

**REPORT TO THE TWENTY-EIGHTH LEGISLATURE
HAWAII STATEWIDE TRAIL AND ACCESS SYSTEM
“Na Ala Hele”**

REGULAR SESSION OF 2015



Prepared by:

**THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
Na Ala Hele Trail and Access Program**

In response to Section 198D-9(7), Hawaii Revised Statutes

**Honolulu, Hawaii
October 2014**

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PURPOSE

Chapter 198D, Hawaii Revised Statutes (HRS), establishes the Hawaii Trail and Access System, under the Department of Land and Natural Resources (DLNR). Pursuant to Section 198D-9(7), HRS, DLNR is required to submit an annual report that shall include a comprehensive description of the status of the Hawaii Statewide Trail and Access Program – Na Ala Hele (NAH) and the financial information specified in Section 198D-2(b), HRS.

INTRODUCTION

NAH was established in 1988. Section 198D-2, HRS, directs DLNR to plan, develop, and acquire land or rights for public use of land, construct, and coordinate activities to implement a trail and access system in Hawaii. The Program is administered by DLNR, Division of Forestry and Wildlife (DOFAW). This report will be cataloged into four sections:

1. Program Needs
2. Program Summary.
3. Funding Sources.
4. Ancient and Historic Trails Summary.

1. PROGRAM NEEDS

Section 198D-3, HRS, requires DLNR to create a trail inventory and database for historic trails, historic non-vehicular government roads, and historic cart roads as provided by the Highways Act of 1892, Section 264-1, HRS, “(b) All trails, and other non-vehicular rights-of-way in the State . . . are declared to be public trails.” The Board of Land and Natural Resources has direct authority over a public trail, unless it was dedicated to a County.

The current Fiscal Year (FY) 2015 budget for NAH Trails consists of: \$1.2 million general funds (8% Operations), \$1.2 million special funds (57% Operations), and \$1.2 million federal funds (100 % Operations). With public demands for statewide outdoor recreation opportunities reaching an all-time high, DOFAW staff and resources are stressed to their limits to maintain the current inventory of 124 trail and road access features covering 855 miles statewide. This number does not include the many unpublished historic trails found on all islands.

The Department’s ability to negotiate the Highway’s Act of 1892 provisions on private land is contentious and highly scrutinized by the public, due in large part to the issue of “unfunded liability”. DLNR is currently involved in litigation on Maui through Haleakala Ranch Company land of the historic “Bridle Trail” by Maui Public Access Trails Hawaii (PATH). The lawsuit is costly to all parties involved including DLNR. The NAH budget suffered from this “unfunded trail liability” because during this period less money was available for routine trail maintenance. Kauai and Hawaii Islands have historic trails where the public has repeatedly trespassed private property using the Highways Act of 1892 as their claim to access a historic trail.

The number of people visiting DLNR's major popular trails statewide has increased dramatically. Social media like "Goggle Maps Trekker" contributes to the phenomena by promoting a 360 degree panoramic imagery of Hawaii's popular trails on home computer which will subsequently attract more visitors to the already exceeded "carrying capacity" of DLNR trails system. DLNR estimates nearly 100,000 hikers per year, visit Oahu's popular Manoa Falls Trail and Maunawili Falls Trail. These numbers drain DLNR's resources to safely maintain these scenic vistas. On the Big Island, the Muliwai Trail provides a difficult hike over 18 miles of scenic coastal areas through numerous streams and water falls. Staff is stressed having to maintain this rugged 18 mile trail. On Maui, locating a suitable Off-Highway-Vehicle (OHV) site that meets all of OHV users, hikers, mountain bikers, equestrian, hunters, and dirt biker's satisfaction continues to be a problem for DLNR. On Kauai, staff maintains the pristine Alaka'i native forest hiking Boardwalk, but vandalism of management signs and Act 86 (limited liability protection) signs have limited routine maintenance of other trails. The hunting dog and pet dog conflicts on trails are pervasive and time consuming, which diverts valued time away from trail maintenance. Community complaints over public parking in community neighborhoods to access DLNR "Trail Heads" have grown exponentially. With the daily hiking numbers dramatically increasing over DLNR's current "Trail Carrying Capacity," the public demands on DLNR will remain persistent to provide and improve the outdoor recreation opportunities on all islands.

