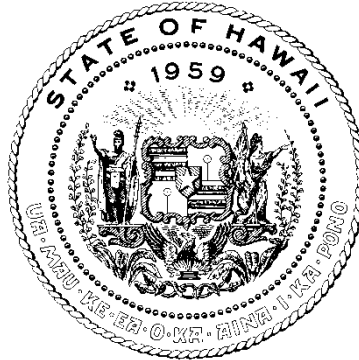


**REPORT TO THE THIRTY-FIRST LEGISLATURE  
STATE OF HAWAII  
2022 REGULAR SESSION**

**HAWAII STATEWIDE TRAIL AND ACCESS SYSTEM  
“NĀ ALA HELE”**



Prepared by:

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

In response to Section 198D-9, Hawai`i Revised Statutes

Honolulu, Hawai`i  
November 2021

**REPORT TO THE THIRTY-FIRST LEGISLATURE  
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“NĀ ALA HELE”**

**EXECUTIVE SUMMARY**

Established by Chapter 198D of the Hawai`i Revised Statutes in 1988, the Hawai`i Statewide Trail and Access Program, known also using the Hawaiian term *Nā Ala Hele*, or “the pathway,” continues to provide outdoor recreation of various types through a “system” of roads, trails and other accesses, both ancient and modern, throughout Hawai`i. The Nā Ala Hele Program is housed with the Department of Land and Natural Resources, Division of Forestry and Wildlife, as one of its core programs.

Currently the Nā Ala Hele system of trails, roads, access routes, and other recreation “features” includes 154 roads, trails or recreation areas, spanning over 400 miles, and includes over 3,000 acres of lands designated for off-highway vehicle use and other recreational pursuits. Recreational use of these features includes hiking, trail running, mountain biking, horseback riding, and motorized off-highway vehicle use.

A key component of the role of Nā Ala Hele is the documentation (through archival and title research), protection, and management of ancient pathways in perpetuity as public trust resources. These cultural treasures remain vital to appropriate public access, education, and enjoyment, requiring constant vigilance and protection from the impacts of myriad threats.

Fiscal year 2021 brought the COVID-19 pandemic, and the resulting economic and social impacts to Hawai`i. However, while so much of life was COVID-curtailed during this time, healthy and safe recreation alternatives included the use of Nā Ala Hele system features, and the program saw unprecedented increases in trail traffic and use. Additionally, communities and neighborhoods on O`ahu and throughout the state where many of these features originate (trailheads and parking areas) felt the impacts of inconsiderate and inappropriate behavior by some trail users, exacerbating already strained community relations. Despite all of this, as reported here in the island-by island updates, Nā Ala Hele staff across the state managed to maintain and care for hundreds of miles of trails and roadways, continue the vital research associated with treasured cultural features, and creatively utilize thousands of hours of volunteer effort to care for the system.

The economic collapse associated with COVID severely impacted the chronically underfunded Nā Ala Hele program, resulting in less on-the-ground staff capacity to address significant resource impact and deterioration. Further, the current funding structure for Nā Ala Hele presents severe management challenges: 1) federal funding via the Federal Highways Administration Recreational Trails Program is tightly constrained, does not allow the purchase of equipment and vehicles, and apportions expenditures by the type of recreational use; 2) program

revenue from the state highway fuel taxes, fees collected for the commercial use of trails, and transient accommodation tax revenues are heavily reliant on the visitor industry; and 3) recurring general funds for the program do not cover obligations (personnel account is \$300,000 short). The future success of what can and should be a marquee program for the State of Hawai`i requires dedicated, recurring, legislatively appropriated funding.

## **PURPOSE**

Chapter 198D, Hawai`i Revised Statutes (HRS), creates the Hawai`i Trail and Access System, under the Department of Land and Natural Resources (DLNR). Pursuant to Section 198D-9, HRS, a report is required to highlight DLNR's accomplishments in Fiscal Year (FY) 2021 (July 1, 2020 to June 30, 2021).

