate police power purpose includes the power to condition such use upon some concession by the owner, even a concession of property rights, so long as the condition furthers the same governmental purpose advanced as justification for prohibiting the use.

1.2.3 Americans with Disabilities Act

Title 3 of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards established by this part. Any alteration to a place of public accommodation or a commercial facility after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

In general, if an accommodation would cost much and benefit few, it need not be made. Full compliance with ADA requirements may not be required where Maui County can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of the terrain would prevent the incorporation of accessibility features. If full compliance with the provisions of ADA would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable.

1.3 State Changes Since 1986

1.3.1 Hawai'i Coastal Management Program

Hawai'i's Program is administered by the National Oceanic and Atmospheric Administration (NOAA), Coastal Programs Division (Public Access). The Program is a voluntary federal-state partnership that works to protect, restore and responsibly develop the nation's coastal communities and resources. NOAA provides the needed funding assistance and oversight of the program. In 1990, the federal CZMA was also amended to include Section 309 Coastal Zone Enhancement Grants. The Enhancement Program Assessment and Strategy for Hawai'i of May 2001 discusses public access objectives of which include:

Section 309 Objectives

- Improve public access through regulatory, statutory, and legal systems.

- Acquire, improve, and maintain public access sites to meet current and future demand through the use of innovative funding and acquisition techniques.
- Develop or enhance a Coastal Public Access Management Plan that takes into account the provision of public access to all users of coastal areas of recreational, historical, aesthetic, ecological, and cultural value.
- Minimize potential adverse impacts of public access on coastal resources and private property rights through appropriate protection measures.

Liability

The Assessment and Strategy also recommends provisions to address landowner liability for public recreational use. This program increased the ability of Hawai'i to meet the Public Access enhancement area objectives through the following program change:

- New or revised authorities, guidelines, procedures, or policy documents addressing the access liability issue, including, but not limited to, possible amendments to Chapters 198D and 520, HRS (see below).

This program change will reduce the uncertainty of landowners with respect to their legal exposure for injuries to persons using their lands for public recreational purposes and reduce the withdrawal of public access by private landowners.

1.3.2 State Actions Related to Shoreline Access

Hawai'i provides statutory protection against liability for landowners who open their private property for public recreational access and use. However, in recent years, public and private landowners have become increasingly concerned about tort liability stemming from public recreational use of their lands and are unsure whether existing statutory provisions adequately protect them from a suit if someone is injured on their land. The result has been the withdrawal of some existing access and reluctance on the part of private landowners to allow new public access. The state is also reluctant to open trails for public use without a clear legal standard setting the level of care for the improvement and maintenance of safe trails.

- **Recreational Use Liability Statute:** In 1996, the State Legislature amended Chapter 520, HRS, to clarify the definition of "recreational purpose" and extend the application of statutory protection to land owners whose land is serving as a public accessway to reach other recreation sites.
- **Land Owner Indemnification Statute:** In 1992, the State Legislature enacted Chapter 198D-7.5, HRS, authorizing the Department of Land and Natural Resources to enter into agreements to defend and to indemnify private land owners against actions resulting from public use of private land for trail and access purposes under Na Ala Hele. This authority was sought by Na Ala Hele as a critical element to open and include privately-owned segments of trails and accessways in its trail system.

- **County Shoreline and Ocean Recreation Liability:** In 1996, in response to county concerns regarding liability for injuries to recreational shoreline users, the State Legislature provided additional state and county government protection from liability for injuries by declaring beaches and the shoreline to be unimproved public land. The act did not change the duty to warn of hazardous conditions.
- **Statewide Trail and Access Inventory:** In 1994, Na Ala Hele completed its initial inventory of trails and accessways for all islands except the Island of Hawai'i. The inventory is available in hard copy and on the state Geographic Information System (GIS). Expanding and developing the inventory is an ongoing process.
- **Act 082 Related to Public Land and Liability:** In 2003, the Legislature established and approved a process for installing and maintaining warning signs on improved public lands, that provides the State and counties with protection from liability for damages caused by the dangerous natural conditions of which the signage warned. This law provides that the State or County does not have a duty to warn of dangerous natural conditions on unimproved public lands. (HB1214 CD1)

1.3.3 Hawai'i Supreme Court Decisions Affecting Public Shoreline Access (Native Hawaiian Access Rights Project)

Public Access Shoreline Hawai'i v. County of Hawai'i County Planning Commission: On August 31, 1995, the Supreme Court of Hawai'i issued its decision in Public Access Shoreline Hawai'i v. County of Hawai'i Planning Commission, commonly known as the "P.A.S.H. decision." The decision established that the plaintiffs had standing to present evidence before the Planning Commission with respect to their rights to exercise traditional and customary practices. This opinion has been highly controversial and the source of numerous articles, seminars, letters to the editor, and other public discussions. Resolution of the issues raised by the opinion has been expressed as a significant concern by state and county agencies, private landowner groups, and community groups.

1.4 County of Maui Changes Since 1986

1.4.1 Subdivision Regulations

Under the Maui County Subdivision Regulations, "public open space" means land that may be dedicated or reserved for acquisition or dedication for general use by the public. (Ord. 789 § 1(part), 1974). Among other things, the regulations provide for the design, dedication and acquisition of public shoreline access. These regulations continue to provide an important tool for access implementation.

In 1989, as noted in Title 18.40.010, a subdivision engineering standards committee was established. This committee reviews any subdivision proposal before the County for compliance with design criteria including access.

Adopted in 1974, and still applicable today, Title 18.16.210 stipulates that, “Where a subdivision fronts along the shoreline or other public use or recreational areas, rights-of-way to these areas shall be created at intervals of not greater than fifteen hundred feet. The rights-of-way shall be dedicated for public use and shall have a minimum width of fifteen feet”.

1.4.2 Mayor’s Beach Access Advisory Committee

Both in 1992 and 1994, Mayor Lingle of Maui County appointed an eight-member panel to advise the County on how to best utilize allocated appropriations for the improvement of public shoreline access in the county. Specific beach access and improvements are discussed in both of these reports. An overview of these recommendations is discussed in Section 7 of this report.

1.4.3 Community Plan Updates

Maui County has a total of nine community plans. All have been revised since 1986. Seven have policies for shoreline access. These plans serve as a specific guidance tool for community development and policies. Each is based on significant community input and is designed to reflect the specific priorities and values of their respective community.

Section 2
Maps, Methodology, and Constraints

Section 2

Maps, Methodology and Constraints

Shoreline access is defined as the provision of pedestrian access from a public thoroughfare to and along the shoreline. For this project, a baseline of existing shoreline access points was utilized using the 1986 Shoreline Access Management Plan. This plan primarily focused on “formal” access points established by the state or county government while some “informal” access points used by the public were also reviewed.

The inventory database was created from site visits made during fieldwork. The islands of Maui, Moloka‘i, and Lana‘i were surveyed during July 22–25, July 31 and August 1, 2002. During the physical reconnaissance survey, tracking from a GPS unit was used to identify the latitude/longitude, Tax Map Key (TMK) and ownership of each site and this information was subsequently mapped into a GIS database. This information was overlaid with the GIS data layers provided by the Maui County Planning Department.

A number of access points not listed in the 1986 Shoreline Access Inventory Study were discovered during the fieldwork and background research. These “new” access points have been included in the new database and maps. A total of 191 shoreline points were visited: 156 on the island of Maui; 6 on Lana‘i; and 29 on Moloka‘i. Due to logistics and inaccessibility in the field, the status of approximately 37 previously identified access points could not be confirmed. These sites are listed as “not visited” in the data charts. These access points, while lacking updated status information, are nonetheless included in the data charts and analysis of this report. While not all access sites were visited, all 221 access points are listed in the database with as much information as was available. Future inventory updates can provide additional information for these sites.

Easement information was researched by the County of Maui and combined with information researched by Oceanit through the State Bureau of Conveyances. These records disclosed easements, sales of property, recorded restrictions and deed changes. Of the 191 sites visited, 50% are privately owned with 9% of private lands having established easements. The scope of this study precluded conducting a comprehensive title search for every parcel or easement that is potentially affected or referenced. However, the County verified its ownership of parcels or easements that are reflected as being County-owned.

2.1 Database

The shoreline access maps and the inventory database were created using information from the following key sources:

- The State of Hawai‘i (Department of Business, Economic Development and Transportation – DBEDT) Office of Planning
- The County of Maui (Planning Department and County Parks Department)
- The 1986 Maui County Shoreline Access Management Plan
- Performing background research through published works, government agencies, the Internet and reference materials

- Physical reconnaissance survey performed by Oceanit

2.2 Methodology

The first sixteen (16) variables in the database originated from the 1986 Shoreline Access Management Plan. We believe that it was important to keep these variables so that there would be consistency with the original database to allow baseline comparisons. We also believed that it was important to add new variables to help more accurately characterize the beach access areas. Ten (10) new variables were added as noted in the table to the right.

Variables in the database were populated from site visits from the field reconnaissance survey and were supplemented and cross-referenced using information from the background research.

Map base layers were created using GIS files provided by the Maui County Planning Department and projected in State Plane; Hawai'i Zone 2 (Maui) Coordinate System; NAD 83 (meters). As noted above, point data of visited sites was obtained from GPS readings and were geocoded to a GIS database. The databases were integrated into GIS using ArcView in compliance with our contract. These GIS files can be integrated with USGS and other federal, state, and county GIS layers to provide GIS analysis (ie; physical, legal, regulatory and informational). For ease of review and analysis of access points, available photographs have been "hyperlinked" to the ArcView GIS maps.

REVIEW CATEGORIES
Tax Map Key (TMK)
Island
Planning Region
Parcel Ownership
Number of Signs
Access
- Type (Vertical, Lateral)
- Improved (Yes/No)
- Surface Type
- Width
Parking
- Number
Shoreline Type
- Sand
- Rocky
- Cliff
Restroom (Yes/No)
Showers (Yes/No)
Picnic Facility (Yes/No)
Trash Receptacles (Yes/No)
Water (Yes/No)
Phone (Yes/No)
Lifeguard (Yes/No)
Features
NEW CATEGORIES
Alternative Name
Latitude & Longitude
District
Sign Condition (if any)
Sign Visibility
Sign Wording
Restroom Condition (if any)
Shower Condition (if any)
Parking Condition (if any)
Picnic Facilities (Yes/No)

Section 3
Recommended Site Assessment Criteria

Section 3

Recommended Site Assessment Criteria

This section outlines criteria used to assess existing and future shoreline access points. Access points were analyzed using these criteria after priority sites were established. Results of the assessment are provided in Section 7 and 8 of this report.

3.1 Site Assessment Criteria for Shoreline Access

Following are the criteria used to analyze and rate potential locations for future shoreline access as well as evaluating existing shoreline access points:

➤ **Proximity to Population Centers**

10 – High: Is located within one accessible mile of a major resort area, significant town or substantial residential neighborhood.

5 – Medium: Is located between one and five accessible miles of a major resort area, significant town or substantial residential neighborhood.

1 – Low: Is located more than five miles from a major resort area, significant town or substantial residential neighborhood.

➤ **Protection from Exposure**

5 – High: Offers features that can provide shelter from the sun and elements.

1 – Low: Does not offer significant features that can provide shelter from the sun and elements.

➤ **Physical Accessibility**

10 – High: Level and unobstructed, easily accessible to the elderly and others for whom walking may be difficult, is or can be, compliant with ADA requirements.

5 – Medium: Accessible with some difficulty, but without risk of bodily harm, can reasonably be made consistent with ADA requirements.

1 – Low: Hazardous, with some risk of bodily harm, ADA compliance difficult to attain.

➤ **Safety Relative to Natural Hazards**

10 – High: Does not contain continuous, unusual and dangerous wave action, unstable bluffs, hidden reefs, flood hazards or other natural hazards harmful to visitors.

5 – Medium: Contains a normal range of natural hazards for beaches found in Maui County. These may include but not be limited to, seasonal fluctuations in surf intensity, normal erosional activity on rock surfaces, and standard coral reefs.

1 – Low: Contains continuous, unusual and dangerous wave action, unstable bluffs, hidden reefs, flood hazards or other natural hazards falling outside the usual range of hazards encountered by visitors to shorelines in Maui County.

- **Compatibility with Habitat Resources**
 - 10 – High:* Beach and other habitats not unusually impacted by human intrusion.
 - 5 – Medium:* Increased human access may impact non-threatened endangered species habitat.
 - 1 – Low:* Area contains environmentally-sensitive/endangered species or habitat areas that would be impacted by increased human intrusion.

- **Compatibility with Cultural/Historical Resources**
 - 10 – High:* Area does not contain known cultural/historical resources at the site or in the immediate area and/or the resource would not be impacted by increased human access.
 - 5 – Medium:* Area contains a locally-known and generally-acknowledged resource encompassing possible physical structures, locations, unique natural/spiritual characteristics, gathering rights, and/or historical use within a specific or somewhat generalized, geographical location.
 - 1 – Low:* Area contains a locally-acknowledged and officially-recognized cultural resource within a formally demarcated area (possibly PASH-defined access).

- **Access Separation and Compatibility**
 - Residential***
 - 5 – High:* Substantial separation by distance, grade separation or landscaping between houses and lateral access.
 - 1 – Low:* Allows less than 5 feet separation between existing houses and vertical access and 10 yards separation between houses and lateral access.

 - Agriculture/Conservation***
 - 5 – High:* Fences or other features, separate access from agricultural/conservation land.
 - 1 – Low:* Access passes through unfenced agricultural/conservation land.

 - Commercial/Resort/Military***
 - 10 – High:* Is part of a commercial/resort/military development and can be integrated aesthetically and functionally into the development accompanied by adequate official parking, signage.
 - 5 – Medium:* While not necessarily part of it, access can be functionally integrated into a commercial/resort/military development. Access is/can be reasonably well signed and visually and physically accessible to the general public.
 - 1 – Low:* Difficult to find, physically difficult to distinguish/integrate access points and currently lacks adequate directional signage.

- **Accessibility to Shore**
 - 10 – High:* Shoreline trail is immediately accessible from public roadway, and can reasonably be made ADA compliant.
 - 5 – Medium:* Shoreline trail is less than ½ mile from public roadway and may reasonably be made ADA compliant.

1 – Low: Shoreline trail is greater than ½ mile from public roadway and cannot reasonably be made ADA compliant.

➤ **Introduction of New Public Access**

10 – High: No existing established public shoreline access trail or destination within ¼ mile in both directions.

5 – Medium: Some existing, established public shoreline access trails or destinations within a ¼ mile in one or both directions.

1 – Low: Adjacent to or included within an established public shoreline access.

➤ **Timing**

10 – High: The site most likely can be acquired or leased within the next 2-5 years.

5 – Medium: The site most likely can be acquired or leased within the next 5-8 years.

1 – Low: The site most likely cannot be acquired or leased within 8 years.

➤ **Fiscal Appropriateness of Acquiring Access**

10 – High: The current cost of acquiring the land is estimated to be less than the average cost of acquiring beach access in Maui County.

5 – Medium: The current cost is estimated to be equal to the average cost of acquiring beach access in Maui County.

1 – Low: The current cost is estimated to exceed the average cost of acquiring beach access in Maui County.

➤ **Environmental Sustainability**

10 – High: Continued human use of the area does not appear to lead to degradation of the environment in the area.

5 – Medium: Continued human use of the area may result in minor and normal but non-permanent impacts to the shore environment.

1 – Low: A direct correlation exists between continued human use of the area and the degradation of the environment.

➤ **Likelihood of Acquiring Prescriptive Rights**

10 – High: Indicates evidence of public access trails on historic aerials maps and other sources and/or constitutes access to a formally-acknowledged native Hawaiian gathering place.

5 – Medium: May indicate evidence of some type of public access on one or more sources such as aerial photos and may be acknowledged locally as a gathering place.

1 – Low: Indicates no physical evidence of public access or use.

- **Parking Adequacy**
 - 10 – High:* Areas where existing official off-street parking is, or could be, adequate to accommodate peak use parking requirements on-site or within other off-street parking facilities within a ¼ mile.
 - 5 – Medium:* Areas where official off-street parking is, or could be, adequate to accommodate average parking requirements on average use days, but may not be able to accommodate peak use requirements on-site or within other off-street parking facilities within a ¼ mile.
 - 1 – Low:* Area inadequate to accommodate existing or anticipated off-street parking needs either at the site or within a ¼ mile.

- **Fishing/Food Gathering**
 - 5 – High:* Area shows evidence of/potential for, fishing or gathering of shellfish.
 - 1 – Low:* Area shows no evidence of/contains limited potential for, fishing or gathering of shellfish.

- **Level of Use**
 - 10 – High:* Many people using trail and shoreline destination on weekdays and evidence of heavy use. (More than 100 people at one time, at shoreline destination).
 - 5 – Medium:* Some people using trail or shoreline destination on weekdays and evidence of moderate public use. (25-100 people at one time, at shoreline destination).
 - 1 – Low:* Little evidence of people on trail or shoreline destination on weekdays and little evidence of public use. (Less than 25 people at one time, at shoreline destination).

- **Variety of Activities and Recreation**
 - 10 – High:* Existing/potential for many active and passive activities such as marinas, surfing, camping, hiking, windsurfing, volleyball etc.
 - 5 – Medium:* Existing/potential for less active/passive activities such as sunbathing, snorkeling, swimming, etc.
 - 1 – Low:* Due to space constraints and/or logistics, contains only limited potential for active and passive activities other than sunbathing.

- **Investment Return on Public Access Improvements**
 - 10 – High:* Minimal infrastructure improvements and signage required to achieve access goals.
 - 5 – Medium:* Moderate improvements - improved surfacing, establishing trails in level areas and simple staircases required to achieve access goals.
 - 1 – Low:* Substantial infrastructure improvements, establishment of trails in hazardous or sensitive areas, staircases in very steep or fragile areas and/or leveling of grades, etc. are required to achieve access goals.

➤ **Carrying Capacity**

10 – High: Area can structurally and environmentally support a substantial increase in visitors after access improvements are completed.

5 – Medium: Area can structurally and environmentally support a slight increase in visitors after access improvements are completed.

1 – Low: Area cannot structurally and environmentally support an increase in visitors after access improvements are completed.

3.2 Weighing of Criteria

There are numerous variables that should be considered when reviewing shoreline access. All the criteria above are “weighted” the same. When reviewing specific beach points, certain criteria may be of greater or lesser value than others. For example, a community may believe that preservation of a bird habitat is more important than parking adequacy at a certain access shore point. Therefore, preservation would have a higher weighted score. Also, agencies that regulate shoreline access points may determine that public safety outweighs all other criteria at a certain access point. The scoring would reflect that importance. Oceanit used the criteria above, equally weighted, when prioritizing access points. However, each existing and proposed access point should be evaluated on a case-by-case basis, based on community feedback using the above criteria as a foundation.

Only eight responses were received from community stakeholders concerning “weighing” of criteria. These responses determined that the following should be weighted in descending order (highest priority to lowest priority):

- Transportation and Accessibility
- Proximity to Population Centers
- Ownership and Land Use
- Environmental Sensitivity
- Public Safety

The complete results of the survey are included in Attachment E of this report.

Section 4
Policy Approach and General
Acquisition Considerations

Section 4

Policy Approach and General Acquisition Considerations

The following information should be used to analyze the appropriateness of acquiring or improving specific access points. It also provides a discussion of policies, laws, funding and examples of other jurisdictions' access provisions. Many of the topics list possible advantages and disadvantages to following the recommended approach. Acquisition, for this report, is defined as "gaining control of land sufficient to protect the public interest in question: providing public access to the shoreline".

4.1 Legal Considerations

- **Legal Review.** It is recommended that all proposed shoreline access provisions be reviewed against recent legal rulings to avoid lawsuits and challenges against Maui County.
- **Historical Title Search.** It is recommended that a thorough title search be completed for each priority access point to ensure the title history and ownership of the property are accurate.
- **ADA Compliance.** Improvements will need to be designed in compliance with provisions of the Americans with Disabilities Act (ADA). Maui County should factor in the costs and constraints of compliance with this Act, along with any revisions to the Uniform Building Code. As noted above, there are some exceptions to full compliance to the ADA, but each improved access point will need to be evaluated and designed accordingly.
- **Acquisition through Prescriptive Rights.** Certain laws provide that under certain conditions, long-term public access across private property may result in the establishment of a permanent public easement. This is called a public prescriptive right of access. Put simply, if one walks across private property to get to the beach with the knowledge, but without the permission, of the owner for a sufficient period of time (twenty years per Hawai'i state law), one may gain a legally enforceable easement to walk there in the future. Where research indicates that the public use is substantial enough to create potential prescriptive rights, legal mechanisms can be used to proceed with the action necessary to protect those areas.
- **Cultural Access/Gathering Rights Legal Interpretations.** Since 1986, Hawai'i lawmakers and courts have strengthened public access provisions. The most far-reaching legal issue is the application of access/gathering rights guaranteed to native Hawaiians.

- **Strengthening of Liability Laws.** In an increasingly litigious society, public and private land owners' concerns regarding liability for injuries to persons using their lands for recreation or access purposes have resulted in withdrawals of and restrictions on public access in areas where this was not, historically, a problem. The State of Hawai'i has strengthened laws limiting the liability for landowners who open their private property for public recreational access and use. The State has also recently passed legislation limiting the liability of the State. This law is codified as Act 082.
- **Acquisitions through Takings and Condemnation.** When the government condemns a piece of private land to create a publicly-desired resource, such as a military base, road, or wildlife preserve or public beach access, it pays the land's owner for the value of the property. However when the government regulates the use of the same private land to achieve the same purpose, it rarely pays. In this manner, private land is taken for public use -- through a "regulatory taking". "While the government can regulate land use a certain extent, if the regulation goes 'too far' it will be recognized as a taking of property without just compensation". (Pennsylvania Coal v. Mahon - 1922)

4.2 Types of Interests in Purchased Land

4.2.1 *Fee Simple*

The fee simple is the most complete interest in land that our legal system recognizes. It is essentially all of the property rights that can be held. From a protection and management point of view, the fee simple approach is frequently the preferred method. The fee simple approach gives the government total and permanent control of the land.

Disadvantage:

Purchasing the fee simple ownership of a shoreline access parcel can be very expensive in Hawai'i.

