



NA ALA HELE
Hawaii Trail & Access System

NA ALA HELE ADVISORY COUNCIL
HAWAII ISLAND

DATE: **October 5, 2011**

PLACE: **Kamuela State Tree Nursery**

TIME: **6:00 pm to 8:00 pm**

AGENDA

- I. REVIEW MINUTES OF March 9, 2011**
- II. PUBLIC TESTIMONY/NEW BUSINESS**
 - A. Kahuku Village Draft Environmental Impact Statement– seeking recommendations to remnants of a coastal trail and two major mauka-makai trails. Visit the link for the Draft EIS that can be requested on a separate email from ikawashima@dofawha.org.**
 - B. Review Terrence Noda Application for Council Membership.**
 - C. Review Dennis Vierra Application for Council Membership.**
- III. UNFINISHED BUSINESS/ COMMITTEE REPORTS**
 - A. Rajan Residence Affecting the Judd Trail**
 - B. Kaloko Makai Development**
 - C. Ala Kahakai NHT Update**
 - D. Na Ala Hele Update**
 - E. Council Member Comments**
 - F. Set Next Meeting Agenda**
 - G. Set Next Meeting Date**
- IV. ADJOURNMENT**

If you desire to attend the above meeting and require auxiliary aids (taped material or sign language interpreter) please request assistance five working days prior to the meeting to the Division of Forestry and Wildlife Branch at the address shown below or by calling/faxing at (808) 974-4221/(808) 974-4226

Na Ala Hele

Hawaii Island Advisory Council Minutes

MEETING DATE: March 9th, 2011

PLACE: Kamuela State Tree Nursery

Voting Members Present:

Deborah Chang, Michael Varney, Robert Misajon, Branning Sung, Riley Smith

Voting Members Absent:

Judith Ellis, Gilbert Kahele

Public:

None

Ex-Officio:

Irving Kawashima, Rick Gmirkin

I. Review of Minutes of 1-12-2011

- a. Public Testimony/new business II.b.i. change oceans 1250 to Oceanside 1250
- b. Public Testimony/new business II.d. change members to officers
- c. Unfinished Business/committee reports f.ix.1. change motorcycles to mountain bikes
- d. Agenda for next meeting V.f change exection to election

II. Public Testimony/New Business

- a. Riley asks if it is a typical protocol to ask opposing side to attend the meeting
 - i. Debbie reports Charlene Prickett (Papaikou Beach) would like to attend a meeting so she can present her side
 - ii. Riley suggest we contact landowners prior to meetings if landowner property is on agenda

III. Unfinished Business

- a. Papaikou Beach Access
 - i. Letter from Irving to Niels Christiansen
 - 1. Road was built by mill for beach access
 - 2. Landings and wharfs Papaikou landing was for private use
 - ii. Jim Waugh and Charlene Prickett are land owners will be contacted to allow them chance to present their side to Na Ala Hele
 - iii. Hard to believe that there wasn't an ancient trail to the bay
 - iv. Bay might not have existed might have been created after Mill modified coastline which resulted in sand deposits

- v. Abandoned house on adjacent property can open space commission buy the property?
 - vi. Papaikou Beach access on the next agenda to allow landowner to represent their side
- b. Hookena Trail at Kauhako
 - i. Irving letter received this morning requires him to see Teresa Dunham
 - 1. Revising letter to Keith Unger
 - ii. Archaeological survey for the trail is required to locate trail
 - iii. Should Archaeological survey continue to other side of fence where burials are suspected to exist?
 - iv. Land survey needs to be done to locate trail
 - v. Irving to rewrite draft then sit with Teresa purpose: come to agreement between trails and historical site preservation
 - vi. Goal is to land bank trail under Na Ala Hele
- c. Kauhaloa Shoreline Encroachments
 - i. Manmade structures encroaching on the beach
 - ii. No lateral shoreline access
 - iii. Dennis Hart and Roy Santana
 - iv. Mike has sent letter and reminder letter still has not heard back response
 - 1. Over 2 weeks has passed
 - 2. Site visit did occur Ester Imamura acted for OCC
 - 3. Ester states not a high priority due to furlough or until complaints start coming into office
 - 4. Debbie will inquire with Ester
- d. Election of officers Mike Chair, Robert Vice Chair
 - i. Debbie moves to continue Mike Varney as Chair
 - ii. Riley seconds motion
 - iii. Mike Varney to continue as chair
 - iv. Hold off on electing vice chair until Judy is present
 - v. Debbie moves for Branning to be recorder
 - vi. Robert seconds the motion
 - vii. Branning to be recorder
- e. New members
 - i. Members to approach candidates for new membership
 - ii. Need someone with Hawaiian cultural background
 - 1. Kuulei Keakealani possible Debbie to follow thru on contacting her kkeakealani@kukio.com
 - iii. Needed members: large landowner, Mountain bike, OHV, Hawaiian cultural background
- f. Hokulia Historic Trails
 - i. MOA has not be finalized
 - ii. Clem says MOA is being held up because of need to connect 2 of the trails

