

## Cummings, Adaline F

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**From:** Cottrell, Curt A  
**Sent:** Monday, February 28, 2022 4:01 PM  
**To:** Cummings, Adaline F  
**Cc:** Case, Suzanne D; Chow, Linda L; Pacheco, Larry J  
**Subject:** FW: [EXTERNAL] (Saturday Test Closing) Pu'u Ola'i aka Little Beach at Makena State Park

Addy, please pdf this email string for a response to OIP on the early closure of Pu'u Ola'i > mahalo

**From:** Cottrell, Curt A  
**Sent:** Wednesday, January 12, 2022 10:28 AM  
**To:** 'complaints@ombudsman.hawaii.gov' <[complaints@ombudsman.hawaii.gov](mailto:complaints@ombudsman.hawaii.gov)>  
**Cc:** Pacheco, Larry J <[larry.j.pacheco@hawaii.gov](mailto:larry.j.pacheco@hawaii.gov)>  
**Subject:** FW: [EXTERNAL] (Saturday Test Closing) Pu'u Ola'i aka Little Beach at Makena State Park

**Aloha Megan:** as requested based on our conversation this morning, below is the most comprehensive response record to Mr. Everson that reiterates in greater detail what I explained on the phone.

We have received very little complaint in regards to this management action, Mr. Everson has been the most frequent and consistent advocate for State Parks to resume a later weekend closure at Pu'u Ola'i. Until we change our current management strategy, I suspect he will continue to call until he receives the answer he wants.

The emails below provide the rationale for the management action. Also, please see the links below. These are just random links of many on social media that illustrate the degree of crowding and illegal behavior violating chapter 13-146 HAR. Alcohol, nudity, drug use, fires, groups greater than 25 gathering without a permit. The third link documents a law enforcement action in the dark trying to cite and disband the party.

I do not have the stats, but there has been the need for EMT response over the years due to underage drinking and drug use and impacts to health and ability to hike out. This entitled activity has forced the non-participant members of the public to not venture into Pu'u Ola'i – as this clothing optional behavior coupled with the Sunday gatherings is offensive and the crowd and associated drumming is a nuisance - disruptive to the larger % of public recreational beach patrons.

DLNR has eliminated all of the weekends gathering behavior you will see on the links. I have also copied Larry Pacheco, our DSP Maui Superintendent for additional information if warranted.

**Here is the legal authority:**

§13-146-4 Closing of areas. (a) The board or its authorized representative may establish a reasonable schedule of visiting hours for all or portions of the premises and close or restrict the public use of all or any portion thereof, when necessary for the protection of the area or the safety and welfare of persons or property, by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

<https://www.youtube.com/watch?v=1hGYDYft8Gk>

<https://twitter.com/lookmaicanwrite/status/1346365872311390208>

<https://mauinow.com/2020/11/23/law-enforcement-operation-at-little-beach-in-makena-maui/>



Department of Land and Natural Resources  
Division of State Parks

Curt A. Cottrell, Administrator  
Room 310, Kalanimoku Building, 1151 Punchbowl Street  
Honolulu, Hawaii 96813  
808.587.0290  
(21° 18' 56.1708'' N and 157° 51' 29.1348'' W.)

**From:** Cottrell, Curt A

**Sent:** Thursday, December 9, 2021 8:43 AM

**To:** dbepdx <[dbepdx@yahoo.com](mailto:dbepdx@yahoo.com)>

**Cc:** Representative Tina Wildberger <[repwildberger@capitol.hawaii.gov](mailto:repwildberger@capitol.hawaii.gov)>; Pacheco, Larry J <[larry.j.pacheco@hawaii.gov](mailto:larry.j.pacheco@hawaii.gov)>; Rodrigues, Howard J <[howard.j.rodrigues@hawaii.gov](mailto:howard.j.rodrigues@hawaii.gov)>; Carpenter, Alan B <[alan.b.carpenter@hawaii.gov](mailto:alan.b.carpenter@hawaii.gov)>; [billx@unforgettable.com](mailto:billx@unforgettable.com); [sunburnfrank@gmail.com](mailto:sunburnfrank@gmail.com); [kevinjhunt@mac.com](mailto:kevinjhunt@mac.com)

