



## PROTECTING THE KA'Ū COAST: FREQUENTLY ASKED QUESTIONS

### 1. Who is Ala Kahakai Trail Association? What is your mission?

Ala Kahakai Trail Association (ATA) is a registered non-profit and recognized Native Hawaiian Organization (NHO), based on Hawai'i Island, and established in 2008. Our mission is to support and guide a community-managed trail that honors those who came before and perpetuates for those to follow – with protocols and respect for Hawai'i's past, present and future.

- Our board is made up of mostly descendants with ancestral ties to geographic sections of the trail and our goal is to connect our communities with the trail through preservation and community-based management.
- We hope to grow our board membership in the Ka'ū District given our recent work in the community. Currently, Keoni Fox serves as a volunteer board member representing the Ka'ū District. Keoni is part-time resident of both Waikāne, O'ahu and Na'alehu, Ka'ū. Keoni through his mother's family, Keanu, is a lineal descendant of Kahilipali, Kāwala and Kaunāmano.

### 2. Is ATA apart of the federal government or the National Park Service?

**NO.** ATA has always been a completely separate, independent nonprofit entity from the National Park Service. While ATA hopes to work with NPS to ensure the trail is protected, respected and connected to community, ATA is not controlled by or beholden to NPS.

ATA partners with different government agencies, non-profit organizations and community groups in an effort to collaboratively protect our island's trail system and its surrounding natural and cultural landscapes.

### 3. Why is it so urgent to protect the Ka'ū Coast? What do we risk if leave these lands alone?

Kaunāmano, Kiolaka'a and Manāka'a are in imminent danger of development. For many years, the Ka'ū community has advocated for the protection of the entire 80 miles of coastline, a goal reflected in the Ka'ū Community Development Plan (CDP). With the closure of Ka'ū Agribusiness at the turn of the century, many large properties along the coastline were sold to real estate developers and land speculators. Over the last few years, several of these properties have been purchased for preservation. With only a handful of remaining privately owned properties at risk of development, this vision of protecting the entire Ka'ū coastline can be achieved.

**Kaunāmano:** The landowner is selling all of his Hawai'i Island properties – a portfolio which included other nearby properties recently sold to foreign investors.

- *The previous owner proposed a 47-lot subdivision consisting of 20-acre "gentleman estates".*
- *2005 -- County Planning exempted the development from SMA permit requirements. Kaunāmano descendants appealed, and as a result, the County required an SMA Use Permit application.*
- *2009 -- The prior owner withdrew their subdivision application.*
- *The current landowner prefers to sell for preservation. **However, he will continue to list and market the property until the funds are secured.***

For additional information, please contact:

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**Kiolaka'a:** The landowner has completed a boundary survey of the property and submitted an application to consolidate and re-subdivide the property into 20 lots.

- *County Planning granted the owner's request for a variance from road and water infrastructure requirements.*
- *SHPD initially required a full Archeological Inventory Survey (AIS) of the entire property. The owner's attorneys appealed the decision claiming economic hardship. SHPD granted an exception, only requiring a survey of archeological resources within the subdivision's 100-foot wide roadway corridor.*
- *Due to permitting delays, plans to subdivide the property have been shelved and the property was listed for sale for \$2.95 M. **Subdivision of the property is still a possibility.***

**Manāka'a:** The landowner has submitted multiple applications to consolidate and subdivide the property since 2004.

- *2007 -- The owner was granted a SMA minor permit for the proposed subdivision without completing an Archeological Inventory Survey (AIS).*
- *Kāwala descendants contested the approval, and the County deferred action, pending SHPD approval of archaeological mitigation.*
- *After the AIS was completed, the owner completed a burial treatment plan, which has not yet been implemented.*
- *2013-16 -- The owner submitted additional applications to County.*
- *2018 -- The owner again submitted a SHPD application for road improvements to access this makai parcel through the mauka parcel. **This property is currently listed for sale by the owner.***

***While the threat of sale and development is real for all of these properties, if we can raise the public funding, agree on price, and meet these landowners' timelines, they are willing to sell for preservation.***

#### **4. How did ATA become the proposed future "owner" of these lands?**

The State, County, and National Park Service have all declined to take on "fee ownership" of these lands because they felt they did not have the capacity to own and manage these lands.

**It was never ATA's goal to "own" this 'āina.** "Ownership" is a western concept that we are not comfortable with. We see ourselves as space holders, holding these lands in trust for the community. The kuleana of nonprofit "ownership" was reluctantly taken on by ATA, as a last resort, with the commitment and vision that, if preservation was successful, these lands and resources would forever be managed and stewarded by the community itself.

#### **5. Could another nonprofit "own" these lands in the future?**

**YES.** If in the future there is a Ka'ū-based nonprofit that has the organizational capacity and commitment to carry the kuleana of owning these lands (*e.g., pay for insurance, apply for non-profit real property tax exemptions, comply with public funding deed restrictions and conservation easement requirements, maintain its non-profit and tax exempt status, file taxes, draft and file reports required by funding agencies, work with the community on management and stewardship*), ATA is open to working with that organization to go before the Board of Land and Natural Resources and the County to request consent for the transfer of the deed to said qualified nonprofit entity.