4.2.2 *Acquisition of an Easement*

Easements are limited interests in land that either allow the easement holder to do something, called "positive" easement, or that restrict the uses of the land by the owner of the underlying fee, called "negative" easements. Easements are very flexible and can be tailored to the needs of the owner and the lessor.

Disadvantage:

Although an easement can theoretically be permanent, it is a less absolute than acquiring the parcel through the fee simple process.

4.2.3 *Lease*

A lease is a contract granting use or occupation of property during a specified time for a specified payment. In some instances a landowner may not be willing to sell,

but is willing to give a long-term lease to the government to control and manage the property.

Disadvantage:

Leases can contain restrictions on the lessee's or lessor's rights to use and occupy the land.

4.2.4 Options and Rights-of-First-Refusal

An option is the right to purchase a property at a specified price within a specified time period. Options can generally be purchased at a fraction of the price of the land. Options can be an effective tool for obtaining support for an acquisition project. A "right of first refusal" is an agreement with a landowner that if the landowner receives an offer to purchase the land, the government will have the right to match the offer and buy the land before it is sold to anyone else. (CZMP 1994)

Disadvantage:

The County would have no control over the timing of the offering of the sale.

4.3 Funding Considerations

4.3.1 The 309 Program

It is recommended that Maui County coordinate with the Hawai'i Coastal Management Program to take full advantage of Federal legislation allocating monies (Section 306, 308, 309, 310) for acquisition, management and technical assistance related to shoreline access. Technical assistance monies can be used to assist in defraying costs associated with preparing shoreline access documents, reports and regulations.

Advantages: These funds are federally provided and are specifically earmarked for shoreline access provisions.

Disadvantages: Maui County must meet qualifying criteria and adhere to possibly stringent provisions and stipulations of the grants. Reporting and administration of the funds requires staff time and other limited resources.

4.3.2 Rivers and Harbors Act Section 426e

There are provisions in the Act that allow Federal funds to be used for projects if there is a public benefit such as those arising from public use.

Advantages: These funds are federally provided and adjusted according to the degree of public benefit.

Disadvantages: Maui County must meet qualifying criteria and adhere to possibly stringent provisions and stipulations of the grants. Reporting and administration of the funds requires staff time and other limited resources.

4.3.3 State and Local Agency Funds

Other agencies, both at the State and local level, have allocated funds for access and parks (DLNR) and trails (Na Ala Hele). The best example of this would be the Maui County Charter Article 9-19. In adopting each fiscal year's budget and capital program, the council appropriates a minimum of one percent (1%) of the certified real property tax revenues to a fund known as the *Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund*. The revenues in this fund shall be utilized for purchasing or otherwise acquiring lands or property entitlements for land conservation purposes in the County of Maui for, among other things, "beaches, coastal areas" and "improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities".

Advantages: These types of local funds provide a dedicated source of funding.

Disadvantages: Revenues from property tax funds can fluctuate from year to year based on property taxes thereby making long-term acquisition planning difficult.

4.3.4 Technical/Financial Assistance to Private Groups such as Maui Coastal Land Trust

Nationally, public-private partnerships and private land conservation efforts are growing at a tremendous rate. Frequently known as the "land trust movement," private conservation organizations are acquiring greenways, open space, community gardens, natural habitats, trails, and other lands with high "public" values. Although this activity is on a small scale in Hawai'i, in recent years it has been increasing. Other groups working towards conservation of lands include Ducks Unlimited, the Nature Conservancy and the Trust for Public Land.

Advantages: A cooperative way to involve funding and resources from community-based organizations

Disadvantages: May create a conflict through the use of public funds for private/quasi-private entities. Private groups goals may not be in accordance with County priorities.

4.3.5 Tax Break for Donation

This would involve granting a tax reduction for a property owner to dedicate all or a portion of his property to achieve public access goals.

Advantages: Provides a tangible incentive for individuals and organizations to dedicate access.

Disadvantages: Will most likely reduce property tax revenues for Maui County, both now and in the future.

4.3.6 Development Impact Fees

Impact fee programs, designed to enable agencies to maintain their established service levels despite increased demand, are formed following the establishment of a nexus (or link) between new development and the facilities needed to accommodate it, such as parks and shoreline access.

Advantages: General public sees this as a palatable and equitable way to make development “pay its own way”.

Disadvantages: Development fees, especially if limited to shoreline development, may not be enough to fund significant acquisitions. May increase the cost of developing in Maui County. Impact fees can be viewed as “anti-development”.

4.3.7 User Fees/Surcharges

Throughout the world, several organizations have focused on promoting eco-tourism. This has resulted in increased demand for commercial use of public facilities and resources. “Pay as you go” user fees can be used to defray impacts from increased use of natural resources by those who use them most or to acquire additional resources to meet the increased demand of eco-tourists and to pay for resource management and education programs.

Advantages: These types of fees are usually politically and publicly easy to impose due to the fact that only the user of the facilities, including “non-resident” tourists, pay.

Disadvantages: User fees for beach access are difficult to enforce/patrol on shorelines with no natural barriers. The infrastructure and bureaucracy to implement a fee structure may itself have significant costs. Surcharges to tourist services may have a negative effect on tourism and may be disliked by the tourism industry.

4.3.8 In-lieu Fees

This procedure involves payment of a fee to a general public access fund instead of actual dedication of an access easement at the development site.

Advantages: Provides reallocated funding and flexibility for priority access points and may reduce impacts to sensitive habitats or unsafe access locations.

Disadvantages: The money generated from this type of fee may not be significant enough to make a real impact on access acquisition at alternate locations.

4.4 Regulatory Recommendations

Consistent application and enforcement of these regulatory mechanisms listed below would be required for the measures to be effective over time.

4.4.1 Permit Conditions

As part of the approval process of shoreline development, a condition requiring/strengthening access could be implemented as part of permit issuance under provisions of Hawai‘i Revised Statutes 205A.

Advantages: These provisions utilize police powers that are tied to discretionary permits and have the effect of securing physical space for present or future access needs.

Disadvantages: Access through new development will be compliant while there is no way to acquire access through “grandfathered” properties resulting in varying access points and an inconsistent application of standards.

4.4.2 Realtor Disclosure of Access Requirements

This mechanism requires the prospective owner to formally acknowledge the presence of a public access through the property and/or for the realtor to disclose all public access provisions and laws that could affect public access through the property.

Advantages: Requires disclosure as part of the purchase and creates an informed buyer.

Disadvantages: There are no real disadvantages from the implementation of this.

4.4.3 Strengthening of Parks Department Access Provisions

In the course of its program activities, Na Ala Hele and DLNR actively pursue title and other historical information research to investigate the potential existence of public rights to trails and roadways possibly under the Highways Act of 1892, Chapter 264, HRS.

Advantages: Provides regulatory provisions, resources and money from another agency.

Disadvantages: The agency's policies, goals as to access may be different or in conflict with those of the Maui County Planning Department.

4.4.4 Installation of Uniform Signage, Warning Signs and Written Liability Provisions

Advantages: Uniform signage would make access easier, consistent, and better understood.

Disadvantages: Cost, though relatively negligible, may be a concern depending on the scope of the signage. Additionally, some Maui County stakeholders may not want access points to be better identified.

4.5 Planning Recommendations

- Review and update Community Plans in light of recent legal interpretations as to public access and private property rights.
- Standardize all signage for identification and information on all public access throughout the County.
- Make all Community Plans consistent with any provisions of an updated Maui Shoreline Access Plan.
- Establish and maintain working relationships with public/quasi-public agencies such as Maui Coastal Land Trust, Na Ala Hele, Maui County Parks and Recreation Department, environmental groups, DLNR, Native Hawaiian groups, shoreline property owners, state/local tourism officials and Chambers of Commerce to establish funding, prioritizing and policies for shoreline access.
- Review and, if appropriate implement, the 1992-94 Beach Advisory Committee recommendations
- Establish a County Shoreline Coordinator
- Establish a County Land Acquisition Fund

4.6 Community and Committee Recommendations

- Public meetings and forums are recommended with the full range of stakeholders and community representatives, to determine the shoreline access priorities of each community and weighting of acquisition criteria.
- A questionnaire should be widely circulated as a way to initiate discussion between community leaders, groups, businesses, visitors and residents of Maui County as to shoreline priorities and concerns.

4.7 Other Jurisdictions' Shoreline Access Criteria

Many jurisdictions already have completed extensive shoreline access studies and analyses. Due to its long history of shoreline access, similar topography and similar political/community climate, some California regulations are beneficial to the analysis of Maui County. These are summarized below:

It is advised that Maui County:

- Adopt similar findings as those found in the Malibu Local Coastal Program Implementation Program. This Implementation Program is consistent with the California Coastal Commission Public Access Action Plan Recommendation #28.

The recently adopted Malibu Public Access Ordinance provides "Findings" which support each individual development's dedication of shoreline access. These include:

- 1) A statement of the individual and cumulative burdens imposed on public access
 - 2) An analysis of the necessity for requiring public access
 - 3) A description of the legitimate governmental interest furthered by securing the access
 - 4) An explanation of how imposition of an access dedication alleviates identified access burdens and is reasonably related to those burdens.
- Use the shoreline access determination criteria of the California Subdivision Map Act.

The California Subdivision Map Act establishes the following "reasonable" criteria when requiring the dedication of shoreline access as a condition of a subdivision:

- 1) Access is by highway, foot trail, bike trail, horse trail or other means of travel
- 2) Accommodations for access are commiserate with the size of the subdivision
- 3) The type of the coastline is appropriate for recreation, education and scientific uses
- 4) Access is measured against the likelihood of trespass and means of avoiding trespass

4.8 National Standards for Access

In search of national access standards, Oceanit contacted various organizations to see if there are any nationally-recognized planning access standards. The following individuals were contacted:

Dolan Eversole of the Hawai'i Department of Land and Natural Resources, Coastal Hazards Mitigation Department. He stated that his research did not produce any standards for shoreline access at the state/county level.

Art Challacombe of Customer Information of the City and County of Honolulu, Department of Planning and Permitting. He worked on a document years ago for O'ahu that set a guideline of an urban beach access point every quarter of a mile and a rural beach access point every half of a mile. This is similar to the U.S. Army Corps of Engineers recommendation of beach access every half of a mile.

Lily McGovern of the National Recreation and Park Association. She said there is no set standard applied nationally but there are some regional/local recommendations.

Elizabeth Morgan of the National Oceanographic and Atmospheric Administration-National Ocean Service. She said there are no nationally-recognized planning access standards but she recommended that the Hawai'i State Comprehensive Outdoor Recreation Plan (SCORP) be referenced. (Under Chapter 2.1.3 the SCORP notes that access provisions are contained in separate county ordinances or within zoning code provisions).

Ann Ogata-Deal-Planning/Policy Specialist of the Hawai'i Coastal Zone Management Office. She said that under Revised Statutes 205A-2C-1B there is only a general policy requiring access for Hawai'i beaches.

Lee Furr-Librarian/Archivist, National Recreation and Parks Association. He forwarded information to order a book entitled Better Beaches: Management and Operation of Safe and Enjoyable Swimming Beaches. There were no specifics as to parameters or definitions of access.

Section 5
Existing Access Density

Section 5 Existing Access Density

Existing shoreline access points have been distributed throughout Maui County based upon a variety of factors. Figure 1 displays the density of access points on the Island of Maui. Areas with a higher concentration of access points are indicated with a darker red color. Density was determined by creating a buffer at half-mile intervals around the shoreline of the island and capturing the shoreline access points within each buffer. Where there were no access points encountered, there were no half-mile circles drawn.

The highest density of access points occurred around the Kihei-Makena area, where some areas displayed 8-11 access points per half-mile. Other areas of higher density of shoreline access points were the Wailuku-Kahului region in the direction of Pa'ia, and the area around Lahaina. Areas of little or no access were mostly concentrated around the sparsely populated Hana coast and further to the south near Hale'akala where the coast is steeper and rockier.

Section 6
Population Analysis

Section 6

Population Analysis

Shoreline access adequacy is dependent upon a variety of factors. One of the factors requested in the scope of work for this project was to analyze shoreline access adequacy based on existing population density and population projections for community plan regions.

6.1 Projected Population

Figure 2 displays projected population increases to the year 2010 per Community Plan. This figure also lists the estimated numerical increase in population per community plan. Based on percentage increases in population, the Kihei-Makena and the West Maui-Lahaina regions will have the greatest population percentage increases with 19% each. Based on numerical increases in population, the Wailuku-Kahului region is estimated to have the highest absolute increase between now and 2010 with a population increase of 6894 people. Improvement of shoreline access should be concentrated in the Kihei-Makena and Lahaina-West Maui areas since they have the highest percentage increases.

6.2 Urbanized Areas

Figure 3 shows the urbanized areas of the Island of Maui. Urbanized areas were those census blocks having 2000 or more people. When overlain with Figure 1, a consistent correlation is evident between population density and quantity/density of existing access points.

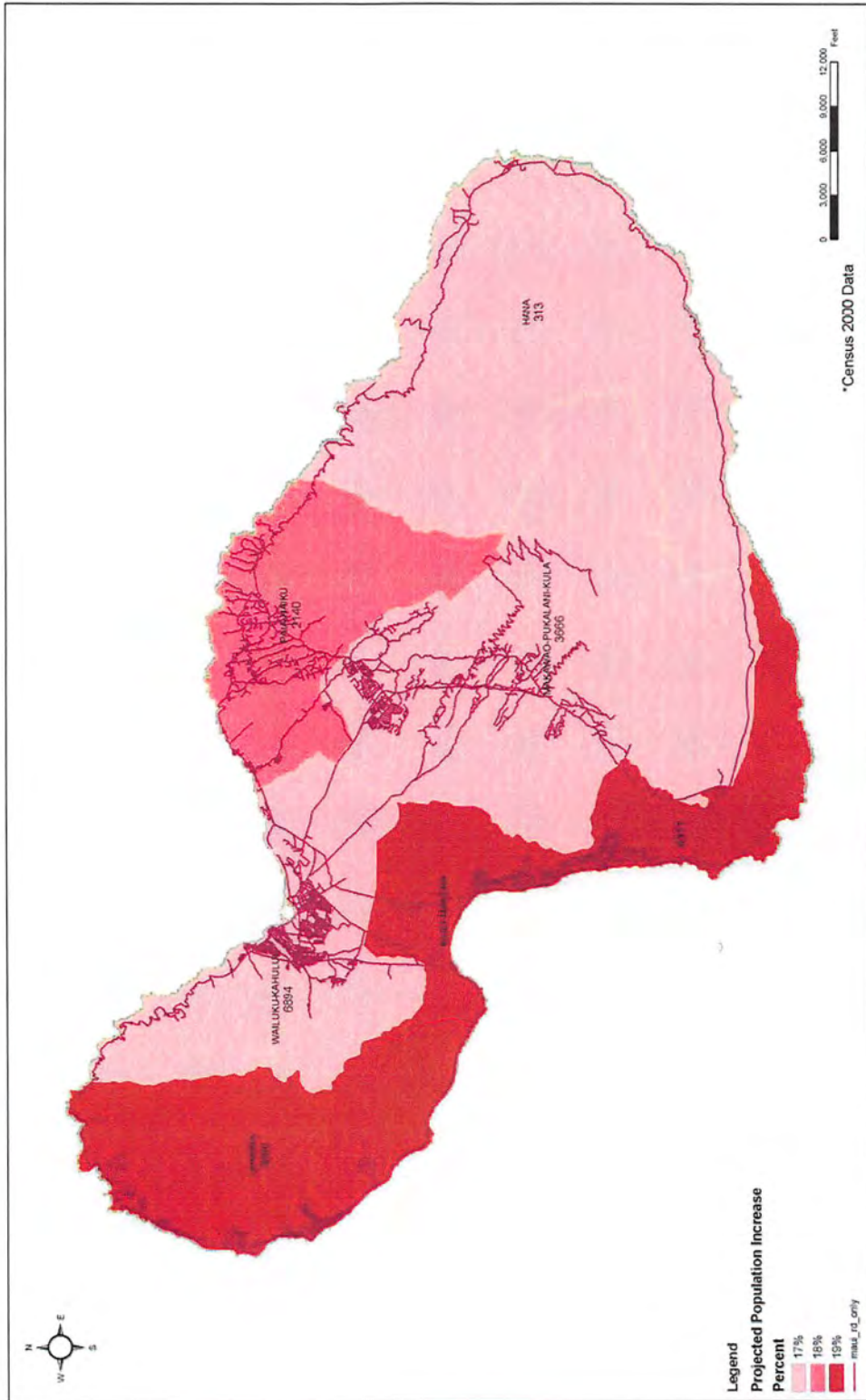


Figure 2: Community Plan Projected Population Increases to 2010

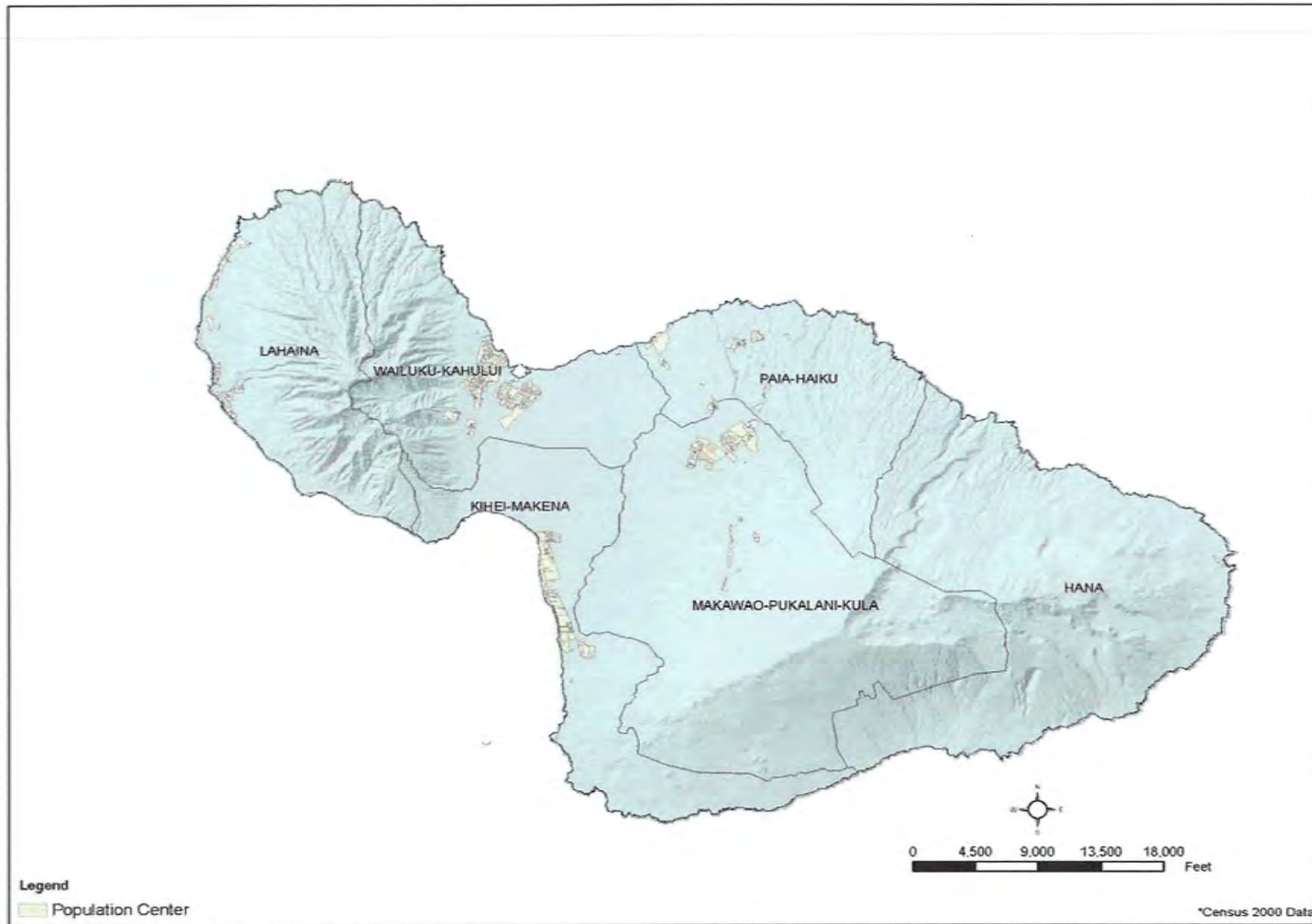


Figure 3: Location of Urbanized Areas per the U.S. Census Bureau

6.3 Proximity to Urban Centers

Urban centers were determined by establishing a central location in each town and were defined as an area that contains a mix of land uses and activities. These urban centers were identified as areas where the highest percentage of settlement, commercial, retail, recreational, visitor and civic activities occur. Three close beach access points were then measured from this central location. The following maps are shown for reference and comparison and are not meant to imply that beach visitors primarily utilize the shoreline access point closest to their homes or lodging. People routinely travel to preferred beach access locations regardless of proximity.

