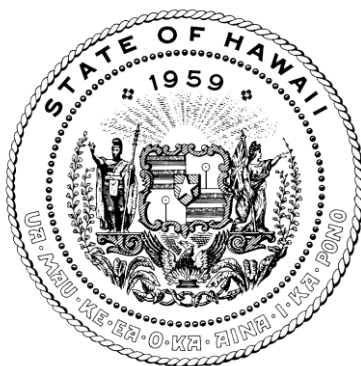


**REPORT TO THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012**

**HAWAII STATEWIDE TRAIL AND ACCESS SYSTEM
“Na Ala Hele”**



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
November 2011**

HAWAII STATEWIDE TRAIL AND ACCESS SYSTEM

“Na Ala Hele”

PURPOSE

Chapter 198D, Hawaii Revised Statutes (HRS), creates the Hawaii Trail and Access System, under the Department of Land and Natural Resources (DLNR) pursuant to Section 198D-9(7), HRS an annual report of activities is required. This report covers activities in fiscal year 2011.

INTRODUCTION

Na Ala Hele (NAH), the Hawaii Statewide Trail and Access Program, 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 the DLNR's Division of Forestry and Wildlife (DOFAW). This report is cataloged into three sections:

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

1. PROGRAM SUMMARY

The goal of the NAH Program is to provide public outdoor recreation opportunities for hiking, biking, hunting, camping, equestrian and off-highway vehicle use. In addition, the NAH Program 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 through firebreaks.
- Access to protect Hawaiian culture through ancient and historic trails.
- Access for hunting, hiking, biking, equestrian, off-highway vehicle activities.
- Provide commercial trail tour 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 commercial trail tour management and monitoring.
- Conduct 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 Program staff spends the majority of their time maintaining Program trails and access roads to insure public safety, and 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: Na Ala Hele in partnership with the Hawaii Trail and Mountain Club, Sierra Club and Hawaii Ultra Running Team installed 100 recycled plastic steps on the Wiliwilinui, Hawaii Loa and Kuliouou trails. The trails follow steep ridges and ridge lines. With the new steps installed, hikers can safely make it to the summit.

Maui: Approximately, 42 new warning signs (Warning Falling Trees) were installed at Kula Forest Reserve which is a multi-recreational area for residents and visitors. In addition, DOFAW reopened Haleakala Ridge Trail, Plum Trail, Polipoli Trail, Tie Trail and Lower Waiohuli Trail which is part of the multi-recreational Kula Forest Reserve by clearing downed trees and repairing flood damage to the forest resources following a major storm on Maui in January 2011. The trail clearing and flood damage repair work took over one month of continuous work by three DOFAW employees and two AmeriCorps interns.

Hawaii: Approximately, 48 new warning signs were installed at the popular Muliwai Trail: 12 Warning Falling Rocks, 26 Warning Flash Flood, nine Warning Hazardous Cliffs, and one Notice Area Closed.

Kauai: After 6-8 years, Kauai NAH Advisory Committee is operational in FY 2011.

2. 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.

- Federal Recreational Trails Program (RTP) Allocation

Recreational Trails Program (RTP) is created by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) 1101(a)(8), 1109. RTP is a Federal Highway Administration Program, under 23 USC 104(h) & 206. The Federal Highways Administration determined eligibility of RTP funds to DLNR, DOFAW through a set criteria 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 DLNR was \$1,197,665 and DLNR is in the process of closing this obligation pending FHWA approval. The next RTP obligation is \$978,701.

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

Act 235, (SLH 2005, increased TAT allocation to the Tourism Special Fund to 34.2% and, in the process, repealed the TAT Trust Fund. Act 235, SLH 2005, amended Act 250, SLH 2002, in a significant manner for DLNR: In 2007, a provision allowed DLNR to receive \$1,000,000 in TAT revenue (\$900,000 for DLNR's Division of State Parks and \$100,000 to NAH).

