

*Hawaii Island Guidelines for the Treatment of Historic  
Hawaiian Trails (Version 4/1/2020)*



*Photo by Keith Wallis*



# HAWAIʻI ISLAND GUIDELINES FOR THE TREATMENT OF HISTORIC HAWAIIAN TRAILS (SUBJECT TO REVISION)

(ADOPTED BY NĀ ALA HELE’S HAWAIʻI ISLAND ADVISORY COUNCIL ON MAY 10, 2005. REVISIONS APPROVED ON MAY 23 and NOVEMBER 14, 2012, JANUARY 16, 2013, and April 1, 2020. PHOTOS UPDATED ON JANUARY 20, 2012 and March 22, 2020)

## **PURPOSE OF THESE**

**GUIDELINES:** *The Nā Ala Hele Hawaiʻi Island Advisory Council recognizes the need to establish guidelines for consistent treatment of historic Hawaiian trails when developments occur adjacent to them (see Appendix A: “Ancient, Historic, and Old Government Trails and Roads in Hawaii: A Summary of Pertinent Law.”). Many historic Hawaiian trails are owned in fee simple by the State of Hawaiʻi. While each situation poses unique circumstances and every case requires individual consideration, certain guiding principles can be agreed-upon. It is hoped that these guidelines will help with NAH Council decision-making and take some of the guess work out of the process for the Council, developers, State and County agencies and the public. **This is a working document that is subject to revision, as we find ways to improve upon it. Please check with the Nā Ala Hele Hawaiʻi Island program to make sure you are using the most current version.***

## **If the Historic Hawaiian Trail Is Under State Jurisdiction, Consultation with the Nā Ala Hele Hawaiʻi Island Advisory Council Is Highly Recommended**

The Hawaiʻi Statewide Trail and Access System, known as Nā Ala Hele (NAH), is part of the Department of Land & Natural Resources’ Division of Forestry and Wildlife. The program is required to establish advisory councils to solicit advice and assistance in the implementation of the statewide trail and access system. For more information on NAH, visit their website at <https://dlnr.hawaii.gov/recreation/>.

## **The Assessments of Trail Values by Nā Ala Hele’s Hawaiʻi Island Program, Archaeologists, & State Historic Preservation Division (SHPD) Can Differ**

Archaeological surveys and recommendations for site treatments are reviewed and approved by SHPD. SHPD’s assessment of the value of a historic trail is based on its physical condition, archaeological integrity, and cultural significance. A trail’s archaeological value (and SHPD’s preservation recommendation) is influenced by its present-day state of preservation and whether it is an integral part of a larger complex that is to be preserved.

Hawaiʻi Island’s NAH assessment of the value of a historic trail involves more than its current physical condition. In its assessment of trail values, NAH also considers these factors:

1. evidence that the trail historically existed by examining archaeological reports, historic maps, historic accounts, early surveyors’ notes, land deeds, boundary testimonies, and/or cultural impact assessments,
2. whether the trail potentially connects to other trails to form more lengthy routes, and
3. the public purpose served in preserving the trail.

NAH may also recommend “land banking” of trails deemed to have public value when resources are lacking to open them to public use.

## **Trail Relocation and/or Destruction**

It is the Hawai'i Island NAH Advisory Council's (hereinafter "Council") policy 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 (see previous section) 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 is considered. Cultural experts, the State's Department of the Attorney General, and NAH's abstractor may need to be consulted. If the development project is receiving federal funds, a Section 106 assessment is required to fully assess and mitigate the development's potential impacts on historic and cultural sites (See Relevant Laws on the last page of this document). Planners, landowners and/or developers are encouraged to contact the Council early in the planning process. This can prevent misunderstandings, premature expenditures, and potentially costly delays.

## **Trail Restoration, Buffers, and Maintenance**

### **Trail Erosion**

When the trail is located in an area vulnerable to potential erosion, provisions for trail relocation in the event of trail erosion should be included in all trail-related agreements and approvals. This is to ensure that the negotiated trail will be usable forever. Water diversion techniques, i.e. waterbars, may need to be employed if water runoff is occurring or potential for soil erosion is present. Information on "Best Management Practices" (BMPs) to prevent or correct erosion problems is available through Nā Ala Hele.



The trail has been seriously eroded by wave action, and encroaching vegetation makes walking precarious.

Photo taken at Waiulua Bay in Waikoloa Resort.

← Hikers are using the relocated trail. The original trail has been eroding away.

Photo taken between Waikoloa and Mauna Lani Resorts.



### **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 if their use transitioned from



walking purposes to other modes of transportation, i.e., horseback, carts, etc. Sometimes widths are specified in land deeds, historic maps, or in County permit documents when trail easements are required.