- iii. Problem getting from public parking area to old government road OGR and old card road OCR
- iv. Lack of follow thru on easement without easement MOA cannot be finalized
- v. Without MOA work cannot proceed
- vi. People who created easement (PCSA advisory group) are not on project anymore PCSA Mike Matsukawa to return to PCSA
- vii. Believe that we need follow thru on easement which will allow MOA to be finalized
- viii. No status change since 2007
- ix. Recommend Clem ask Mike Matsukawa for possible solutions to the easement problem or advice to kick start easement project

g. Puna Trail MOA

- i. In the AG's office to shipman beach from end of subdivision to Haena Beach
- ii. Parking lot and signage on Shipman property
- iii. Is there a right of way thru Hawaiian Paradise Park
 - 1. Irving to check since it is a private subdivision/road

IV. Ala Kahakai National Historic Trail Update

- a. Lapakahi trail
 - i. Possible closures while trail is worked on
 - ii. State purchased Rice property (legacy land funds program)
 - iii. County purchased all properties except for the Gordy property
- b. Hawaiian homes in Kawaihae area to create a wellness park
- c. 4 members of Ala Kahakai on island

V. Na Ala Hele update

- a. Signs at ATV park
- b. Kaloko Makai request to get on their land for follow up trail identification/location

VI. Council Members concerns

- a. Debbie update to tracking tool
 - i. Church row allow horses on trail
 - 1. EIS is needed to allow horses on trail
 - 2. Original EIS didn't include horses
 - ii. Kawaihae to Mahukona Ala Loa
 - 1. Where is the Ala Loa
 - 2. CDP requires that Ala Loa be found
 - 3. Abstract from Moana says there is a high probability that the Ala Loa goes from Kawaihae to Mahukona
 - a. Being done parcel by parcel
 - b. Heffner property needs to know where Ala Loa is
 - c. Gordy property use as a precedent Na Ala Hele and Gordy agreement as to where the Ala Loa is use this letter to inform Heffner of Ala Loa and location

- d. Debbie asking Irving for letter to Gordy to use to send to Heffner
- e. State land surveyor site Michael will email site to Irving to research what Kamehameha schools intends to do with their property
 - i. Property to be used for cultural purposes
- iii. Move Onomea trails to resolved list
- iv. Waipunalei trail abstract Laupahoehoe experimental forest
 - 1. Abstract is pending but access has been denied
 - 2. Move to resolved list
- b. Riley church row water tank is a well pump
 - i. Church Row OGR is County owned maybe it is not a Na Ala Hele concern but is a public access concern
 - ii. Move public access concerns to a different area of the spreadsheet versus action items
- c. Robert served for 3 years moving on to new job in Germany

VII. Agenda for next meeting

- a. Review of minutes
- b. Public Testamony/New Business
 - i. Papaikou landowners
 - ii. Recruitment of new members new applications
 - 1. Hopefully review new applications
- c. Unfinished Business
 - i. Election of vice chair
 - ii. Kauhaloa shoreline encroachments
- d. Ala Kahakai update
- e. Na Ala Hele update
 - i. Puna MOA
 - ii. Unger
- f. Council member comments
- g. Set next meeting agenda
- h. Set next meeting date

VIII. Next meeting

- a. April 27th 2011 Wednesday

1 INTRODUCTION AND SUMMARY

This Draft Environmental Impact Statement (EIS) is prepared pursuant to Chapter 343, Hawai'i Revised Statutes (HRS), and Title 11, Chapter 200, Hawai'i Administrative Rules (HAR), Department of Health (DOH), State of Hawai'i. Proposed is an applicant action by Nani Kahuku Aina, LLC for the creation of Kahuku Village, a master-planned, mixed-use community emphasizing cultural and natural resource stewardship located in the Ka'ū region, Island of Hawai'i.

