

BENJAMIN J. CAYETANO
Governor of Hawaii



Chairperson
MICHAEL D. WILSON
Board of Land and Natural Resources

Deputy Director
GILBERT COLOMA-AGARAN

Aquaculture Development
Aquatic Resources
Boating and Ocean Recreation
Bureau of Conveyances
Conservation and Environmental Affairs
Conservation and Resources Enforcement
Forestry and Wildlife
Historic Preservation
Land Management
State Parks
Water and Land Development

REF: OCEA:SL
RECEIVED

95 MAY 12 P1:06 DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

P. O. Box 621
Honolulu, Hawaii 96809

FILE NO.: OA-2761

Mr. Gary Gill, Director
Office of Environmental Quality Control
220 South King Street, 4th Floor
Honolulu, Hawaii 96813

MAY 12 1995

Dear Mr. Gill:

Subject: Negative Declaration for the Construction of the Wiliwilinui Public Access
Hiking Trail at East Honolulu, Oahu, TMK: 3-5-21: 003

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period which began on February 8, 1995. The agency has determined that this project will not have significant environmental effect and has issued a negative declaration. Please publish this notice in the OEQC Bulletin as soon as possible.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the final EA. Please contact Sam Lemmo at 587-0377 if you have any questions.

Aloha,

Handwritten signature of Michael D. Wilson in cursive.
MICHAEL D. WILSON

Attachment

1981

66

DOCUMENT CAPTURED AS RECEIVED

1995-06-08-0A-PEA-Wiliwilihui Public Access Hiking Trail JUN 8 1995

FINAL ENVIRONMENTAL ASSESSMENT

PUBLIC ACCESS HIKING TRAIL

ON WILIWILINUI RIDGE

PLM/R
OG/EA

1995 APR 17 PM 3:03

RECEIVED

Prepared by

Gentry Waialae Iki V Partners
April 1995

OEQC Number: _____

Assigned to: _____

DRAFT & FINAL ENVIRONMENTAL ASSESSMENT CHECKLIST
(§11-200-10)

DRAFT ENVIRONMENTAL ASSESSMENT

Document Title Wiliwilinui Ridge Public Access Trail

Document Received: 1-17-95 Submittal Deadline: _____ OEQC Review Deadline: _____

Was the "OEQC Bulletin Publication Form" completed? _____ Is EA a complete and separate document? _____

Conditions which triggered the EIS Law. Check all that apply:

- | | |
|--|--|
| <input type="checkbox"/> Use of State or County Land or Funds | <input type="checkbox"/> Amendment to a County General Plan |
| <input checked="" type="checkbox"/> Use of Conservation District Lands | <input type="checkbox"/> Reclassification of Conservation Lands |
| <input type="checkbox"/> Use of Shoreline Setback Area | <input type="checkbox"/> Construction or Modif. of Helicopter Facilities |
| <input type="checkbox"/> Use of Historic Site or District | <input type="checkbox"/> City & County of Honolulu |
| <input type="checkbox"/> Use of lands in the Waikiki Special District | <input type="checkbox"/> Special Management Area |
| | <input type="checkbox"/> Other _____ |

Comments/Recommendation/Justification: Provides access to existing trails

APPROVED FOR PUBLICATION IN OEQC BULLETIN: Billy Wood

APPROVED BY SENIOR PLANNER: Jaym [Signature] DATE OF PUBLICATION: 2-8-95

DRAFT EA COMMENT DEADLINE: 3/10/95

FINAL ENVIRONMENTAL ASSESSMENT (Negative Declaration)

Document Received: 5-12-95 Submittal Deadline: _____ OEQC Review Deadline: _____

Was the "OEQC Bulletin Publication Form" completed? yes Has the Final EA been revised? yes

Comments/Recommendation/Justification: 10 comment letters & adequate responses

APPROVED FOR PUBLICATION IN OEQC BULLETIN: [Signature]

APPROVED BY SENIOR PLANNER: [Signature] DATE OF PUBLICATION: 6-8-95

FINAL ENVIRONMENTAL ASSESSMENT

**PUBLIC ACCESS HIKING TRAIL
ON WILIWILINUI RIDGE**

Prepared by

Gentry Waialae Iki V Partners
April 1995

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

OEQC Number: _____

Assigned to: _____

DRAFT & FINAL ENVIRONMENTAL ASSESSMENT CHECKLIST
(§11-200-10)

DRAFT ENVIRONMENTAL ASSESSMENT

Document Title Wiliwiliwai Ridge Public Access Trail

Document Received: 1-17-95 Submittal Deadline: _____ OEQC Review Deadline: _____

Was the "OEQC Bulletin Publication Form" completed? _____ Is EA a complete and separate document? _____

Conditions which triggered the EIS Law. Check all that apply:

- | | |
|--|--|
| <input type="checkbox"/> Use of State or County Land or Funds | <input type="checkbox"/> Amendment to a County General Plan |
| <input checked="" type="checkbox"/> Use of Conservation District Lands | <input type="checkbox"/> Reclassification of Conservation Lands |
| <input type="checkbox"/> Use of Shoreline Setback Area | <input type="checkbox"/> Construction or Modif. of Helicopter Facilities |
| <input type="checkbox"/> Use of Historic Site or District | <input type="checkbox"/> City & County of Honolulu |
| <input type="checkbox"/> Use of lands in the Waikiki Special District | <input type="checkbox"/> Special Management Area |
| | <input type="checkbox"/> Other _____ |

Comments/Recommendation/Justification: Provides access to existing trails

APPROVED FOR PUBLICATION IN OEQC BULLETIN: Belt Wood

APPROVED BY SENIOR PLANNER: Jayman DATE OF PUBLICATION: 2-8-95

DRAFT EA COMMENT DEADLINE: 3/10/95

FINAL ENVIRONMENTAL ASSESSMENT (Negative Declaration)

Document Received: 5-12-95 Submittal Deadline: _____ OEQC Review Deadline: _____

Was the "OEQC Bulletin Publication Form" completed? yes Has the Final EA been revised? yes

Comments/Recommendation/Justification: 10 comment letters & adequate responses

APPROVED FOR PUBLICATION IN OEQC BULLETIN: Heinrich

APPROVED BY SENIOR PLANNER: Jayman DATE OF PUBLICATION: 6-8-95

DRAFT ENVIRONMENTAL ASSESSMENT

- 1. Identify the Applicant or Agency proposing the action. *County*
- 2. Identify the Approving Agency. *DLNR*
- 3. Agencies consulted and comments received.