Hana Community Plan

Hana	Distance in Feet to Hana Highway 31 and Hauoli Road
1. Nanualele Point	1578
2. Hana Beach Park	439
3. Waipauma Point	581

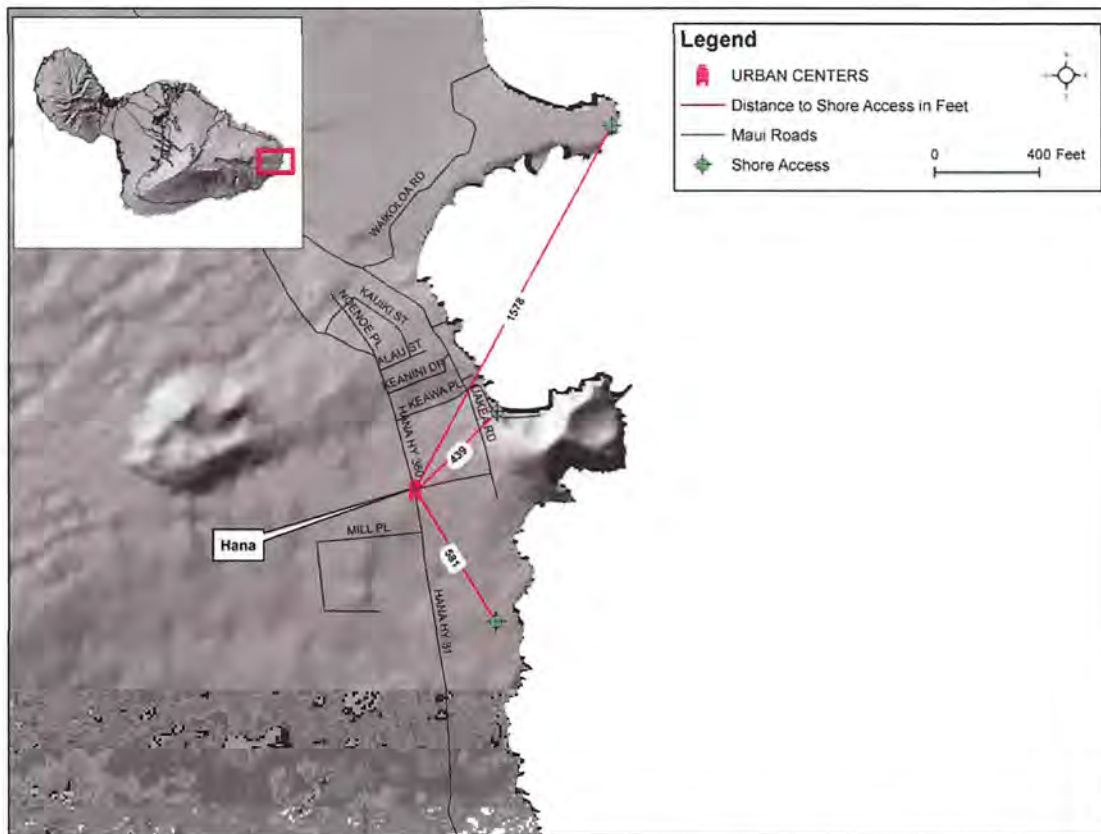


Figure 4a: Hana (Source: www.hawaii.gov/dbedt/gis/download.htm)

Pa'ia-Ha'iku Community Plan

Ha'iku	Distance in Feet to Kokomo Road and Ha'iku Road
1. Ho'okipa Beach	4098
2. Maliko Bay	2925
3. Pauwela Lighthouse	3498

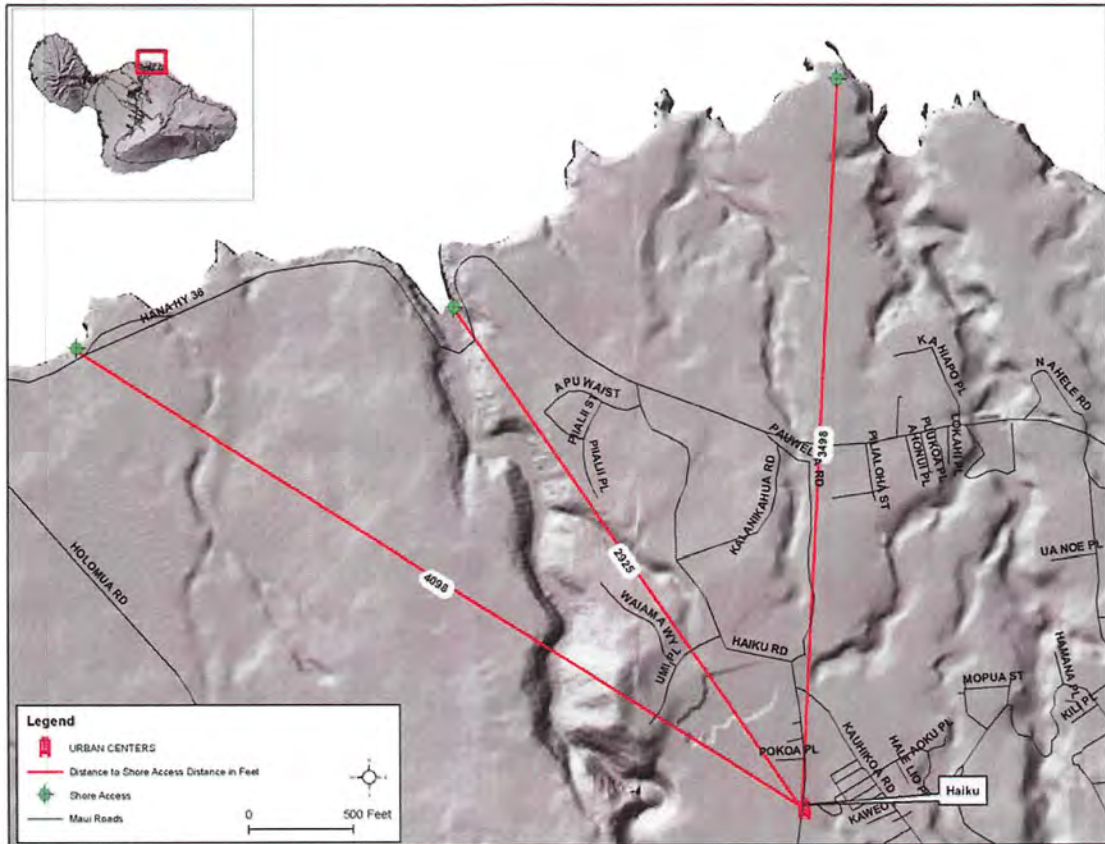


Figure 4b: Ha'iku (Source: www.hawaii.gov/dbedt/gis/download.htm)

Pa'ia Distance in Feet to Baldwin Avenue and Akoni Place

1. Lower Pa'ia Bay Park	422
2. Loio Road	397
3. Lae Place	637

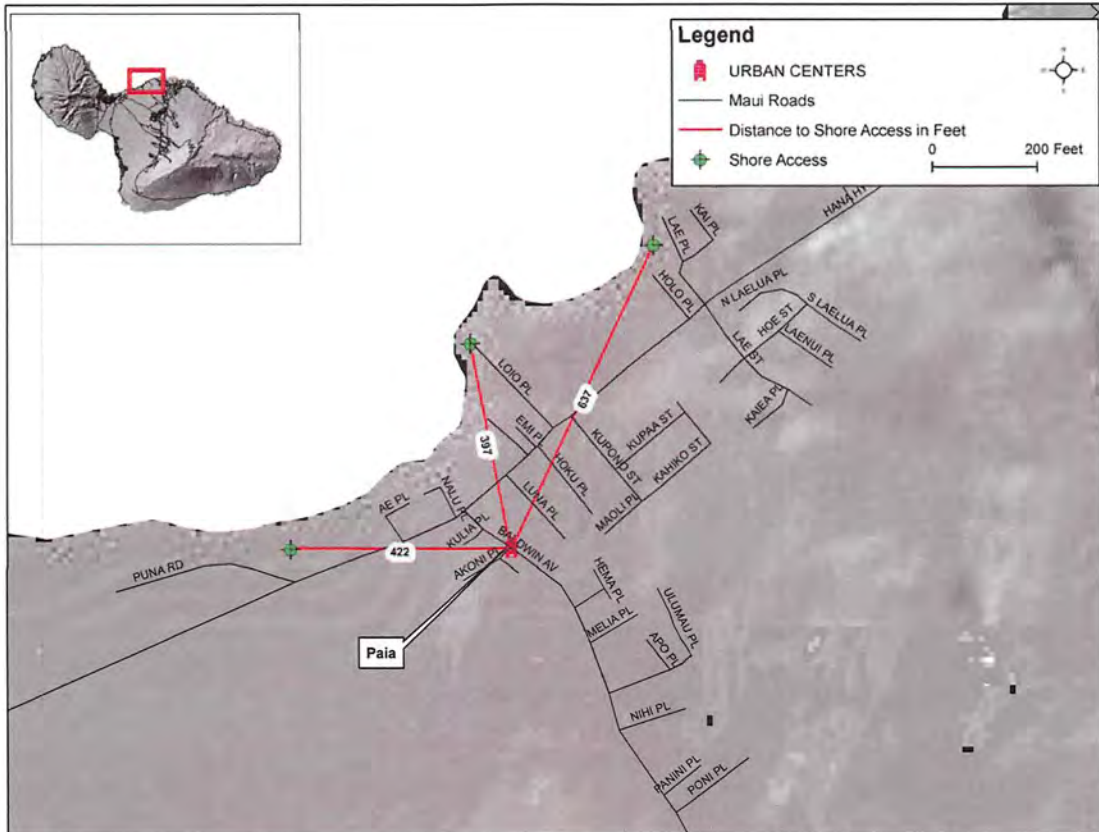


Figure 4c: Pa'ia (Source: www.hawaii.gov/dbedt/gis/download.htm)

Wailuku-Kahului Community Plan

Kahului Distance in Feet to Ka'ahumanu Avenue and Kane Street

1. Pu'unene Avenue	616
2. Hoaloha Park	319
3. Kahului Harbor Park	943



Figure 4d: Kahului (Source: www.hawaii.gov/dbedt/gis/download.htm)

Wailuku Distance in Feet to Main Street and Market Street

- | | |
|------------------------|------|
| 1. Eluene Place | 2762 |
| 2. Beach Road | 2636 |
| 3. Kahului Harbor Park | 2691 |

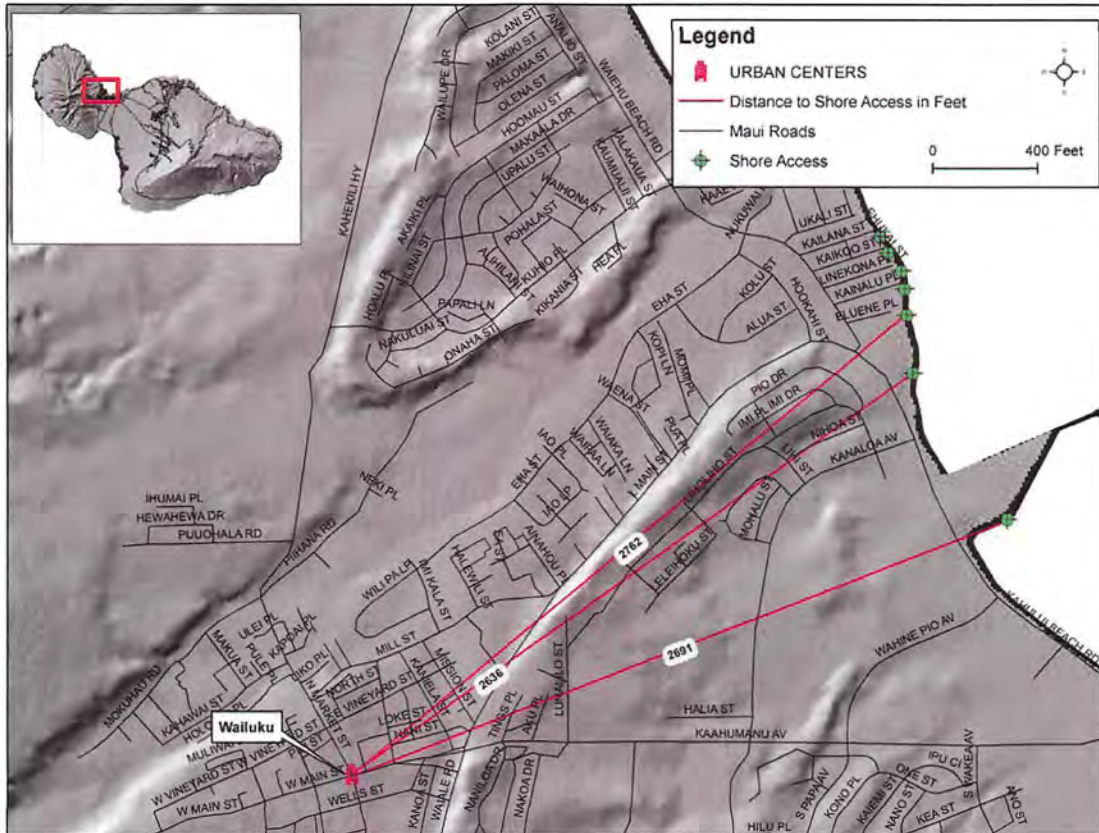


Figure 4e: Wailuku (Source: www.hawaii.gov/dbedt/gis/download.htm)

Kihei-Makena Community Plan

Kihei	Distance in Feet to Lipoa Street and S.Kihei Road
1. Keolanui Place	334
2. Lipoa Street	222
3. Waiohuli Place	455

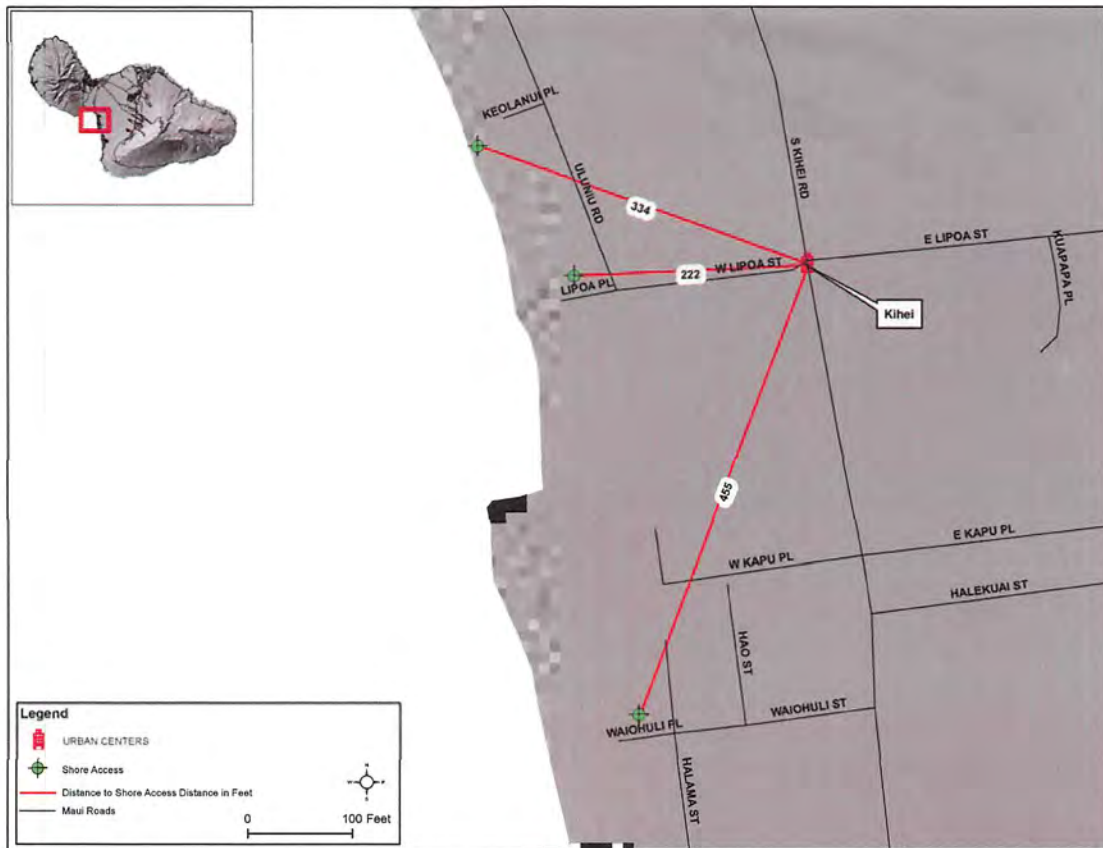


Figure 4g: Kihei (Source: www.hawaii.gov/dbedt/gis/download.htm)

Makena **Distance in Feet to Makena and Makena Alanui Roads**

- | | |
|---------------|-----|
| 1. Makena Bay | 868 |
| 2. Mo'oiki | 291 |
| 3. Big Beach | 834 |

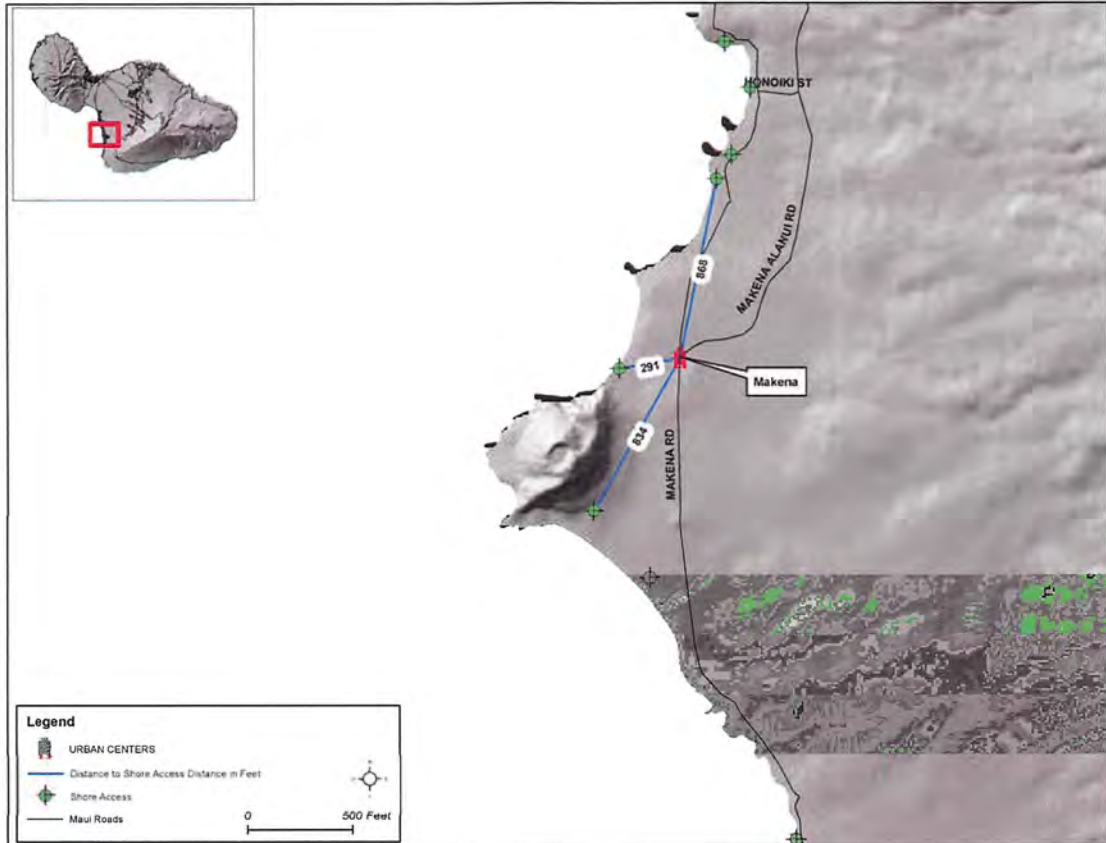


Figure 4h: Makena (Source: www.hawaii.gov/dbedt/gis/download.htm)

Wailea	Distance in Feet to Wailea Alanui and Wailea Ike Drives
1. Wailea Beach	724
2. Ulua Beach	682
3. Keawakapu Beach Park	1117



Figure 4i: Wailea (Source: www.hawaii.gov/dbedt/gis/download.htm)

6.4 Proximity to New Developments

This analysis measures the distance of the two closest access points to significant new developments. Significant new developments are defined as having 100 or more lots or 100 or more housing units. This level of development was considered significant enough to trigger changes in needs or impacts to shoreline access. The assumption is made that the two closest access points would be most impacted from these developments. However, this can only be used as a generalization as numerous variables affect which beaches people choose to access. There are four significant future developments, two each in the following Community Plans. The two closest beach access points to each is shown below:

Kihei Community Plan

Palauea Bay Partners Development distance to:

Polo Beach 508 feet

Palauea Beach 265 feet

Makena Golf Corporation Development distance to:

Big Beach (North Lot) 984 feet

Makena Beach (South Lot) 1006 feet

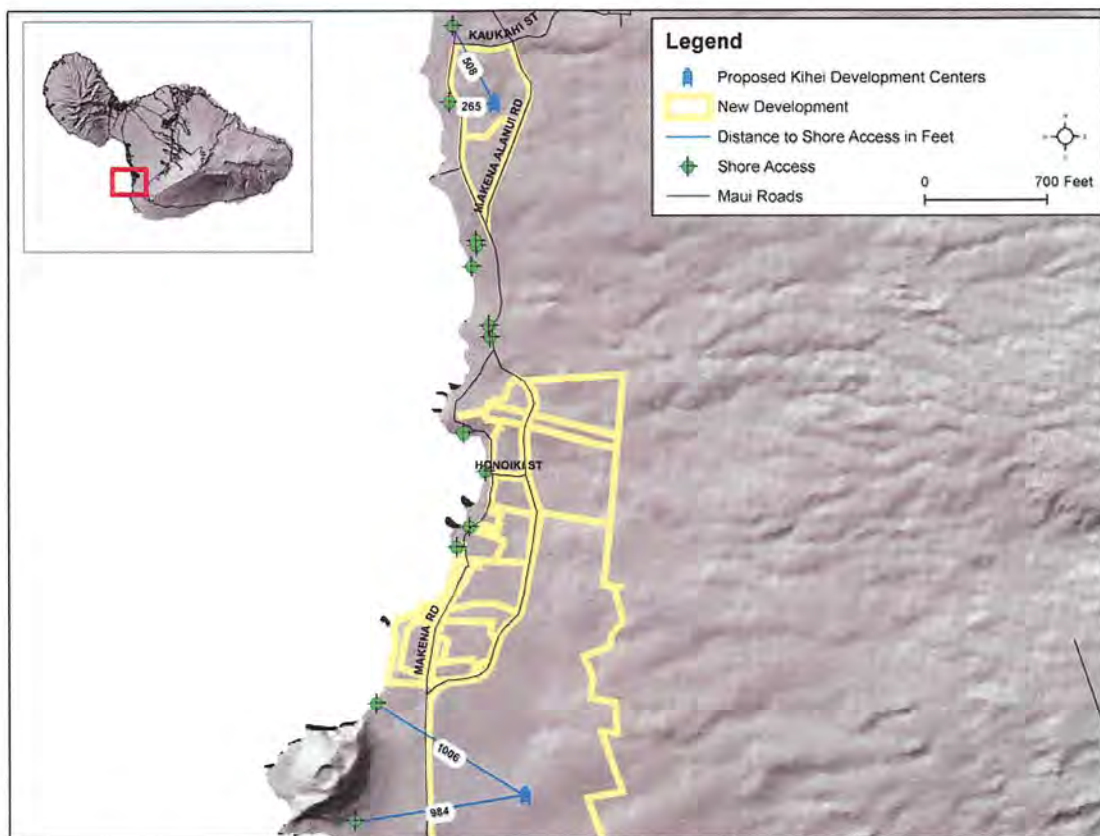


Figure 5a: Closest Access Points to Significant New Developments
(Source: www.hawaii.gov/dbedt/gis/download.htm)

Section 7
Access Priority Input

Section 7

Access Priority Input

Increased resident population growth and tourism has resulted in greater demand for public beach access throughout Maui County. Because there are limited funds available to provide for beach access expansion and existing access improvements, these improvements need to be carefully prioritized. Priority input and background information was gathered from Maui County Community Plans, the Mayor's Beach Access Advisory Committees of 1992 and 1994, and from key community and stakeholder groups. All of these sources were used in Section 8 to further analyze the results and make acquisition recommendations.