DLNR needs for increased funding of NAH will be presented at 2015 Legislative Session. DLNR's strategy is to add positions and increase the trail operations budget to accommodate the public's demands for continued outdoor recreation opportunities on all the islands.

2. PROGRAM SUMMARY

The goal of NAH is to provide public outdoor recreation opportunities for hiking, biking, hunting, camping, equestrian and off-highway vehicle use. In addition, NAH is responsible for the inventory, and documenting ownership of specific historic trails and non-vehicular old government roads for public use where it is feasible and culturally appropriate.

Trails and unpaved access roads are critical resource management and recreational features that serve a multitude of access functions:

- Access to county search and rescue efforts.
- Access to restore native flora, fauna and watersheds.
- Access to monitor and remove invasive plant and animal species.
- Access to control wild land fire.
- Access to protect Hawaiian culture, ancient and historic trails.
- Access for hunting, hiking, biking, equestrian, off-highway vehicle activities.
- Provide commercial trail opportunities to strengthen Hawaii's economy.

NAH Core Activities:

- Implement statewide recreational trail and access road management and maintenance for public use.
- Coordinate ancient and historic trail activities with DLNR divisions or other entities to protect ancient and cultural trail features.
- Conduct and operate commercial trail tour management and monitoring.
- Assess and implement environmental risk assessments to improve public safety of program trails and access roads by identifying specific hazards and mitigating dangers through warning signs pursuant to Act 82 Session Laws of Hawaii (SLH), 2003.

NAH statewide staff spends majority of its time maintaining Program trails and access roads to insure public safety, and to protect trail and historical values. The management specifications are explained in the Trail Design Guidelines of the 1991 NAH Program Plan (<http://hawaii.gov/dlnr/dofaw/nah/NAH-Program-Plan-1991.pdf>). Trail and Road management consists of the following activities:

- Grading: Trail or access road surface improvements.
- Brushing: Cutting back brush along trail and road corridors to specific dimensions.
- Tree removal: Removing downed trees that prevent hiking experience.
- Water diversion: Installing or repairing soil retention steps swales, water bars, culverts, etc. to drain water away from trail and road corridors.
- Hardscaping: Installing gravel, geotextiles, rocks, rock boxes, or other types of materials along trail and access road corridors for maintenance purposes.
- Boardwalk installation or repair: Boardwalks may be installed in excessively boggy and sensitive environments subject to high use.
- Re-construction or re-route: Extensive trail or access road rebuilding or re-routing.
- Herbicide application: Herbicide application is used to specifically target noxious, non-native plant species that spread rapidly along trail and access road corridors.
- Equipment purchase, repair, or rental: Vehicles, helicopter rental, chain saws, brush-cutters, herbicide, fuel, and other equipment used to maintain trail/road features.
- Informational and warning sign assessments, installation and monitoring: Provide informational signs for public safety and public user information.

The Statewide Recreational Trail and Access Road Projects are listed in Appendix I.

Highlights of Statewide NAH Outdoor Recreation Projects

Oahu: The high expectations to maintain Oahu trails by citizens and tourists place increase hardship on the limited trail's staff to maintain the popular Honolulu Mauka Trail System, Manoa Falls Trail, Poamoho Trail, and Maunawili Falls Trail. Major work includes: brushing, grubbing, tree/rock removal, herbicide application, trail head maintenance, sign installation and replacement, and rockwork. Hiker fatalities and injuries on non-DLNR managed trails have increased public concerns over trail safety of DLNR managed areas. Major priority is to keep all trails under DLNR safe for all users. Oahu staff provided continued support of the Kahuku OHV Park management and met with Hawaii Motorsport Association to discuss future improvements.

