

Na Ala Hele (NAH) Maui Advisory Council

**Minutes of February 19, 2014**

Present: Russell Reinertson, Bruce Faulkner, Kevin Jenkins, Donna Clayton, Dave Brown, Doug Bell, Tom Cannon, Sue Guille, Bob Hobdy

Absent:

Ex-Officio: Torrie Nohara, Scott Fretz, Moana Rowland, NAH Abstractor

Guests: Karyn Arakawa

Call to Order, Public Notice, Quorum

Russell called the meeting to order. Public notice was posted and quorum is met.

Review of Meeting Minutes of January 15, 2014

The January 15, 2014 minutes were unanimously approved as submitted.

NAH Staff Reports

Kevin Cooney/NAH Technician:

Volunteer/Intern Update: Sean Merrel has completed 606 hours of his year-long internship or almost 40% of his hours. He went to Kahoolawe last month as part of a KUPU Service Trip and enjoyed every minute of it. He worked on the Ala Loa O Kahoolawe with the Protect Kahoolawe Ohana Crew.

My apologies for missing last month's report. I had a family issue.

Our trail crew has been busy performing our favorite task: removing blow-downs and snags from the trails in the Kula Forest Reserve. With recent rains and Kona winds, we have had lots of snags fall across Plum Trail, Redwood Trail, Haleakala Ridge Trail, Polipoli Trail, and Mamane Trail. We have cleared them all and rerouted a few small sections where massive root balls tore up the trail. We still have a few areas to improve along Plum Trail.

We are also working on repairing vandalism on Haleakala Ridge Trail. Around New Year's, someone decided to tear out a dozen log steps that had been installed early in 2013. We are reinstalling milled cypress logs to fix the damage and we have chosen logs of such size that they should withstand vandals and miscreants.

We travelled to Lanai recently and spent a week maintaining the Fisherman's Trail as well as cutting invasive trees at the Kanepuu Reserve. The trail was thick with growth from the winter rain and it is now trimmed and clear. We also improved a loose, rocky area close to the Manele end of the trail.

Next week, we will be camping in the Polipoli Cabin and performing trail maintenance work. We will also be attending our annual Wildland Fire Refresher in early March. We

have Beneficial Designs arriving on island during the first week in March to train our crew on the Universal Trail Assessment Process and related equipment.

Finally, we bid aloha to our trail worker, Scott Sturdivant, who has given his notice and will be heading off to greener pastures at the end of February. We thank Scott for his hard work and wish him the best of luck in the future.

NAH Specialist:

1. Capital improvement projects (CIP) monies update - The NAH submittal to the Governor is complete and if the Governor approves the submittal NAH can go ahead with procurement materials for the Kahakapao Recreational Area, Upper Waiakoa, Upper Waiohuli, the Boy Scout Camp electronic gate, etc.
2. Notice from Haleakala National Park regarding 2012 Draft Environmental Assessment for Commercial Services - Torrie provided the site for comments on the Findings of No Significant Impact (FONSI) as follows:  
[www.nps.gov/hale/parkmgmt/businesswith\\_park.htm](http://www.nps.gov/hale/parkmgmt/businesswith_park.htm)

NAH Abstractor:

1. Power Point presentation: "The Legal Path to Old Hawaiian Trails Discussion on the laws and legal authority of NAH/state to claim trails – Moana reviewed laws beginning with the Ke Kanawai Mamalahoe - Law of the Splintered Paddle in 1797 by Kamehameha I, to the building of roads by prisoners and people who worked on roads rather than paying of road tax as a benefit to the commoners and poor under Kamehameha III, to the 1840 Constitution, Chapter VIII law requiring 3 surveyors plan roads and stating no one can refuse to give up land for a road, to the Board of Commissions' work to quiet land titles in 1845 with Article 4 providing public thoroughfares and easements for common good, to the Kuleana Act of 1850, Section 7 stating people have the right to a free right of way, to the wording in the 1859 Civil Code, Section 184, allowing the opening and closing of roads requested by 50 or more poll payers and decided by a jury of peers, followed by the Highways Act of 1892 where Queen Liliuokalani clarified what was to be considered public highways and stated they are owned by the Hawaiian government in fee simple (today some are in jurisdiction of the state and some the county), to HRS Chapter 264 in 1988 stating all trails and other non-vehicular rights of way declared to be public in the Highways Act and those built by the government in the future to be placed under DLNR responsibility, to the Public Trust Doctrine that all public lands be held in trust for the benefit of the people and must be preserved and maintained for the public.
2. Handout: "Historic Trail/Old Government Road Development Scenario" – a checklist on steps required for a NAH trail.
3. Moana reminded the council that NAH inventoried all existing trails and there are many uses for trails in the trail inventory other than public use such as for suppression of wildfire, search and rescue, etc. Of all 111 trails on the Big Island, only 19 are under NAH.

4. Moana will get the DAGS Survey website that shows old maps info to Torrie to distribute.

Public Testimony: None

Old Business:

1. Proposed new trail from Maalaea to Honolua – A joint presentation to the County Council on this trail proposal along with an IMBA presentation by Anna Laxague regarding the benefit of trails in the community will be considered. Donna to get the TMKs along the route to Torrie for research by Moana. A petition in support of the trail was also suggested.
2. Trail potential on State parcels 20-99 acres – nothing new; remove from agenda for now.
3. Kahakapao Recreational Area Master Plan – Russell circulated copies of the Progressive Bike Ramps product catalog to be considered at the next subcommittee meeting tomorrow at 4 pm with the bicycle community to discuss a wish list to be used once CIP monies are released. He also circulated the agenda for the meeting tomorrow and a report from the subcommittee meeting of January 22, 2014.
4. Haleakala Bridle Trail Update – Torrie passed out copies of the Maui News Article of 2/6/14. Senate Bill 2728 wording was revised from “as determined by the legislature” to “as provided by law.” The bill now does not change the Highways Act.
5. Education, Outreach and Trail Safety Education –nothing new.
6. Waihee Ridge Trail Access issues – The vendor now closes the gate at 7 pm for \$40/day. An electronic gate is planned on the release of CIP funds. Torrie received two bids – one electric and one solar powered and she chose solar as it is less expensive.
7. Nakula potential access routes ramifications of BLNR Decision on Proposed Land Exchange – As the land exchange is no longer considered, pending archaeological study, the next step is to review the Balthazar lease access wording again.
8. W.D. Alexander Map Research and Discussion of Old Trails as seen on Map – see above discussion by Moana Rowland.
9. Waipoli Road Access Issues – Vendor Requesting Commercial Designation to Operate Street Legal Motorcycles as a Tour Package up to Skyline Gate on Waipoli Rd. – Nothing heard from the vendor. Torrie reported the road will closed until around May 1.

New Business

1. Suggestions for new NAH trails – look to see if trails connect to the forest reserve.
2. New agenda items – National Trails Day (June) and Statewide Meeting on Maui (July)
3. Date of Next Meeting: March 19 at 2 pm

Announcements: A blessing for the Kanepuu Trail on Lanai will be 3/27/14 from 10 am to noon.

Open Forum: None

Adjournment: 3:41 pm