	Consultation	Pre-assessment Comments
Agencies	5	DLU - SMA clearance
Private Individuals	3+	

- Was applicable county ^{DLU} planning office or were any community groups notified of project?
- Is the project in the Conservation District, Special Management Area, Shoreline Setback? Has appropriate agency been contacted (concerning dual purpose EA)?
- 4. General description of the proposed action:
 - Technical *1/3 - 1/2 mile foot trail*
 - Economic: Proposed timing or phasing of project? Project cost? (State and County projects) *NA*
 - Social: How does the project affect the community? *provides trail access, parking*
 - Environmental characteristics §11-200-12(b)(11)
Is the project located in an environmentally sensitive zone? *no*
- 5. Summary description of the affected environment including:
Site location map (U.S.G.S. Topographic map preferred)
- 6. Summary of the major impacts: §11-200-12(b)
 - Short Term: Construction Impacts?
 - Long Term: Significant effect on water, air, archaeological and historic district/sites, or flora and fauna resources? Have noise, traffic, and visual impacts been determined? *nuisance to neighbors -*
(Contact DOH, CWB, CAB, DLNR/SHPD)
- 7. Alternatives considered (if any). *other routes, less parking, more nuisance*
- 8. Mitigation measures proposed (if any). *BMP*
- 9. Agency letter of submittal. Status of any other necessary approvals or permits? *Jan 12, 95 DLNR*
- 10. Findings and reasons to support the determination (preliminary).

FINAL ENVIRONMENTAL ASSESSMENT (Negative Declaration)

- 11. Agency letter stating negative declaration determination. *5-12-95 DLNR, 6CEA*
- 12. Agencies consulted and comments received. Were comment letters and responses included? Were comments adequately addressed?

	Consultation	Draft EA Comments
Agencies	3	8
Private Individuals	7+	3

- 13. Findings and reasons to support the determination.
- NA* If this EA concerns only a portion of the overall project, has a previous EA/EIS been filed?
- Does project have a significant effect on environment? Re: Significance Criteria §11-200-12(b)

FINAL ENVIRONMENTAL ASSESSMENT

**PUBLIC ACCESS HIKING TRAIL
ON WILWILINUI RIDGE**

Prepared by

Gentry Waialae Iki V Partners
April 1995

CONTENTS

	<u>Page</u>
Name of applicant	1
Name of accepting/approving agency	1
List of agencies and citizen groups consulted	1
General description of project	1-3
Technical characteristics	1-2
Socio-economic characteristics	2
Environmental characteristics	2-3
Affected environment	3-4
Flora	4
Fauna	4
Significant habitats	4
Historical/archaeological sites	4
Cultural sites	4
Major impacts	4-5
Positive impacts	4
Negative impacts	4-5
Alternatives considered	5
Alternative public access easement	5
No action alternative	5
Proposed mitigation measures	6
Determination	6
Findings and reasons supporting determination	6
<u>List of Exhibits</u>	
Tax Map	Exhibit A
Site plan map including rough alignment of trail	Exhibit B
Public access easement through WIV Subdivision	Exhibit C
Public comments and applicant's responses	Exhibit D

**DRAFT ENVIRONMENTAL ASSESSMENT FOR THE
CONSTRUCTION OF A TRAIL ON WILIWILI NUI RIDGE**

APPLICANT: Gentry Waialae Iki V Partners
P.O. Box 295
Honolulu, Hawaii 96809-0295

**ACCEPTING/
APPROVING AGENCY:** State Department of Land and Natural Resources
(DLNR), Division of Forestry and Wildlife (DOFAW)

**AGENCIES AND CITIZEN
GROUPS CONSULTED:** In addition to the agencies included on OEQC's Pre-
Assessment Consultation List for Environmental
Assessments, the following agencies, citizens groups,
and individuals were consulted:

Kamehameha Schools/Bishop Estate
DLNR, DOFAW, Na Ala Hele Program, Oahu District
Waialae Iki V Community Association
Landowners of parcels on Halakau Street
Waialae-Kahala Neighborhood Board #3
Honolulu Fire Department
The Honorable Donna Ikeda
The Honorable Barbara Marumoto
The Honorable John Henry Felix

GENERAL DESCRIPTION OF PROJECT:

Technical Characteristics

Chapter 46-6.5, Hawaii Revised Statutes, and Amended Ordinance No. 4311 of the City and County of Honolulu, require the dedication of public access to shoreline and mountain areas as a condition of subdivision approval. In accordance with these laws, Gentry Waialae Iki V Partners is proposing to develop, in conjunction with the State's Na Ala Hele Program, a public access easement trail on Wiliwilinui Ridge. The trail will be built on conservation lands owned by Kamehameha Schools/Bishop Estate (KS/BE), and once completed, will be maintained by Na Ala Hele, Department of Land and Natural Resources (DLNR), State of Hawaii, pursuant to a Memorandum of Agreement (MOA) executed by and between KS/BE and DLNR. The MOA will also indemnify and hold KS/BE harmless against any loss, liability, or claim for personal injury, death, or property damage caused by or resulting from the use of the trail within the project area, as authorized in Chapter 198D, Hawaii Revised Statutes.

The project site is located in TMK No. 3-5-24: por. 3, and is on the eastern ridge line bordering the Waialae *ahupua'a* claimed by Abner Paki, father to Bernice Pauahi, in LCA number 10613. (See Exhibit A.)

The proposed project will consist of construction of a foot trail that is approximately 1/3 to 1/2 mile long. The trail will follow Na Ala Hele trail

and access specifications: 3 foot walking tread, approximately 2 foot lateral and 7 foot vertical clearing. Brush clearing and minor excavation will occur to establish the correct walking tread width, along with the incorporation of Best Management Practices for erosion control in the preparation of the grading plan. In addition, Na Ala Hele will be maintaining the trail on a periodic basis to ensure that soil erosion and accelerated runoff are kept to a minimum. It is anticipated that the trail will be cleared in the following ways: (1) by hand with weedwackers, chainsaws, and other hand-held tools; (2) with a small bobcat or similar equipment; or (3) a combination of the two. Approximately 2/3 of the trail will follow an existing roadbed.

The access point will be located on Halakau Street in the Waialae Iki V subdivision. Upon completion of construction, redwood and metal trail signs bearing the Na Ala Hele logo, trail name, and directional arrows will be installed to provide adequate information to the trail user. Exhibit B depicts the access point and an approximate alignment of the proposed Wiliwilinui Trail. Exhibit C shows the public access easement through the Waialae Iki V subdivision, as well as the location of the security guard station.

In addition to the trail, Gentry will also construct a 10-space parking area at the foot of the trail on non-Conservation lands. In order to mitigate concerns about the potential lack of accessibility to the trail when the parking area is fully occupied, the applicant proposes that the public be allowed to drop off hikers at the trailhead if the parking lot is full, and to allow the passage of foot traffic from the security guard station to the trail head. Additionally, to address concerns regarding monitoring of the parking area, the guard would be required to show his or her records to the public as verification that the parking lot is fully occupied.