7.1 Description of Community Plans/Mayor's Beach Access Advisory Committees (1992 and 1994)

The Maui County Community Plans are strategic planning documents aimed at guiding government action and decision-making. There are five Community Plan areas that have shoreline on the Island of Maui.

In 1991 and 1992, Mayor Linda Lingle appointed beach access advisory panels to assist her in how to best utilize County funds to improve shoreline access in Maui County. Recommendations from the panels appeared in committee reports, which were submitted in June 1992 and June 1994.

7.2 Identified People and Stakeholder Groups

Throughout the fall and winter of 2003-2004, surveys were sent to various community elected officials, stakeholders, and community leaders. Some surveys were returned while other information was secured through discussions between Oceanit and the individual. A summary of response activity is located in the Appendix of this report while the actual responses, phone records, and contact information is located in Attachment E of this report.

Section 8
Priority Recommendations

Section 8 Priority Recommendations

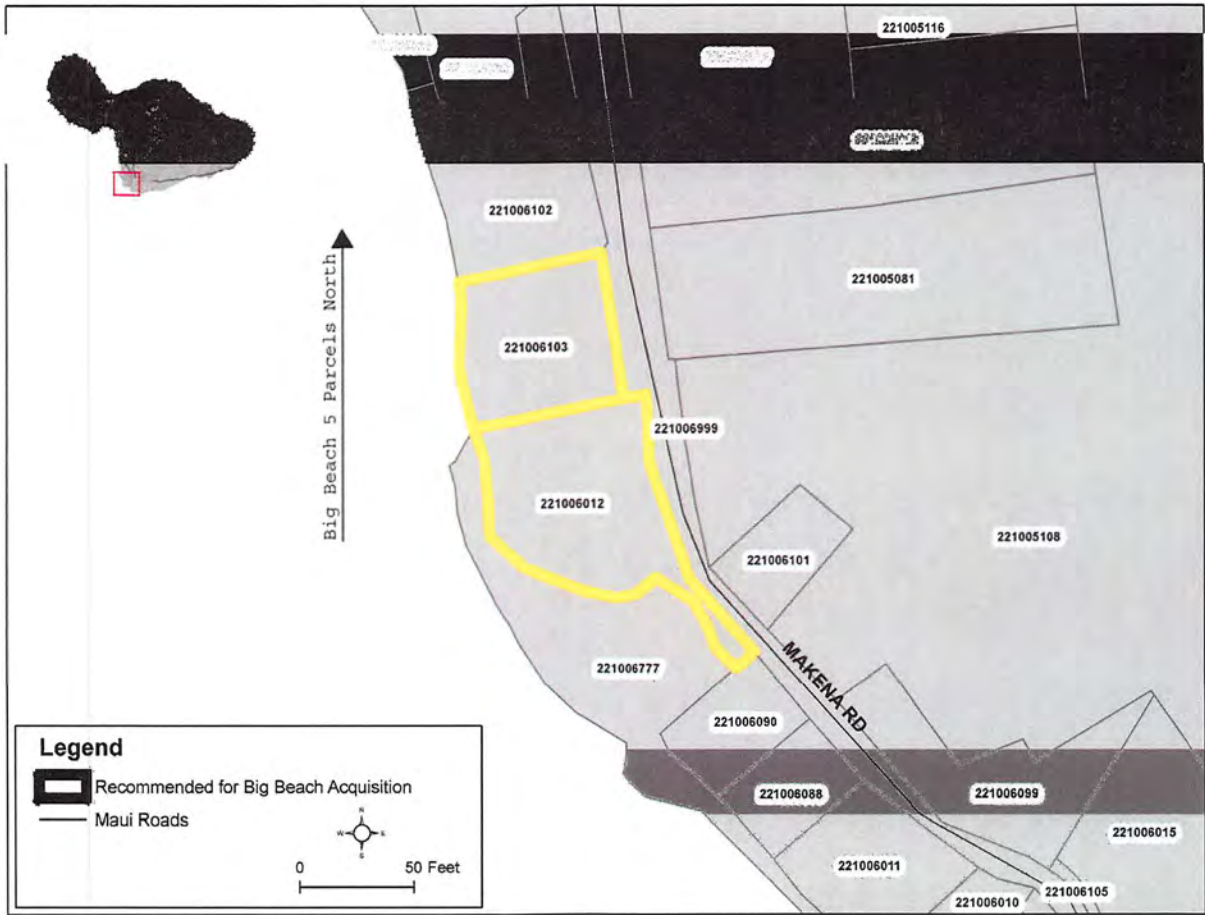
8.1 Recommendations for Kihei-Makena

Big Beach (Oneloa) TMKs: 2-1-006:103 and 2-1-006:012



Big Beach

Part of Big Beach is a State Park with excellent access, signage and facilities. There are two parking lots for over 150 vehicles on a paved area directly off the roadway. This access is recommended in both the 1986 Shoreline Access Management Plan and the Beach Access Advisory Committee Report of 1992, for acquisition of the two remaining privately owned lots. It is recommended that Maui County reserve \$1 million to be used as possible matching funds with federal appropriations to acquire one of the two remaining privately held Big Beach parcels (6850 and 6900 Makena Road). Acquisition of these parcels will help alleviate some of the use pressures on this popular state park beach and allow the entire area to be under State control. Big Beach is not listed as a priority in the 1998 Community Plan.



**Location of TMKs
Recommended for Big Beach Acquisition
(Source: County of Maui website)**

Palauea Beach TMKs: 2-1-011:10-25, 43-58



Palauea Beach

This priority site is closer to both developed urban areas and proposed significant developments as shown in Figures 4 and 5a/5b. This project is currently in the process of securing additional permits for development. All beach lots are privately owned other than two that the County has purchased. One additional property already has access mandated by its SMA permit. Currently, there are no infrastructure improvements and parking is located on a dirt/grass area. This site is partly owned by Palauea Bay Partners-the firm that is proposing a large development just mauka of the beach. This beach access is also close to the Makena Golf Corporation new development further to the south. Beach access should be secured through the permitting process of new Palauea Bay Partners development. In addition, there is a major archaeological complex just mauka of the old Makena Road. This feature may be incorporated into the beach access planning. Palauea Beach was not listed as a priority in the 1998 Community Plan.



**Range of Parcels Makai of Palauea Bay Development Area
(Source: County of Maui website)**

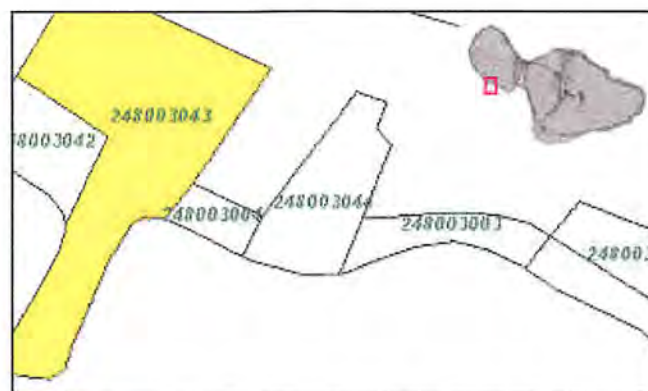
8.2 Recommendations for West Maui-Lahaina

Olowalu TMKs: 4-8-003:001, 4-8-003:043



Aerial View of Olowalu and Camp Pecusa Area

This priority is listed by the Community Plan of 1996, the Advisory Committee of 1994 and various stakeholders in the community. Establishment of a beach camping park is recommended near Camp Pecusa. An emphasis was placed on safer access and more parking than is currently available. There is both an Olowalu Beach and Olowalu Wharf area. While the Olowalu Beach parcel is owned by the State, the Wharf access is privately owned. The parking area is not paved and there is a need for infrastructure improvements. These should be completed especially if establishment of a beach camping park is desired. There are also numerous surf spots along the shore creating an additional need for surf parking.



**Olowalu Wharf Parcel and Olowalu Beach in Right Lower Corner
(Source: County of Maui website)**

Napili TMKs: 4-3-002:023



Napili Coast

This area was recommended from both the Advisory Committee Reports of 1992 and 1994 and by a representative of Na Ala Hele. The reports recommend access along a drainage right-of-way to Alaeloa Cove alongside the private park owned by Alaeloa Condominium. This sensitive issue has resulted in the County goal of achieving limited access at Honokeana Cove and better access to Napili Bay. Currently there is no formal parking and no infrastructure park improvements on this private property. Due to the density of development in the area, there is very little room for accessible parking to the shore. This site is north of Lahaina and Ka'anapali and away from large proposed developments of Ka'anapali 2020 and Leiali'i. This recommended priority is not listed in the 1996 Lahaina-West Maui Community Plan. Rather, the implementation of a "proposed Napili regional park between the Honoapi'ilani Highway and the Lower Honoapi'ilani Road and adjacent to the Kapalua Bay Golf Course comprising an area of approximately 50 acres" is identified. This proposed park is not to be confused with the existing Napili Park consisting of 8.4 acres at the end of Maiha Street in Lahaina.



**State of Hawaii Property off Napili Place
(Source: County of Maui website)**

Ka'anapali Resort Area (general)



Ka'anapali Beach Area

This area, like Kihei-Makena has quite a bit of residential and tourist development. This area was recommended as a priority area by numerous community stakeholders. Ka'anapali Beach is close to the proposed significant development of Ka'anapali 2020. The Lahaina-West Maui area is expected to grow by 19 percent through 2010. While the distribution of access points is relatively consistent throughout the Community Plan area, the density of access points per half-mile does not exceed 5-7. The Kihei-Makena region, similar in density to Ka'anapali, has numerous half-mile areas containing 8-11 access points.



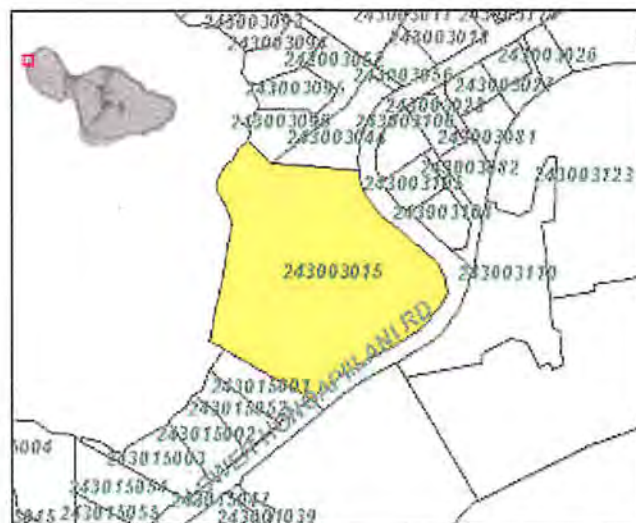
**Range of Parcels - Ka'anapali Beach Area
(Source: County of Maui website)**

Kahana Sunset TMKs: 4-3-003:015



Kahana Sunset Area

This area contains a large condominium development with no public access and negligible space for public access parking. The development was completed prior to SMA provisions requiring public access as part of development. The closest access point is the Kahana paved access point just south of the development. However, there is no formal parking in the area and patrons currently park along the side of the road and then must jump off a cliff and swim (in order) to gain access to the beach. As noted above, the West Maui area is expected to grow by 19 percent through 2010. The demand for access and adequate parking is acute. Land could be acquired across Lower Honoapi'ilani Road for a beach support park and/or parking area and an access easement through the development should be made a condition with any future SMA permit for changes to the development.



**Location of Kahana Sunset Condominium Development
(Source: County of Maui website)**

8.3 Recommendations for Kahului-Wailuku

Baby Beach-Sprecklesville (various locations)



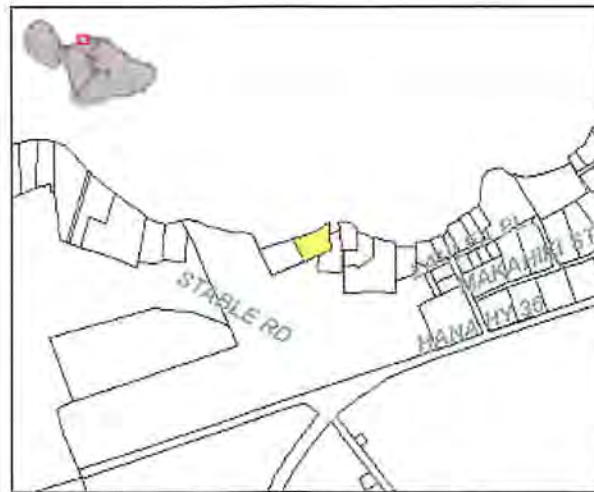
Baby Beach-Sprecklesville

TMK 3-8-001:199 is owned by Alexander and Baldwin and is known as “Baby Beach”. The Community Plan recommends establishing a park at this location.



Baby Beach and Portion Owned by County
(Source: County of Maui website)

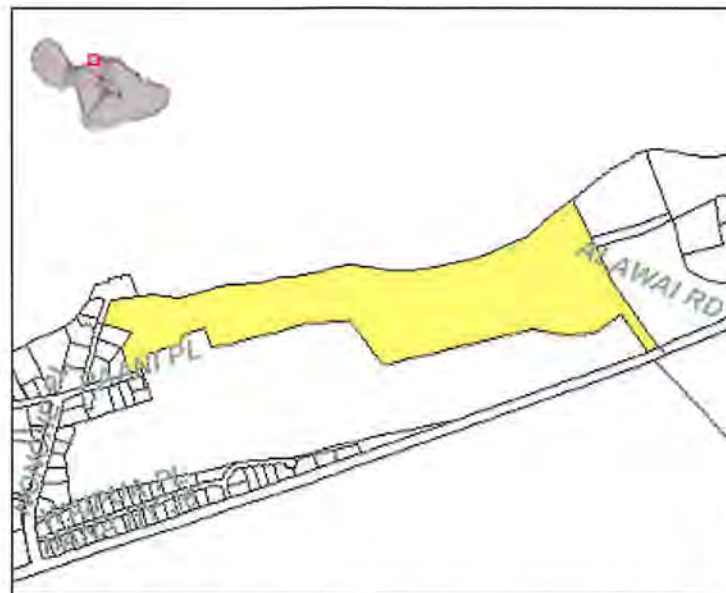
TMK 3-8-002:009 and **TMK 3-8-002:010** are two private properties further west and zoned for single family residential. They are located northwest of Laule‘a Place. The two-mile area between Sprecklesville and Pa‘ia Bay is prioritized to be in public or protected ownership with the most threatened access area being the old lime kiln site (Kapukaulua).



TMK 3-8-002:009 (Yellow), TMK 3-8-002:010 (To Left)
(Source: County of Maui website)

Sprecklesville TMK: 3-8-001:072

This parcel is located east of Kealahiki Street. Access around Sprecklesville was mentioned five times as a priority by various entities. The 1986 Shoreline Access Management Plan identifies this parcel for access and the 2002 Community Plan recommends this as “Open Space”. Community stakeholders all recommend various access improvements for this area. While this parcel area does not have any beach infrastructure improvements and only has a dirt access area, it is a popular site and can provide linkages to the areas between Kanaha and Baldwin Beaches.



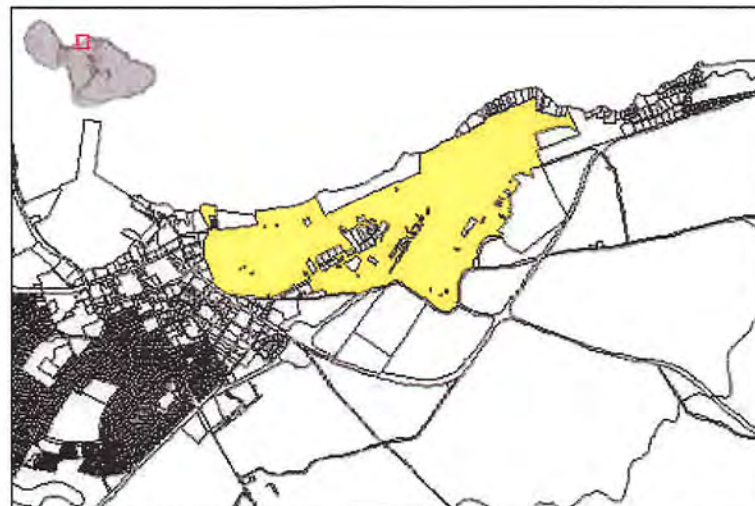
TMK 3-8-001:072 Owned by Alexander and Baldwin
(Source: County of Maui website)

Kanaha TMKs: 3-8-001:119, 019



Kanaha Beach Park

The 2002 Wailuku-Kahului Community Plan recommends that Kanaha Beach Park be extended. This park has paved parking for 100 cars, well-marked signs with good visibility, and ample park infrastructure. This is a popular beach park located close to the urbanized area of Kahului. Pat Matsui of the County Parks Department notes that Kanaha has windsurfing on one side, kiteboarders on the other half with diving interspersed throughout the area. Expansion of this beach park would allow these uses to disperse.



**State Airport Property Surrounding Kanaha Beach Park
(Source: County of Maui website)**

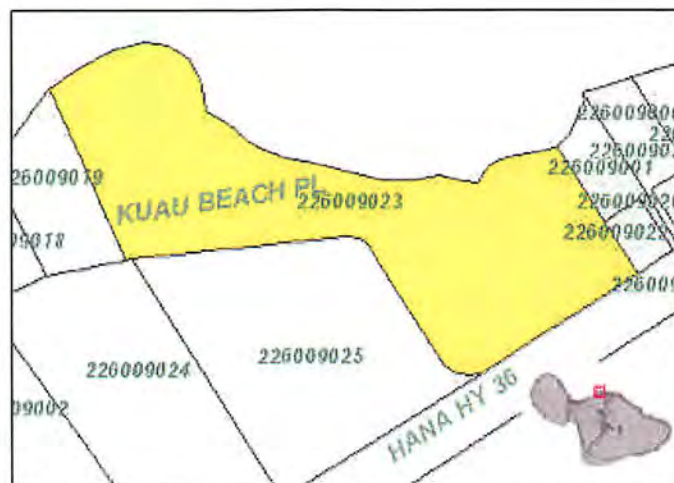
8.4 Recommendations for Pa‘ia-Ha‘iku

Kaulahao (Blue Tile) Kuau TMK: 2-6-009:023



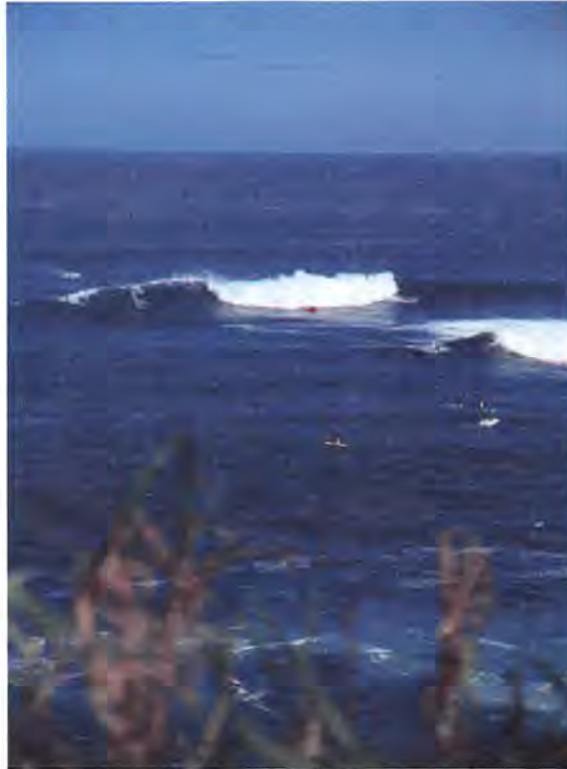
“Blue Tile Beach” Ku‘au

The 1995 Pa‘ia-Haiku Community Plan recommends that this area be designated a park. While there is physical access from the Highway to the shore, the parking lot is dirt and a roadway leading to the left is blocked off. There are no other park facilities located at this site. The shoreline parcel (2-6-009:023) is owned by the County while the parcel (2-6-009:025) just mauka is owned by Hale Lea Lea LLC. The County parcel should be turned into a park with shore use amenities.



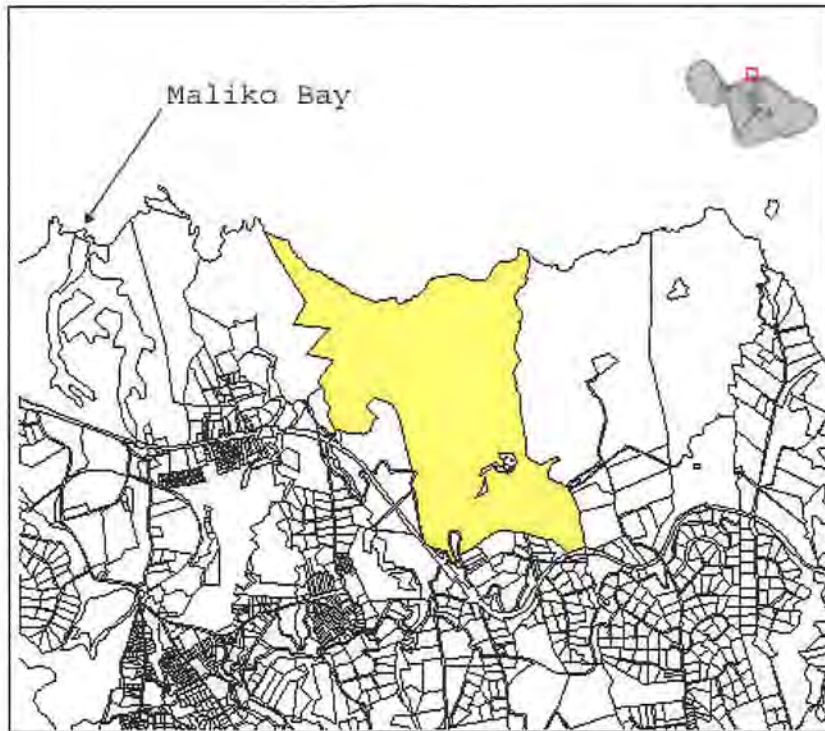
Ku‘au (Blue Tile) Beach
(Source: County of Maui website)

Jaws (Pauwela near Maliko Bay) TMK: 2-2-7-007:004



Jaws Surf Area

Since this is a relatively new access point for tow-in surfing, it was not mentioned in Community Plans or in Advisory Committee recommendations. It was mentioned by stakeholders in the community including Lucienne de Naie of the Surfrider's Foundation. This property is owned by Alexander and Baldwin and while there is a recorded easement to Maliko Bay, there is no formally acknowledged access to the surf spot Jaws, through the Alexander and Baldwin property. Spectator access is through a dirt road in a pineapple field with no formal parking and difficult vertical access to the shore. Acquisition of a formal easement through this property is recommended. Tow-in surfing has increased in popularity in the past few years and this has put a strain on boat harbor, parking and comfort station facilities at Maliko Bay (three parcels to the left of the yellow parcel on the map below). It is recommended that the facilities at Maliko Bay be improved and expanded as needed to meet the demand of tow-in surfers and spectators.