Maui: The Kahakapao Recreational Area in the Makawao Forest Reserve was dedicated early this year with a cultural blessing. The new recreational area now provides equestrian and biking paths, and added open vistas for birdwatchers and outdoor enthusiasts. Maui staff hired a consultant to design this comprehensive multi-recreational track venue in the Makawao Forest Reserve. Staff completed routine Standard Trail Maintenance Procedures (STMP) including: brushing, grading, water diversion maintenance, tree and brush removal, sign maintenance, and herbicide application to Haleakala Ridge Trail, Ala Loa O Maui, Lahaina Pali Trail, Plum Trail, Polipoli Trail, Tie Trail, Waihee Ridge Trail, Waihou Spring Trail, Waikamoi Ridge Trail, Mokuleia Stairs, Ohai Loop Trail, Lower Waiohuli Trail, and Hulopoe-Huawai-Fisherman's Trail. Continue to support maintenance of the Maui Motocross Track including: landscaping maintenance, removing rubbish and debris, hauling materials and equipment maintenance.

Hawaii: Routine Trail Maintenance / Improvements: Ainapo Trail, Doctor's Pit Trail, Ala Kahakai Trail, Puu Huluhulu Trail, Puna Trail, Onomea Trail, Kaumana Trail – brushing, tree removal, sign maintenance, helicopter support, and reconstruction. Work to delineate the Ala Kahakai National Historic Trail (Kiilae/Honaunau Section) and (Kawaihae to Waikoloa Section) continues. The site visit with private landowners to locate this historic trail through (National Parks and Kamehameha Schools Property, Waikoloa and Mauna Lani Community Associations) will help provide a blue print to establish the corridor through private property. Routine quarterly maintenance on Upper Waiakea ATV/Dirt Bike Park continued including minor grading and sign maintenance of the park.

Kauai: The Kauai NAH Advisory Committee met several times in FY 2014, and the priority continues to be recruiting new volunteer members to meet quorum during the year. Work to repair the Alakai Boardwalk and coordinating volunteer groups to help DLNR maintain 12 NAH features continues. An environmental assessment for Nualolo Cliff Trail will be completed to reroute a 0.3 mile section that has been damaged from wear and tear to the point that crossing this section is unsafe. Other routine trail work includes; brushing, grubbing, tree/rock removal, herbicide application, signage maintenance, and trail-head maintenance.

3. FUNDING SOURCES

- Liquid Fuel Tax (LFT) Allocation

0.3% of LFT collected under Chapter 243, HRS, is deposited each fiscal year into a special fund (Section 171-19, HRS) of DLNR. The funds are used for management, maintenance, and development of NAH trails and accesses established under Chapter 198D, HRS. DLNR is limited to \$250,000 revenue from LFT. This funding supports the accomplishments explained above for Kauai, Oahu, Maui and Hawaii trail activities.

- Federal Recreational Trails Program Allocation

Recreational Trails Program (RTP) is created by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) 1101(a)(8), 1109. The RTP is a Federal Highway Administration (FHWA) Program, under 23 USC 104(h) & 206. The Federal Highways Administration approved eligibility of RTP funds to DLNR, DOFAW through a set criterion that states develop a trail council consisting of motorized and nonmotorized recreational users. Next, states including Hawaii must have a State Comprehensive Outdoor Recreation Plan. Also, states must comply with the Assured Access to Funds requirement: a minimum of 30% of

the funding must be used for motorized trail use, 30% for non-motorized trail use, and 40% for diversified (multiple) trail use. The completed RTP obligation for the past fiscal year for DLNR is about \$1,200,000. DLNR anticipates closing this obligation then pending FHWA approval receive new funding for the next fiscal period.

- Transient Accommodation Tax (TAT) Allocation by Hawaii Tourism Authority

In 2007, a provision of the law allowed DLNR to receive \$1,000,000 in TAT revenue (\$900,000 for DLNR’s Division of State Parks and \$100,000 to NAH). The \$100,000 is used to pay three NAH staff salaries who do the major trail work on Kauai, Oahu, and Maui.