Socio-Economic Characteristics

It is anticipated that there will be no significant economic impacts resulting from this project. However, the project will benefit the immediate community, as well as the community at large, through the expansion of outdoor recreational opportunities, such as hiking, running, mountain biking, hunting, bird watching, photography, and nature study.

Hiking as a pastime is becoming increasingly popular in Hawaii. According to a 1989 survey conducted by the State Department of Land and Natural Resources, one percent of the Hawaii residents surveyed used hiking trails at least once during the previous two weekend days. (1992 State of Hawaii Data Book, Department of Business and Economic Development, Table 224.)

Environmental Characteristics

The project site is located on forested lands in the Resource Subzone. There are no structures immediately adjacent to the proposed hiking trail, although there is a World War II bunker in the vicinity. (See section on

historical/archaeological sites.) Slopes in the project area range from approximately 10 to 20 percent.

Bordering the project site are Urban areas comprised of the Waialae Iki subdivisions, and consisting of architect designed, custom built single family homes. Immediately adjacent to the project site is the partially developed Waialae Iki V subdivision. Waialae Iki V is the last developable subdivision on Wiliwilinui Ridge and is being developed by Gentry Waialae Iki V Partners.

It is anticipated that there will be no significant effect on air and water quality, and once the trail is completed, noise impacts should be minimal. However, there will be an increase in ambient noise levels during the construction of the project. Noise levels at 50 feet, generated by workers and small motorized equipment (chain saws and weed eaters), can range from 5 to 100 decibels.

It is also anticipated that there will be a modest increase in the amount of traffic through the Waialae Iki subdivisions during construction of the trail and once the trail is opened to the public. Based on the current number of cars driving up to a similar trail on Hawaii Loa Ridge, there could be an increase of approximately 25 to 50 cars per month.¹

AFFECTED ENVIRONMENT

The project site is located on Wiliwilinui Ridge (TMK No. 3-5-24: por. 3), and is on the eastern ridge line bordering the Waialae *ahupua'a* claimed by Abner Pahi, father to Bernice Pauahi, in LCA number 10613. (See Exhibit A.)

The proposed project will meet Na Ala Hele trail standards and will consist of construction of a foot trail that is approximately 1/3 to 1/2 mile long. The access point will be located on Halakau Street in the Waialae Iki V subdivision. Upon completion of construction, the trail will be maintained by the State's Na Ala Hele program. Exhibit B depicts the access point and an approximate alignment of the proposed Wiliwilinui Trail.

Flora - Biological surveys of the proposed trail alignment were carried out in December 1994. No candidate, proposed, or listed as threatened, endangered species in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543), are known from this area nor were any found. The vegetation type found along this proposed trail alignment consists primarily of mixed introduced scrub, including the following: swamp mahogany (*Eucalyptus robusta* Sm.), strawberry guava (*Psidium cattleianum* Sabine), Formosan koa trees (*Acacia confusa* Merr.), molasses grass (*Melinis minutiflora* P. Beauv.), Guinea grass (*Panicum*

¹According to records kept by the management office of Hawaii Loa Ridge, there were 50 trail users in October 1994. This number increased to 98, 92, and 95 trail users in January, February, and March of 1995, respectively. (Information was not available for November and December of 1994.) The estimated 25 to 50 vehicles was based on 2 to 4 trail users per vehicle. It is likely that there will be an increase in the number of trail users during the later spring and summer months.

maximum Jacq.), basket grass (*Oplismenus hirtellus* (L.) P. Beauv.), mixed ferns and forbs. Along the proposed trail pathway were also seen some Malayan ground orchid (*Spathoglottis plicata* Blume) plants, and several native species. Among the native taxa were two ohia lehua trees (*Metrosideros polymorpha* Gaud.), large numbers of fragrant alaha'e (*Canthium odoratum* (G. Forster) Seem.) and some ulei shrubs (*Ostemeles anthyllidifolia* (Sm.) Lindl.).

Fauna - A survey of the avian population found along the proposed trail alignment was conducted in December 1994. The vegetation of this area has been extensively modified from its original state and, as stated above, consists of mixed, introduced scrub which includes trees, shrubs, grasses, and forbs. This type of vegetation supports only introduced birds. Six species of birds were found, all of which are common in the disturbed lowland environment of the Hawaiian Islands. The six species are: *Zosterops japonicus* (white-eyes); *Passer domesticus* (house sparrow); *Acridotheres tristis* (common myna); *Cardinalis cardinalis* (northern cardinal); *Carpodacus mexicanus* (house finch); and *Pluvialis dominica* (lesser golden plover).

Significant habitats - There were no significant habitats identified along the trail.

Historical/archeological sites - Scientific Consultant Services, Inc. identified a single historic site in the vicinity of the project area during an archaeological assessment of the proposed trail project: a World War II bunker of concrete and iron construction (State Site Number 50-80-15-4811). The proposed trail alignment will pass near this site, but will have no adverse effect on it. No additional archaeological sites were observed in the project area.

Cultural sites - There are no significant cultural sites identified adjacent to the project site.

MAJOR IMPACTS

Positive impacts - The project will have the positive effect of expanding outdoor recreational opportunities, including hiking, running, mountain biking, hunting, bird watching, photography, and nature study.

Negative impacts - Although hordes of trailusers are not anticipated, the proposed project may have a negative impact on residents of the Waialae Iki subdivisions because of slightly increased traffic and noise. The developer will take measures to minimize the adverse impact on surrounding residents, including creation of a separate off-street parking area so as to minimize the nuisance to nearby residents. Other mitigative measures include heavily landscaping the parking area and placing a limit on the number of cars allowed to the project area to coincide with the number of parking spaces available.

ALTERNATIVES CONSIDERED

1) Alternative public access easement

An alternative public access easement through Okoa Street on the easterly mauka end of the Waialae Iki V project was also considered. However, the realigned easement through Halakau Street (which is being discussed herein) is deemed more favorable for several reasons, including those listed below. The Halakau Street easement has been approved by both KS/BE and DLNR.

- a) Convenient, less obtrusive parking lot. The Okoa Street easement would have required the development of a 6-space parking area carved out of the main street, which would have created disturbances to surrounding neighbors. This parking area would have also encroached into one of the residential lots as a public access easement for parking purposes.

In contrast, under the proposed Halakau Street easement, Gentry proposes to build a separate subdivided 10-space parking area situated at the foot of the new trail. This parking area will not only be convenient for the trail users, but will also be less obtrusive to the neighboring residents.

