



**NĀ ALA HELE**  
Hawai'i Trail & Access System

## **Nā Ala Hele Hawai'i Island Advisory Council Minutes**

**Approved: August 26<sup>th</sup> 2020**

**Revised: August 26<sup>th</sup> 2020**

**MEETING DATE: June 24<sup>th</sup> 2020**

**PLACE:** Remote Telephone Conference Call

**Voting Members Present:**

Riley Smith - Chairman, Terrence Noda – Vice Chairman, David Rietow – Secretary, Deborah Chang, Jeffrey Yamauchi, Christopher Seymour, Michael Varney

**Voting Members Absent Excused:**

Kawehi Ryder, Roger Kanealii Jr (Maha)

**Voting Members Absent Unexcused:**

(none)

**Invited Guest:**

(none)

**Public:**

Beth Robinson, Brian Ley, Dwayne Yoshina, John Howerton, Nani Pogline, Nate Riedel, Stanley Mendes, Steven Hurt, Tom Lodge, Toni Whittington, Lino Kamakau of DOCARE

**Ex-Officio:**

Jackson of Na Ala Hele, Keni Wallace of Na Ala Hele, Rick Gmirkin of Ala Kahakai National Historic Trails

**Ex-Officio Absent:**

(none)

- I. Call to Order 6:07PM
- II. House rules and background by Jackson.
- III. REVIEW and APPROVE MINUTES; Terrence, Jeff.
  - A. Discussion by Terrence. Page 3, item E. Missing comment from Steve Hurt that he was consulted for this trail. Review of the meeting minutes by David suggest that Terrence is referring to public testimony (III-B).
- IV. PUBLIC TESTIMONY (Three minutes maximum)
  - A. Riley went through the written testimony (Dwayne Yoshina, Tom Lodge, Steven Hurt, Nate Riedel, and Terrence Noda).

B. Oral testimony

- a. Tony Wittington – Representing North Kohala Access Group, regarding the Pololū Valley area.
  - i. NKAG would like the opportunity to review the lookout proposals before sending it to the Land Board. Jackson agreed.
  - ii. North Kohala Community Development Plan, ordinance 151 of the County of Hawaii. The CDP recommendation to include the vehicle trail that runs Mauka to Makai alongside the 5-acre proposed parking area and the Kohala ditch trail as public trails.
  - iii. Of the 5-acre parcel proposed in the land swap for parking at the Pololū lookout only about 2 acres are usable due to the terrain.
- b. Steven Hurt – Representing the general public, regarding recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Steve read from his submitted written testimony dated June 21, 2020.
- c. Nani Pogline – Game Management Advisory Commission Chair, regarding the Recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Nani expressed concern that in the EA the Hawaii County Game Management Advisory Commission was not consulted even though the trail is in the Kaʻohe Game Management Area. It is unclear how the labeling of program trail could affect hunting in this area. Concerns are that such designation could give hiking more importance than hunting particularly when issues arise. We hope that in the planning that hunting be given a priority as we are the original stake holders in the area. We request that safety issues be addressed, safety practice and liability be imposed on hikers as they are imposed on hunters. If there is a hunting mishap, hunters should not be held liable and hunting be put in jeopardy. If the labeling as a program trail will allow for the imposition of a safety zone in further dwindling of public hunting area, we ask for fair compensation. Furthermore, if the program trail labeling allows for more funding the scale will continue to unjustly tip in favor of hiking. Access road improvements already as-is end at the Palila Discovery Trail and access for hunters beyond are left unimproved and difficult to traverse. We ask that equal attention be dedicated to the preservation of hunting opportunities in the Kaʻohe Game Management Area.
- d. Dwayne Yoshina – Regarding Recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Dwayne echoed the sentiments and opinions in testimony by Steven and Nani.
- e. Tom Lodge – Regarding Recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Blaze Orange is important. Concerns over parking in the area, mowing, and receptacles to keep it clean.