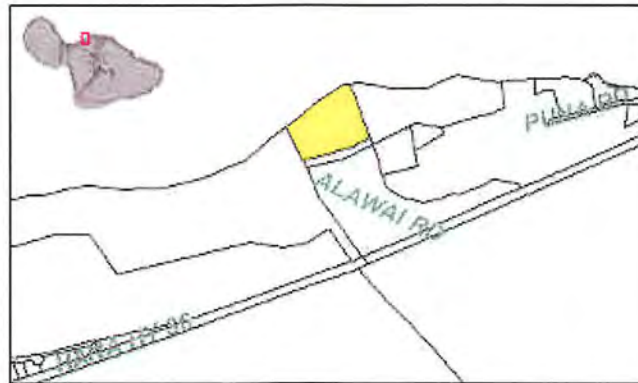
**620-acre Pauwela Homesteads Site -Alexander and Baldwin (Access to Jaws)
(Source: County of Maui website)**

Baldwin Beach (and surrounding area) TMK: 2-5-005:047



Baldwin Beach Park

Improved access is listed in both the Pa'ia-Ha'iku Community Plan and by both Advisory Committee reports. This beach park has many amenities for shore recreation including a pavilion. The Advisory Committees recommend acquisition of additional land for a pedestrian/bicycle right-of-way between Baldwin and Pa'ia Town. The 1995 Community Plan recommends development of a regional park between Baldwin Park and "Small Park".



**TMK 2-5-005:047 Baldwin Park
(Source: County of Maui website)**

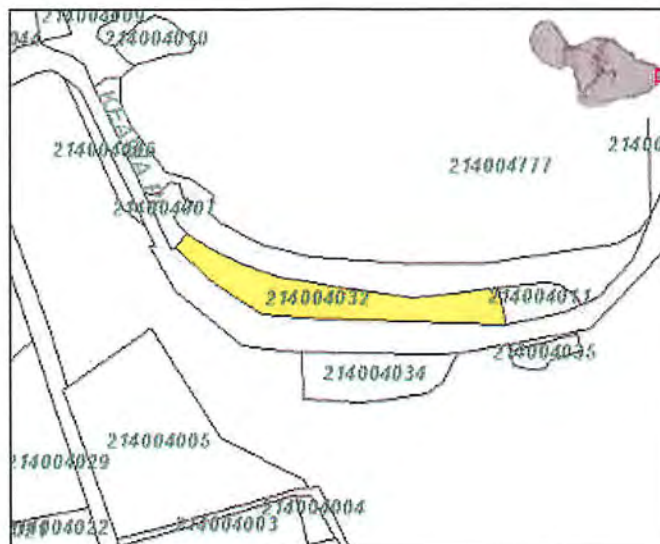
8.5 Recommendations for Hana

Hana Bay TMK: 1-4-004:032



Hana Bay

Various improvements to Hana Bay were recommended through the 1994 Hana Community Plan. Establishment of an area for canoes, areas for picnicking, prohibition of dry-docking of boats, and the maintenance of these beach parks as primary recreational facilities within Hana Town.



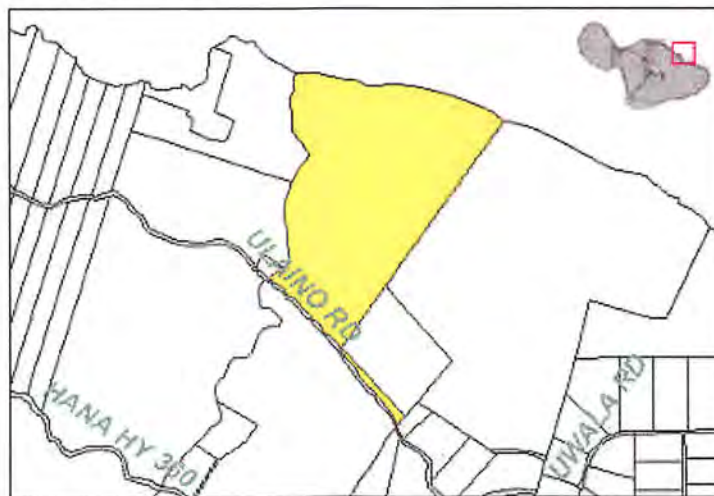
**Hana Bay Beach (Owned by State and County)
(Source: County of Maui website)**

Kipahulu TMK: 1-3-002:001



Kipahulu Point Park

This property was recommended for purchase in the 1986 Shoreline Access Management Plan. A community stakeholder has also recommended expanding shoreline access to this area around the Kipahulu Lighthouse. This 169-acre parcel has frontage along the highway and extends all the way to the shore.



TMK 1-3-002:001

(Source: County of Maui website)

Following is a chart that rates the priority access sites against the criteria listed in Section 3 of this report.

	Proximity to Population Centers	Protection from Exposure	Physical Accessibility	Natural Hazards	Compatibility with Habitat Resources	Compatibility with Cultural/Historical References	Access Design Compatibility	Accessibility to Shore	Introduction of New Public Access	Timing
Big Beach (Oneloa)	5	1	5	1	5	5	5	10	1	5
Palaua Beach	10	1	5	10	10	5	5	10	1	10
Olowalu	1	1	5	10	10	5	5	10	1	5
Napili	10	1	10	5	10	10	1	10	1	5
Ka'anapali Resort	10	5	10	10	10	5	10	10	1	5
Kahana Sunset Area	10	1	10	10	10	5	10	10	1	5
Sprecklesville	5	1	5	5	10	10	5	10	1	1
Waihe'e	10	1	5	1	1	5	5	10	1	5
Kanaha	10	5	10	5	10	10	5	10	1	5
Jaws (Maliko Bay)	1	1	1	1	5	10	1	1	10	10
Baldwin Beach	5	5	10	10	5	5	5	10	1	5
Kaulahao (Blue Tile)	5	1	5	10	10	10	1	10	10	5
Kipahulu	1	5	1	1	5	1	5	5	10	1
Hana Bay	1	1	5	5	10	5	5	10	1	1

Table 1: Site Assessment Criteria Review

	Fiscal Appropriateness of Acquiring Access	Environmental Sustainability	Likelihood of Acquiring Prescriptive Rights	Parking Adequacy	Food Sources	Level of Use	Activities/Recreation	Investment Return of Public Access Improvements	Carrying Capacity	Score
Big Beach (Oneloa)	1	10	5	10	1	5	10	10	5	100
Palauea Beach	1	10	5	5	5	1	5	5	5	109
Olowalu	5	10	5	1	5	5	10	10	5	109
Napili	1	10	1	1	1	10	5	10	10	112
Ka'anapali Resort	1	10	1	1	1	10	10	10	10	130
Kahana Sunset Area	1	10	1	1	1	5	10	10	10	121
Sprecklesville	5	5	5	1	5	5	10	5	5	99
Waihe'e Farm/Stream	5	1	5	10	5	5	10	10	5	100
Kanaha	5	5	1	5	5	10	10	10	5	127
Jaws (Maliko Bay)	5	10	10	1	5	1	1	1	5	80
Baldwin Beach	5	10	1	10	1	1	10	10	5	114
Kaulahao (Blue Tile)	1	5	10	5	5	1	5	10	5	114
Kipahulu	10	1	1	1	5	1	1	1	5	61
Hana Bay	5	10	10	10	5	5	5	10	10	114

Table 1: Site Assessment Criteria Review (continued)

Section 9
Sources

Section 9 Sources

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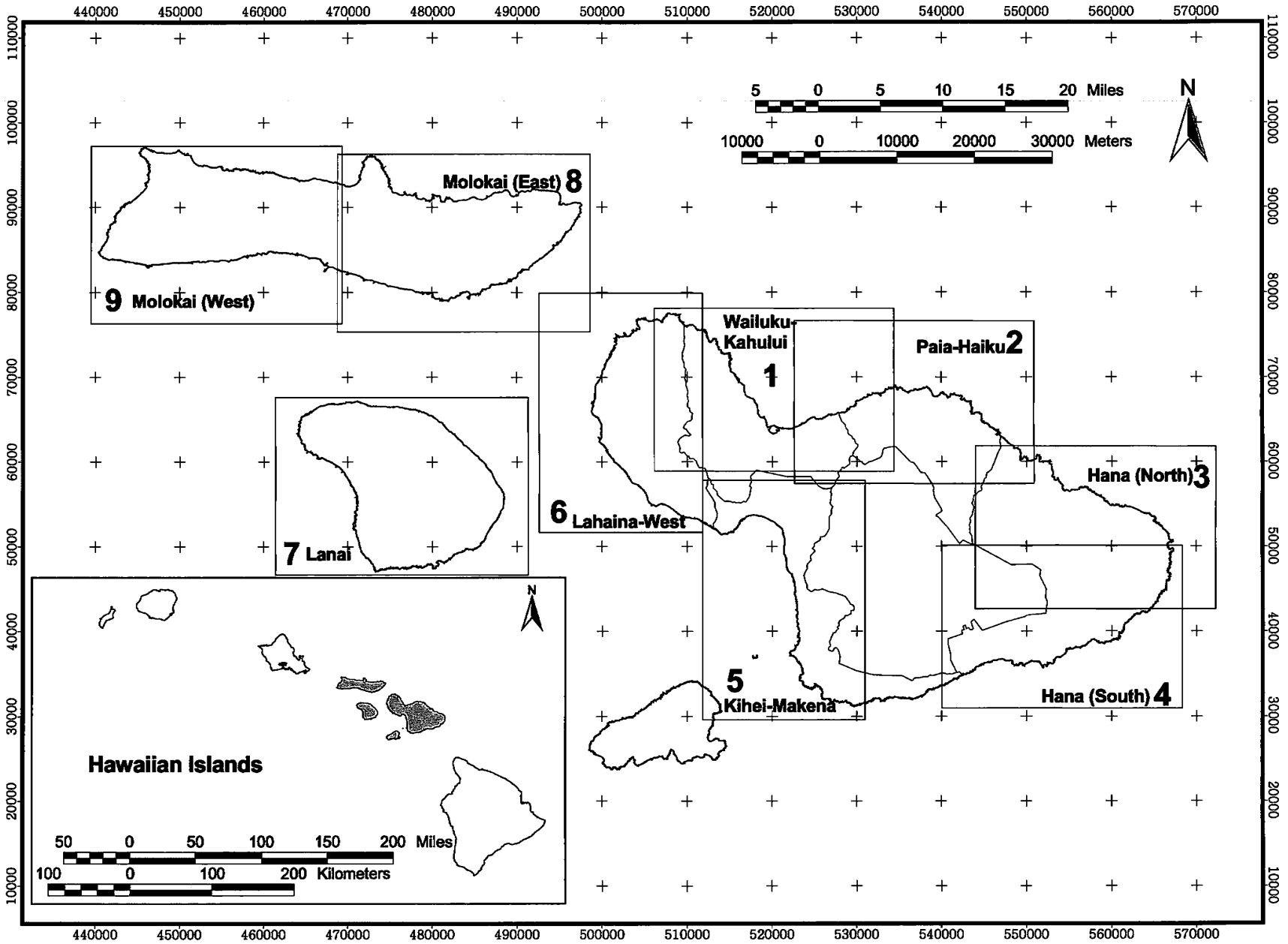
Section 10
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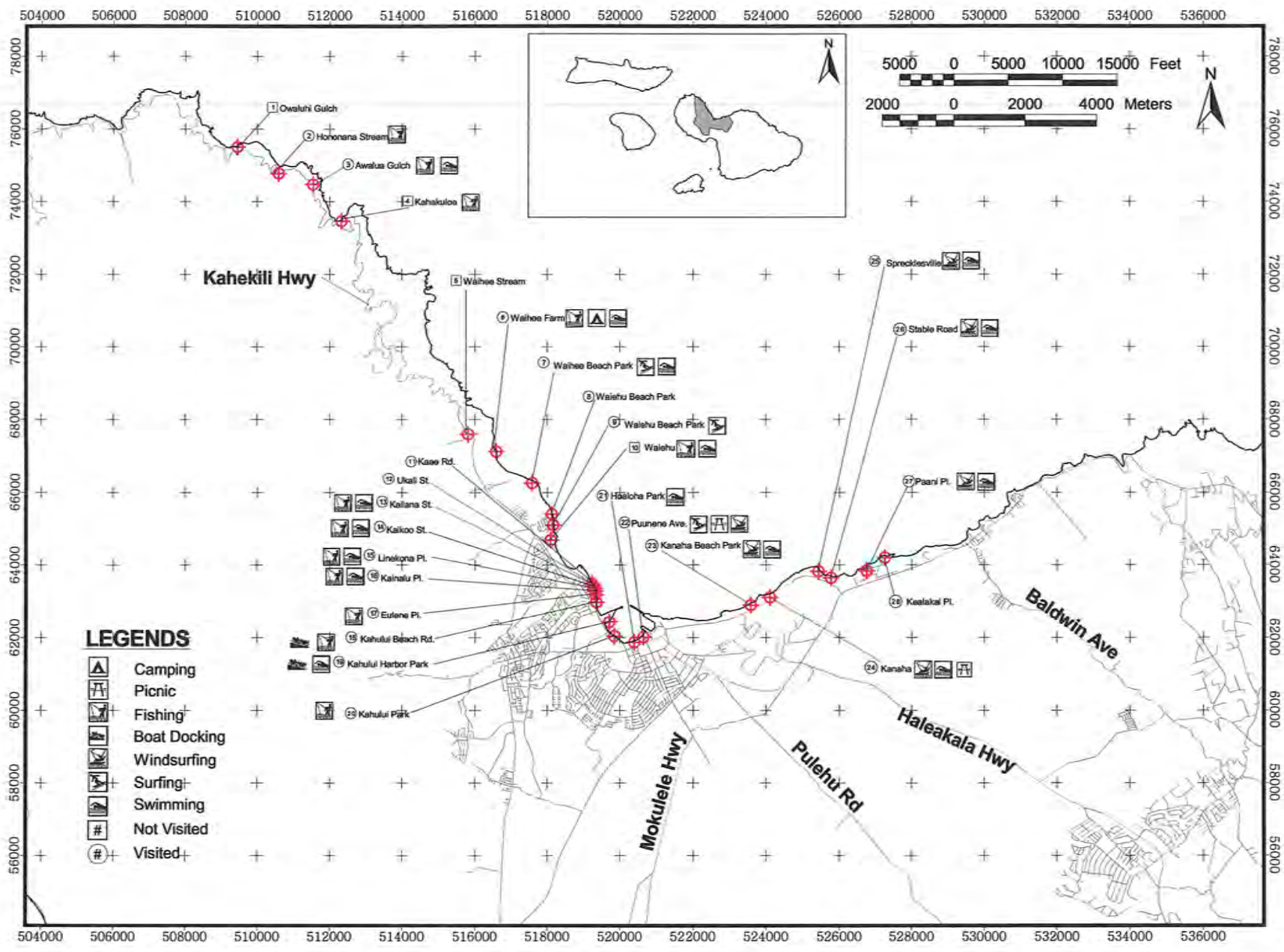
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Attachment A
Access Database and
GIS Information