- b) Easier, more convenient access. The Okoa Street easement would have run, in part, through a large lot subdivision, Phase 2-C, at the very top of the Waialae Iki V project. Tentatively approved subdivision plans will allow Phase 2-C to be protected by an unmanned carded security gate at the project entrance, and permitting public access through the carded security gate entry would be difficult to implement. The proposed public access easement and trail will provide an easier, more convenient access for trail users.
- c) Less vandalism of BWS property. The Okoa Street public access trail leads to a Board of Water Supply (BWS) tank, and therefore may create concerns about potential vandalism. The proposed trail would divert the public away from the BWS tank, thereby reducing such concerns.

2) No action alternative

This alternative would be in violation of State and City laws which require public access to the mountains.

PROPOSED MITIGATION MEASURES

The utilization of proper trail construction techniques, as well as proper monitoring and maintenance, will help to ensure that the trail would have a minimal direct impact to the surrounding environment. Best Management Practices for erosion control will be incorporated in the preparation of the

grading plan, and Na Ala Hele will be maintaining the trail on a periodic basis to ensure that soil erosion and accelerated runoff are kept to a minimum.

In addition, the developer will take measures to minimize the adverse impact on surrounding residents. The creation of a separate off-street parking area will help to minimize any adverse impacts on the residents of Halakau Street. Additional mitigation measures include heavy landscaping around the parking area, and having the sentry at the security guard station limit access to no more than ten cars at any given time (to coincide with the number of parking spaces available).

In order to mitigate concerns about the potential lack of accessibility to the trail when the parking area is fully occupied, the applicant proposes that the public be allowed to drop off hikers at the trailhead if the parking lot is full, and to allow the passage of foot traffic from the guard station to the trail head. Additionally, to address concerns regarding monitoring of the parking area, the guard would be required to show his or her records to the public as verification that the parking lot is fully occupied.

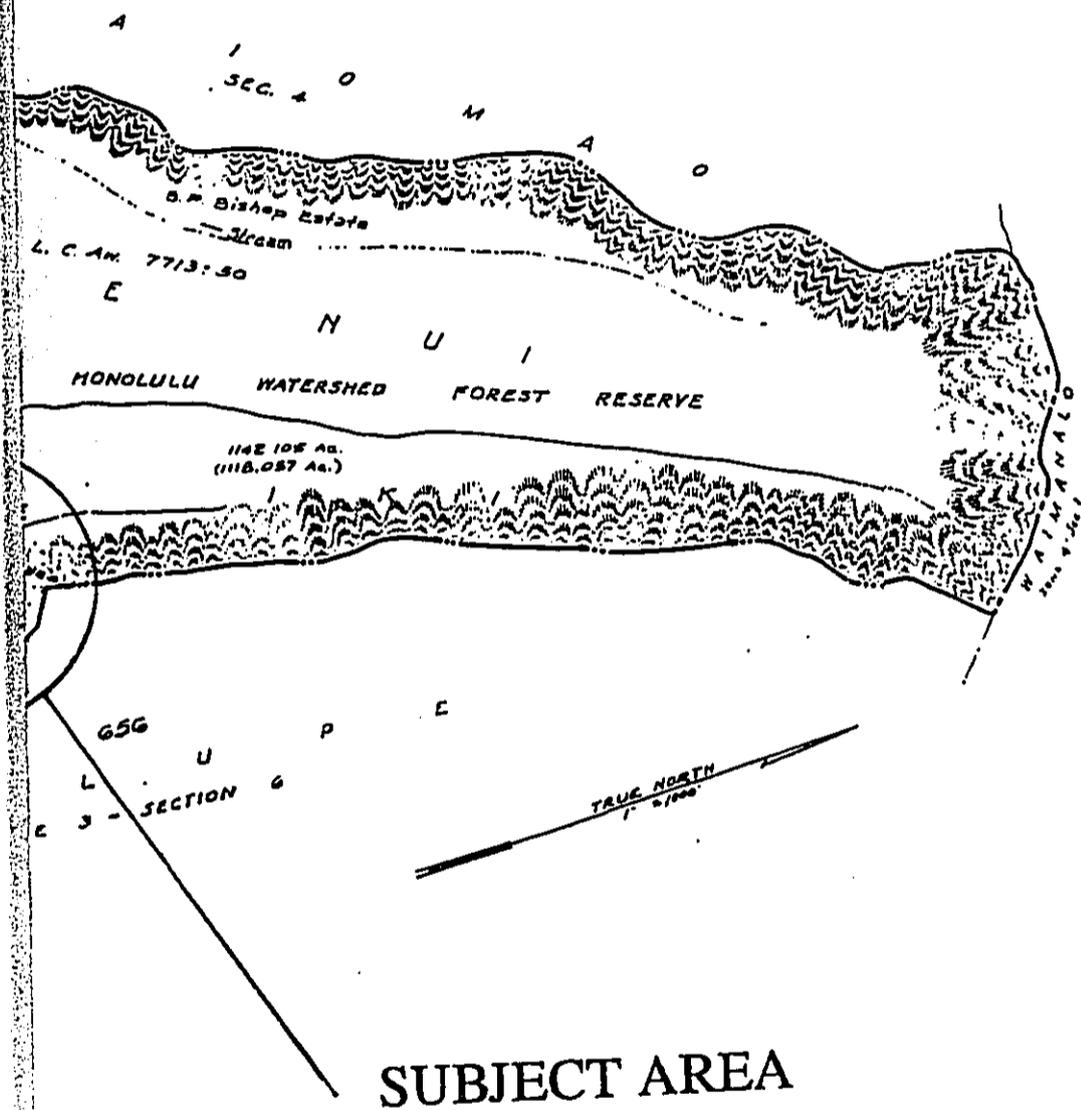
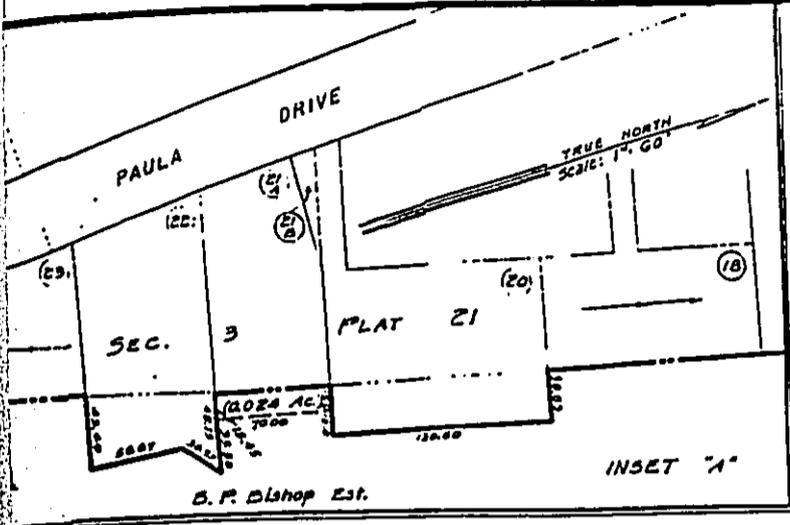
DETERMINATION

The accepting agency has determined that the action will not have significant impacts on the environment.