## **INTRODUCTION**

The Hawai`i Statewide Trail and Access Program, also known as Nā Ala Hele, was established in 1988. Section 198D-2, HRS, directs DLNR to plan, develop, and acquire land or rights for public use of land, construct, restore, and engage in coordination activities to implement a trail and access system in Hawaii. The program operates within the DLNR's Division of Forestry and Wildlife. This report has five sections:

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

### **1. PROGRAM NEEDS**

As has been previously reported, the 2015 Hawai`i State Comprehensive Outdoor Recreation Plan (SCORP) identified two areas regarding public hiking for improvement, *(a) demand for more trails or access to mauka lands and (b) the need for trail facilities and maintenance*. These conditions remain and have actually been exacerbated by the ongoing COVID-19 pandemic. DLNR continues to support these goals and remains dedicated to meeting the growing demand for statewide outdoor recreation, management, and expansion. Currently, LNR 804 Forest and Outdoor Recreation supports fourteen full-time civil service positions that work directly for the statewide Nā Ala Hele Trail and Access Program.

Encouraging responsible public use of Hawai`i's natural resources is part of the DLNR's mission. There is a justifiable concern in being able to address and support the rising number of trail issues, many of which are associated with a significant increase in people wishing to access trails and the rise of social media. Keeping up with this demand is challenging with the resources currently available. However, DLNR is committed to providing safe outdoor recreation opportunities to the public.

DOFAW has a current statewide inventory of 154 trail-and-road features spanning 432 miles. Due to budget and staffing limitations, the level of maintenance on these features varies. Some high-use areas, such as Mānoa Falls Trail on O`ahu, require frequent staff visits to address various issues associated with trail management.

Trailhead parking within neighborhoods or rural communities continues to present challenges throughout the state. O`ahu's Kuli`ou`ou neighborhood documented a large spike in use. Many other trails throughout the state have seen a surge in interest from the local community since the need for Governor's orders restricting activities in order to control the pandemic crisis. The surge in interest in recent years, and certainly post COVID-19, has resulted in traffic congestion, and health and safety risks. Inadequate parking, and no restrooms or other services, results in vehicles parked throughout the community neighborhoods, interfering with residential driveways and highway corridors.

Locating suitable off-highway-vehicle (OHV) sites statewide that meet the needs of all OHV users, hikers, mountain bikers, equestrians, hunters, and dirt bikers is also a program challenge. Additionally, vandalism of signs and other infrastructure requires ongoing resources. Working to protect and expand legal access to trails and public rights-of-way is a high priority part of the Nā Ala Hele program that requires specific legal and land disposition expertise.

With the dramatic increase in trail use, intensified by higher tourism numbers (in non-COVID times) and exposure from social media, DLNR has an obligation to address all the needs listed above. However, the capacity to manage the program needs to be expanded to keep pace. Higher levels of staffing and operational funding are vital needs that would significantly improve the program's ability to keep pace with rapidly growing demand.

## **2. PROGRAM SUMMARY**

The broad, overarching goal of the Nā Ala Hele Program is to provide public outdoor recreation opportunities for hiking, biking, hunting, camping, equestrian, and off-highway vehicle use, and trail use associated with natural resource management. In addition, the program is responsible for inventory and ownership documentation of historic trails and road alignments statewide.

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

- Provide access for native flora, fauna, and watershed protection and management work;
- Monitor and remove invasive plant and animal species;
- Provide recreational opportunities, including hunting, hiking, biking, equestrian, and OHV activities;
- Control wildland fires;
- Protect Hawaiian cultural features and historic trails;
- Provide commercial trail opportunities to strengthen Hawai`i's economy;
- Assist emergency response search and rescue efforts; and

- Provide outdoor recreation with low-risk transmittal of COVID-19

**Nā Ala Hele 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 cultural features;
- Manage commercial trail tour activity; and
- 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 Hawai'i (SLH) 2003.