1.1 PROFILE

Project Name:	Kahuku Village
Location:	Kahuku Ahupua'a, Ka'ū District, Island and County of Hawai'i, Hawai'i
Judicial District:	Ka'ū
Tax Map Key:	TMK (3) 9-2-001:072
Applicant/Landowners:	Nani Kahuku Aina, LLC, a Delaware Limited Liability Company
Land Area:	16,456.547 acres
Petition Area:	Approximately 1,600 acres (to be refined/finalized with land survey)
Existing Use:	Vacant, open land with scrub vegetation and lava rock.
Proposed Use:	The majority of the Nani Kahuku Aina property will be undeveloped and remain as open space. Kahuku Village involves the creation of a Hawaiian Heritage Center and a Mixed-Use Residential and Commercial village in the makai portion of the property. The Kahuku Hawaiian Heritage Center will formalize and perpetuate programs to steward and preserve the natural and cultural resources on the property. The Mixed-Use Village will have neighborhood serving commercial uses, single- and multi-family residential units, a golf course, visitor accommodations, and neighborhood parks. A portion of the revenue generated from the Mixed-Use Village will supplement funding for programs and operations of the Hawaiian Heritage Center. Approximately 125-acres of land in the mauka portion of property near Māmalahoa Highway and adjacent to the Hawaiian Ocean View Ranchos development is proposed to be dedicated to State and County agencies for civic uses such as an elementary school, police substation, fire station, emergency medical clinic, and district park.



April 13, 2011

Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trail and Access Program

Dear NA Ala Hele Advisory Council Members,

This letter along with the attached application and resume confirms my decision to apply for the Na Ala Hele Advisory Council Membership.

If selected, I hope to be a contribution and asset the Na Ala Hele Advisory Council.

If you have any questions regarding my application please feel free to call me at (808) 479-6585.

Sincerely,



Terrence Noda



Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trail and Access Program

Date: April 13, 2011

Application For Advisory Council Membership

Island: Kauai Oahu Molokai Lanai Maui Hawaii
Name: Terrence Noda
Address: P.O. Box 492503 Keaau, Hawaii 96749-2503
Phone: Business (808) 966 5512 Home (808) 982-4170 Cellular (808) 479-6585
E-mail Wildlife88@iwon.com Fax (808) 966-5517
Occupation: Biologist/Safety Training Officer
Trail User Group: Hunting ,OHV, Horse Back Trail Rider, Hiking,

Why are you interested in serving as a member of the Advisory Council?

To work with other people who are interested in the maintaining access to areas for recreation , hunting , research management, Hawaiian cultural history, gatehering.

What skills and/or knowledge would you contribute to the Na Ala Hele Program?

The ability to work with others and provide input on topics before the Advisory council. Born and raised in Hawaii many people have contributed to my skills and knowledge of the culture and responsibility. Attached is a short resume explaining my knowledge and skills set.

What would you like to see the Na Ala Hele Program Accomplish?

To keep access open to areas approved by DOFAW. To keep educating public though public outreach. Work with all interested parties to resolve issues brought before the council.

Terrence Noda
P.O. Box 492503
Keaau, Hawaii 96749-2503
Mobile: (808) 479-6585
Evening Phone: (808) 982-4170

Attachment to Na Ala Hele Advisory Consul Application:

Related Experience: Research 1995–2000

Ran transects for the State of Hawaii DOFAW to determine feral pig populations and density on Oahu. Responsible for surveying bird population in specific location using the breeding bird survey method.

Related Experience:	Horse Rider	1979 – Present
	Horse Trail Rider	1979 – Present
	Horse Trainer	1985 – Present
	Farrier	2000 – Present

Began riding horses in Waimalu Valley on Oahu, continued riding at the Double Rainbow Stable in Pearl City. Assisted in managing cattle for Circle 6 in Pearl City. Trained horses for and competed in Team Sorting Events on Oahu won many buckles. Green trained and finished horses for a horse breeder in Kunia; trained average of 10 horses per year, semi-retired from horse training in 2008. Learned Farrier work from Jimmy Ng; an accomplished farrier located in Waimanalo on Oahu. Always enjoyed trail riding.

Related Experience: Hiker 1979 – Present

Began hiking as a child in Waiawa Valley on Oahu. Enjoyed Hiking and running transects for the State of Hawaii DOFAW to determine feral pig populations and density on Oahu. Continue to hike at when on travel on the Mainland, one of my more enjoyable hikes was at Banff National Park in Canada.