FINDINGS AND REASONS SUPPORTING DETERMINATION

There are no endangered, threatened or rare flora or fauna encountered on the proposed trail corridor and all of the native plants occurring along the proposed trail are found in the surrounding area and generally occur in the Koolau Mountains. The archaeological inventory survey indicates that no changes in the proposed alignment of the trail corridor or any further archaeological work in association with trail construction is recommended. As a result, the Office of Conservation and Environmental Affairs, Department of Land and Natural Resources, recommends that an Environmental Impact Statement not be required.

EXHIBIT A



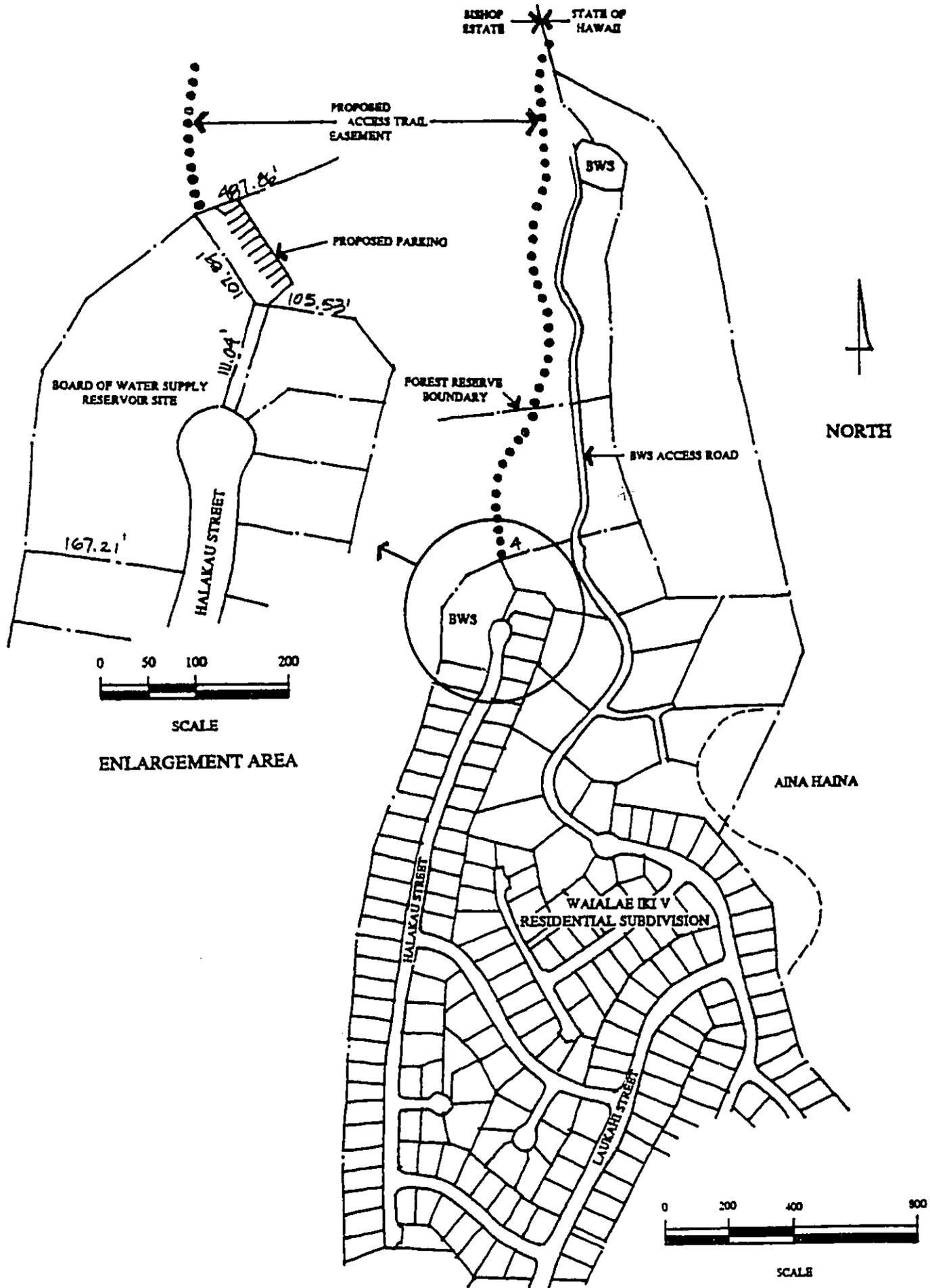
Parcels dropped: 2, 4, 20, 25, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40

Owner's name & vendor's name
Corded on this map are parcels
A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
Ownership history shown and full
name for current owner.

FIRST DIVISION		
ZONE	SEC.	PLAT
3	5	24
CONTAINING PARCELS		
SCALE: 1 in. = 1000 ft.		