In 2013, the Legislature amended the law allocating TAT funds for DLNR’s use and purpose but the language resulted in the funds going directly into the General Fund. Subsequently, DLNR has not been able to access these funds since fiscal year 2014.

- Commercial Trail Tour Activity (CTTA)

Act 106, SLH 1997, authorizes DLNR to develop user fees for commercial use of NAH trails and access routes. Revenues from these fees go back into trail and access management, and is used to defray costs for trail maintenance and monitor commercial trail tour operations on public trails. Commercial trail use is regulated under Chapter 13-130, Hawaii Administrative Rules. The fees are being used to develop ways to encourage compliance, eliminate the need for enforcement actions, and expand new commercial vendors into the program. CTTA will improve resource administration and management between the commercial trail tour industry and DLNR while increasing economic activities in the State.

A strategic CTTA scheduling management was developed to ensure that commercial activities by multiple vendors do not exceed the daily capacities and/or number of groups established for CTTA trails and roads. The reservation system is managed by Hawaii Information Consortium (HIC) who then records the trail reservation, date, and calculates the fee. NAH established an annual \$75 dollar subscription fee for CTTA operators to HIC, and an additional 10% fee on each reservation. While there is an additional 10% per transaction charge and annual subscription fee for HIC management, CTTA fees are assessed per unit of use and based upon the potential trail impact by type of recreational uses. DOFAW also submits the 20% portion of this revenue to Office of Hawaiian Affairs (OHA). For a complete list of current CTTA operators, visit: www.hawaiitrails.org.

FEE SCHEDULE

Hike	Bike/Horse	Motorcycle	4wd 5 passenger	4wd 8 passenger	4wd 12 passenger	4wd 15 passenger
\$5.00	\$7.00	\$10.00	\$25.00	\$50.00	\$75.00	\$100.00

NAH CTTA Program Revenue: The fluctuation of the tourist industry is reflected in the following table. Prior to FY 13, CTTA Island totals included OHA and DLNR revenues.

Beginning this FY 13, DLNR share of CTTA revenues will be reported by net balance obtained from CTTA monthly fees per island (less OHA and ehawaii.gov fees). Oahu receives about 81% of the total revenues generated from CTTA fees. Maui commercial tour interests reported a moderate increase but insignificant compared it to the totals. Overall, total revenues is static in FY 14. Please note that these numbers do not include hikers freely visiting our recreation facilities that are not commercial related.

CTTA Revenue	FY14	FY13	FY12	FY11	FY10	FY09	FY08	FY07
Kauai	\$2,892	\$6,913	\$16,248	\$12,691	\$18,435	\$19,574	\$41,792	\$35,973
Oahu	\$43,406	\$44,652	\$58,459	\$58,140	\$44,497	\$43,597	\$30,622	\$32,262
Maui	\$759	\$76	\$77	\$60	\$181	\$55	\$1,012	\$836
Hawaii	\$6,006	\$2,920	\$6,605	\$4,295	\$6,484	\$6,967	\$5,989	\$22,844
Total	\$53,063	\$54,561	\$81,389	\$75,186	\$69,597	\$70,193	\$79,412	\$91,915

FY 2014 CTTA SUMMARY OF USERS - NUMBER BY CATEGORY/COUNTY

CTTA Users	OAHU	KAUAI	HAWAII	MAUI	TOTAL
Hikers	7,892	62	557	138	8,649
4 Wheel Drive Passengers	0	230	431	0	661
Equestrian Riders	0	117	0	0	117
Motorcycle Riders	0	0	0	0	0
Mountain Bike Riders	0	0	0	0	0
Total	7,892	409	988	138	9,427

- NAH and Forestry Camping Fee

In order to increase NAH management capacity, DOFAW requested Board of Land and Natural Resources (BLNR) approval to increase fees for camping, cabins and other recreational uses in public forest reserves and along designated NAH trails statewide. At its August 14, 2009 meeting, BLNR approved updated fees for Forest Reserve System and Na Ala Hele System camping permits, with fees to be deposited into the forestry program special funds.