Nā Ala Hele staff spends the bulk of its time maintaining program trails and access roads to ensure 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. Trail and road management consists of the following activities:

- Construction of access roads and trails;
- Trail or access road surface improvements, including grading trails to avoid water damage;
- Cutting back brush along trail and road corridors to meet standard specifications;
- Removing downed trees that disrupt trail use;
- Boardwalks may be installed in excessively boggy and sensitive environments;
- Herbicide application to control noxious, non-native plant species that spread rapidly along trail and access road corridors;
- Purchase, repair, and/or rental of vehicles, helicopters, chain saws, brush-cutters, herbicide, fuel, and other equipment, materials and supplies used to maintain trail/road features; and
- Provide informational signs for public safety and user information.

A sustainable trail should have as little impact on the surrounding environment as possible. This is done with proper planning, design, construction, and maintenance. Although some general principles of trail design guidelines have remained constant over the years, new methods of minimizing a trail's impact on the environment have been developed. Applying these sustainable trail design principles minimizes water damage to trails and decreases maintenance. Many of Hawaii's trails were developed from informal routes, and not properly laid out and constructed. Applying sustainable trail design principles, existing trails can be upgraded to modern standards. When the legislatively-approved CIP Program Plan Update funds are released, an updated statewide trail plan will incorporate these modern trail design guidelines and will provide the program with clearer direction on how to develop and maintain long-term sustainable trails. Proper funding and staffing levels to assist with implementing these guidelines would significantly improve the statewide trail network. These trail guidelines, if implemented, would save staff time and funding on future maintenance, and would provide for a safer experience for trail users.

### 3. PROGRAM HIGHLIGHTS

	<b>Kauai</b>	<b>Oahu</b>	<b>Maui-Nui</b>	<b>Hawaii Island</b>
Number of trails and roads maintained	17 trails 10 roads	42 trail and road features	53 trail and road features 274 miles total	26 trail and road features 75.4 miles of trails 196.2 miles of road
Recreation facilities maintained including shelters, campgrounds, toilets and boot brush stations	30	18	33	35
Recreation and hunting signs installed and maintained	150	332	568	119
Community volunteer hours	500	1,200	2,322	400
Trail Advisory Councils Meetings	1	2	11	5

Administration: Adapting to the impacts of this pandemic has been a priority for all. The Division of Forestry and Wildlife (DOFAW) views forest recreation as a way to support the public interest by providing opportunities to maintain physical and emotional wellbeing by interacting with nature and exercising outside. Governor Ige’s stay at home orders excluded outdoor exercise, realizing the importance of community health during this difficult time.

The Nā Ala Hele trails program continued working with DOFAW’s Game Management program to create a readily available and user-friendly mobile device application (app). Being developed for utilization in the OuterSpatial community, the app includes detailed information about trails and access roads statewide, allowing the Department to post instant updates such as temporary closures or flash flood warnings as needed. The app will include a geo-referenced map that will show the users their location in real-time, even when they are off-line, or their device is set on airplane mode. The app will also include online hunter check-in stations that allow the agency to track hunter effort and success. Slowed by the impact of COVID, development continued through the fiscal year and OuterSpatial launched in Summer, 2021.

A major accomplishment for the year was the trail rehabilitation and rockfall mitigation work on the popular Mānoa Cliffs Trail on O’ahu. After many months of closure, the trail reopened in June, 2021, coinciding with National Trails Day.

Hawai`i Island Update: The Kaulana Manu Nature Trail project opened to the public on November 23<sup>rd</sup>, 2020 with a *kīpaepae* ceremony. The popular trail is located in a native forest kīpuka off the Daniel K. Inouye Highway where users can experience native plants and animals in a pristine setting and has developed into a significant visitor attraction. The Capital Improvement Project created a new parking lot, bathrooms, and interpretive signage.

At Pololū Valley in North Kohala, program staff have been working closely with community to develop solutions to the over-use of the trail and lookout area. Capital Improvement Project funds for parking and comfort station planning await release. The Board of Land and Natural Resources approved adding five existing trails to the Nā Ala Hele Program Trail inventory: Kūlanihāko‘i Mountain Bike Park, Pu‘uwa‘awa‘a Cone Trail, ‘Ōhi‘a Trail, Makāula-‘O‘oma Trails, and Palila Forest Discovery Trail. All Hawai‘i island trails continued to see increased use during the COVID-19 Pandemic.