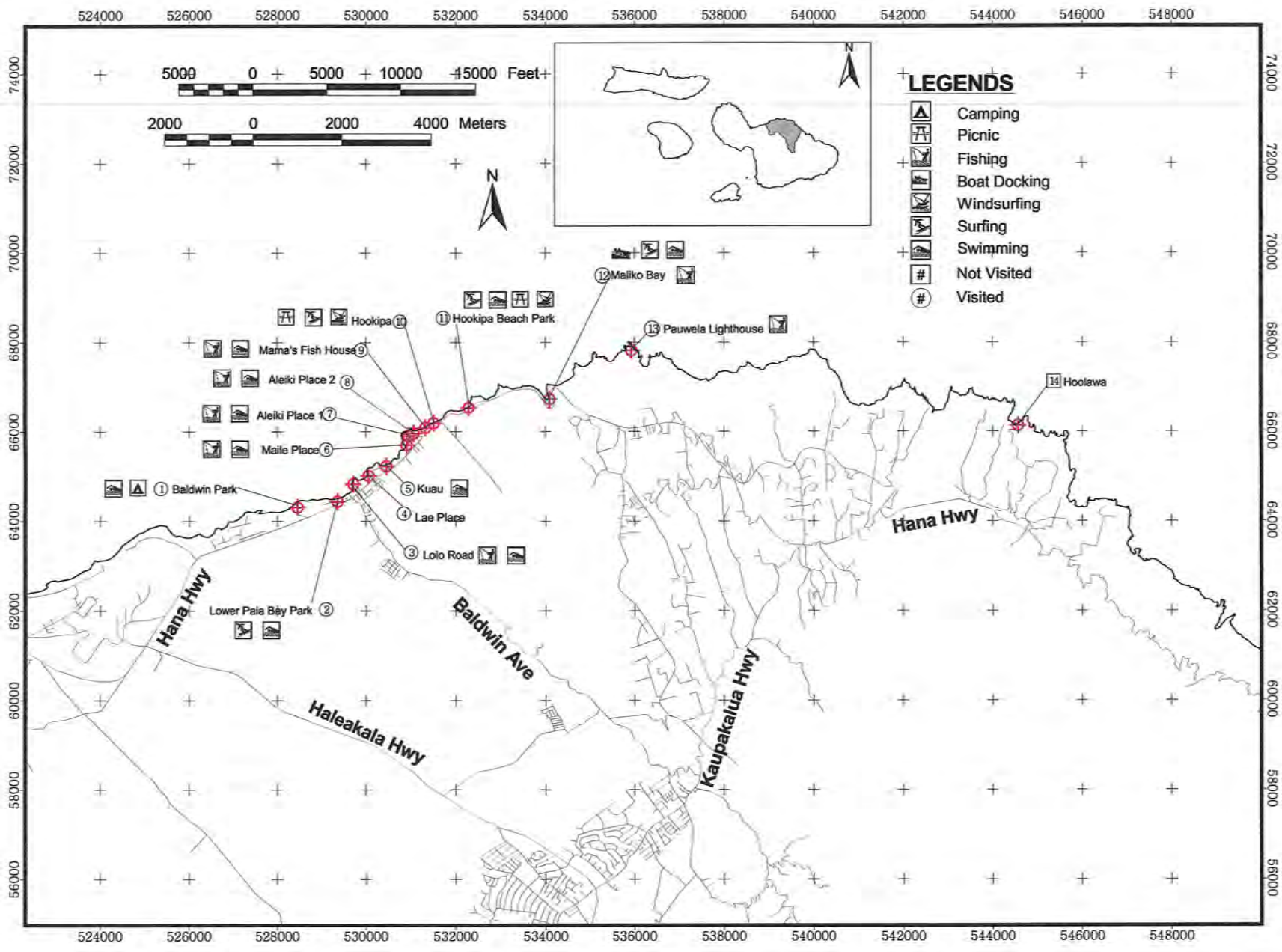
County of Maui Planning Regions





Wailuku-Kahului Planning Region

Map 1

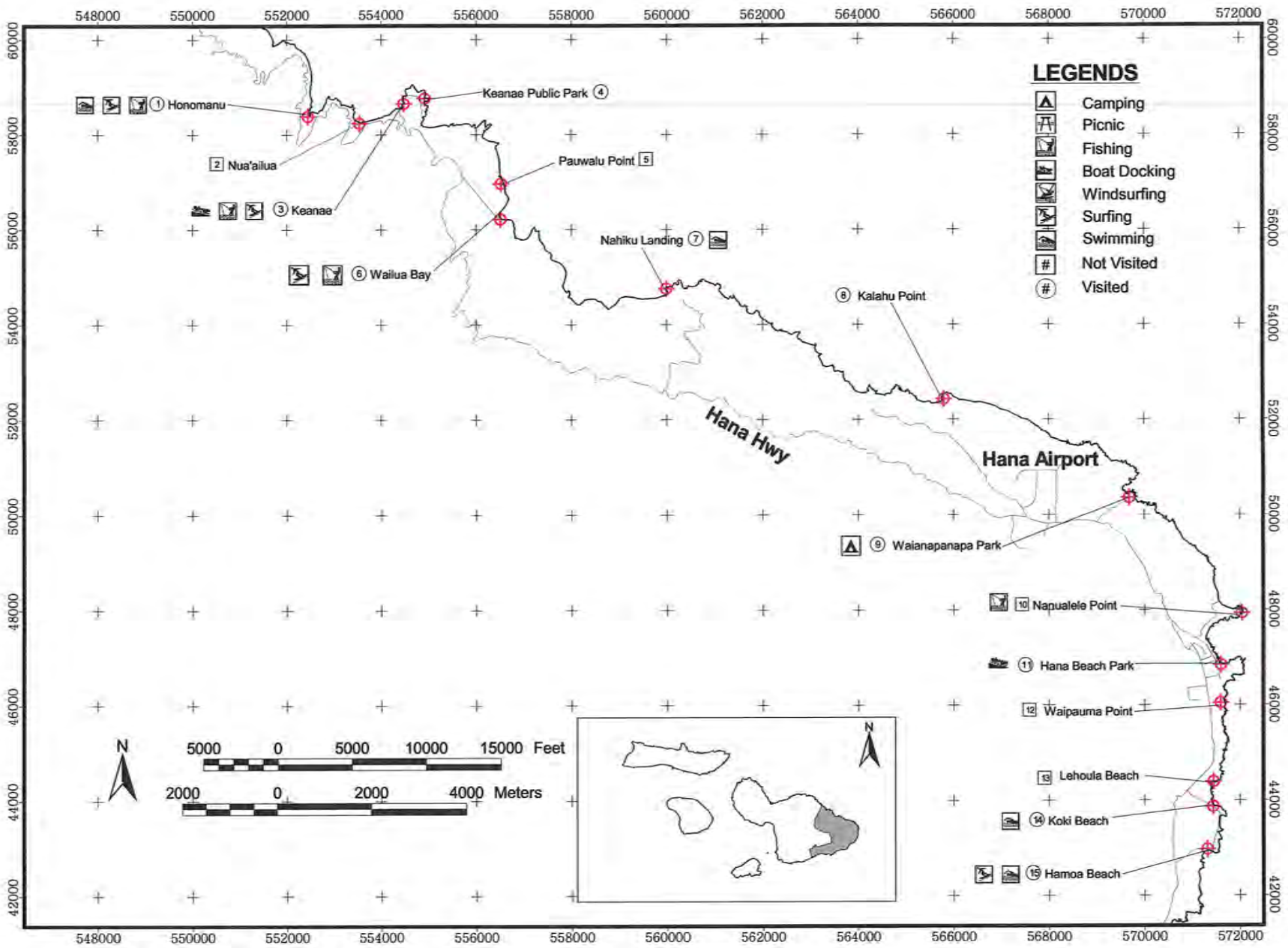


Paia-Haiku Planning Region

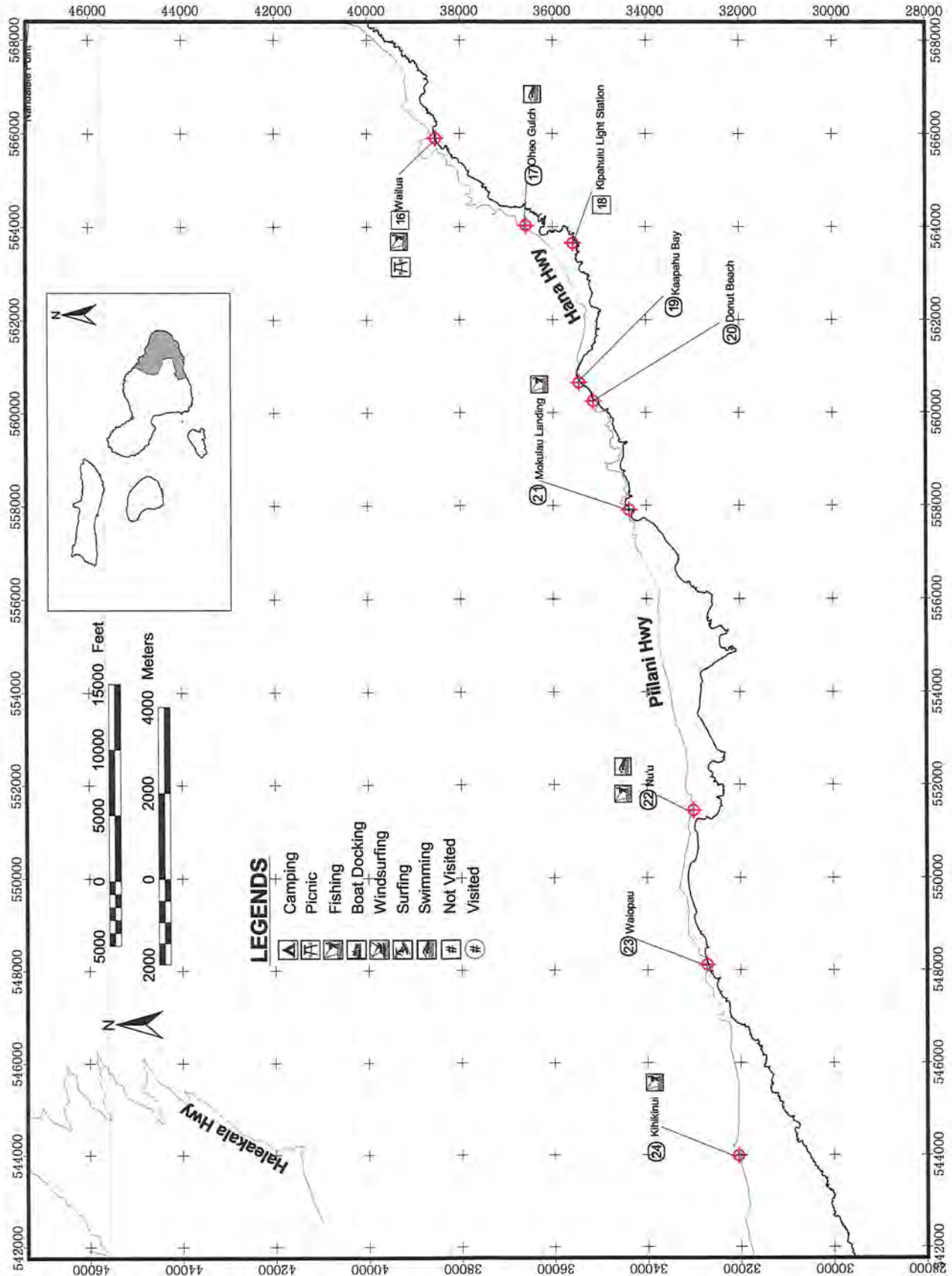
Map 2

Hana (North) Planning Region

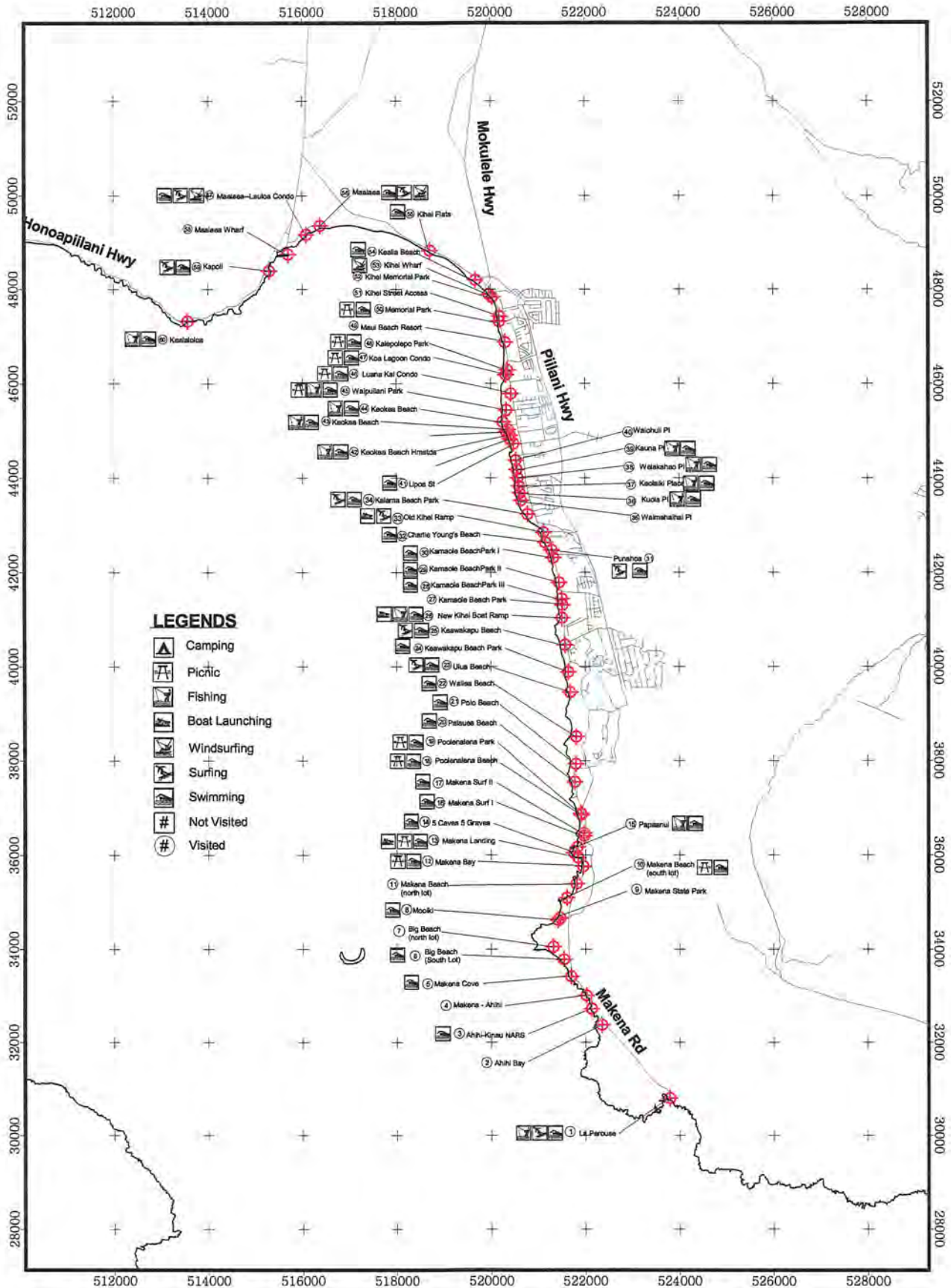
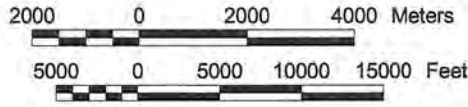
Map 3



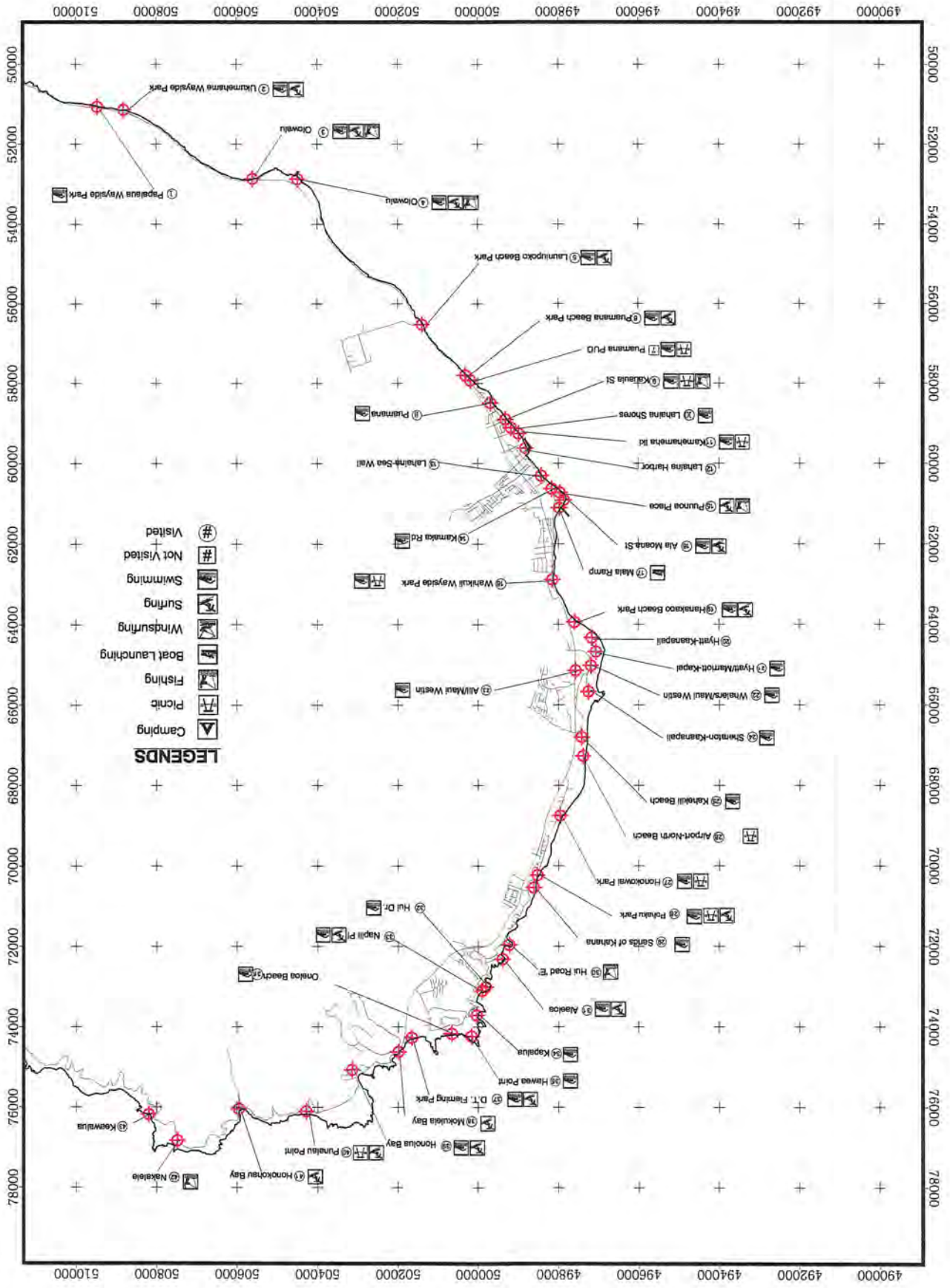
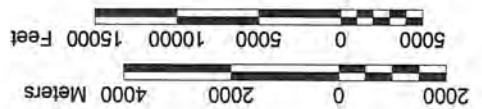
Hana (South) Planning Region



Kihei-Makena Planning Region

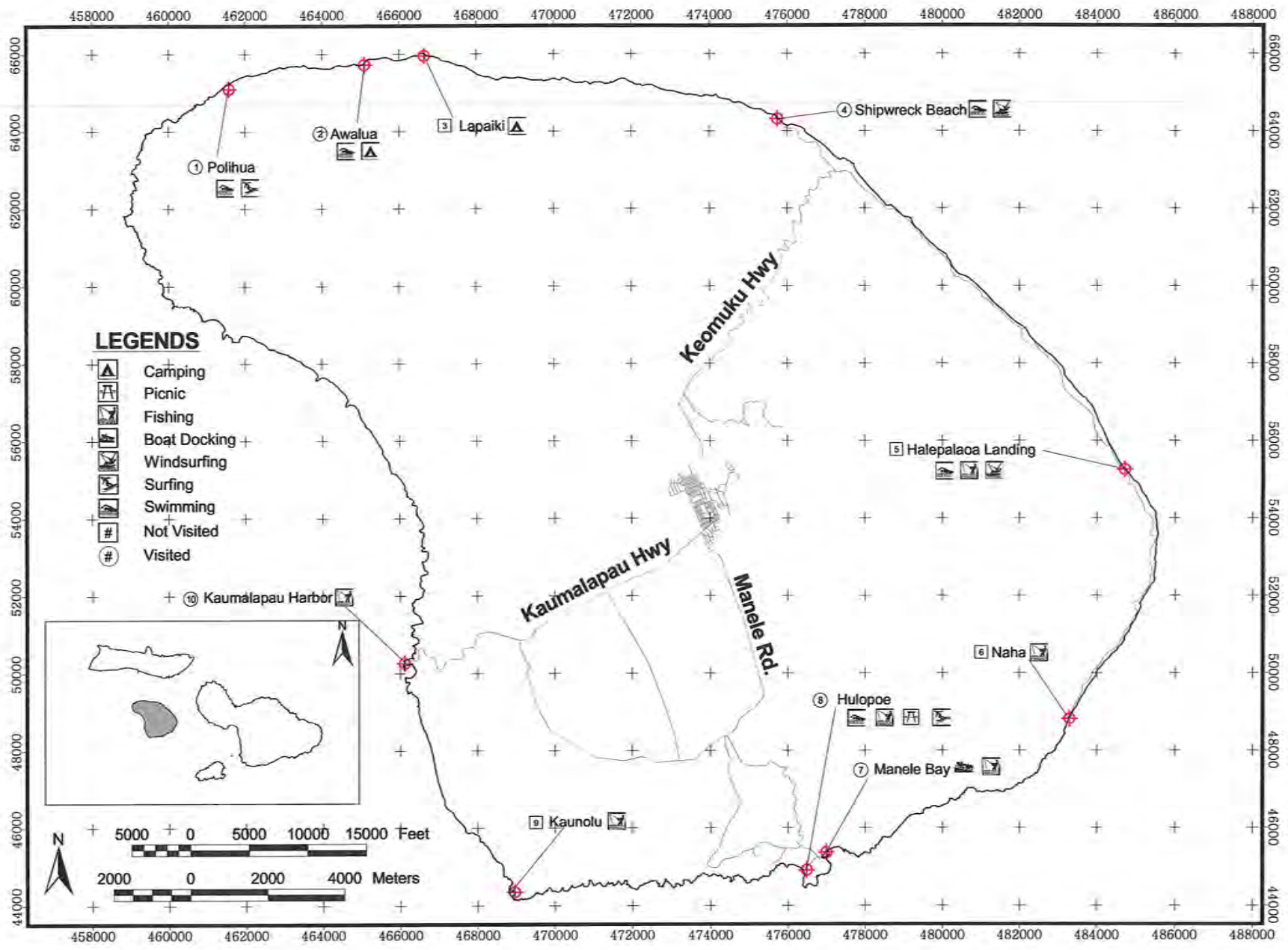


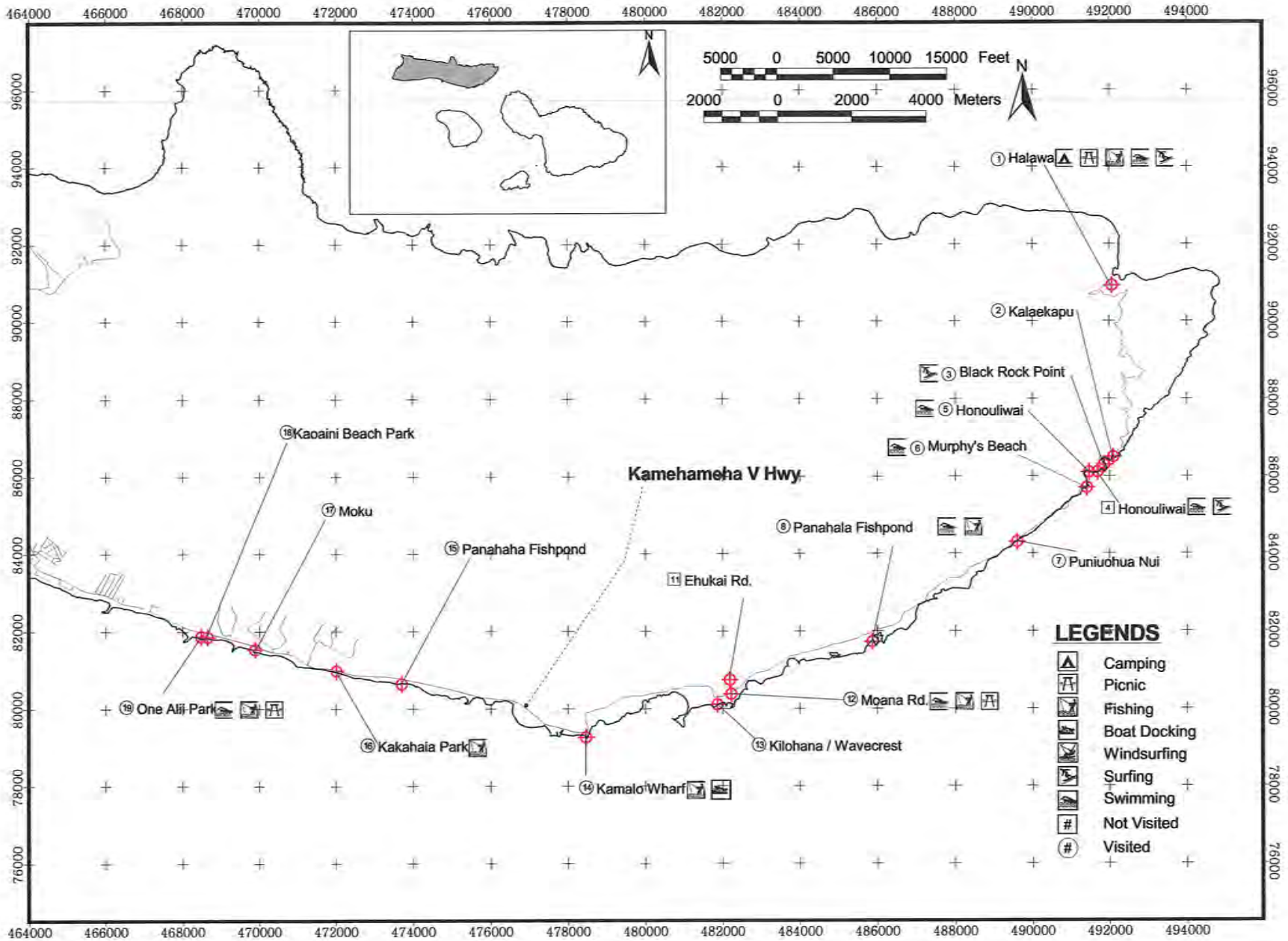
Map 6 Lahaina/West Maui Planning Region



Lanai Planning Regions

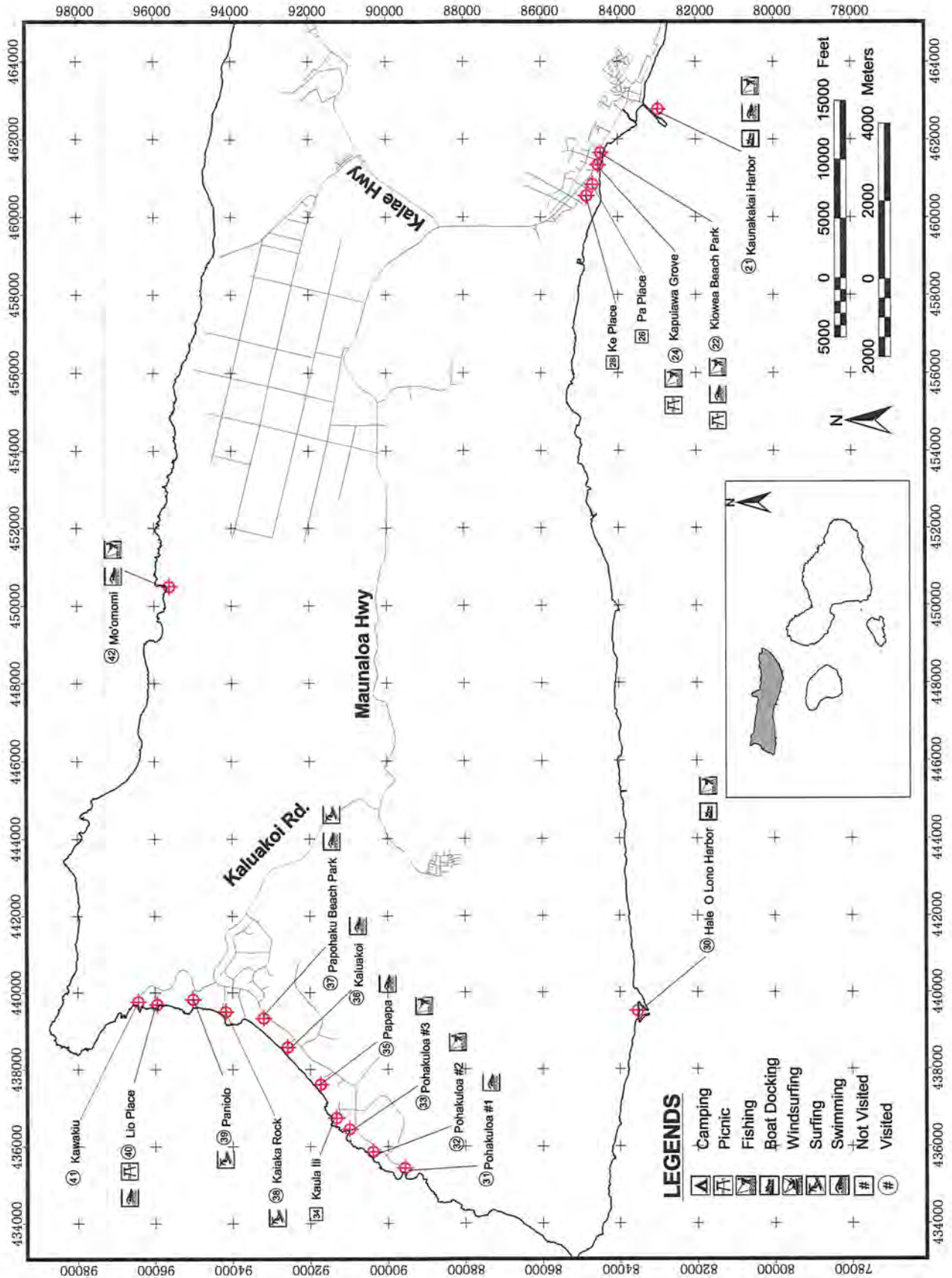
Map 7





Molokai (East) Planning Regions

Molokai (West) Planning Regions



Attachment B
Malibu Local Coastal
Program Implementation Plan

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12.7.9 Title information

As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development, the applicant shall be required to furnish a title report and all necessary subordination agreements. All offers or grants shall be made free of all encumbrances which the approving authority pursuant to Section 12.7.7 of the Malibu LIP determines may affect the interest being conveyed. If any such interest exists which could extinguish the access easement, it must be subordinated through a written and recorded agreement.