**Subject:** RE: [EXTERNAL] (Saturday Test Closing) Pu'u Ola'i aka Little Beach at Makena State Park

**Aloha Mr. Everson:**

Mahalo for your continued interest in patronage and access policies for Pu'u Ola'i at Makena State Park. I have consulted with Maui Division of Conservation and Resources Enforcement and our DSP Maui District Superintendent. After this consultation and evaluation, it has been decided that the current park closure hours for Pu'u Ola'i will remain as is.

As you know, Monday through Friday you may access Pu'u Ola'i from 5:00am to 7:00pm. On Saturdays and Sundays the hours will remain at 5:00am to 4:00pm – a 6 hour reduction in access over the weekend. As previously stated, you are encouraged to utilize Oneloa - Big Beach portion of the park until 7:00pm daily.

The current closing protocol given the insufficient staffing of DLNR law enforcement (a total of 13 staff on Maui) makes this closure both safer due to darkness and does not require Over Time costs, which by the way would be voluntary unless there was an emergency. There is an average of 3 officers available for this management support on weekends, and at times due to sick leave and/or vacation, a single officer has closed at 4 pm. The officers can then complete their rounds during normal working hours.

State Parks understands that those 3 hours are of critical importance to you and your friends and that this is a disappointment to you. However, in the interest of optimizing safety, cost effective operations, maintaining the weekend sanctity that State Parks has restored to Pu'u Ola'i, and insure there is no return of the previous illicit behavior, I have determined this continued policy is warranted.

**Mahalo**



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**From:** dbepdx <[dbepdx@yahoo.com](mailto:dbepdx@yahoo.com)>  
**Sent:** Wednesday, December 8, 2021 10:31 AM  
**To:** Cottrell, Curt A <[curt.a.cottrell@hawaii.gov](mailto:curt.a.cottrell@hawaii.gov)>  
**Cc:** Representative Tina Wildberger <[repwildberger@capitol.hawaii.gov](mailto:repwildberger@capitol.hawaii.gov)>; Pacheco, Larry J <[larry.j.pacheco@hawaii.gov](mailto:larry.j.pacheco@hawaii.gov)>; Rodrigues, Howard J <[howard.j.rodrigues@hawaii.gov](mailto:howard.j.rodrigues@hawaii.gov)>; Carpenter, Alan B <[alan.b.carpenter@hawaii.gov](mailto:alan.b.carpenter@hawaii.gov)>; [billx@unforgettable.com](mailto:billx@unforgettable.com); [sunburnfrank@gmail.com](mailto:sunburnfrank@gmail.com); [kevinjhunt@mac.com](mailto:kevinjhunt@mac.com)  
**Subject:** Re: [EXTERNAL] (Saturday Test Closing) Pu'u Ola'i aka Little Beach at Makena State Park

Hello Curt, just tried your office as well. Looking for an update please from two weeks ago correspondence.

thx  
David Everson

On Tuesday, November 23, 2021, 05:08:36 PM PST, Cottrell, Curt A <[curt.a.cottrell@hawaii.gov](mailto:curt.a.cottrell@hawaii.gov)> wrote:

**Aloha David et al:**

As I indicated in our conversation, I will consult with both our Maui Division of Conservation and Resources Enforcement and DSP park staff on the pros and cons of resuming the 7:00 pm Saturday closure of Pu'u Ola'i in regards to operations, safety, schedule changes, associated impacts, etc and get back to this group.

I prefer to not make management choices from Honolulu absent discussion and critical thinking with our Neighbor island staff.

As I also indicated, absent any empirical data that the large illegal group gathering with the ancillary drugs, alcohol, nudity, fire, noise, etc would migrate to Saturday, it is reasonable to reevaluate the policy on the 4 pm Saturday closure.

If DSP does process with this, and the behavior returns, DSP would resume the current policy on 4 PM closure.