There is an increased trend for tourists to visit Hawaii's scenic destinations across the State. The Commercial Trail Tour Activity (CTTA) report (see below) showed that visitors use of NAH trails have increased by 1,000 users; 12,000 users last year to 13,000 users this year. The fees charged to hiking, equestrian, and motorized off-highway recreational activities contributed to about \$75,000 into our local economy. This amount shows a moderate increase of about \$5,000. There is a clear nexus to use TAT funds to finance outdoor recreational opportunities and to maintain these features. TAT funds improve the quality of maintenance on specific trails:

1. TAT helps maintain outdoor recreation features i.e. trails, scenic routes for both visitor and residents, and provides public safety information for all user groups.
2. Trail repairs, such as the installation of boardwalks and/or applying gravel in poorly drained or habitually wet trail sections, or the installation of amenities such as benches and interpretive signage, improves aesthetic quality of the trail experience, and vegetation trimming in a manner that favors distribution of native plant species and reduces the quantity of non-native plant species

along a trail corridor is a natural resource management goal that has direct ecotourism market applications.

The \$100,000 allocated to NAH pays for three NAH staff salaries who do the major trail work on Kauai, Oahu, and Maui.

- Commercial Trail Tour Activity (CTTA)

Act 106, SLH 1997, allows 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 permits DLNR to defray costs for trail maintenance and monitor commercial trail tour operations on public trails. Commercial trail use is regulated under Chapter 13-130, HAR. The fees will 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.

A permit and internet scheduling method was developed in 2000 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 records the trail reservation, date, and calculates the fee. NAH established an annual \$75 dollar subscription fee for the 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, the CTTA fees are assessed per unit of use and based upon the potential trail impact by type of recreational uses. DOFAW also calculates the 20% portion to the Office of Hawaiian Affairs and deposits monthly checks submitted by HIC with DLNR Administrative Services Office and records each island CTTA revenue for allocation in the next fiscal year. 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 tourism industry is reflected in the following table. The end of cruise ship visits to Kauai dropped revenues two-fold. In Fiscal Year (FY) 2011, Maui suffered major tourism revenue shortfalls. DLNR hopes the economy will improve on Maui which will help to increase CTTA tourism revenues for FY 12. The attraction of tourists to Oahu trails is significant.

CTTA Revenue	FY11	FY10	FY09	FY08	FY07	FY06	FY05	FY04
Kauai	\$12,691	\$18,432	\$19,574	\$41,792	\$35,973	\$ 37,332	\$34,273	\$11,114
Oahu	\$58,140	\$44,497	\$43,597	\$30,622	\$32,260	\$ 38,356	\$37,442	\$18,884
Maui	\$60	\$181	\$55	\$1,012	\$836	\$1,348	\$1,644	\$336
Hawaii	\$4,295	\$6,484	\$6,967	\$5,989	\$22,844	\$37,368	\$38,723	\$10,172
Total	\$75,186	\$69,594	\$70,193	\$79,415	\$91,913	\$114,404	\$112,082	\$40,506

FY 2011 CTTA SUMMARY OF USERS - NUMBER BY CATEGORY/COUNTY

FY10 CTTA Users	OAHU	KAUAI	HAWAII	MAUI	TOTAL
Hikers	10,571	4	466	11	11,052
4 Wheel Drive Passengers	0	1,292	251	0	1,543
Equestrian Riders	0	481	0	0	481
Motorcycle Riders	0	0	0	0	0
Mountain Bike Riders	0	0	0	0	0
Total	10,571	1,777	717	11	13,076

- New NAH and Forestry Camping Fee

To improve service to the public and to increase 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. At its August 14, 2009 meeting, BLNR approved updated fees for the Forest Reserve System and Na Ala Hele system camping permits, with fees to be deposited into the respective program special funds.

The new 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 over six campers for residents and a \$3 per person fee is accessed per site 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 compiled by islands are presented below.

CAMPING REVENUE AMOUNTS BY ISLAND

ISLAND	FY11	FY12	FY13
Hawaii	\$9,047		
Kauai	\$4,639		
Oahu	\$2,726		
Maui	0		
Total	\$16,412		

- LNR 804 Na Ala Hele General Funds

General fund allocations of approximately \$1,029,971 are paid through payroll. Due to reductions in general fund revenues over the past few years, NAH, LNR 804 program used a portion of federal funding and State special funds to support basic payroll and operating functions.