Related Experience: Mountain Bike Rider 1990 – Present

Introduced to mountain bikes first as a form of alternative transportation while conducting security patrols. Enjoyed riding though trails with mountain bikes, especially since many illusive animal species are unaware of your movements especially riding downhill, took a few good pictures this way.

Related Experience: Dirt Bike Rider

1975 – 1990

Rode dirt bikes to check fence lines and round-up cattle in areas which were inaccessible by horse.

Related Experience: ATV Rider

2003- Present

Began riding ATV's to conduct wildlife patrols at National Wildlife Refuges, Game Management Areas and Airports. Continued to ride recreationally on trails and roads.

Related Experience: ATV Safety Institute Instructor

2007- Present

Working with the Na Ala Hele Program Manager planned, developed and created the ATV Safety Training Area at Waieka ATV Park. Conduct ATV training at no cost to participants. Provide ATV safety training in accordance with the guidelines and standards set by the ATV Safety Institute.

Related Experience: Na Ala Hele Ranger

2009 – Present

Assist the Na Ala Hele Program Manager in coordinating Ranger Patrols. Patrols include maintaining facilities, signs and markers. Removing graffiti, trash, broken bottles. Rehabilitating areas damaged by irresponsible users such as Kanakaleonui. Assisted in signing Mauna Kea R-1 and R-10 to assist users in navigating the roads. Provide information to visitors using Mauna Kea and Waieka ATV park on Tread Lightly Principals and Na Ala Hele Rules and Regulations. Document and report to the Na Ala Hele Manger any damage, discrepancy or violation observed.

Related Experience: Hunter

1975 – Present

Began Hunting on Lanai with my uncle a resident of Lanai. Enjoy bird hunting with dogs and mammal hunting. Proficient at using compound bow, conventional bow, black powder, Center fire and rim fire rifles, Center fire and rim fire pistols, net guns and traps.

As Wildlife Specialist / Animal Damage Control Specialist/ Wildlife Biologist managed wildlife at Airports, National Wildlife Refuges, Game Management Areas, Natural Area Reserves.

Studied bailing dogs in New Zealand, illustrated a paper for The Nature Conservancy.

Certifications:

- Tread Lightly Instructor**
- NRA Firearms Instructor/ Training Counselor**
- Wildlife Services Firearm and Pyrotechnic Instructor**
- USDA Safety Officer**
- Portable/Mobile / Repeater Radio Certified**
- ATV Safety Institute Instructor**
- FAA Movement Area Instructor**
- Airports Self Inspection Instructor**
- Red Cross First Aid. CPR, AED Instructor**



Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trail and Access Program

Date: April 1, 2011

Application For Advisory Council Membership

Island: Kauai Oahu Molokai Lanai Maui Hawaii
Name: Dennis Clyde Vierra
Address: 212 Alaloa Road. Hilo, Hawaii 96720
Phone: Business _____ Home 959-9321 Cellular 990-9322
E-mail flydennis282@yahoo.com Fax _____
Occupation: Retired
Trail User Group: Off-Highway Vehicles

Why are you interested in serving as a member of the Advisory Council?

To be a vehicle for public input and to insure that all members of our community are able to enjoy Hawaii's
natural resources. To insure the protection and preservation of Hawaii's unique environment and to cultivate
understanding and harmony with respect to all user groups and landowners.

What skills and/or knowledge would you contribute to the Na Ala Hele Program?

Hawaii resident for over 62 years and familiar with the concerns of landowners as well as users of public and private
lands. A clear understanding that there needs to be a balance of conservation, preservation as well as recreation. I
have over 42 years of off-highway vehicle experience in the State of Hawaii and feel that I would be the best can-
didate to represent the recreational vehicle constituency.

What would you like to see the Na Ala Hele Program Accomplish?

