

Lahip, Jessica

From: Claudia Rohr [REDACTED]
Sent: Wednesday, January 10, 2024 10:18 PM
To: Planning CDP; Tawn Keeney; Roth, Mitch D
Cc: Donald Rudny; Bauer, Jackson M
Subject: testimony for February meeting of the Hamakua CDP action committee, Papaikou Landing, TK 3-2-7-4-118

Aloha e, Hamakua CDP committee members and Mayor Roth-

At the January 10, 2024 Hamakua Community Development Plan action committee meeting, it became known that Heather Kimball represents that Mayor Roth does not want the County to take over the Mill Beach trail because of liability from dangerous structures. If this is true then the Mayor is not thinking about this correctly. There is still an opportunity here, long term.

Hawaii County Code Public Access, Chapter 34, states a public access easement is required in a subdivision of six lots or more. If the landowner of TMK (3)2-7-4-118 figures out how to create a subdivision adding at least two more lots in addition to the one lot in parcel 118, (a Lot from a previous 4 lot subdivision), and how to contain all of the conservation land and all of the ag-20 zoned land inside one lot, then the county can condition the right to subdivide on access easements spaced to code and wait for the owner to demolish the old mill structure. The owner is planning to start an ecotourism and film industry business using the "private beach" he thinks he owns. The owner has a permit to continue the demolition of the old mill, and according to his SMA assessment application, he intends to continue the demolition of the old mill structure that impacts the trail.

Where Alex Roy went wrong with the SMA use permit assessment application, (that SMA permit has now been revoked), is that he should **not** have waived the certified shoreline survey because there are dangerous shoreline hardening structures that need to be considered in the SMA assessment of environmental impacts to the SMA. The state surveyor would have made the owner apply to purchase an easement over state owned land below the shoreline designated conservation by the LUC (for the old mill shoreline hardening structures) or alternatively, the state would make the owner demolish the dangerous structure. Problem solved eventually. But getting the public access easement as a condition of the SMA permit and subdivision must be addressed by the County when the time comes... eventually.

Claudia Rohr
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