Nā Ala Hele program staff continue to negotiate with private landowners for access to public lands and trails, including: Honokōhau Trail; Judd Trail; Miloli‘i Beaches Subdivision (major historic trails through Pāpā 2); Kōhanaiki Trail to the sea coast; Hōnaunau-Ho‘okena Trail; Keauhou-Ka‘awaloa trails; Makalawena-‘Akahipu`u Trail; and access to the Kaiwiki Section of the Hilo Forest Reserve. Staff also offered trail consultation advice to sister government agencies in regard to historic trail preservation and access: Saddle Road Extension (various ancient trails in Waikoloa and Pu‘u Anahulu), Queen Ka‘aumanu Highway Widening Project (Māmalahoa Trail), Waipi‘o Valley Road, and Kahuku ‘Road to the Sea’ (Hawai‘i County open space acquisition).

The program hosted two CARES Act ‘ĀinaCorps KUPU interns from October to December, 2020, an important opportunity for career development. Dedicated volunteers continue to augment program staff on Hawai‘i Island in the maintenance of Waiākea ATV and Dirt Bike Park, as well as maintenance of the Mauna Kea ATV riding area (roads R1 and R10).

Routine maintenance is ongoing, including minor grading, signage, and trash collection at numerous sites, including: ‘Āinapō Trail and Road, Mauna Loa Observatory Road, Manukā Loop Trail, and trails at Kāheawai, Humu`ula, Pu`u `Ō`ō, Kaluakauka, Ala Kahakai, Pu`u Huluhulu, Puna, Onomea, Kaūmana, Muliwai, Kahauale`a, and Pololū. Brushing, hazard tree removal, sign maintenance, helicopter support, and reconstruction make up the bulk of the work. Maintenance is also done on facilities, including ‘Āinapo Cabin, halfway shelters along Muliwai Trail and Waimanu Valley campsites, and various trailhead composting units. Due to Rapid ‘Ōhi`a Death affecting Hawai‘i Island, boot-cleaning stations installed at all trailheads are routinely cleaned and maintained.

Due to COVID-19 sanitation concerns, the remote ‘Āinapō Cabin and Waimanu Campgrounds were closed. Trails were left open for day-use hiking as users abided by social distancing recommendations.

The Hawai‘i Island Program continues to be severely short-staffed; the vacant Trails and Access Specialist IV position continues to be frozen due to COVID spending restrictions, and the 2021 Legislature eliminated the funding for the position. Commercial Trail Tour Permits were halted during the COVID-19 pandemic, though resumed (with capacity limitations) on June 1<sup>st</sup>, 2021.

Maui Nui (Maui, Moloka`i and Lana`i) Update: The Maui Nā Ala Hele program continues to utilize three automatic trail counters and have been rotating them among the different trails in Maui County. With the ongoing restrictions and increase of leisure time activities brought on by COVID--19, trail use has remained high. Waihou Spring Trail continues to host an average of

over 200 people/day and a one-day high of over 900. Waihe`e Ridge Trail use has continued to climb in numbers, with an average of almost 450 people/day, and a one-day high of nearly 1,200 hikers. Kahakapao Recreational Area in the Makawao Forest Reserve continues to be heavily utilized by the public with the parking areas full most days of the week.

Monthly inspections of the bicycle features, signs, and trail maintenance continue by staff funded by the federal Recreational Trails Program grant. Staff funded by state general funds completed routine standard trail maintenance procedures, including brushing, grading, water diversion maintenance, tree and brush removal, and sign maintenance to the following trails: Haleakalā Ridge, Ala Loa O Maui, Hoapili Trail, Lahaina Pali, Plum, Polipoli, Tie, Redwood, Māmane, Upper Waiohuli, Boundary, Lower Waiohuli, Waiakoa Loop, Waihe`e Ridge, Waihou Spring, Waikamoi Ridge, Ohai Loop, Ke`anae Arboretum, and Hulupo`e-Huawai Fisherman's Trail on the island of Lāna`i. Maui staff has continued to provide maintenance support of the Maui Motocross Track, including landscaping maintenance, removing rubbish and debris, hauling materials, portable toilet servicing, and equipment maintenance. Because the Nā Ala Hele federally-funded positions are unable to administer cutting, digging, or spraying until environmental compliancy for Section 7 and Section 106 is finalized, projects are backlogged, and staff are struggling to keep trails up to standard specifications designed to meet safety requirements.