The fees are \$12 per night per campsite for residents and \$18 per night per campsite for non-residents. A \$2 per person fee is accessed per site with over 6 campers for residents and a \$3 per person fee is accessed per site with over 6 campers for non-residents. Cabin rentals range in fees from \$30 - \$50 per night per cabin for residents and \$60 - \$90 per night per cabin for non-residents. The reservation and payment information for camping are made through this website: <https://camping.ehawaii.gov/camping/all,c-search.html>. This system became

operational in FY 2011 when the new ehawaii permitting system allowed the NAH program to receive additional needed revenues. These revenues are collected and placed in the Special Forestry Fund for camping. The camping data revenues along NAH features (doesn't include forestry campsites or cabins) are compiled by islands and are presented below.

NAH Camping Revenues

ISLAND	FY14	FY13	FY12
Hawaii	\$13,434	\$13,436	\$11,690
Kauai	\$4,670	\$5,127	\$2,897
Oahu	\$0	\$4,463	\$3,450
Maui	\$83	\$104	\$165
Total	\$18,187	\$23,130	\$18,202

- LNR 804 Na Ala Hele General Funds

General fund allocations of approximately \$1,210,541 were allocated in FY 2014. Due to reductions in general fund revenues over the past years, payroll did not meet the current staff costs. To make up the shortfall, NAH used all of the federal funding and state special funds available to support basic payroll and operating expenses.

Na Ala Hele Funding & Revenue Table (Source)	FY14
Special Funds – fuel tax, TAT, CTTA – Appropriation	\$1,012,912.00
Federal Recreational Trails Program - Appropriation	\$1,239,957.00
LNR 804 General Fund – Appropriation (shared with wildlife)	\$1,251,336.00

4. ANCIENT AND HISTORIC TRAILS

Section 198D-3, HRS, requires an inventory of trails and accesses be maintained and recorded under the NAH database. NAH has one full time staff position to abstract ancient and historic trails, non-vehicular old government roads, and old cart roads, for inclusion in the inventory under the provisions of the Highways Act of 1892. Section 264-1, HRS. The Highways Act of 1892 contains the following provision:

“(b) All trails, and other non-vehicular 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 non-vehicular rights-of-way at any time thereafter, 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 (BLNR) unless it was created by or dedicated to a particular county, in which case it shall be under the jurisdiction of that county.”

NAH provides information for locating and determining whether a historic road or ancient trail falls under the Highways Act of 1892. Abstracts of title help make this determination by historical research, maps or other related media

Additionally, these types of legal determinations are processed through the Department of the Attorney General (AG's) in identifying possible interest the State may claim in roads and/or trails situated within the boundaries of lands that are the subject of quiet title actions or Land Court applications. If public ownership is confirmed, access through roads or trails is documented and submitted before BLNR for final approval.

In FY 2014, NAH completed 35 abstracts and 8 Quiet Title Action reviews.

Summary of Ancient and Historic Trail Projects:

Hawaii

Worked with Public Access Coordinator to identify and inventory various public access features to the forest reserve along the Hamakua Coast and in Ka'u.

Provided research assistance to staff at NAH and DLNR's Office of Conservation and Coastal Lands (OCCL) regarding the disposition of a Pre-contact trail at Poiki in Puna.

Responded to various requests for comments from the County of Hawaii Planning Department regarding the disposition of historic trails that may be affected by proposed development for residential and commercial projects.

Maui

Provided research assistance to NAH staff regarding the location of an historic trail through South Maui along the coastline.

Worked with the AG's in providing testimony at a jury trial regarding the State's ownership of the Haleakala Bridle Trail in Makawao.

Provided research assistance to forestry staff regarding the ownership of land within the forest reserve on the island of Molokai.

Kauai

Assisted NAH staff request for information regarding historic trail along the north shore of Kauai.

Attended several public meetings regarding historic trails on Kauai.

Oahu

Provided research assistance to DLNR's Land Division and OCCL regarding the disposition of a historic turtle pond in Waimanalo.

Provided written comments regarding the Makiki Valley Trail to aid consultant's concerns regarding mitigation work to prevent further rock fall along the trail.