Mahalo for your continued patience and understanding of balancing resource protection, public safety, and associated costs with providing recreation.



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**From:** dbepdx <[dbepdx@yahoo.com](mailto:dbepdx@yahoo.com)>  
**Sent:** Tuesday, November 23, 2021 11:41 AM  
**To:** Cottrell, Curt A <[curt.a.cottrell@hawaii.gov](mailto:curt.a.cottrell@hawaii.gov)>  
**Cc:** Representative Tina Wildberger <[repwildberger@capitol.hawaii.gov](mailto:repwildberger@capitol.hawaii.gov)>; Pacheco, Larry J <[larry.j.pacheco@hawaii.gov](mailto:larry.j.pacheco@hawaii.gov)>; Rodrigues, Howard J <[howard.j.rodrigues@hawaii.gov](mailto:howard.j.rodrigues@hawaii.gov)>; Carpenter, Alan B <[alan.b.carpenter@hawaii.gov](mailto:alan.b.carpenter@hawaii.gov)>; [billx@unforgettable.com](mailto:billx@unforgettable.com); [sunburnfrank@gmail.com](mailto:sunburnfrank@gmail.com); [kevinjhunt@mac.com](mailto:kevinjhunt@mac.com)  
**Subject:** [EXTERNAL] (Saturday Test Closing) Pu'u Ola'i aka Little Beach at Makena State Park

Hello Curt. Thank you for your time last week via a call. I appreciate the willingness to compromise while supporting the needs and wants of the local South Maui community that rely on Little Beach for both physical and mental self-care.

Per the compromise conversation, I'm confident that the true local community can self-monitor a Saturday sunset closing time (just like Monday thru Friday), allowing local residents to truly have a weekend at little beach. We can make communicate issues if late night gatherings occur as well as self cleaning / clean up like we do now. Think of this as a local community 'adopt a beach/adopt a park' community involvement.

I've cc'd close members of the beach community on here as well.

Let us know your timing on the Saturday extension to normal hours.

Aloha

David Everson

On Tuesday, November 16, 2021, 02:51:13 PM PST, Cottrell, Curt A <[curt.a.cottrell@hawaii.gov](mailto:curt.a.cottrell@hawaii.gov)> wrote:

**Aloha Mr. Everson:** DLNR has responded to your emails but it appears that you are dissatisfied with the responses.

You hold the belief that the early closure is discrimination of some sort, this is not true. If early gate closing is the basis for this assertion, I have another example: Makua Beach - a portion of Ka'ena Point State Park, a remote park unit at the end of the road on the West Side of Oahu. A few years ago the Division of State Parks, (DSP) choose to keep two vehicle access gates closed 7 days a week along a unimproved beach road mauka of the sand.

This was due to years of very large weekend gatherings that consisted of illegal camping (this is not a designated camping area – there is no comfort station). Makua is considered part of Oahu's cultural landscape in addition to pure scenic beauty. There was community support for this action due to the impacts.

This decision was based on decades of large weekend parties, and on 3 day weekends, attracted up to 800 people illegally camping, driving on the beach, burning pallets, consuming alcohol, defecating in the koa haole brush mauka of the beach, and leaving piles of rubbish that our one Park Caretaker that we have for the West Side had to remove every Monday. Due to a relatively distant location, and staff shortages, law enforcement was difficult to provide on a continuous basis, and due to the size of the beach and darkness virtually impossible to conduct. The public now parks on the State Highway and walks to the beach and enjoys day use of a much cleaner beach. Years of abuse left charcoal and nails in the sand and a Hawaiian culturally based Curatorship with DSP has been cleaning the sand and other areas of accumulated rubbish. The illegal camping and parties – with camping still occurring on occasional basis, has been dramatically reduced since access requires lugging gear a farther distance and roadside vehicles are at risk at night in this part of Oahu.