O`ahu Update: It is estimated that over a million enthusiasts engage in multiple outdoor activities on program trails on O`ahu annually. The priority continues to be keeping the trails safe and user friendly through ongoing maintenance, including clearing trail-side vegetation, removing large, downed trees, and mitigating other potentially hazardous conditions. While some of the program`s trails continue to have urban interface issues, social media feedback about program trails is mostly positive. The majority of work carried out by two full-time trail crew staff included removing downed trees, brushing, grubbing, rock removal, trailhead maintenance, trail grade reconstruction, armoring water diversions, installing educational signs, and out-planting native plants. In addition to staff trail maintenance, the O`ahu program has implemented an annual trail clearing permit system for qualified volunteers which has proven to be very successful with numerous trails being cleared and maintained independent of staff labor. The O`ahu program renewed five of these permits in FY 21.





O`ahu's most recognized accomplishment was the opening of the Manoa Falls Trail in June 2021. The popular and heavily used trail was originally closed in July 2019 for the installation of a rockfall hazard mitigation fence next to the falls. With the trail closed for the fence installation, Nā Ala Hele was able to install some long overdue trail safety improvements including widening of the treadway for safe two-way traffic, trail bed resurfacing, new steps, trailside plantings, and erosion and water runoff control measures. Some of the major material excavation and rock work and stabilization were beyond in-house staff resources, so Hawaii Tourism Authority monies were used to hire a contractor with experience in trail construction. Removal and transport of excavated materials such as excess dirt and the delivery of new gravel for

armoring were carried out by in-house staff. In addition, new rest areas with benches and interpretive signs were also installed to allow hikers an opportunity to learn about the beautiful rain forest and watershed while they rest and enjoy their surroundings. In addition to the major trail improvements, a new viewing area was created at the falls and pool area. The contractor installed a viewing area and new rock retaining wall. The trail was officially opened on National Trail Day. The average total use per day is 800 to 900 visitors, with numbers at times reaching 1,300 to 1,400 on three-day weekends.





#### **4. FUNDING SOURCES**

<b>Forest and Outdoor Recreation Program Operating Funding and Revenue (LNR 804)</b>	<b>FY 2021</b>
Special Funds – State fuel tax and CTTA appropriation	\$ 205,179
Federal Recreational Trails Program appropriation	\$ 848,450
G-084 Personnel (\$300,000 short of cost of budgeted positions)	\$1,687,343
G-084 Operating (used to cover personnel shortfall)	\$ 104,000
Hawai'i Tourism Authority	\$ 530,000
<b>Total</b>	<b>\$3,479,107</b>

#### **Special Funds**

The Department's DOFAW Nā Ala Hele trails program currently has two different special fund revenue sources, the Liquid Fuel Tax (LFT) and Commercial Trail Tour Activity, deposited into the Special Land and Development Fund established pursuant to Section 171-19, HRS.

#### **Liquid Fuel Tax**

0.3% of the Liquid Fuels Tax (LFT) collected under Chapter 243, HRS, is deposited each fiscal year into the Special Land and Development Fund for management, maintenance, and development of trails and access routes established under Chapter 198D, HRS. The trails program cap for revenue from the LFT is \$250,000 per year. **FY 21 revenue was \$203,634.**

#### **Commercial Trail Tour Activity (CTTA)**

Act 106, SLH 1997, allows DLNR to use funding from fees for commercial use of Nā Ala Hele program trails and access routes, commonly referred to as the Commercial Trail Tour Activity system. Revenues from CTTA fees go directly back into trail management and maintenance. And it remains the hope that commercially led tours are intended to provide visitors with a safer and more enjoyable experience, with trained guides in a regulated manner. The CTTA system has a high potential for growth, providing additional revenues to the trails and access program. Due to COVID restrictions, commercial tour operations ceased in the Spring of 2020, resulting in dramatic loss of revenue, and therefore significantly reduced operating funds. Revenue generated in FY 20 was \$46,107.00; **FY 21 revenue was \$9,326**, representing a nearly 98% decline.