Perpetuation of the Hawaii State wide trails and access system. Provide a means of education for the general
public. Promote understanding and preservation of our natural resources. Fostering responsible recreation
(through public education). Insuring continuance of the comprehensive outdoor recreation plan.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

DIVISION OF FORESTRY AND WILDLIFE
19 EAST KAWILI STREET
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HILO, HAWAII 96720
PH: (808)974-4221 FAX: (808)974-4226

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 9, 2011

B.J. Leithead-Todd, Director
County Planning Department
101 Pauahi St., Suite 3
Hilo, HI. 96720-4224

Dear Mrs. Leithead-Todd:

**Re: Na Ala Hele Trails & Access Program Review
Rajan Residence
County of Hawaii Grubbing Permit for a 5.351 – Acre Property
Holualoa 3rd Auhupua'a, North Kona district, Island of Hawaii
TMK: (3) 7-7-04:82**

Thank you for requesting our review of the subject grubbing permit, of which our office was notified on March 22, 2011. The property is located adjacent to the historic Judd Trail.

On May 4, 1990 the State's Department of the Attorney General issued the opinion that the Judd Trail is a "public Trail" owned in fee simple by the State of Hawaii pursuant to section 264-1 (b), HRS. (Opinion available on request).

Staff and the Hawaii Island Na Ala Hele Advisory Council recommend the following conditions affecting the Judd Trail that is located along the south side of the parcel:

1. **Breaches:** The original location of the trail should be restored within the breach, using materials that mimic the historic trail surface. In this manner the breached section will be connected to the original trail on either side.

If the breach crossing needs to be filled, the approach and exit on either side of the breach should be sloped to the trails walking tread.

Examples of a restored breach can be seen where the “Kings Trail” crosses the paved road, located along 69-275 Waikoloa Beach Drive, at the Waikoloa Beach Marriott.

Review of the planned breach by staff and advisory council is recommended.

2. **Buffer Width:** A 15-foot permanent no build easement, is preferred by the Na Ala Hele Advisory Council, and a 30-foot construction buffer along the south side of the parcel, as measured from the trail’s outside edge.

The Architectural Site Plan shows a new 4-foot rock wall that is being located 10-feet from the outer edge of the Judd Trail. We would prefer that this rock wall be moved back behind the 30-foot front setback and 30-foot construction buffer fence.

This would preserve the archaeological integrity of the trail.

3. **Buffer Treatments:** The natural, existing terrain and grade should be maintained throughout the buffer. Only hand-clearing within the buffer should be permitted at any time.

It is preferred that no landscaping be done unless the plants chosen are native to the area. Native plants should not be of the aggressive type that would eventually encroach onto the trails walking tread.

Review of planned treatments by staff and advisory council is recommended.

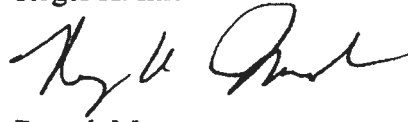
4. **Treatments Outside of the Buffer:** Certain plants can pose a safety hazard or result in undue maintenance requirements. Plants that drop large leaves and/or fruits (e.g., coconuts) or are likely to lean or encroach into the trail’s buffer should be avoided. Avoid plants that could become invasive, i.e., extensive root systems, exotic ground covers, or prolific seed producers.

Choosing native plants naturally growing in the area is likely to be the most practical approach, requiring minimal watering and special care. Be careful not to plant noxious weeds that are naturally occurring, such as fountain grass. Thorny plants should also be avoided.

We recognize that the Judd Trail in Ho’omalulu on Ali’i Drive could be a pedestrian amenity for all who live near it, particularly if properly cared for. We hope to improve the trail’s conditions in the future. To that end, if you have a metes and bounds survey of the trail as it borders your property; we would appreciate a copy for our records.

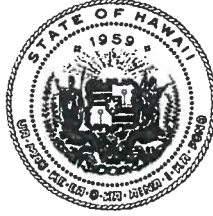
Again it is recommended that you come to a scheduled Advisory Council meeting to update us on your progress to protect the Judd Trail. Please contact Irving Kawashima of my staff, at 808-974-4221 or ikawashima@dofawha.org, for meeting dates and any questions or concerns regarding this letter.

Roger H. Imoto

A handwritten signature in black ink, appearing to read 'Roger H. Imoto', written in a cursive style.

Branch Manager

CC: Na Ala Hele Administration
State Historic Preservation Division
State Land Division
Ala Kahakai National Historic Trail
Mr. Singenellore Rajan



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

DIVISION OF FORESTRY AND WILDLIFE
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August 10, 2011

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
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COMMISSION ON WATER RESOURCE MANAGEMENT

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ho'okuleana LLC
Mr. Peter T. Young, President
25 Kaneohe Bay Drive, Suite 212
Kailua, Hawaii 96743

Dear Mr. Young:

Subject: Recommendations for the Preservation and Public Use of the Kohanaiki Road within the Proposed Kaloko Makai Development. Kaloko, North Kona, Hawaii. Tax Map Key (3) 7-3-09:017, 025, 026, and 028.

