

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife

August 28, 2009

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

**SUBJECT:** REQUEST FOR APPROVAL TO CLARIFY THE LOCATION OF THE PUNA TRAIL THAT IS UNDER THE JURISDICTION OF THE NA ALA HELE TRAIL AND ACCESS PROGRAM AND THAT IS SUBJECT TO CHAPTER 130, HAWAII ADMINISTRATIVE RULES, AND TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN W.H. SHIPMAN AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE – NA ALA HELE TRAILS AND ACCESS PROGRAM, FOR THE JOINT MANAGEMENT AND ESTABLISHMENT OF A PUBLIC PARKING AREA AND MANAGEMENT OF THE PUNA TRAIL, TMK: 1-6-1 various parcels

**INFORMATION**

**History:**

The Puna Trail is a historic trail that once was part of a circle-island trail system. In 1933, the firm of W.H. Shipman, Limited, registered title in the Land Court to 72,099 acres of land in the District of Puna, being a portion of Kea'au, Waikahekahe Nui and Waikahekahe Iki. During the registration process the government was afforded an opportunity to file a claim for any roads and trails that would provide public access. After much debate, the government claimed and was decreed the fee simple owner of the subject road, which is identified on tax maps as "Exception 1 Old Government 10-foot Beach Road." The segment that is the subject of this action extends from Kea'au (Hawaii Paradise Park at the north end of Beach Road) to Ha'ena and is approximately 2.5 miles long. This trail is bounded on either side by private property owned by WH Shipman. (Exhibit A). In 1999 at the request of the Department Kepa Maly prepared a study of the Old Government Road (OGR) in this area and suggested its long term use and disposition. Maly's study is titled: "The Historic Puna Trail-Old Government Road (Kea'au Section)" Archival-Historical Documentary Research, Oral History, and Consultation Study, and Limited Site Preservation Plan Ahupua'a of Kea'au Puna District, Island of Hawaii. "Report HiAla-17 (011199)". In that study Maly recommended that the subject portion of the OGR be set aside as a trail and maintained as such for pedestrian purposes only. Further, the County of Hawaii in its brochure "Shoreline Public Accessways" and in its recent Puna Community Development Plan reiterated that this portion of the road should be maintained as a trail for pedestrian and non-vehicular use.

**Current Issues:** Public use of the trail, including unauthorized use by motorized vehicles (i.e. 4 wheel drive, all terrain vehicles, motorcycles, etc.), has created problems with trespass on to Shipman's private lands. The illegal uses include unauthorized camping, large parties that contribute to litter, abandoned vehicles, disposal of drug paraphernalia, illegal fires, and firearm violations. These illegal uses have created a safety, security and public health problem for the neighboring Hawaiian Paradise Park (HPP) community as well as for Shipman. They contribute to making use of the trail by pedestrians unsafe. Further there are cultural sites along the route that are subject to damage caused by vehicular traffic,

As a result of these problems, Shipman tried to restrict access to vehicular traffic by placing boulders across its border with HPP at strategic locations including the road (walking access was not limited). Hawaii County determined there should be input from the public and that Shipman did not have the authority to unilaterally close the road and should obtain approval from the DLNR. Shipman is seeking a solution and is of the opinion they are unable to protect its lands and cultural sites on it should the OGR be left completely open to vehicular traffic. The trail would not be safe for pedestrians and the public health and safety cannot be secured as long as the trail is available for vehicular use. History indicates that dumping and other illegal activities will continue as long as vehicles have access across OGR.

In an effort to provide public pedestrian access to the Puna Trail while maintaining a safe environment for adjoining landowners, Shipman has agreed to provide a portion of its private land for public parking (Exhibit A), and enter into a Memorandum of Agreement for the joint management of the section of the Puna Trail that is the subject of this board action. While public vehicular access will not be allowed, we propose to install a gate which will allow Na Ala Hele to use vehicles for maintenance purposes; emergency vehicles would also have access through the gate as needed.