### **Buffer Widths**

Buffer widths vary. There are no standard widths. The council recommends widths of a minimum of thirty -feet, as measured from the trail's outside edges. This also applies to relocated and restored trails. Buffer widths are determined on a case-by-case basis and consideration is given to the archaeological integrity of the subject trail, view planes, surrounding environment, land uses, land ownership, and nearby natural and cultural features. The Council should be consulted early in the planning process to prevent misunderstandings, premature expenditures, and potentially costly delays.



When buffer widths are too narrow, the experience of “walking in the footsteps” of those who created the trails is lost.

Photo taken in Hualālai Resort where buffers are not being cleared, and thorny bougainvillea is allowed to grow into the trail.



Many present-day Hawaiians can trace their ancestors to villagers who relied upon these trails for their daily survival. Excessively narrow buffers take away from the authenticity of the experience, and damage the feeling of open space and broad landscape in which the trails belong. Adequate buffers and appropriate buffer treatments are essential to the historic trail experience.

Photo taken in Hualālai Resort. Historic trail is being smothered by poorly controlled vegetation.





Photo taken in 49 Black Sand Beach Subdivision in Mauna Lani Resort. Natal plum plants within the narrow buffer are thorny and spreading into the trail.

These examples help to illustrate why it is recommended that no landscaping be done within trail buffers. The trail itself should be kept clear of vegetation.



Photo taken in Kohala Waterfront Subdivision



Photo taken in `Ōuli, South Kohala

Past buffer widths have been shown to be inadequate. The Council's revised buffer width is hereby increased to a minimum of thirty-feet, as measured from the trail's outside edges.





Photo taken in Waikoloa Resort. Trail is the Alanui Aupuni (government road)– built circa. 1860s-1870s. The orange flagging denotes what a thirty-foot wide buffer looks like.



Photo taken in Waikoloa Resort. Orange arrows point to orange flagging denoting the 30-foot wide buffers.



## **Buffer Treatments**

Whether in its original historic condition or a realigned/restored historic trail, no construction should be allowed within the buffers (including utilities, foundations, rock walls of any height, and swimming pools), and the natural, existing terrain and grade should be maintained throughout the buffers. Roads should not be located within trail buffers, unless a breach is approved.

It is recommended that no landscaping be done within trail buffers. Choosing native plants naturally growing in the area, or known to have historically grown there, is 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 and poisonous plants (i.e., bougainvillea and oleander) should also be avoided. Avoid plants that could become invasive, i.e., extensive root systems, exotic ground covers, or prolific seed producers. Certain plants can pose a safety hazard or result in undue maintenance requirements, such as plants that drop large leaves and/or fruits (e.g., coconuts). Avoid plants that are likely to lean or encroach into the trail's buffer. Only hand-clearing within the buffers should be permitted at any time. Responsibility for the maintenance of the breaches and buffers should be clearly detailed in formal agreements.



**Laying hazardous obstructions within the trail tread and buffers, no matter how temporary, is an obviously unwise practice.**

**Photo taken in Hualālai Resort**

## **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. Planners and developers are encouraged to request time on Council agendas for that purpose. Additionally, since many historic and ancient trails are still owned by the State of Hawai'i (see Appendix A), easements for the purpose of breaching trails may need to be purchased through the Board of Land and

Natural Resources. Again, consulting with NAH early will prevent misunderstandings, premature expenditures, and potentially costly delays.



← This is the recommended breach surface treatment. It resembles the authentic historic surface while enabling road use.

Photo taken in Waikoloa Resort



← The reddish, smooth cobblestone appearance of this surface treatment is artificial and does not resemble any historic Hawaiian trail surface.

Photo taken in Waikoloa Resort

### 🌀 Treatments Outside of Buffers

Surroundings immediately adjacent to trail buffers greatly influence the trail experience. When trails are near the shoreline, structures (including walls and fences) *ma kai* (seaward) of the trails are discouraged to protect view planes and the historic ambiance. In some locations the natural lava “skin” may be the best choice if earth moving equipment has not already damaged the natural lava surface.



Plant surveys done prior to the area’s development can help to identify naturally occurring plants, including plants that were historically in the area. Council members may be able to suggest resource people and sources for native plant materials.

**🌀 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) will often require preservation 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 trail management.

Burials require special protection. Hawaiʻi Island’s Burial Council (through 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 trails and adjacent sites should be reviewed by the Council and SHPD if historic sites are present.