PRINTED DEC 14 1954

EXHIBIT B



PROPOSED WILIWILINUI HIKING TRAIL
ACCESS EASEMENT

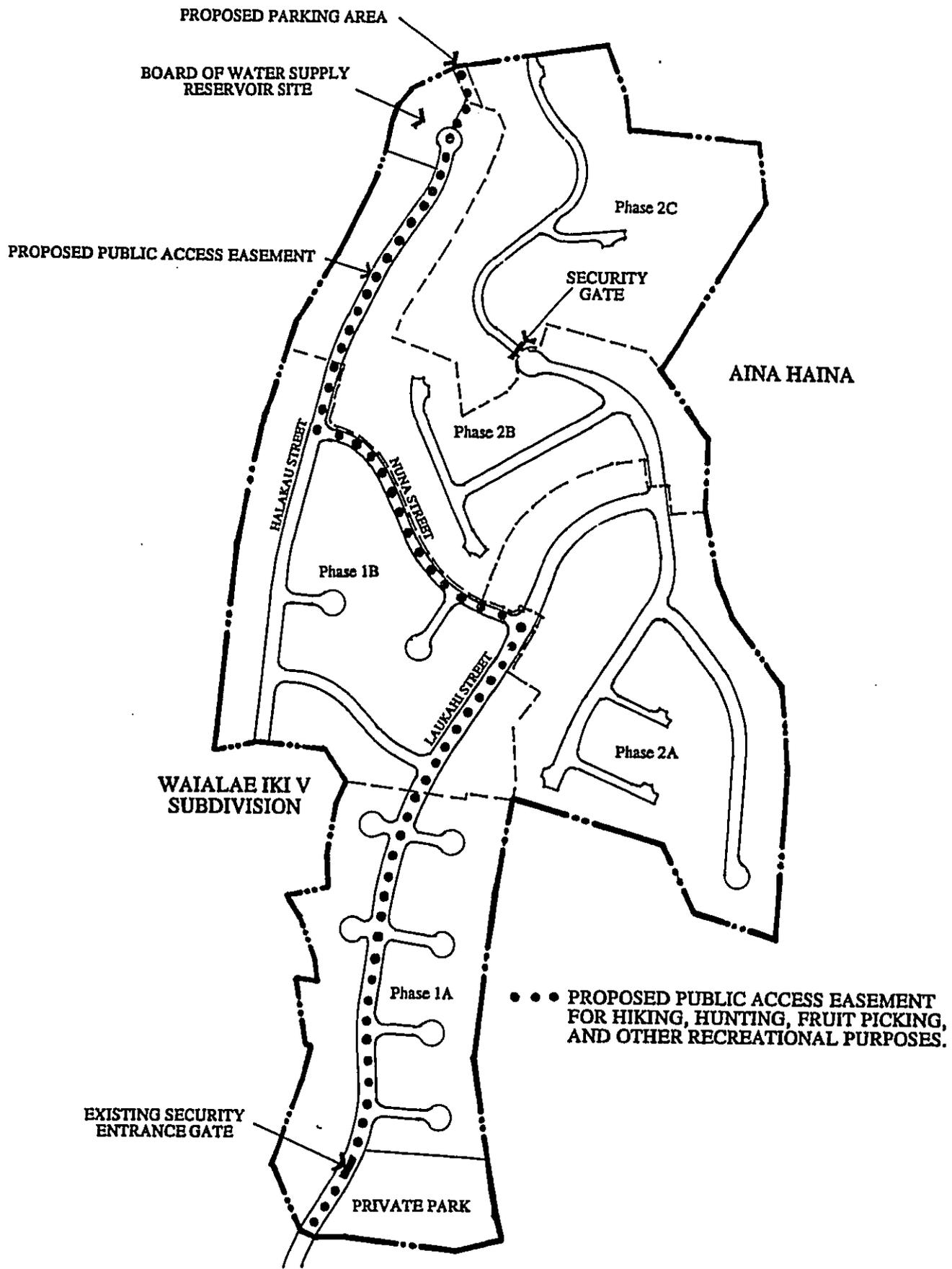


EXHIBIT C
PUBLIC ACCESS EASEMENT MAP

EXHIBIT D

PUBLIC COMMENTS
AND
APPLICANTS' RESPONSES

Public Comments

Comments on the proposed Wiliwilinui Trail were received from the following individuals and groups. Written comments and the applicant's responses to those comments are included herein.

Community Groups/Area Residents

- Waialae Iki V Community Association
- Harold Nakaoka (area resident)
- Thomas S. Witten, ASLA (area resident)

City Agencies

- Division of Public Works, City and County of Honolulu
- Honolulu Fire Department (stated via telephone that HFD has no comments)
- Honolulu Police Department
- Planning Department, City and County of Honolulu

State Agencies

- State Department of Land and Natural Resources, Division of Forestry and Wildlife
- State Department of Land and Natural Resources, State Historic Preservation Division
- State Department of Land and Natural Resources, Division of State Parks
- University of Hawaii Sea Grant Extension Program

THE GENTRY COMPANIES

January 20, 1995

Mr. Samuel J. Lammo, Planner
State Department of Land and Natural Resources
Office of Conservation and Environmental Affairs
1151 Punchbowl St. Room 325
Honolulu, HI. 96813

Re: Wiliwilinui Ridge Hiking Trail

Dear Mr. Lammo:

We recently received notice from Gentry Wai'alae Iki V Partners of its Conservation District Use Application for a public access hiking trail on Wiliwilinui Ridge above the Wai'alae Iki V subdivision. The Wai'alae Iki V Community Association owns the roadways through the private Wai'alae Iki V subdivision that lead to the trail (portions of Laukahi Street, Nuna Street and Halakau Street). It is also anticipated that the Association will own the parking area that is being built by Gentry. As such, we have the following comments and concerns:

a. In consideration of the residents in this subdivision, the Association should be able to impose reasonable restrictions on access to the hiking trail. We would like to be able to limit the number of cars to the number of marked parking stalls and restrict access to the hours between 7 a.m. and 4 p.m. In addition, since the cars will be passing on private roadways, we would like to be able to require that all persons requesting access to the hiking trail register at the guardback and that all drivers show a current drivers license, a valid no-fault card and car registration. We would also like to require those passing through Association property to sign an acknowledgment that the Association is not responsible for the trial or the parking area and agreeing to indemnify the Association against loss, damage or liability arising out of the person's use of the trail, roadways and parking area.

b. We understand that the State has agreed to maintain the parking area after it has been built by Gentry. We would like confirmation of that arrangement.

c. We would appreciate confirmation as to whether hunting will or will not be allowed on the Wiliwilinui Ridge Trail. Since access to the trail is through a private residential area, we would prefer that hunting not be allowed on or around the trail.

Thank you for your consideration of these comments. We look forward to working with the State on these matters. Please call me at 373-5322 if you have any questions.

Wai'alae Iki V Community Association,

Letter signed by Toni Chong and mailed on 1/20/95

Toni Chong
President

cc: Board Members
Gentry Wai'alae Iki V Partners
Attn: Mr. Toeh Hosoda



April 13, 1995

Wai'alae Iki V Community Association
Board of Directors
c/o Ron Kalk
1959 Laukahi Street
Honolulu, Hawaii 96821

Dear Board Members:

RE: Conservation District Use Application, Public Access Hiking Trail at
Wiliwilinui Ridge (Gentry Wai'alae Iki V Partners) (File No. OA-2761)
Waikiki, Kona, O'ahu
TMK: 3-S-27:3

Thank you for your comments on the subject Conservation District Use Application.

We have reviewed your comments and respond as follows:

1) Restrictions on access to the hiking trail. We believe that the restriction that you are proposing regarding limitation on the number of cars to the number of parking spaces available is a reasonable one. We also concur with your suggestion that all persons requesting access to the hiking trail register with the security guard and sign an agreement indemnifying the Association against loss, damage, or liability arising out of the person's use of the trail, roadways, and parking area, and that all drivers be required to show a current drivers license, a valid no-fault card and vehicle registration.