Na Ala Hele Funding & Revenue Table (Source)	FY11
Special Funds – fuel tax, TAT, CTTA – ceiling	\$603,497.00
Federal Recreational Trails Program - ceiling	\$1,197,665.00
LNR 804 NAH General Fund - estimate	\$1,119,106.00

3. 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 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 is charged with locating and determining whether a historic road or ancient trail falls under the Highways Act of 1892. Abstracts of title are a valuable tool to make this determination. It is done through historical research of documents, maps or other media. Subsequent county reviews of subdivision developments or State Conservation District Use Permits provide a means to evaluate whether an action will impact old trails or roads. For example, the County of Hawaii Planning Department has frequently requested NAH assistance to research county roads and trails to help them determine ownership or jurisdiction of those features. As urban growth increase on the Big Island, DLNR will support the County of Hawaii to mitigate further impact to ancient or historic trails. Additionally, further review by the Island Advisory Council can assess options for developing and restoring trail and non-vehicular access roads.

NAH has identified historic trail impacts to addressing the State’s interest in the application of Section 264-1 HRS. If the historic trail is located on private property, additional laws may apply pursuant to Chapters 6E, 171, 264, and 198D, HRS which may supersede any historic trail management and protection but will now follow DLNR’s Land Division, State Historic Preservation Division, and DOFAW mandates that may affect private landowners.

Subsequently, these type of legal determinations will be processed through the Department of the Attorney General (AGs) 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. Identifying ownership provides future options for recreational development and/or access.

In FY 2011, NAH completed 24 Abstracts and 10 Quiet Title reviews. The Island of Hawaii compiled the most significant number of abstract data compared to the rest of the State. The abundance of historic trails on the Big Island coupled with current development growth on the Kohala-Kona coast place these historic/cultural features at risk.

Summary of Ancient and Historic Trail Projects:

Hawaii:

- Ka’u Forest Reserve Access: NAH assisted the AGs to determine if the State could claim an interest in a 12-foot wide parcel that would allow public access to Ka’u Forest Reserve. If the parcel is private, DLNR will negotiate an easement or right-of-way entry with the private landowner.
- Hookena through Kealia: Working with various landowners to identify, locate and survey an alignment of a coastal trail that will eventually become a feature of the NAH program.
- Ala Kahakai National Historic Trail: The Ala Kahakai National Historic Trail was designated in the year 2000 by the United States Congress. Administered by the National Park Service (NPS), the 175-mile shoreline corridor runs from Hawaii Island's Upolu Point, along the western shoreline through the Kohala, Kona, Ka'u, and Puna District, and ending at Hawaii Volcanoes National Park's Puna boundary.

This system of trails is envisioned to connect historic shoreline communities, national, state and county parks, State Natural Area Reserves and modern resort and rural communities. NPS and its state, county and private partners are working to build trail planning and management capacity to their respective communities, led by native Hawaiians and other families with deep historic ties that will sustainably manage their trail segments and complete the partnership commitment. The Trail's Comprehensive Management Plan/Environmental Impact Statement is finalized and a memorandum of understanding with NPS, the State and the County on the implementation of the trail plan was approved this past year.

As a result of this memorandum of understanding, title companies have requested NAH assistance to evaluate private property rights and its ability to mortgage or sell property along the conceptual Ala Kahakai National Historic Trail. Title companies have supported DLNR recommendations that a portion of the conceptual trail would be an encumbrance on private property.

Maui:

- Litigation has been served by private parties requesting that public access to the Haleakala Bridal Trail be opened by DLNR. NAH staff is assisting the Gs in this court action.

Kauai:

- DLNR is working with the State Surveyor to determine the alignment of an old trail near Moloaa-Ka'aka'a Nui-Lepeuli ahupua'a to provide access and determine its location that is agreeable to both parties.