12.8. REQUIRED FINDINGS AND SUPPORTING ANALYSIS FOR PUBLIC ACCESS DEDICATIONS

12.8.1 Required Overall Findings

A. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea (whether development or new development). Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of projects (whether development or new development) where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 12.8.2 of the Malibu LIP and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:

1. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 12.8.2 of the Malibu LIP. The type of affected public access and recreation opportunities shall be clearly described.
2. An analysis based on applicable factors identified in Section 12.9.1 of the Malibu LIP of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.
3. A description of the legitimate governmental interest furthered by any access condition required.
4. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature and extent.

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12.8.2 Required Project-Specific Findings

In determining any requirement for public access, including the type of access and character of use, the City shall evaluate and document in written findings the factors identified in subsections A through E, to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations.

A. Project effects on demand for access and recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.

B. Shoreline processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development, Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project -- alone or in combination with other

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anticipated changes -will have upon the ability of the public to use public tidelands and shoreline recreation areas.

C. Historic public use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal).

Evidence of the type and character of use made by the public (vertical, Lateral, blufftop, etc. and for passive and/or active recreational use, etc. Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).

D. Physical obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

E. Other adverse impacts on access and recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

12.8.3 Required Findings for Public Access Exceptions

Any determination that one of the exceptions of Section 12.6 of the Malibu LIP applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

A. The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the public safety concern, or the military facility which is the basis for the exception, as applicable.

B. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that fragile coastal resources, public safety, or military security, as applicable, are protected.

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C. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

12.9. REVIEW OF RECORDED ACCESS DOCUMENTS

12.9.1 Standards and Procedures

Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit consistent with Section 13.19 of the Coastal Development Permit Ordinance of the Malibu LIP and California Code of Regulations Section 13574.

Attachment C
California Subdivision
Map Act Provisions

Article 3.5. Public Access to Public Resources

66478.1. It is the intent of the Legislature, by the provisions of Sections 66478.1 through 66478.10 of this article to implement Section 4 of Article X of the California Constitution insofar as Sections 66478.1 through 66478.10 are applicable to navigable waters.

(Amended by Stats. 1975, Ch. 24. Effective April 4, 1975; Amended by Stats. 1986, Ch. 1019.

66478.2. The Legislature finds and declares that the public natural resources of this state are limited in quantity and that the population of this state has grown at a rapid rate and will continue to do so, thus increasing the need for utilization of public natural resources. The increase in population has also increased demand for private property adjacent to public natural resources through real estate subdivision developments which resulted in diminishing public access to public natural resources.

(Added by Stats. 1974, Ch. 1536. Effective March 1, 1975.)

66478.3. The Legislature further finds and declares that it is essential to the health and well-being of all citizens of this state that public access to public natural resources be increased. It is the intent of the Legislature to increase public access to public natural resources.

66478.11. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated.

(b) Reasonable public access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Attachment D
Sample Questionnaire
Mailed to Stakeholders



November 4, 2003

Shoreline Access Planners, Stakeholders and Community Leaders:

My name is Jeff Merz. I am a Senior Planner with a firm called Oceanit. We are currently working on a revision of Shoreline Access provisions for the County of Maui.

As part of my background analysis for this project we are trying to:

- 1) Determine the Community's shoreline access priority points and;
- 2) Determine how the Community would weigh each criterion listed below.

Our project involves analyzing access points per Community Plan boundaries including all islands in the County of Maui. Any assistance that you could provide would be appreciated. I want to emphasize that this is an informal exercise that will simply be used by Oceanit to assist in analysis of shoreline priorities. If you would like more information on the project, or you would prefer to contact me via telephone, please let me know.

- 1) Please list what you see as the Community's priority sites or specific projects to increase/establish shoreline access.
- 2) Please review the following categories and number them as to importance to the Community (1-very high priority to 5-very low priority).
 - Proximity to Population Centers
 - Transportation/accessibility to site/parking
 - Ownership and Land Use
 - Public Safety/Hazards
 - Environmental Sensitivity/Habitats
 - Cultural Importance
 - Recreation use/potential demand
 - Potential for creating secondary economic benefits
 - Compliance with existing policies/regulations/goals/community plans
 - Cost and difficulty in acquiring/improving/creating access.
 - Uniqueness

Please feel free to add to the list where appropriate.

Any resources or information on groups/individuals that should be contacted, would be greatly appreciated. Thank you for your anticipated assistance.

Sincerely,

Jeff Merz
Senior Planner
Oceanit
#808-531-3017 ext. 126
fax: 808-531-3177
E-mail jmerz@oceanit.com

Attachment E
Stakeholder Communication Log Sheet

**Response Log Sheet for Maui Shoreline Access Update Project
April 8, 2004**

Skippy Hau, DLNR DAR, Maui comments in file
Torrie Haurez, Na Ala Hele, Maui, comments in file
Tom Cannon, Na Ala Hele, Maui Island Council, comments in file
John Clark, Beach Expert, Honolulu, comments in file

Called on 11/5/03
Responded 11/7/03
Lucienne at Surfrider Foundation of Maui
808-243-0858
laluz@maui.net
Should forward info to Jan Robison and/or Kevin Johns at Surfrider Foundation

Called Sierra Club on 11/5/03
Called on 12/8 on voicemail
Reminder call on 1/14 voicemail
Reminder call on 1/27 voicemail
Never received return call.
579-9802
Susan Bradford is the contact
E-mailed survey to her at susanb@maui.net on 12/11/03

Called Maui Tomorrow on 11/5/03,
They returned call on 11/10/03, said they would take it before board.
Called on 12/8 on voicemail
Called on 1/6 on voicemail
Reminder call on 1/14 voicemail
Called on 1/27 and was told that board had decided that they had filled out access priorities for previous studies and that information for this study would not be forthcoming from them. The previous responses cannot be located.
E-mailed questionnaire to Richard Michaels
879-9341
rminmaui@cs.com

Called Ann Ogata-Deal on 11/5/03
Directed to Na Ala Hele and Trust for Public Lands
Planning and Policy Analyst
DBEDT
Not interested in filling out form.
587-2804

Called Trust for Public Land on 11/5/03 and talked to:

Teresa McHugh

524-8561

(working with Office of Planning on Shoreline acquisition-not started yet)

Recommended at looking at website under "Local Green Printing for Growth"

Called Maui Coastal Land Trust on 11/5/03 and e-mailed questionnaire to:

Called again and talked. He sent info but no questionnaire response on 12/08/03

Dale Bonar, Executive Director

808-244-5263

email daleb@hawaii.rr.com

Called Parks and Rec (Maui) on 11/5/03 and e-mailed questionnaire to:

Called and talked on 12/8. Summary of communications in file.

Pat Matsui, Park Planning

270-7387

email Patrick.matsui@co.maui.hi.us

Called Jason Koga on 11/5/03 and e-mailed questionnaire to him.

Called and talked on 12/8. Summary of communications in file.

Planner, DLNR Land Management

984-8103

email Jason.k.koga@hawaii.gov

Called each of the councilmembers and followed up with the e-mail questionnaire on 11/5/03.

Dain Kane 270-7760

Called with voicemail on 12/8.

Reminder call on 1/6

Robert Carroll 270-7246

Resent e-mail with questionnaire on 12/9

Reminder call on 1/6

Riki Hokama 270-7768

Called with voicemail on 12/8.

Resent the questionnaire 12/9.

Reminder call on 1/6

Jo Anne Johnson --661-3237 - talked with her via phone on 11/10. Would be forwarding our questionnaire soon.

Called and left voicemail message on 12/8.

Commented on escalating conflicts locals/visitors.

Reminder call on 1/6

Response received 1/8, responded again on 1/9 with additional specific information

Danny Mateo 270-7678
Called and left message on 12/8. He will call back.
Reminder call on 1/6

Michael Molina – responded 11/18

Wayne Nishiki 270-7108
Called and left voicemail on 12/8
Reminder call on 1/6
Called Michelle Anderson of his office on 1/15/04

Joseph Pontanilla 270-5501
Called and left voicemail on 12/9
Reminder call on 1/6
No response

Charmaine Tavares 270-7939
Called and left voicemail on 12/8
Responded via e-mail 12/10, not interested in filling out survey.

Called Helen Felsing of the National Parks Service Rivers Trails and Conservation Assistance Program on 11/12/03. 808-242-6711. Sent her a questionnaire on the same date to helenf@hawaii.rr.com
Called on 12/8 and talked to her-she is getting it to me soon.
Talked to her at length on 1/5. Summary of communications in file.

Talked to Bob Thiel on 12/9/03– formerly of the Community Env. Council out of Santa Barbara, at 805-957-9299. Robert.Thiel@cox.net. He was recommended to me by Dale Bonar. Dale is sending a copy of his thesis for review. Thesis reviewed. Not very applicable to our needs.

Called Zoe Norcross of Sea Grant-Maui, on 1/20/04. 808-984-3335. Sent questionnaire on same date via e-mail norcross@hawaii.edu

**Attachment F
Stakeholder Responses
and Transcripts**

Jeff Merz

From: Lucienne de Naie [laluz@maui.net]
Sent: Friday, November 07, 2003 10:02 PM
To: Jeff Merz
Subject: Re: Aloha and Mahalo

November 4, 2003

Shoreline Access Planners, Stakeholders and Community Leaders:

My name is Jeff Merz. I am a Senior Planner with a firm called Oceanit. We are currently working on a revision of Shoreline Access provisions for the County of Maui.

As part of my background analysis for this project we are trying to:

- 1) Determine the Community's shoreline access priority points and;
- 2) Determine how the Community would weigh each criterion listed below.

Our project involves analyzing access points per Community Plan boundaries including all islands in the County of Maui. Any assistance that you could provide would be appreciated. I want to emphasize that this is an informal exercise that will simply be used by Oceanit to assist in analysis of shoreline priorities. If you would like more information on the project, or you would prefer to contact me via telephone, please let me know.

1) Please list what you see as the Community's priority sites or specific projects to increase/establish shoreline access.

a.. 2 miles of Northshore- spreckelsville to Paia bay- needs to be in public or protected ownership to guarantee future access-most threatened access area is old Lime kiln site (Kapuka'ulua)

b. East Maui- Bays - Kuiaha Bay (Haiku)/ Jaws (Peahi) / Uaoa Bay (Peahi/Holokai)/ Pilale Bay (Halehaku/Peahi)- none have protected public access

c. Makena Resort Golf course has cut off meaningful public access North of Oneuli beach to Maluaka Pt.public can walk on rocky high tide zone only most of way. A public right of way existed until Makena resort built in the early 1980's and obliterated it.

2) Please review the following categories and number them as to importance to the Community (1-very high priority to 5-very low priority).

- Proximity to Population Centers (2)
- Transportation/accessibility to site/parking (1)
- Ownership and Land Use (1)

11/10/2003

- Public Safety/Hazards (2)
- Environmental Sensitivity/Habitats (1)
- Cultural Importance (1)
- Recreation use/potential demand (2)
- Potential for creating secondary economic benefits (3)
- Compliance with existing policies/regulations/goals/community plans (2)
- Cost and difficulty in acquiring/improving/creating access. (3)
- Uniqueness (2)

Please feel free to add to the list where appropriate.

Any resources or information on groups/individuals that should be contacted, would be greatly appreciated. Thank you for your anticipated assistance.

Contact;

Ann fielding & Hannah Bernard annf@maui.net & wild@aloha.net

Jan Roberson - surfrider foundation surfridermaui@hawaii.rr.com

Ed Lindsey (Maui Cultural lands) kaea@mauigateway.com

Sincerely,

Jeff Merz
 Senior Planner
 Oceanit
 #808-531-3017 ext. 126
 fax: 808-531-3177
 E-mail jmerz@oceanit.com

Lucienne,

Thank you very much for your input over the phone this morning. Enclosed please find a questionnaire concerning shoreline access. Surfrider Foundation input would be greatly appreciated. I know you and your colleagues are busy and if a telephone response would be more advantageous, please let me know and we can arrange a time for me to call.

Mahalo.

<<2003questionnaire.doc>>

.....

Jeff Merz, AICP
 Senior Planner
 Oceanit

Jeff Merz

From: Michael Molina [mike.molina@co.maui.hi.us]
Sent: Tuesday, November 18, 2003 10:56 AM
To: JMerz@OCEANIT.COM
Subject: Maui Shoreline Access Update

This is all the information Councilmember Molina gave me in response to your email dated 11/5/03:

- Item #2:
Importance to the Community:
3-Proximity to Population Centers
4-Transportation/accessibility to site/parking
3-Ownership and Land Use
4-Public Safety/Hazards
5-Environmental Sensitivity/Habitats
5-Cultural Importance
5-Recreation use/potential demand
2-Potential for creating secondary economics benefits
3-Compliance with existing policies/regulations/goals/community plans
3-Cost and difficulty in acquiring/improving/creating access
4-Uniqueness

Mahalo,
Colleen for Councilmember Molina

Jeff Merz

From: Jo Anne [johnsonj031@hawaii.rr.com]
Sent: Friday, January 09, 2004 11:35 AM
To: Jeff Merz
Cc: kathy.kaohu@co.maui.hi.us
Subject: RE: Shoreline access provisions

Thanks Jeff-

I will await the results of your survey. You may want to check with Michelle Anderson in Councilmember Nishiki's office for her input as well since she is so familiar with our beach access points.

All of the issues surrounding our beach access involves improper use by hotel employees, parking by visitors rather than local families, vendor parking that should not be taking place except for drop off and pick up, etc.

One other location that I received complaints about was the Puamana area that used to be an access but is not there any longer. We did change one access point at Paia and there is also another access point that is in Haiku that is in a subdivision but now goes off the edge of a cliff rather than the old access way. Kathy in my office can give you more details on that point as one of our local surfers and fishermen (Mr. Knowlton) has been following that issue.

Mahalo, JoAnne

>Councilmember Johnson,
>
>Thank you for your comprehensive response. This will be used to determine
>priorities for your community and for Maui County and assist in the Maui
>Shoreline Access revisions.
>
>Mahalo and do not hesitate to call if you have any questions.
>
>.....

>.....
>Jeff Merz, AICP
>Senior Planner
>Oceanit
>Ph: 808-531-3017ex.126
><www.oceanit.com>
>...innovation through engineering and scientific excellence...
>.....

>.....
>
>
>
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>

>-----Original Message-----
>From: JoAnne Johnson
>[mailto:johnsonj031@hawaii.rr.com]
>Sent: Wednesday, January 07, 2004 11:40 PM

>To: jmerz@oceanit.com
>Cc: Kathy Kaohu; Michelle Anderson; Dana Broncheau
>Subject: Shoreline access provisions
>
>
>1) Community priority sites or specific projects to increase
>or establish
>shoreline access:
>
>Makena area, Kaanapali Beach area, Olowalu (need
>parking and safer access
>than currently available) area near Launiupoko Park,
>Slaughterhouse area.
>
>2) Importance of categories: (1 high - 5 low)
>
>-Proximity to population centers - 5
>-Transportation/accessibility to site/parking - 1 (unless
>site has cultural
>significance, in which case this should be a 5 to
>discourage overuse.
>-Ownership and land use - 2
>-Public Safety/Hazards - 1
>-Environmental Sensitivity/habitats - 1
>-Cultural Importance - 1
>-Recreation use/potential demand - 1
>-Potential for creating secondary economic benefits - 3
>-Compliance with existing
>policies/regulations/goals/community plans - 1
>-Cost and difficulty in acquiring/improving/creating access
>- 1 It is
>important to spend the money, but the people do not
>necessarily want to
>raise taxes to pay for it, so if having this means more
>money from their
>pockets the purchase should be something that is heavily
>supported by those
>who use the areas on a larger scale and not just a few
>individuals. For
>example, Makena would be supported but it might be
>difficult to get people
>to agree that Keanae is as widely used and a priority with
>most people.
>-Uniqueness - 1
>
>
>
>

Jeff Merz

From: JoAnne Johnson [johnsonj031@hawaii.rr.com]
Sent: Wednesday, January 07, 2004 11:40 PM
To: jmerz@oceanit.com
Cc: Kathy Kaohu; Michelle Anderson; Dana Broncheau
Subject: Shoreline access provisions

1) Community priority sites or specific projects to increase or establish shoreline access:

Makena area, Kaanapali Beach area, Olowalu (need parking and safer access than currently available) area near Launiupoko Park, Slaughterhouse area.

2) Importance of categories: (1 high - 5 low)

- Proximity to population centers - 5
- Transportation/accessibility to site/parking - 1 (unless site has cultural significance in which case this should be a 5 to discourage overuse.
- Ownership and land use - 2
- Public Safety/Hazards - 1
- Environmental Sensitivity/habitats - 1
- Cultural Importance - 1
- Recreation use/potential demand - 1
- Potential for creating secondary economic benefits - 3
- Compliance with existing policies/regulations/goals/community plans - 1
- Cost and difficulty in acquiring/improving/creating access - 1 It is important to spend the money, but the people do not necessarily want to raise taxes to pay for it, so if having this means more money from their pockets the purchase should be something that is heavily supported by those who use the areas on a larger scale and not just a few individuals. For example, Makena would be supported but it might be difficult to get people to agree that Keanae is as widely used and a priority with most people.
- Uniqueness - 1

responsetavares.txt

To: Charmaine Tavares
Subject: RE: Maui Shoreline Access Update.

Ms. Tavares,
Thank you for your response. This project is being overseen by the Planning Department. Part of their directive is to secure information from elected officials, as well as the full range of stakeholders in the community. This questionnaire is being sent as part of the community involvement process. Please call me if you have any questions about the project.
Mahalo.

.....
Jeff Merz, AICP
Senior Planner
Oceanit
Ph: 808-531-3017ex.126
<www.oceanit.com>
...innovation through engineering and scientific excellence...
..

-----Original Message-----

From: Charmaine Tavares [mailto:Charmaine.Tavares@co.maui.hi.us]
Sent: Wednesday, December 10, 2003 11:06 AM
To: JMerz@OCEANIT.COM
Subject: Re: Maui Shoreline Access Update.

Jeff:

I'm sorry but I'm unable to respond to these questions. The County's planning department, especially the CZM section, may be able to help you.

The coastal communities should be involved in this process, as well as the community at large. I hope community involvement is in the plan.

Aloha,
Charmaine

>>> Jeff Merz <JMerz@OCEANIT.COM> 11/5/2003 1:46:38 PM >>>

Aloha Chairman and Councilmembers.

I left each of you a telephone message related to this project. Please see the following attachment and I appreciate any input you can provide to assist us in determining needs and concerns for shoreline access within each of your council districts.

Mahalo and do not hesitate to call if you would like additional information.

<<2003questionnaire.doc>>

Transcript of telephone conversation held with Pat Matsui of Maui County Parks Dept. on 12/8/03

His biggest general concern was conflicted uses of beach parks. There are scuba, windsurfing, fishing, kitesurfing etc. Many in conflict with each other, crowding. On Ho'okipa limited area to develop additional parking.

Kanaha – windsurfing on one side, kiteboarders on the other half. Informal agreement with divers for diving use after 11:00.

If there were more access points, this may alleviate crowding.