To address the issue of allowing the public to access the trail when the parking lot is full, we are proposing to allow drivers to drop off hikers at the trail head, and to allow the passage of foot-traffic from the guard station to the trail head. We believe this would be a preferred alternative to allowing overflow parking on Halakau Street.

With respect to restricting access to the hours between 7:00 a.m. and 4:00 p.m., we comment as follows. State trails are generally open from "dawn to dusk," which is considerably longer than the hours being proposed, particularly during the long summer days. However, since the Association will own the parking area at the trail head, your request to impose some restrictions as to its usage appears reasonable. We are discussing your proposal with staff of the Department of Land and Natural Resources and hope to obtain a favorable response.

Waialae Iki V Community Association
Board of Directors
April 13, 1995
Page 2

2) Maintenance of the parking area. Your understanding that the State had verbally agreed to maintain the parking area was a correct one at the time your letter was drafted. Subsequently, however, DLNR notified us in writing that it will maintain the actual trail, but not the parking area because the parking area is not a State or a City requirement, and that it is being built strictly for the benefit of the WIV area residents who objected to trail users parking along Halakau Street. If a parking lot were not built, the trail users would have to park along Halakau Street. DLNR and the City Parks Department thus feel that the responsibility of maintaining the parking lot should rest with the WIV Community Association.

On the plus side, DLNR has pointed out that they anticipate very little maintenance of the parking area will be needed. The parking lot will probably be constructed of reinforced concrete which would not require much maintenance. As for trash pick up, according to DLNR, none of the State trails have trash bins, and so far there haven't been problems with trash. Hikers are generally very conscientious about the environment and carry their trash away with them.

Finally, as the owner and provider of maintenance of the parking lot, the Association would be able to exercise more control over the use of the parking lot (subject, of course, to DLNR approval), such as chaining a gate over the entrance to the parking area at the appointed time for it to close.

If the Waialae Iki V Community Association is not willing to take on the responsibility of maintaining the parking area, then DLNR has indicated that the cars may have to park along Halakau Street.

3) Hunting on the trail. Hunting will be allowed only in the designated hunting area in the State forest reserve and will not be allowed on the trail itself, nor on any of the Bishop Estate lands leading up to the forest reserve. Both the City Parks Department and the State Department of Land and Natural Resources have confirmed that we would not be able to prohibit hunters from using the public access trail to get to the hunting grounds.

It has also been pointed out to us by State and City representatives that:

- a) Hunting dogs must be on leashes until they get to the designated hunting area on State lands.
- b) Hunting dogs are generally very well trained. Hunters sometimes pay \$5,000 or more to acquire their dogs because of the dogs' special training.

Waialae Iki V Community Association
Board of Directors
April 13, 1995
Page 3

- c) Pig hunters actually help the environment because pigs, if left unchecked, could be very damaging to the flora. Additionally, if hunting is prohibited outright, the population of wild pigs may increase to the point where they may eventually start coming down closer to the residential area, and
- d) The actual hunting grounds are generally down in the valley on the other side of the ridge. We understand that most hunters would probably prefer to access the hunting grounds through the adjacent Aina Haina valley or by way of Hawaii Loa Ridge.

Thank you again for your comments. If you have any questions, please call me at 599-8300 or Debbie Luning at 599-8370.

Sincerely,

GENTRY WAIALAE IKI V PARTNERS



Toshi Hosoda

c: Samuel Lermano

RECEIVED
95 JAN 23 PM 3:10
DLR
OCEA

Mr. Samuel Lemmo
State Department of Land and Natural Resources
Office of Conservation and Environmental Affairs
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

January 19, 1995

Dear Mr. Lemmo

This letter is in reference to Gentry Waialae Iki V Partners' application for a public access hiking trail on Wiliwilinui Ridge.

Being a new owner at Waialae Iki V, I am not knowledgeable of the alternatives that were considered in developing the proposed project. However, since I am now being given the opportunity to comment I would like to note that the three reasons given in justifying the alternative chosen is flawed.

The reasons given by Gentry and my comments are as follows:

a. *Convenient, less obtrusive parking lot. The approved easement would have required the development of a 6-space parking area curved out of the main street, which would have created disturbances to surrounding neighbors. This parking area would have also encroached into one of the residential lots as a public easement for parking purposes. In contrast, under the proposed easement, Gentry proposes to build a separate 10-space parking area situated at the foot of the new trail. This parking area will not only be convenient for the trail users, but will also be less obtrusive to the neighboring residents.*

Gentry's proposal to create a dedicated parking lot off of the street mitigates parking conflicts however, in solving parking conflicts the proposed location at Halakau St. creates additional problems and by no means addresses obtrusive traffic.

- (1) Since traffic cannot be eliminated without denying access, a means of mitigating obtrusive traffic is to direct it onto the main thoroughfare, Laukahii St. and not onto a side street such as Halakau St.
- (2) The proposed parking lot location combined with the proposed landscaping creates a security problem for neighboring residents. The parking lot is hidden from view and being situated on a lightly traveled side street combined with landscaping creates favorable conditions for vandalism. This concern can be mitigated by relocating the parking lot closer to major traffic areas and in areas with wider buffers between residential lots. The proposed parking lot, located next to a residential lot, will create undue hardship on that owner. A more appropriate location would be in the vicinity of the Phase 2-C subdivision, which Gentry characterizes as "large lots". Because of the

larger lots, more buffer space is available in Phase 2-C to separate parking from houses than the smaller lots on Halakau St.

(3) If more than ten cars seek access to the trail, overflow parking will end up on the Halakau St. cul de sac and create inconveniences and traffic safety problems. This potential problem is further exacerbated since Halakau St. is a narrower side street. In order to mitigate overflow parking Gentry proposes to limit the number of cars being admitted to the trail area. However, I doubt if this is permissible. By limiting access to ten cars, Gentry will be in effect denying access to the public, thereby violating a law that they are mandated to comply with.

b. *Easier, more convenient access. The alternative easement would have run, in part, through a large lot subdivision, Phase 2-C, at the very top of the Waialae Iki V project. Tentatively approved subdivision plans will allow Phase 2-C to be protected by an unmanned carded security gate at the project entrance, and permitting public access through the carded security gate entry would be difficult to implement. The proposed public access easement and trail will provide and easier, more convenient access to trail users.*

The inconvenience stated here, the carded security gate, is easily overcome. Owners of Phase 2-C will no doubt have visitors who will be faced with the same dilemma as trail users, which is driving past the carded security gate without an access card. To permit access to visitors the developers of Phase 2-C will probably install an intercom/access system such as those utilized in condominiums. These systems relays voice communications and is capable of activating the gate through the telephone system. Visitors of Phase 2-C owners would first register with the security guard at the main gate and proceed to the carded security gate. They would use the intercom to announce their arrival at the carded gate to their owner friend, the owner would then activate the gate to permit access into the Phase 2-C subdivision.