Na Ala Hele has agreed to install a gate at the parking area, signs that will inform trail users of the historic resources that should be respected in the area and erect a bulletin board at the beach area providing a map and instructions on what to do in case of an emergency.

Na Ala Hele and Shipman will share the cost of installing and maintaining a portable toilet on the Hilo side of Haena Beach

### **Previous Action**

Pursuant to Title 13, Chapter 130, Hawaii Administrative Rules for the Statewide Trail and Access Program, the Puna Trail was approved by the NAH Hawaii Trail and Access Advisory Council and included and approved by the BLNR in 1998 as a NAH Program trail.

**13-130-13: Program trail and access designation.** The board shall periodically designate the inclusion of a trail or access selected from among the inventoried trails and accesses upon consultation with the division, the Na Ala Hele staff, and the respective island advisory council from which a particular trail or access is located.

However, at that time, the specific section of the trail that was intended to be managed and administered by NAH had not been formally mapped and identified.

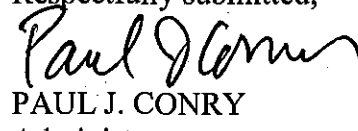
Due to the establishment of a current and viable plan and a collaborative working relationship with the adjacent landowner, the Hawaii Branch NAH Program staff has now mapped the exact section of the historic trail that is to be managed and administered by the NAH Program.

**RECOMMENDATION:**

That the Board:

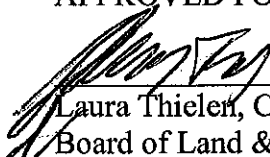
1. Approve the clarification of the section of the Puna trail and parking area that is now to be administered and managed by the Na Ala Hele Program and subject to Chapter 130, HAR.
2. Approve NAH and W.H. Shipman entering into a Memorandum of Agreement for joint management of a public parking area and of the Puna trail.