In Kehei, there is Mapo'ena'aoa? a linear park with great windsurfing, not enough parking for peak times.

Jaws at Haiku, who anticipated this? No parking, access difficult. Shows the changing nature of recreational uses.

Enforcement of SMA conditions for beach access parking is difficult. Who knows if the person is going to the beach or to resort? Complaints of security guards denying access parking if not staying at the resort.

Rural areas Hana/Haiku-need more fishing access. In old days, fisherman would trespass without a concern from the property owner, new owners are fencing off property, even sometimes where the access is recorded as part of the subdivision.

Rural access – issue is for few individuals, but access may have greater value to rural residents ie: fishing/gathering.

Pat Matsui cannot see spending money to acquire access since he believes access should be free. (Traditional access along fishing trails)

Certain groups are trying to buy conservation lands. Uses are already so limited, why do they need to be bought. One good idea being used is the transfer of development rights.

Transcript of telephone conversation held with Helen Felsing of the NPS on 1/5/04

One approach would be to document where people are currently parking and using area to access. Doesn't necessarily correspond with official access points.

Document where areas are used.

Access should be every 1500 feet?

Anticipate where future growth will be, but do not formalize access yet, as this will draw attention and draw more visitors to the site. Catch-22. Want to identify areas to preserve access, but don't want it overrun by tourists.

Project similar to Arnold Lum's Citizen Advisory Committee of the CZM.

Na Ala Hele's Torrie Juarez has quite a bit of information on existing access points.

As to priorities, the informal access points that need to be formalized, should be priorities.

Maintenance of existing access points should be a priority. Many times access points are not used because they are overgrown and closed off. Need to maintain them.

Examples of access points that are not maintained are #116-120 in Kihei.

Priorities:

Informal below the radar screen
Existing and technically formalized, but unmaintained
Better-known, formalized and maintained.

1998 Acquisition Criteria Committee.

As to questionnaire, personalize it, not "community's needs".
Councilmember Charmaine Tavares is expert on subject.

Felsing response.txt

From: Helen Felsing [helenf@hawaii.rr.com]
Sent: Monday, January 05, 2004 1:05 PM
To: jmerz@oceanit.com
Subject: Shoreline access strategy

Aloha Jeff,

It was good to talk with you about your work on shoreline accesses. In response to your questions, here are my thoughts.

I believe the County should adopt a strategic approach to access protection and development that includes the following:

1. A proactive effort to simply identify and map accesses which are currently used by the resident public but are not yet under public protection. This could be done with an approach similar to that used by Arnold Lum for CZM on O'ahu, where local shoreline users were assembled to mark accesses on maps, and then the locations were entered into the County GIS system. That way the accesses are earmarked so that IF a development permit requests pops up in the access area, the fact that this access is customarily used by the public also pops up and can be considered under conditions of permitting.

2. A deliberate and codified method for marking and maintaining existing publicly-owned accesses. This would include:

A. Sign standards that assure that an access sign is in place AND is oriented to the sightlines of passersby

B. Standards and a monitoring protocol to assure that physical maintenance needs at each access are identified promptly, and that accesses don't gradually become blocked --or privatized in use--as a result of neglect by the county. Ideally this could be carried out in part by community associations, users, or neighborhoods; or the standards even posted at the access, with a phone number for reporting problems.

C. A County obligation and staff to respond to needs when monitoring (or citizen report) indicates a problem; and a regular schedule for maintenance where basic needs such as mowing and pruning are predictable.

D. The County might need to consider a rating system for its official accesses similar to the State's new plan to divide its public lands into A,B,C categories depending upon level of public use. Access with hazards or higher use levels might require higher maintenance standards.

3. A plan for securing accesses at a pace concomitant with growth and development. This is where your proposed criteria come in, and there are so many issues involved that need to be considered on a case-by-case that I really hesitate to rate the criteria. The reality I see is that this island is developing rapidly and will probably continue to do so, and we need every bit of public access to the shoreline we can get within the limits of sustainability of the shoreline and nearshore resources. Given this reality, I see three general principles of prime importance:

A. Look at where use of an unofficial access is already high, regardless of whether the location is urban or rural. This is especially important if the access is noted in ANY tourist publications or if visitors to the island frequently use the access already. I am NOT saying it is therefore a given that the County should acquire the access; I'm just saying they need to take a deliberate look at it and make a deliberate decision. (Jaws might be a good example of a location like this). Acquisition and strategic enhancement of certain accesses might be necessary, and even on-site management in cases where the access leads to an especially alluring location. Similarly, selective closure of certain accesses might be necessary at some point to protect resources from further degradation.

B. Look at where we have significant stretches of coastline without

Felsing response.txt

OFFICIAL accesses at frequent intervals. Identify appropriate intervals and locations of needed accesses, based on a potential buildout scenario under current or likely future zoning for the area. Seek to acquire or earmark the needed accesses WITHOUT being required to develop them as official public accesses at this point. The goal would be to assure that the accesses are secured for future use, but are not marked or shown on tourist maps until development reaches a threshold density. This allows local population time to adjust to the painful realities of a developing island.

C. Enforce full disclosure of, and access to, existing accesses! An official access blocked with foliage might as well not be an excess (for example, accesses along Halama Street are sometimes in this condition). An official beach access with parking, but with all the parking taken by nearby workers, might as well not be an access (for example, accesses through some hotel and condo properties). This goes back to item 2 above, the need for maintenance and monitoring.

Jeff, please note that I'm responding here as a private citizen, not on behalf of the program for which I work. Good luck with your project.

Helen M. Felsing

**Transcripts of conversation with Jason Koga, Planner DLNR Land Management
12/8/03**

Jason expressed community concerns with Makena access due to all of the large developments/golf courses being built.

Other area of concern was Paia and the controversy over residences being built too close to the beach resulting in hardening and limiting lateral access.

To the priorities:

Population (1)

Transportation (1)

Ownership and Land Use (1)

Public Safety (?)

Environmental Sensitivity - community activists are aware of areas of archaeological resources and are trying to get those areas closed.

Recreational potential – the decision to close is influenced by its recreational potential.

Secondary economic benefits (5)

Cost of acquisition – DLNR not really involved in financing aspect.

Uniqueness – subjective, not really a DLNR issue.

February 4, 2003

Jeff Merz
Senior Planner
Oceanit

Dear Jeff Merz,

Subject: Comments to your questionnaire.

- 1) Please list what you see as the Community's priority sites or specific projects to increase/establish shoreline access.

I will leave specific locations to other responders.

The publication of shoreline access areas should not be promoted until locations are inventoried and properly maintained. (In the past, maps and inserts in the newspapers indicating shoreline access are beneficial to visitors resulting in increased users without increased maintenance. Some public areas get trashed because of increased awareness of the existing public areas.)

Priority should be to address existing problems. The public has always supported the establishment and maintenance of public parks. Adequate maintenance from cutting the grass to fixing leaking plumbing; litter/garbage removal; clean bathroom & shower facilities, adequate parking are all needed.

Though not a high priority, informational signage to describe various locations and the meaning of the Hawaiian name is also important. More emphasis is needed in using the proper local name.

More Community bathrooms that are routinely sanitized and supplied with soap, toilet paper & hand towels are needed for our increasing population.

Monitoring and enforcement of established shoreline access parking for public beach goers is also needed. People conducting commercial activities & businesses continue to take up free public access parking in some areas like Ka'anapali. Regulations are needed to limit conflicting beach activities from windsurfing & kite surfing which make beaches unsafe for small children to use.

How do we get hotels to remove beach chairs left on the beach? If the public is allowed to use hotel equipment, it should be made public with signs. There should be a memorandum of agreement with each hotel and condominium with beach equipment. Should beach rental equipment including catamarans, kayaks, etc. be allowed on the public beach? If it is not being used, it should be maintained on private property.

Video monitoring and volunteer security checks of public areas in addition to working with Police Department, DLNR Enforcement and other enforcement agencies (Lifeguards, etc.) in reducing crime and vandalism

Selected public locations should provide the option of securing personal articles through the use of “pay lockers” to prevent theft.

2) Please review the following categories and number them as to importance to the Community (1-very high priority to 5-very low priority).

- Uniqueness (1) (Should some areas be open to the public or should certain uses be restricted?)
- Environmental Sensitivity/Habitats (1) (Public areas have increased establishment of exotic species from weeds to cat colonies.)
- Public Safety/Hazards (1) (Areas need to be reviewed for liability and environmental concerns.)
- Ownership and Land Use (1) Open views and unimpeded shoreline public access should be a priority. In many instances, public access is limited in landscaping plans, which have sidewalks but distant parking areas or blocked by the hotel. Trees and native plants should be used in natural landscaping plans. Exotic plants have been planted with irrigation and fertilizer, which eventually runs off into the ocean.
- Compliance with existing policies/regulations/goals (1) (Need cooperation between County Federal and State Government Agencies in addressing public-use issues.)
- Cost and difficulty in acquiring/improving/creating access (1) (clarify and list specifics.)
- Transportation/accessibility to site (1) (Some locations such as wetlands should not be made accessible to the public and vehicle access, even with 4WD should be prohibited.)
- Potential for creating secondary economic benefits (2) (clarify and list specifics; are you suggesting areas that can be used for beach Olympics; contests; athletic events; filming; weddings, etc.? These economic benefits may conflict with public use of certain locations. For example, beach goers and fishermen have been displaced over time, from many public beach parks and areas with facilities to quiet peaceful areas that lack bathrooms, showers and paved parking areas.
- Recreation use/potential demand (2) (Clarify. Indirectly a commercial impact, rented surf/ wind surf & Kite boards, snorkeling and diving equipment are rented to visitors who increase beach activities in certain locations.)
- Population (3) (Unclear on the topic of population?)

Ocean conditions that may be threatening at times (undertow, large swells, coral, sea urchin, jellyfish, Portuguese Man-O-War, and sharks may be present) may not be obvious to visitors. Need to improve ocean awareness when visiting “islands.”

Monitoring is needed to assess all human activities, improve ocean awareness, and increase public safety. Monitoring can help identify problem areas and minimize hazards.

Certain cultural and/or ecologically sensitive and historical areas should not be made accessible to the general public.

The "Carrying Capacity" of locations and facilities (public bathroom/changing/shower facilities need to be identified.)

If we identify hazardous locations, conversely do we also need to identify picnic/scenic/child-friendly locations with safe calm waters and sand for playing? While it has been great for tourism and guidebook authors, there will be fewer places where residents can relax to get away from tourists. There are too many books that have published directions to local areas or have been shown on an Internet web site or the tourist cable channel. Visitors with guidebooks are frequenting locations, even on private property.

Sincerely,
Skippy Hau
Aquatic Biologist

Division of Aquatic Resources
130 Mahalani Street
Wailuku, HI 96793
Telephone#(808) 243-5834



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N A ALA HELE

February 5, 2003

Jeff Merz

Aloha! Here is my response to your questionarre.

- 1) Please list what you see as the Community's priority sites or specific projects to increase/establish shoreline access.

Makena/Wailea area
Maalaea area
Ukumehame/Olowalu area
Spreckelsville/Paia area
Haiku/Huelo area
Kaanapali/Napili area
Hana/Kipahulu area
Kaupo/Nui area

- 2) Please review the following categories and number them as to importance to the Community (1-very high priority to 5-very low priority).

- Population - 1
- Transportation/accessibility to site - 3
- Ownership and Land Use - 2
- Public Safety/Hazards -1
- Environmental Sensitivity/Habitats - 1
- Recreation use/potential demand - 1
- Potential for creating secondary economic benefits - 5
- Compliance with existing policies/regulations/goals - 3
- Cost and difficulty in acquiring/improving/creating access. - 2
- Uniqueness - 2

Sincerely,

Torrie Haurez
Trails and Access Specialist
(808)873-3508

Jeff Merz

To: Marty Yuen; Warren E. Bucher; David Takeyama; Dayan Vithanage
Subject: 200205 Maui Shoreline interviews.

2/10/03

This afternoon, I met with John Clark in the Honolulu Hale lobby for about an hour. One, I wanted to meet him personally to put a face on the Oceanit connection and two, he seems to carry a lot of influence and bring a lot of knowledge to the table for the Maui access issue.

I went through the intro letter issues that I sent to everyone else. His comments follow:

East Maui is lacking in number and quality of facilities.

West Maui has a bigger population base and they have demanded better quality and quantity.

Ka Na Pali (sp) does not have good access points and mostly doesn't have access points at all.

The worst location for access/overcrowding and overuse is Canoe Park. Canoe clubs inundate area. Clubs have sought to relocate to north side of island and to see about getting developers to pay for access/park.

Over the years, developers have been conditioned and now accept, that public access will be required through their projects and that they will have to provide it. Rarely does he see someone arguing about it.

No more 60's type development where a private walled compound blocks off public access and vistas to the beach.

Signage is important and it needs to be standardized. Kauai County has a good signage system and could be used as an example.

A recent letter to the editor in the Advertiser praised the new planning director of Maui County. He is very strong for the environment.

Jaws-tow surfing site off of Maui. Large international tow surf competition was planned for earlier this season. Private property owner Alexander Baldwin, denied access to area for fear of liability issue. Maui should have resolved this issue quickly. This competition could have brought in tourist dollars and needed revenue for Maui and businesses

Lanai does not really have access issues and apparently Dole allows access along/to shoreline points.

Molokai Ranch owns an area of access on Molokai island. It limits access on either side of the harbor to patrons of its eco-tourism package. Public cannot access unless part of package.

As to priorities:

Population, accessibility, ownership/land use, recreation potential, and uniqueness all ranked at the top of issues for "Importance to the Community".

Public safety, Env.sensitivity, potential for secondary econ benefits, cost/difficulty in acquiring, compliance with existing code/goals ranked down the list for John.

Jeff Merz
Senior Planner
Oceanit
Ph. 808-531-3017 ex.126

<www.oceanit.com>
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~~~~~

**Jeff Merz**

---

**From:** Tom [tom@mauiboy.com]  
**Sent:** Wednesday, February 05, 2003 3:07 PM  
**To:** Jeff Merz  
**Subject:** Re: Na Ala Hele input for Maui shoreline study



2003questionnaire.p  
df

Aloha Jeff,

Attached is a completed survey for your use. I would be happy to be kept on your list of contacts and appreciate your keeping the Na Ala Hele Maui Island Council informed of your progress.

Mahalo,

Tom Cannon, Chair  
Na Ala Hele Maui Island Council

----- Original Message -----

**From:** "Jeff Merz" <JMerz@OCEANIT.COM>  
**To:** <tom@mauiboy.com>  
**Sent:** Wednesday, February 05, 2003 10:34 AM  
**Subject:** Na Ala Hele input for Maui shoreline study

>  
> Tom Cannon,  
> Aloha.  
> I just received your phone message. Thank you for your antipated input for  
> the shoreline access project.  
> My e-mail is jmerz@oceanit.com or you can just reply to the above.  
>  
> If you would prefer to fax something over, my fax is 808-531-3177.  
>  
> Again, mahalo for your input and I would like to keep you as a contact and  
> keep your organization informed, as this project progresses  
> ~~~~~  
> Jeff Merz  
> Senior Planner  
> Oceanit  
> Ph. 808-531-3017 ex.126  
>  
> <www.oceanit.com>  
> ...innovation through engineering and scientific excellence...  
> ~~~~~  
>

**Tom Cannon**  
**Na Ala Hele**



January 31, 2003

Shoreline Access Planners, Stakeholders and Community Leaders:

My name is Jeff Merz. I am a Senior Planner with a firm called Oceanit. We are currently working on a revision of Shoreline Access provisions for the County of Maui.

As part of my background analysis for this project I am trying to:

- 1) Determine the Community's shoreline access priorities and;
- 2) Determine how the Community would weigh each criterion listed below and, even if these are the values that should be used to rank access.

Our project involves analyzing access points per Community Plan boundaries including all islands in the County of Maui. Any assistance that you could provide would be appreciated. I want to emphasize that this is a very informal exercise that will simply be used by Oceanit to assist in analysis of shoreline priorities. If you would like more information on the project, or you would prefer to meet personally to discuss your information, please let me know.

- 1) Please list what you see as the Community's priority sites or specific projects to increase/establish shoreline access.
  - a. Holo Kai subdivision near Peahi (Bill Knowlton, (808) 573-0507)
  - b. Waiehu Project near mouth of Wailuku Stream
  - c. Various sites in and around Makena
  - d. Olowalu – below former sugar cane lands.

- 2) Please review the following categories and number them as to importance to the Community (1-very high priority to 5-very low priority).

- 1 Population
- 2 Transportation/accessibility to site
- 1 Ownership and Land Use
- 5 Public Safety/Hazards
- 1 Environmental Sensitivity/Habitats
- 2 Recreation use/potential demand
- 4 Potential for creating secondary economic benefits
- 1 Compliance with existing policies/regulations/goals
- 2 Cost and difficulty in acquiring/improving/creating access.
- 1 Uniqueness



Please feel free to add to the list where appropriate.

Finally, I want to reiterate the informal, preliminary nature of this inquiry and the non-binding nature of any research that is acquired through this aspect of the project. Any resources or information that you could provide would be greatly appreciated. Thank you for your anticipated assistance.

Sincerely,

Jeff Merz  
Senior Planner  
Oceanit  
#808-531-3017 ext. 126



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- 2) Please review the following categories and number them as to importance to the Community (1-very high priority to 5-very low priority).

- / • Population
- / • Transportation/accessibility to site
- / • Ownership and Land Use
- 3 ~~4~~ • Public Safety/Hazards
- 2 • Environmental Sensitivity/Habitats
- / • Recreation use/potential demand
- 3 • Potential for creating secondary economic benefits
- 3 • Compliance with existing policies/regulations/goals
- 3 • Cost and difficulty in acquiring/improving/creating access.
- / • Uniqueness

Please feel free to add to the list where appropriate.

Finally, I want to reiterate the informal, preliminary nature of this inquiry and the non-binding nature of any research that is acquired through this aspect of the project. Any resources or information that you could provide would be greatly appreciated. Thank you for your anticipated assistance.

Sincerely,

Jeff Merz  
Senior Planner  
Oceanit  
#808-531-3017 ext. 126

## Lara Hutto

---

**From:** john clark [jclark@hawaii.rr.com]  
**Sent:** Tuesday, July 16, 2002 5:45 AM  
**To:** Lara Hutto  
**Subject:** Re: Maui Shoreline Access Inventory

Hi Lara,

I had a chance to review the Maui Shoreline Access Management Plan, and these are my comments:

✓ 1. Overall, it doesn't seem like there's been a lot accomplished on Maui in terms of the plan's recommendations and new or improved accesses. I've mentioned the changes that I'm aware of, but hopefully you'll find more when you're cruising around the island.

2. Page 14. Recreation and culture recommendations. 2. Expand Kanaha Beach Park.

This is an important recommendation for the population centers of Wailuku and Kahului, but it should be revised to include improving the rest of the existing park. The last time I was there only a small portion of the north end of the park was developed and the rest of it was dirt roads and kiawe trees with no facilities. While I agree that they need to land bank more beachfront property if possible and expand the park, they also need to develop what they've got. Kanaha Beach Park is one of the most heavily used beach parks for beginning windsurfing, so the small area that's developed is pretty much maxed. There's also a brand new user group there, the kite surfers, and there've already been some user conflicts between them and the windsurfers and other park users. One site in the park has apparently been re-named Kite Beach to try and accomodate them.

3. Page 15 b. Paia-Haiku.

In the Maui beach book I went on at some length about Kuiaha and the access struggle there (it was happening while I was writing), but I don't think that it's ever been resolved. One of the informants I would recommend you talk to is Manny Kuloloia, the son of one of the original access activitists. He also knows the entire island very well.

Maliko Bay has come into prominence during the past 10 years with the emergence of extreme, or tow-in surfing, at Jaws in Peahi. I believe most of the jet skis that are doing the towing are launching out of boat ramp at Maliko. I don't think the ramp or the shore around it has been improved at all. You should probably add the land access to Jaws in Peahi to your list of potential public accesses for the shore in that area. Although the surfers are coming from Maliko, spectators are driving directly to the site. I haven't been there personally, so you'll have to ask for directions.

I believe that the federal government declared the lighthouse property at Pauwela Point as excess some time ago and that it went to the state or county for use as a park. I don't know what happened after that.

In regard to the determination of a suitable location for a small boat ramp, there's already one at Maliko, so I'm not sure if they forgot they mentioned it on page 36 or if they had something else in mind.

4. The shore from Pauwela to Honomanu has no public accesses. As I mentioned above, you may want to consider one to the Jaws surfing site. They list one at Hoolawa, but say on page 36 that it's gated and private property. You may also want to consider one at Makaiwa, which is another fishing site like Hoolawa, but private property, too.

5. Page 16. Leleola should be Lehoula, and Kahailulu should be Kaihalulu.

6. Page 19. Recreation and culture recommendations. 2. Public camping from

lowalu to the Pali.

Papalaua State Wayside Park, the narrow park along Honoapiilani Highway on the west side of Lahaina Pali, has traditionally, but unofficially, been a beach camping site for many years. The situation there exploded this past April when the Mayor banned camping because the park had been overrun by the homeless. Fishermen, surfers, and other park users signed petitions and he relented, but I believe, he imposed a permit/fee requirement to try and get the situation under control. I'm sure your parks department contacts can fill you in on the details. You may also want to ask why the county was the major player. I thought the state controlled that park as indicated on page 48.

7. Page 40. There's no information on 15. Wailua or 19. Kahikinui but they might be public access points to pursue. I believe there's already a trail from the highway to the shore through Wailua Valley, although I haven't hiked it. The Kahikinui area is accessed by shoreline trail from either end, from La Perouse or Nu'u, but there are a number of fishing sites on this shore that are accessed by mauka/makai gated roads from the Ulupalakua area. Commercial dive tour operators have discovered Kahikinui and come to this area by boat from points west.

8. Page 79. Future Accesses.

a. Kahului- Wailuku. The Kahului-Hoaloha Park area was designated as medium priority, but you may want to consider it high. I believe the population of canoe paddlers who use the area has increased considerably and they're looking for some help with expansion and improvements.

c. Hana. Hamoa Beach. The owners may be permitting public access now.

d. Kihei to Makena. I think the public access issues at Papalaua were resolved, but you should check. Makena- Big Beach is now a state park.

Good luck. Let me know if there's anything else I can help you with.

Aloha, John