Photo taken in 49 Black Sand Beach Subdivision

Property pins (especially if set in concrete) that denote parcel boundaries, impact the aesthetic appearance, diminish the integrity of historic sites, and are a potential safety hazard. It is recommended (and is allowed under contemporary surveying practices) to place an offset “witness post,” at a nominal distance away from the actual boundary corner and indicate on the official survey map record, the distance and angle that the actual corner is located, away from the offset “witness post.” This practice meets the legal requirements of identifying the property corner, as well as protecting the integrity of the historic site.”

Spray paint used to mark a property boundary in the historic trail’s kerbing. This is defacing of a historic site in a National Park. →

Photo taken in Kauleoli, South Kona







Signage should be maintained, attractive and not confusing. Check if standardized signage has been adopted for the particular area.

Photo taken in Hualālai Resort



Signage clutter should be avoided.

Photo taken at `Ōhai`ula Beach



Consolidated signage on one sign post is recommended.

Photo taken at Paniau in Puakō



## **Public Access Management**

Historic Hawaiian trails are a special case because traditionally those trails were in use 24 hours/day. 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 or follow the shoreline. The Council recognizes that situations may arise in which control of public access is necessary. NAH can assist with balancing security, resource protection, etc. concerns with community access needs.

## **How to Contact the Hawaiʻi Island NAH Program and NAH Advisory Council**

The Division of Forestry and Wildlife - Nā Ala Hele office can be reached at (808) 974-4221. This contact can connect you to whoever is the current chairperson of the NAH Advisory Council. You can request to be on the agenda for the Council's public meetings.

## **Links to Relevant Laws**

- HRS Chapter 198D is the law that governs the Nā Ala Hele Program. It was first established in 1988.  
[https://www.capitol.hawaii.gov/hrscurrent/Vol03\\_Ch0121-0200D/HRS0198D/](https://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0198D/)
- HRS Chapter 6E is Hawaiʻi's Historic Preservation Law.  
[https://www.capitol.hawaii.gov/hrscurrent/Vol01\\_Ch0001-0042F/HRS0006E/](https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0006E/)
- "Ancient, Historic, and Old Government Trails and Roads in Hawaii: A Summary of Pertinent Law"  
<https://dlnr.hawaii.gov/recreation/files/2013/09/Highways-Act-Summary.pdf>
- For more information on Section 106 Reviews see:  
36 CFR PART 800 – PROTECTION OF HISTORIC PROPERTIES: Section 106 Reviews:  
<https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106>



# APPENDIX A



## **Ancient, Historic, and Old Government Trails and Roads in Hawaii** **A Summary of Pertinent Law**

Hawaii, unlike any other State in the U.S., was originally a sovereign nation - a kingdom. There were certain preexisting laws that were passed on and incorporated into what became laws of the U.S. Territory, and then ultimately, of the State. In relation to trails, the following two citations describe the legal tools used by the Na Ala Hele Program to identify and possibly claim public ownership of specific features:

### **The Highways Act of 1892**

In October of 1892, Queen Liliuokalani approved law that determined that the ownership of all public highways and the land, real estate and property of the same, shall be in the Hawaiian Government in fee simple. The definition of public highway includes all existing trails at the time "or hereafter opened, laid out or built by the Government, or by private parties, and dedicated or abandoned to the public as a highway, are hereby declared to be public highways." Furthermore, "All public highways once established shall continue until abandoned by due process of law".

### **Chapter 264-1(b), Hawaii Revised Statutes (HRS)**

The following HRS furthers the intent of the Highways Act:

All trails, and other nonvehicular rights-of-way in the State declared to be public rights-of-way by the Highways Act of 1892, or opened, laid out, or built by the government or otherwise created or vested as nonvehicular public rights of way at any time hereafter, or in the future, are declared to be public trails. A public trail is under the jurisdiction of the State Board of Land and Natural Resources - unless it was created by or dedicated to a particular county, in which case it shall be under the jurisdiction of that county. All State trails once established shall continue until lawfully disposed of pursuant to Chapter 171, HRS.

### **What this means**

If the State can document the existence of a trail prior to 1892, and the feature has not been disposed of pursuant to Chapter 171, the State may claim the trail. This applies even if the trail does not currently exist on the ground physically - in many instances trail sections have been destroyed over time due to various land uses or natural process. While a landowner may not adversely possess State land, the burden of proof is upon the State to document ownership. This can be adverse to adjacent private landowners, and may create the necessity for legal action.

Prior to promotion for public use, a necessary (and sometimes costly) step is to reconcile the historic documentation with an on-the-ground metes and bounds survey.



It is imperative to confirm that the identified trail is the same alignment that was originally in existence prior to 1892. Trail routes can migrate over time for numerous reasons, creating legal challenges to the application of the laws cited above. Other necessary steps include the creation of a cultural survey and management plan, and then establishing a trail restoration, maintenance and signage program.