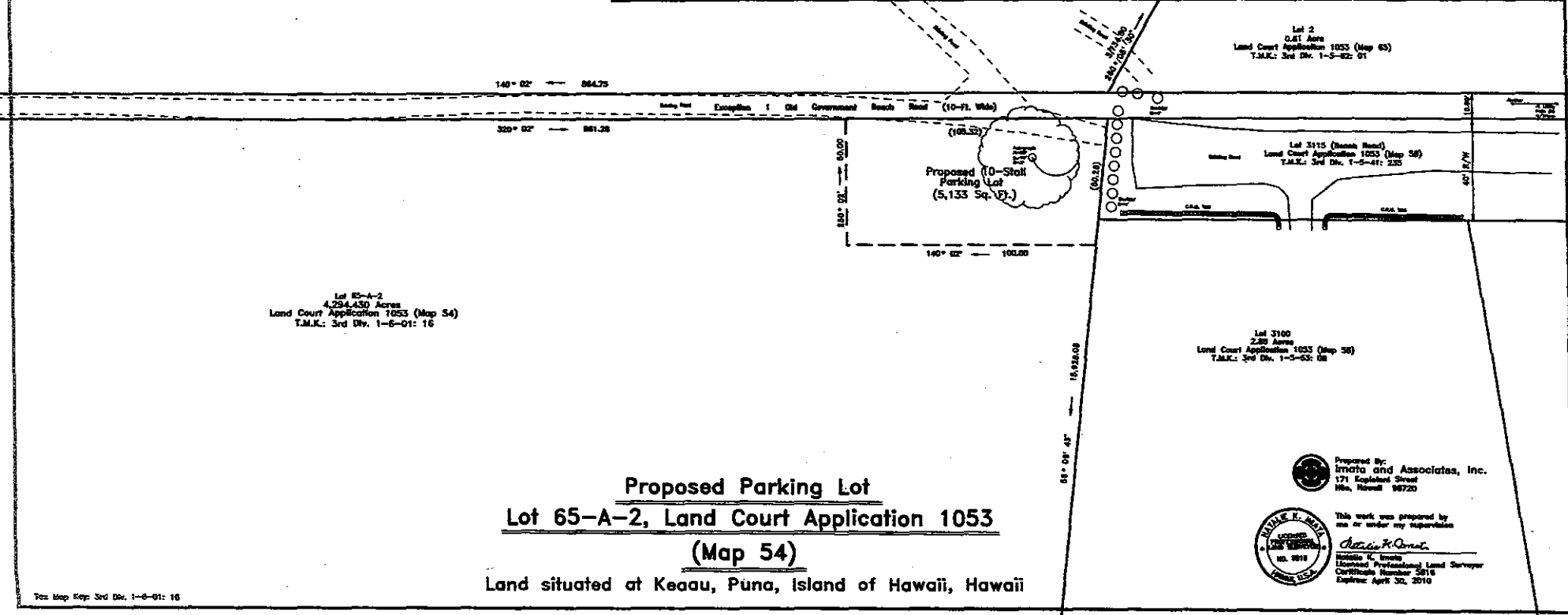
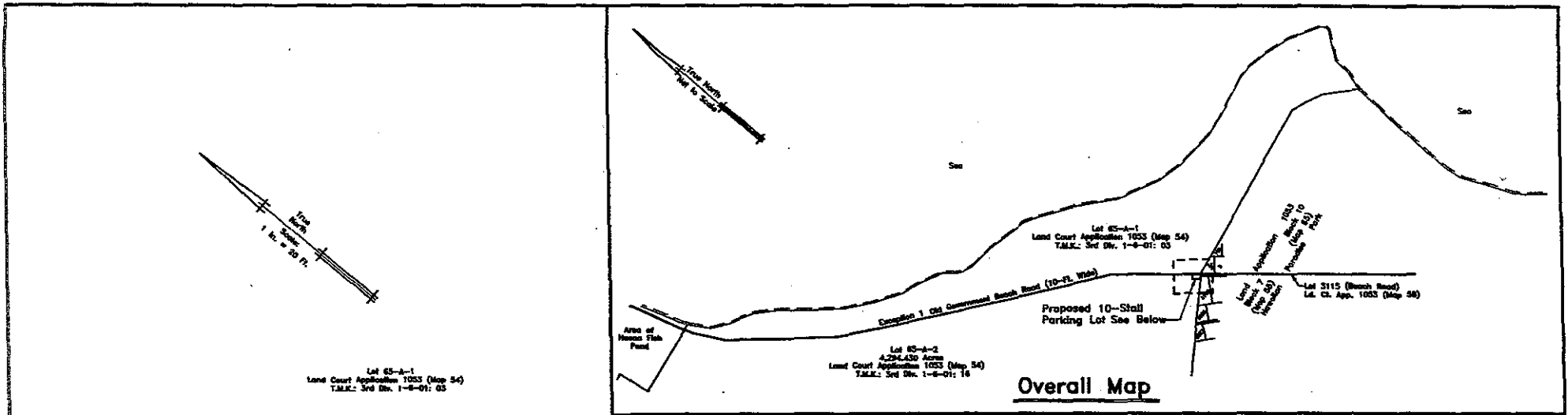
Respectfully submitted,

  
PAUL J. CONRY  
Administrator

Attachments  
Exhibit A

APPROVED FOR SUBMITTAL:

  
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Laura Thielen, Chairperson  
Board of Land & Natural Resources



**Proposed Parking Lot**  
**Lot 65-A-2, Land Court Application 1053**  
**(Map 54)**  
 Land situated at Keaau, Puna, Island of Hawaii, Hawaii

Prepared by:  
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 Hilo, Hawaii 96720

This work was prepared by  
 me or under my supervision  
*Christine K. Conant*  
 Christine K. Conant  
 Licensed Professional Land Surveyor  
 Certificate Number 5876  
 Expires April 30, 2010

**EXHIBIT A**