The CTTA website reservation system ensures that commercial activities by multiple vendors do not exceed agency-dictated and controlled daily capacities and/or number of groups established for CTTA trails and roads. The reservation system is managed by a contractor (NIC) who records the trail reservations and dates and calculates fees. There is an annual \$75 subscription fee for CTTA operators, with an additional ten percent fee on each reservation. CTTA fees are assessed per unit of use and thus designed to offset potential trail impacts by commercial users. DOFAW submits twenty percent of this revenue to the Office of Hawaiian Affairs.

Overall, special fund revenue was \$205,179, with a personnel obligation of \$239,000, for a fund shortfall of \$33,821.

#### Federal Recreational Trails Program Allocation

The Recreational Trails Program (RTP) is authorized under 23 USC 104(h) and 206. The Federal Highway Administration (FHWA) approves eligibility of RTP funds to DLNR DOFAW through set criteria, which require the state to: 1) develop a trail council consisting of motorized and non-motorized recreational users; 2) have a State Comprehensive Outdoor Recreation Plan; and, 3) comply with the Assured Access to Funds requirement - a minimum of thirty percent of the funding must be used for motorized trail use, thirty percent for non-motorized trail use, and forty percent for diversified or multiple-use trails. DLNR's RTP allotment for FY 2021 was \$848,450, same as the appropriation from the prior fiscal year.

While greatly appreciated – the program could not exist without it – the challenge with this federal funding lies in its limited utility. By FHWA RTP program mandate, these monies are only allowed to be used for maintenance. Consequently, this limits the Nā Ala Hele program's ability to acquire necessary tools and equipment, heavy equipment and other machinery, and vehicles.

#### LNR 804 Nā Ala Hele General Funds

General funds of \$1,791,478 were allocated in FY 2021, a decrease of \$80,010 from the previous year. Further, there continues to be a chronic shortfall in payroll for LNR 804. To make up the shortfall, the NAH Program used federal grant funds and state special funds to cover payroll/G-fund expenses. **Consequently, there are no State general funds available to cover operating expenses for the Nā Ala Hele Trail and Access Program.** An increase in deferred trail maintenance of associated infrastructure and facilities continues to increase with no general fund operational budget. We estimate the program is operating at approximately 20% of its capacity with the current funding levels.

#### Hawai'i Tourism Authority

During FY '21, the Hawai'i Tourism Authority (HTA) approached Nā Ala Hele with an opportunity to fund program-related support through a contractual agreement for three specific actions:

- Universal Trail Assessment and Sign Initiative (statewide) \$140,000
- Trail Safety and Enhancement Initiative (O'ahu) \$310,000
- Trail Equipment and Tool Purchase (statewide) \$ 80,000

This project was initiated due to the HTA's recognition that forest and outdoor recreation resources are consistently and increasingly used by visitors to our islands, and HTA's desire to provide much needed resources to manage these features for both resource protection and an enhanced visitor experience.

The *Universal Trail Assessment and Sign Initiative* (UTAP) is designed to consistently assess trails and roads by digitizing, over the length of the feature, physical attributes such as distance,

grade slope, elevation gain or loss, tread conditions, and other attributes. This information is then used to produce detailed graphics about each trail, with that information available on the Hawai'i Trails website and on signage at trailheads, allowing potential users to assess the trail or road attributes and make informed decisions as they plan their outdoor recreation pursuits. QR codes will also be used on each sign to afford users access to online information, including a trail map, about that feature.