On February 25, 2005, the Na Ala Hele Trails and Access System section issued the opinion that the Kohanaiki Road, based on the available evidence pursuant to the Highways Act of 1892, that the State of Hawaii through its Board of Land and Natural Resources may claim a fee simple interest in this road, a copy of which is available upon request.

Hawaii Island staff and the Hawaii Island Na Ala Hele Advisory Council recommend the following conditions affecting the Kohanaiki Road that traverses through the proposed development.

A. Preservation of the Kohanaiki Road ((hereinafter "Trail"))

1. Trail Relocation and/or Destruction

It is the Hawaii Island NAH Council's position that no relocation or destruction of historic trails be approved. Any such decision is done on a case-by case basis, and many factors must be considered. Assessment of the trail's values is done and council members may visit the subject area as part of decision-making. Council meetings are open to the public, and public opinion re: trail relocation and/or destruction are considered. Cultural experts, the State's Department of the Attorney General, and Na Ala Hele's abstractor may need to be consulted. Planners, landowners and/or

developers are encouraged to contact the Council early in the planning process. This can prevent misunderstandings and potentially costly delays.

2. Trail Width

Trail widths vary. There are no standard widths. Sometimes widths are apparent through direct trail observation and archaeological studies. Trail widths can change over time as they are used for different purposes or experience natural forces, such as erosion. Sometimes widths are specified in land deeds, historic maps, or in County permit documents when trail easements are required

3. Breaches

The number and width of breaches should be minimized. The original location of the trail should be restored within the breach, using materials that mimic the historic trail surface. In this manner the breached section will be connected to the original trail on either side.

Review of planned breaches by the council is recommended.

4. Buffer Width

Buffer widths of more than 15 feet, as measured from the trail's outside edges is preferred. This would preserve the archeological integrity of the trail.

5. Buffer Treatments

No construction should be allowed within the buffers and the natural existing terrain and grade should be maintained throughout the buffers. Only hand-clearing within the buffers should be permitted at any time.

In most instances, it is better to retain the existing vegetation, especially plants that provide shade. It is preferred that no landscaping be done within trail buffers unless the plants chosen are native to the area. Native plants should not be of the aggressive type that would eventually encroach onto the trails walking tread. The trail itself should be kept clear of vegetation.

6. Treatments Outside of the Buffer

Certain plants can pose a safety hazard or result in undue maintenance requirements. Plants that drop large leaves and/or fruits (e.g., coconuts) or are likely to lean or encroach into the trail's buffer should be avoided. Avoid plants that could become invasive, i.e., extensive root systems, exotic ground covers, or prolific seed producers. Choosing native plants naturally growing in the area is likely to be the most practical approach, requiring minimal watering and special care. Be careful not to plant noxious weeds that are naturally occurring, such as fountain grass. Thorny plants should also be avoided.

7. Adjacent Historic, Cultural & Natural Sites and Interpretive Signs

Opening a trail to public use can potentially impact sensitive historic, cultural and natural sites adjacent to the trail. State Historic Preservation Division (SHPD) requires management plans showing how potential impacts of public use will be mitigated. In addition impacts to native Hawaiian customary and traditional rights and practices, and the alleviation of those impacts need to be addressed in the management plan.

Burials require special protection. Hawaii Island's Burial council (though SHPD) should be consulted for guidance. Certain cultural and natural sites may need to be closed to the public. It is recommended that those concerns be brought to the Council for recommendations and referrals.

It is essential to educate people about the significance of and proper behavior around trails and sensitive sites nearby. Signage can be effective in this regard. Interpretive signage planned for trail and adjacent sites should be reviewed by the Council.

Check if standardized signage has been adopted for the particular area.

8. Public Access Control

Privately owned public accesses are commonly open during daylight hours only. In such cases, the council advocates consistent hours: from sunrise to ½ - 1 hour after sunset (allowing time for people to pack up and leave after enjoying the sunset).

Historic Hawaiian trails are a special case because traditionally those trails were in use at all times. The council supports continuing that practice for historic trails and routes that (1) are connected to a public road or other historic trails or (2) lead to the shoreline. The council recognizes that situations may arise in which control of public access is necessary.