- f. Stanley Mendes – Regarding Recommendation to add existing Palila Forest Discovery Trail within the Ka’ohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Stan brought up the point that it is the hunters that pay for the management and upkeep of the area through the hunting license fee. Hikers are benefiting at the expense of hunters. He also said there are no more Palila.
  - g. Brian Ley – Regarding Recommendation to add existing Palila Forest Discovery Trail within the Ka’ohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Concerns about uncontrolled weeds and fire hazard. What is the plan to deal with additional people who may be smoking? Hunters have brought up this concern for years. Since the reduction of Mouflon sheep, the invasive weeds are out of control.
- V. Riley asked for a motion to amend the meeting agenda to bring forward item IV-E (Recommendation to add existing Palila Forest Discovery Trail within the Ka’ohe Game Management Area as a Nā Ala Hele Program Trail for hikers). Terrence moved and Debbie seconded the motion. There was no opposition from the council.
- VI. Recommendation to add existing Palila Forest Discovery Trail within the Ka’ohe Game Management Area as a Nā Ala Hele Program Trail for hikers.
- A. Discussion
    - a. Jackson briefed everyone on the trail and the reasoning for the proposal and touched on concerns.
      - i. The objective is to move the management of the existing trail from DOFAW’s Forestry Program to DOFAW’s Na Ala Hele Program (for trail management).
      - ii. The trail is in a Game Management Area (GMA) that does not reside within a Forest Reserve.
      - iii. There are no GMA rules that have ever been drafted. We can talk about this but it’s not something NAH can draft.
      - iv. The only rules that would apply would be The Game Bird Hunting and The Mammal Hunting rules as they apply to the respective activity. Hiking is not one of those activities so those rules do not apply to hiking.
      - v. The benefit of being a NAH Program Trail is that it will be actively managed, bringing better control over those using the trail.
      - vi. The EA was approved in 2016. The EA was not done by NAH. Jackson went on to better define sections of the EA that were brought up by public testimony both written and oral.
      - vii. Hunting money is not used to maintain R1. That is NAH money. Road repair and maintenance is typically done just prior to bird hunting season.
      - viii. Liability applies if there is lack of signage and warnings. NAH maintains these in the field and on our website.
      - ix. Blaze orange garment requirement is not a part of NAH rules. It is best addressed under GMA rules (which don’t exist). That said, NAH can advise it as a best practice.

- x. The trail will not be a safety zone. Many of our Program Trails are already in GMAs. None of our trails within GMAs are safety zones.
  - xi. The cost of the trail is not anticipated to be a detriment to our budget. It is an already existing trail and will continue to be maintained by the existing Mauna Kea Forest Restoration Program due to their ongoing planting activity in the area.
  - xii. There is quite a bit of Palila on that trail.
- b. Motion by Terrence to deny agenda item IV-E, Recommendation to add existing Palila Forest Discovery Trail within the Ka'ōhe Game Management Area as a Nā Ala Hele Program Trail for hikers. Riley seconded that motion.
- i. Discussion by council members
    - 01. Terrence summarized his written testimony.
    - 02. David asked for clarification from Jackson on his statement that GMA do not have any rules. Jackson clarified that the area of land does not have set rules whereas the activity of hunting has rules.
    - 03. Debbie – no questions
    - 04. Mike – no questions
    - 05. Jeff – no questions
    - 06. Chris – no questions
    - 07. Terrence – The proposal is not consistent with the rules of the other activities in the area.
    - 08. Jackson responded to council members questions.
  - ii. Vote - 3 YES and 4 NO. There was not a majority in favor of the motion. Motion denied.
- c. Debbie motioned that we defer the decision on whether to recommend the existing Palila Discovery Trail for inclusion in the NAH Program Trails until we receive answers to these and other questions. Also, that if any of the council members have questions, please email questions to Jackson and cc Riley, within 2 weeks. Jeff seconded the motion. The following questions should be addressed by Jackson at our next meeting.
- i. The blaze orange garment concern is loud and clear. It would be helpful to know how and if we could amend NAH rules to incorporate blaze orange requirement on trails that are in hunting areas.
  - ii. Is there currently and how much commercial activity is conducted on R1, R10, and the Palila Discovery Trail? Jackson said that in February there were 3 commercial tours of 7-10 people. Commercial tours using R1 are allowed to use the Palila Discovery Trail.
  - iii. Can we prohibit commercial activity in the Palila Discovery Trail? Jackson said the council can recommend anything it wants.
  - iv. Debbie questioned the validity of the data showing on average 3 sign-ins a day. She often sees more cars in the parking area than people signed in and on at least one occasion the sign in book was completely full. We need more accurate data. Jackson agreed that not everyone signs in and as Terrence pointed out it's

not in NAH's rules to require sign in. It's there in case of a brush fire, so they know who is in the area.