The *Trail Safety and Enhancement Initiative* was fashioned to address the severe backlog of heavy maintenance and rehabilitation needs of trails throughout the state. The contract was subsequently modified to focus specifically on O`ahu trails and roads, where the heaviest use occurs due to the sheer volume of users, both residents and visitors. O`ahu staff worked to contract the work out to local vendors, as staff resources are severely constrained due to a lack of positions and state funding.

As mentioned previously, use of the federal funds we receive through the FHWA Recreational Trails Program is limited to maintenance work only. Further, the state operating funds for LNR 804 are used entirely to help make up for the LNR 804 personnel shortfall, leaving no funds for operational needs. In discussions with the HTA as part of this effort, the *Trail Equipment and Tool Purchase* initiative gave each DOFAW Branch \$20,000 (\$80,000 total) to purchase critical replacement equipment for the ongoing daily work of maintaining program features across the state.

This HTA partnership was not without its challenges. It took many months to receive the funding once the contract was signed. Exacerbating this was (and still are) the COVID-driven realities of a lack of availability of equipment to purchase, contractors to carry out work, and travel and operation restrictions. Despite that, through FY 21 and into the current year, we continue to work with HTA to complete these vital resource protection and user enhancement projects.

## **5. ANCIENT AND HISTORIC TRAILS**

Section 198D-3, HRS, requires an inventory of trails and access routes be maintained and recorded under the Nā Ala Hele database. Nā Ala Hele program has one full time staff position to research and document ancient and historic trails and old government roads for inclusion in the statewide trails inventory under the provisions of Section 264-1, HRS, as stated below:

*“(b) All trails, and other non-vehicular rights-of-way in the State declared to be public rights-of-ways by the Highways Act of 1892, or opened, laid out, or built by the government or otherwise created or vested as non-vehicular public 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 unless it was created by or dedicated to a particular county, in which case it shall be under the jurisdiction of that county.”*

Nā Ala Hele does research pertaining to the location and documentation of 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 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 the Board of Land and Natural Resources for final approval. In FY 2021, the Nā Ala Hele Program completed 19 abstracts and 12 Quiet Title Action reviews.

The number of abstracts this fiscal year was significantly reduced because of the ongoing impact of the pandemic. While the ability to conduct research continues to be hampered by the lack of in-person access of some government offices, staff continued to work to gain access to records and documents that were at one time readily available. Thanks to staff at the Bureau of Conveyances, in April 2021 we were able to secure a much higher level of in-person access to the BOC in-house terminals to enhance this work.

Abstracting work entails focused research through documents in the English and Hawaiian language, archival records, review of historic maps and field notes, and the ability to analyze complex land title records to produce written reports of research findings. These reports are subject to review by the public and other interested parties who may challenge the findings, requiring more time to investigate all claims or information provided. Some abstract files opened in 1999 remain open awaiting final disposition by either court adjudication, negotiations with private landowners or government approvals.

The responsibilities of this section also include providing oral testimony in court proceedings as an expert witness for the state. Preparing for court appearances is a time-consuming effort that necessitates putting all other requests on hold.

Of the 31 files opened in FY 21, roughly one-third were done at the request of DOFAW staff regarding trail and access issues, a third from other agencies in reference to possible historic trails through private lands, and a third from the Attorney General's office for responses to civil actions.

### **IN CLOSING:**

Nā Ala Hele trails, roads and other features are enjoyed by over a million users every year. These features provide enjoyable and safe options for many forms of outdoor recreation. The benefits of enhanced physical health and mental well-being has been critical for our residents during this pandemic. In fact, the program has witnessed a large spike in use with Hawai'i's residents throughout the islands, and predicts this trend to continue. Whether you're an avid trail user, or it's a newfound relation, trails and the outdoors connect us to nature and our precious natural and cultural resources. Our committed trail advisory council members and volunteers create a truly strong, cooperative and unified voice for the trail community. Outdoor recreation also boosts our local economy through the sale of outdoor gear and provides jobs through a commercial trail tour activity. Trail enhancement and construction projects can put our residents to work. Trails have and will always contribute to an overall enhanced quality of life in our communities.