B. Public Use of the Kohanaiki Road

The following discussion will outline the issues that have been/must be addressed before the Na Ala Hele Trails and Access Program can encourage public use, maintenance or facility construction activities.

1. Na Ala Hele Administrative Rules

Trails that can be claimed in fee simple by the Department of Land and Natural Resources are under the jurisdiction of the Land Division. Pursuant to Hawaii Administrative Rules 13-130, the Board of Land and Natural Resources (BLNR) must review and approve to designate the trails or trail sections as part of the NAH Program. This requires preparation of a Board Submittal that is presented at a public meeting.

2. Legal Analysis

Generally speaking, the State's position is that if a road or trail existed in 1892, the State (or a county) still owns the feature in fee simple. Ownership is not affected by non-use, no matter how long the non-use has continued. Any claim by the State of Hawaii to a historic or ancient trail is subject to challenge by adjoining landowners, which may require civil action to resolve. If however, the adjoining landowner is convinced of the State's claim based on the evidence provided, ownership of the trail is no longer an obstacle to development.

3. Physical Location

It is recommended that the trail alignments' physical location be confirmed through a metes and bounds or centerline survey to exactly describe the public access corridor through adjoining lands. This would require a notice be sent to adjoining landowners informing them of the date(s) and time(s) the survey would be conducted and seek permission to enter upon their land. If a private survey company performs the survey, a copy must be provided to the State Survey Division for their review.

4. Historic and Archaeological Features

Assistance from Historic Preservation (HP) is necessary to identify any archaeological or burial sites that may be within the trail corridor and determine the proper treatment of the same. This would include the preparation of a Historic Preservation Management Plan (HPMP) on historic and archaeological features located along the corridor. The scope of the HPMP will be determined jointly by HP and NAH staff utilizing existing HP data (if available), collection of information from adjacent private landowners and input from the local community.

The HPMP may be produced by either 1) NAH staff in consultation with HP staff, 2) through contracting a private consultant, or 3) by the developer if there is a related development. The HPMP would be subject to review and approval by HP.

5. Trail Maintenance and Development

It is necessary to determine and document through a Memorandum of Agreement (MOA) that trail maintenance and stewardship will be conducted by either:

- a) Adjacent landowners/developers where the trail is bordered on either side by private land;
- b) Interested community members/organizations, or
- c) Existing Division of Forestry and Wildlife and Na Ala Hele staff. If either a or b, NAH will draft MOA on trail stewardship.

In the cases where ancient or historic trails would be impacted by development, the county of Hawaii Planning Department offers NAH the opportunity to comment on possible buffer or no build zones to protect those features.

Trail development includes, but is not limited to: brushing the trail of encroaching vegetation, trail reconstruction, and installation of appropriate informational and directional signage and other mitigative measures for public safety and cultural resource protection.

Kaloko Makai Development
Kohanaiki Road

Trail improvements and signage are intended to keep the public along the State owned trail corridor and off any adjacent private property, in addition to deterring the public from investigating or tampering with historic or archaeological sites located along the trail on the adjacent private property (where applicable).

Once all the issues above are addressed, the trail corridor (or segment) can be opened for managed public use and recreation.

C. Na Ala Hele Advisory Councils

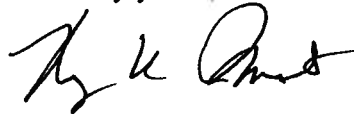
Comprised of trail user groups and constituents, these councils have been established statewide to provide a venue for public input on implementing the program. NAH's Hawaii Island Advisory council has adopted Guidelines for the Treatment of Historic Hawaiian Trails, a copy of which is available upon request.

1. How to Contact the Hawai'i Island Na Ala Hele Advisory Council

The Division of Forestry and Wildlife–Na Ala Hele office can connect you to whoever is the current chairperson of the Advisory Council (974-4221). You can request to be on the agenda for the Council's monthly meeting. Contact of specific council members is also encouraged.

Thank you for your cooperation in the preservation and public use of the Kohanaiki Road. Please contact Irving Kawashima of the Na Ala Hele Trails and Access section at 808-974-4221 or ikawashima@dofawha.org for assistance.

Sincerely yours,



Roger H. Imoto
Branch Manager

CC: Peter Phillips–Stanford Carr Development
NAH Administration
Land Division–Hawaii Island
State Historic Preservation Division
Ala Kahakai National Historic Trail
County of Hawaii Planning Department