**6. How can the community and other nonprofits participate in decision-making, stewardship and management of Waikapuna and other lands that may be protected in the future?**

ATA has a Ka'ū-based Stewardship Committee/Hui which is comprised of Ka'ū residents and descendants to guide our stewardship and community management planning process for Waikapuna. These community members include: Shalan Crysedale, Nohea Kaawa, Michelle Galimba, Kaohi Mokuhalii, Jodie Rosam, Megan Lamson, Pele Harman and Leilani Rodrigues.

- **Open Invitation for Ka'ū Organizations to Join our Stewardship Committee**

*We welcome one representative from any Ka'ū-based nonprofit and one representative from each family with generational ties to join our Stewardship Committee and partner with us on community-based stewardship and management.*

- **Partnerships on Stewardship Projects**

*We would love to partner with any community group or 'ohana who wants to do a stewardship project on Waikapuna (for example: lead a huaka'i or conduct 'āina-based education with students, take care of family iwi, house sites, or heiau, do agroforestry, host beach clean ups, mālama the springs, monitor native bird colonies, restore native dryland forest, etc.). This is the beauty of community-based management, we all have the right to practice our kuleana to this 'āina.*

**7. Will ATA be developing a Community Management Plan for Waikapuna?**

**YES.** In all of our public funding applications, we committed to developing a Community Management Plan within 18 months of closing, if the conservation acquisition is successful. The 18 months was built in because it is difficult to get funds for management planning unless you first "own" the land. Also, landowners would likely get upset if we started doing extensive community management planning on land that the private landowner still owns.

- "Ownership" of Waikapuna was transferred to ATA in December 2019.
- The County is currently in the process of hiring a consultant to develop a management plan for Waikapuna, and part of that process will be extensive outreach and consultation with the Ka'ū community.
- ATA welcomes all Ka'ū-based 'ohana, nonprofits, and community groups to participate in the Community Management planning process which will be facilitated by a planning consultant hired by the County.

**8. How can people access Waikapuna? Why is vehicular access managed and monitored?**

**Pedestrian/Hiking Access:** Currently, there is open pedestrian access into Waikapuna via the Ala Kahakai Trail from the adjacent State-owned lands to the south at Kamilo and north at Kāwala. All members of the public have the right to use that trail access. There are no gates or fences along the entire 3.5 mile boundary between Waikapuna and the State-owned Wai'ōhinu property.

**Vehicular access** to Waikapuna Bay is provided via an access easement which crosses over the adjacent Kāwala property privately owned by Kuahiwi Ranch. The Ranch provides vehicular access to Waikapuna through their cattle gates located on the adjacent Kāwala property. The 4-mile long dirt road leading to Waikapuna crosses through a series of cattle pastures and gates. A four-wheel drive vehicle with a high clearance is required to safely navigate the road.

- The County is in the process of hiring a consultant to develop a management plan for Waikapuna, which includes managed public access. In the interim, our Stewardship Hui has adopted the same vehicular access procedure that has been in place for the last two decades.
- For safety reasons and in order to protect cultural and natural resources, vehicular access is limited to one group with no more than three vehicles per weekend. Occasional weekday access may be granted depending upon the schedule. Drivers must demonstrate familiarity with ranch roads. All individuals must sign a liability waiver and acknowledge rules respecting natural and cultural resources. The key is available for pick up and drop off at the Kuahiwi Ranch office in Naalehu at no charge. This interim process is posted on our website.

**Responsible stewardship needs to balance managed public access with the protection of cultural, environmental, and agricultural resources on this ‘āina.** Examples of adverse impacts due to unfettered, unmanaged access include: off road vehicles damaging and destroying cultural sites and native plants, looting and defacing cultural resources, dumping trash and human waste, and loss of native plants due to wildfires. The type of managed access that is best for this ‘āina will be determined by the Ka‘ū community through a Community Management Plan.

- We welcome the opportunity to work with the community to determine what community managed access looks like, and to educate residents and the public about these cultural landscapes and the proper protocol to follow in order to protect them for future generations.
- We want to make sure the public isn’t simply using these lands, but becoming active caretakers of this ‘āina.

#### **9. Why is ranching allowed at Waikapuna? How will ATA balance cattle grazing with protecting cultural and natural resources?**

Both the State Legacy Land Program and the County PONC program are designed not just to protect cultural and natural resources but also agricultural resources.

Preserving agricultural land is a core objective in the Ka‘ū Community Development Plan (CDP). “Objective 2: Preserve prime and other viable agricultural lands and preserve and enhance viewsapes that exemplify Ka‘ū’s rural character.” “Objective 10: Encourage and enhance agriculture, ranching, and related economic infrastructure.”

Keeping these lands in pasture supports the secure jobs in our rural community, diversifies our local economy, and contributes to our local food security and self-sufficiency, all of which have become even more critical during this pandemic. Grazing also keeps down grasses and vegetation that can fuel wildfires.

For the most part, cattle tend to stay on the grassy, mauka portions of the property where they can graze and access drinking water, not on the dry makai sections of the property that are dominated by lava fields and cultural sites.

Local ranch licensees are committed to working together with ATA and the broader community to ensure that cattle grazing can co-exist and complement the preservation of cultural and natural resources. This may include ranchers fencing culturally and environmentally sensitive areas and/or adjusting the location and acreage of a pasture license to keep cattle out of sensitive areas. We need the community’s help to identify sensitive sites that need to be protected.