At the adjacent Keawa'ula portion of Ka'ena Point State Park, the vehicle access gate remains closed during the week (day use is occurring and people park outside of the gate) and in this case is only open only on weekends. Again, years of illegal camping and impacts (there is one comfort station and water is contained in one large storage tank that pumps ground water from a well, so heavy use drains the tank and the showers and toilets are without water) - plus the threat of COVID, evoked this management response. DSP pays a private sector security company to close the gate on weekends (we could not afford the 7 day a week closing cost bid) as our Park Caretaker starts early and is pau work prior to the 6 pm park closure. Additionally, getting public to leave from this large and remote park unit is challenging, and there are times when cars get locked in as the public does not heed the posted hours. DLNR law enforcement, when available, also supports the security company as warranted to insure compliance. The company places a notice on windshields of the vehicle locked in to inform them of the violation (but they are not cited) and that they can make arrangement with staff or the City and County of Honolulu lifeguards who are onsite at the LG tower to retrieve their vehicle the next day by opening the gate.

In regards to Pu'u Ola'i, while not subject to such egregious impacts, (but it is only a 600 foot beach) I have been informed by staff that the 4 pm closure is working, and that the large weekly gatherings with illegal use of fire, alcohol, illicit substances, and group nudity has been eliminated. The ambiance is now more tranquil as befitting a scenic and culturally significant State Park, and the impacts associated with human waste mauka of the sand has been vastly reduced.



I have been told that the public is cordial when it is time to leave and patronage is very small by 4 pm (around 10 people on average). This schedule does not require over time cost for law enforcement, and since it is still daylight, reconnaissance of the beach, communicating the need to leave and the safety of transiting the cinder trail is optimized.

And as you know, the 4 pm closure is only on weekends, as Pu'u Ola'i remains open under the same schedule as Oneloa during the week. You are welcome and encouraged to enjoy the over 3,400 ft long Oneloa beach until the 7 pm closing time on weekends. Sunset this time of year is around 6 pm.

**Solutions?** I cannot speak on any civil action or other measures you feel compelled to take as a citizen on this matter. However, I do encourage you to support and advocate on behalf of DLNR. Part of our challenge is that the Hawaii State Park System is the least staffed State Park System in the United States. Currently our roster is 128, (we lost several positions last year due to economic downturn) Alaska is next with around 150. As an example, Nebraska has over 1,000 state park employees and arguably Hawaii is more recognized and patronized as a global visitor destination than Nebraska.

Hawaii has beautiful and remote park units with absolutely no staff support. We need more Interpretive Technicians (non law enforcement rangers), a job class series that in addition to supporting maintenance, also interacts and provides education to the public. We currently have 3 Statewide. We are asking for 11 more in addition to other operation and management positions.

DOCARE, our law enforcement division, is now getting additional officers, but I do not know about their operating budget for over time – which is part of the challenge in insuring compliant Pu'u Ola'i behavior and breaking up the sunset to darkness parties.

Additionally, Maui County's COVID protocols include: *"Rule 3: Social gatherings. Indoor social gatherings of up to 10 persons are permitted and outdoor social gatherings of up to 25 persons are permitted."* *"A social gathering is defined as a gathering or event that brings together persons from multiple households or living units at the same time for a discrete, shared, or group experience in a single room, space, or place, such as a private home, park, auditorium, stadium, arena, conference room, lunch room, meeting hall, or other indoor or outdoor space."* The Sunday Pu'u Ola'i drum circles generated more than 25 participants on a weekly basis.

I am sorry that you do not share our rationale or support the decision for early weekend closure, but this is the manner by which Pu'u Ola'i will remain managed until optimized management can occur and/or the assurance that the public will not resume the previous illicit and large group behavior.

Mahalo.



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From: David <[dbepdx@yahoo.com](mailto:dbepdx@yahoo.com)>

Sent: Monday, November 1, 2021 1:57 PM

To: DLNR.CO.Chair <[dlnr.chair@hawaii.gov](mailto:dlnr.chair@hawaii.gov)>; Case, Suzanne D <[suzanne.case@hawaii.gov](mailto:suzanne.case@hawaii.gov)>; Representative Tina Wildberger <[repwildberger@capitol.hawaii.gov](mailto:repwildberger@capitol.hawaii.gov)>; Cottrell, Curt A <[curt.a.cottrell@hawaii.gov](mailto:curt.a.cottrell@hawaii.gov)>; Pacheco, Larry J <[larry.j.pacheco@hawaii.gov](mailto:larry.j.pacheco@hawaii.gov)>; [info@ehawaii.gov](mailto:info@ehawaii.gov)

Subject: [EXTERNAL] Re: Little Beach Makena [CS65499]

I need a reply to my email below !