- v. At the Palila Discovery Trail there is no signage warning people that they are in an active hunting area. We need consistent signage. Jackson said that may be true but there is nothing he can do about that until the trail is incorporated into the NAH Program Trails.
  - vi. Why is just one trail is listed when there are so many side trails? Who is making these side trails? Jackson said he agrees that it is confusing, but again there is nothing he can do about it until the trail is incorporated into the NAH Program Trails. If it were a Program Trail, he could block those side trails.
  - vii. Discussion by council members. No discussion.
  - viii. Vote – 7 YES, 0 NO. Motioned carried. Jackson to follow up with responses at next meeting.
- VII. Riley proposed that we defer all agenda items under section IV until the next meeting due to time. There was no objection by council members. Jackson wanted to update the council on Pololū. Surety Kohala Corp is donating 5 acres for lookout parking. It's true that of that only 2 acres are usable for parking. They are also offering the valley floor. In exchange 10 parcels would be moved up to the valley rim which they would be able to sell. A portion of the CIP funds is designated for Kohala community meetings to review the plans. We acknowledge the North Kohala CDP recommends the Mauka to Makai road, and the ditch trail as public access. Surety is currently reviewing the Letter of Intent that DLNR drafted. Once we get their comments it will go to the Board for their letter of approval. That letter is important because that is needed by the County to proceed with Consolidation and Subdivision. Surety says that needs to happen by the end of the year to fall within their business model.
- VIII. NEW BUSINESS
- A. Conducting future meetings by Video Conference.
    - a. Riley explained that we don't have the funding for video conferencing.
    - b. Jackson said that may change in July.
    - c. Jeff asked about Zoom. Riley had some concerns because his company does not allow Zoom on his computer. He would be able to call in but not video.
  - B. Set next meeting agenda. Council is to email Jackson and Cc Riley on any agenda items. Jackson and Riley will work on the agenda.
  - C. Set next meeting date. August 26<sup>th</sup> at 6:00PM. If the meeting is in person then it will be in Hilo for social distancing. Otherwise it will be teleconferenced.
  - D. ADJOURNMENT. Terrence motioned to adjourn and Jeff Second. Meeting was adjourned at 8:23PM.

ADA	Americans with Disability Act.
BIISC	Big Island Invasive Species Committee
CIP	Capital Improvement Program
DHHL	Department of Hawai'ian Home Lands
DLNR	Department of Land and Natural Resources
DOCARE	Division of Conservation and Resources Enforcement
DOFAW	Department of Forestry and Wildlife
DOT	Department of Transportation
GPS	Global Positioning Satellite
GMA	Game Management Area
HDOT	Hawaii Department of Transportation
KCRA	Kohala Coast Resort Association
KRDC	Keauhou Resort Development Corp
KSBE	Kamehameha School Bishop Estate
NAH	Na Ala Hele
NAHA	Na Ala Hele Advisory (committee)
NARS	Natural Area Reserve System
OGR	Old Government Road
PONC	Public Access, Open Space and Natural Resources Preservation Commission
ROD	Rapid Ohia Death
ROHVA	Recreational Off Highway Vehicle Association.
SHPD	State of Hawai'i Historic Preservation Division

**Na Ala Hele  
Hawai'i Island Advisory Council**

**I. Public Testimony:**

- a. Those providing testimony at our meetings are guests of our Council. They are not Council members. They are invited to provide testimony. However, they do not have the right to question us, participate in our meeting, nor dialogue as we discuss our agenda.
- b. Shall be limited to 3 minutes, for each person.
- c. Written copies of testimony should be provided and included in the Minutes of meeting.
- d. Oral testimony must be provided in person.
- e. Testimony for a person that is not present can be turned into the Secretary for inclusion within the Minutes. It cannot be read at the meetings, as we will not have the opportunity to question the author. Electronic submittal of testimony will be allowed if provided to DOFAW 12 calendar days prior to meeting date. Otherwise, hard copies may be distributed at meeting.
- f. If testimony is being provided on behalf of an organization, it is required that the Board of Directors of the organization or a majority of the members of the organization must have voted in favor of the testimony. If this has not occurred, then it must be considered as solely the opinion of the person providing the testimony.

**II. Agendized presentations to the Council:**

- a. Time allowed for presentations is 10 minutes.
- b. It is likely that the Council will ask questions after the presentation is made. This Q&A period may continue for 10 – 15 minutes, at the discretion of the Chair of the Council.