Sent from my iPhone

On Aug 16, 2021, at 2:04 PM, dbepdx <[dbepdx@yahoo.com](mailto:dbepdx@yahoo.com)> wrote:

Hello, although I appreciate the reply (whom ever wrote this...you don't have email signature) ...it does not answer my specific concerns. Let me write them out again:

1. Why the discrimination of early closure of Little beach on weekends?

\* I understand you want to quote administrative rules around nudity or social media posts etc...but this has nothing to do with my inquiry on early closure.

2. How do we, as public residents and tax payers, **challenge** DLNR's assessment on this issue of discrimination for weekend closure of a public State Park?

\* Community signatures to reverse your discrimination?

\* Class action lawsuit to reverse your discrimination?

\* Legislative action (Tina Wildberger) that represents the community demands?

Please advise on my # 1 and #2 above. I've also called Suzanne Cases office multiple times and she refuses to call me back...don't you all work for us citizens?

Regards,

David Everson, 19 year resident.

On Friday, August 6, 2021, 03:41:32 PM PDT, DLNR. CO. Chair <[dlnr.chair@hawaii.gov](mailto:dlnr.chair@hawaii.gov)> wrote:

Aloha Mr. Everson,

We are in receipt of your inquiry via Governor Ige's office dated July 29, 2021 and the DLNR Chairperson's Office dated August 2, 2021.

The following response is from DLNR, Division of State Parks Administrator, Curt Cottrell.

The current situation with the reduced park hours on weekends has achieved a positive outcome for enforcing and eliminating a variety of prohibited activities, which were tied to the weekly Saturday and Sunday gatherings at Little Beach (Pu'u Ola'i). Enforcement efforts in the area of the Makena State Park targets all prohibited activities under HAR 13-146 and are not specific to nudity. In support of the Division of Conservation and Resources Enforcement (DOCARE), Division of State Parks (DSP) intends to maintain the current 4:00pm closure hours at the Pu'u Ola'i portion of the park. The daylight closure also supports safety concerns for both park users as well as our enforcement officers who are assigned to clear and secure this area.

While nudity still occurs at Pu'u Ola'i, DLNR enforcement has been citing members of the public for violation of the State Park Administrative Rule:

**§13-146-38 Swimming; nudity. (a) A person may swim or bathe except in waters and at times where these activities are prohibited in the interest of public health or safety. These waters shall be designated by posting of appropriate signs. No person shall bathe, swim, walk, sunbathe, or remain on the premises in the nude,**

**or take outdoor showers in the nude, except for bathing or changing clothes within enclosed facilities provided for these purposes or for the exposed breast of a nursing mother in the act of breastfeeding an infant.**

The opportunity for the public to stay until 7:00 pm is available at Oneloa Beach. Additionally, Pu'u Ola'i is open until 7:00pm five days a week Monday thru Friday. Please note that the earlier weekend closure affects the use of this area for a total of six hours on a weekly basis. This is a small sacrifice which has resulted in a much safer environment for all. The larger Oneloa portion of Makena State Park remains open daily until 7:00pm.

While this may be viewed as discrimination, the Department assures you that it is quite the opposite – our mission is to allow for equal access to all members of the public and community and simply enforce our current laws, rules, and regulations. The notion that Pu'u Ola'i (exacerbated by the proliferation of social media) is specifically for the use of clothing optional patrons and large weekly gatherings – to the exclusion of all other members of the public who do not wish to participate or be in proximity to these activities, has been a misconception and as such, the Department is trying to now remedy the situation to restore quality of experience and legal behavior at Pu'u Ola'i.