Similarly the intercom can be programmed for trail users. After registering with the security guards the trail users would proceed to the carded security gate. The intercom system could be programmed to ring back to the security guards who would then activate the gate. By doing so the security guard is also assured that the trail user is actually entering onto the Waialae Iki V property for the stated reason and not for other unauthorized purposes. This check would serve as a added security feature for the residents of Waialae Iki V. If used in this manner the carded security gate is a security feature and supports relocation of the proposed parking lot.

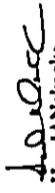
c. *Less vandalism of BWS property. The alternative public access trail leads to a Board of Water Supply tank, and therefore may create concerns about potential vandalism. The proposed trail would divert the public away from the BWS tank, thereby reducing such concerns.*

The proposed trail may have diverted the public away from a BWS tank but instead sited the parking lot immediately next to another BWS tank located on Halakau St. This

location coupled with the landscaping only increases the potential for vandalism not only to the BWS tank but to adjoining residential lots. If reducing the potential of vandalism to any BWS tank is a concern the parking lot should also be located away from the BWS tank. Relocating the parking lot away from Halakau St. would only require minor modifications to the access trail and would still divert the public away from both BWS tanks thereby reducing potential vandalism.

In closing I would also like to note that I live on Halakau St. Although this is another reason for my objecting to the Halakau St. location for the parking lot, my objections are motivated primarily because the stated reasons do not adequately support the proposed location of the parking lot. I believe that a more favorable location is available and should be evaluated more fully.

Sincerely,


Harold Nakaoka
2255 Halakau St.

THE GENTRY COMPANY



March 9, 1995

Mr. Harold Nakaoka
2255 Halakau Street
Honolulu, Hawaii 96821

Dear Mr. Nakaoka:

RE: Conservation District Use Application, Public Access Hiking Trail at
Williwilini Ridge (Gentry Waiatae Iki V Partners) (File No. OA-2761)
Waikiki, Kona, O'ahu
TMK: 3-5-27:3

Thank you for taking the time to respond in such depth to the proposed public access trail.
We have reviewed your comments and respond as follows:

- 1) **Parking lot.** First of all, it should be pointed out that Gentry is *not* required by law to build a parking lot. The State statutes and City ordinance merely require us to provide *public* access. Thus, if we were to allow public parking along Halakau Street, we would still be in compliance with the law. We do, however, feel a sense of obligation to the surrounding homeowners to build the parking area in an effort to minimize the potential nuisance created by the trailusers. In the past, it was expressed to us by a number of Halakau Street homeowners that building an isolated parking lot at the trailhead would be much more desirable and less intrusive than having hunters or other trailusers park along the street.
- 2) **Overflow parking on Halakau Street.** We received several comments like yours regarding the accessibility of the trailhead to the general public. As a proposed solution, two respondents suggested that the public be allowed to drop off hikers at the trailhead if the parking lot is full, and allow the passage of foot-traffic from the guard station to the trailhead. This appears to be a fair compromise solution to both trailusers and the residents, and would be a preferred alternative to allowing overflow parking on Halakau Street.
- 3) **Access through carded gate entry.** We agree that your suggestion to resolve the carded security gate entry *could* be workable from a strictly practical standpoint. However, we do not believe it to be an appropriate solution for the owners in Phase 2-C. One of the reasons that buyers would choose to purchase a lot in Phase 2-C is the added security feature. This added security would be effectively nullified if public access were to be allowed through the project.

Mr. Harold Nakaoka
March 9, 1995
Page 2

4) **BWS tank.** Although the parking area is located adjacent to the Board of Water Supply property, it is actually a considerable distance away from the tank itself. It would be much more difficult for vandals to do harm to the Halakau Street facilities because of the openness of the facilities.

Again, thank you for sharing your concerns and opinions with us.
Sincerely,

GENTRY WAIATAE IKI V PARTNERS

Tosh Hosoda

c: Samuel Lenimo, OCEA

February 27, 1995

RECEIVED

MAR 01 1995

Department of Land and Natural Resources
Office of Conservation and Environmental Affairs
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

GENTRY HAWAII LTD.

Attention: Sam Lemmo

SUBJECT: WILWILINUI RIDGE PUBLIC ACCESS TRAIL
WAIALAE IKI V, OAHU

Dear Mr. Lemmo:

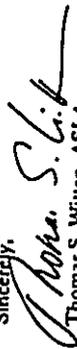
I support the recent Gentry Waialae Iki V Partners' plan to construct a off-street parking area and new trail to connect to the Wilwilinui Ridge trail. Accessed via Halakau Street, the proposed off-street parking area will not be visible from the existing residences and is a greatly improved solution to those previously considered at the cul-de-sac of Halakau Street.

As a resident of Waialae Iki V and located within 600 feet of the proposed off-street parking area, I request that the following conditions of approval be considered:

1. Access be limited to hikers and no hunters be permitted. Due to the proximity to a residential area there are concerns for the safety of residents and recreational hikers should be adequately addressed.
2. Restrict access to daylight hours: 7 a.m. to 5 p.m.
3. Require hikers to provide identification and proof of automobile insurance (as applicable) to security guard at entry to Waialae Iki V.
4. Indemnify Waialae Iki V Community Association of any liability related to those gaining access to Wilwilinui Trail and related parking area.
5. Limit parking area to 6 stalls consistent with the previously approved easement. What is the basis for increasing the parking requirement by over 60% to 10 stalls?

Thank you in advance for your consideration of these concerns. Regarding the increase in number of parking stalls, could you please provide me the information requested.

Sincerely,



Thomas S. Witten, ASLA
2277 Halakau Street
Honolulu, Hawaii 96821

1/16/95/10-41

THE GENTRY COMPANY, INC.



March 9, 1995

Mr. Thomas S. Witten, ASLA
2277 Halakau Street
Honolulu, Hawaii 96821

Dear Mr. Witten:

RE: Conservation District Use Application, Public Access Hiking Trail at
Wiliwilinui Ridge (Gentry Waialae Iki V Partners) (File No. OA-2761)
Waikiki, Kona, O'ahu
TMK: 3-5-27:3

Thank you for your letter expressing your support of the proposed public access trail and parking area. We have reviewed your suggestions and respond as follows:

1) Limited access. Although we, too, are in favor of limiting access to non-hunting activities, the law states that public access shall be provided to the mountains where there are existing facilities for hiking, hunting, fruit picking, i-leaf sliding and other recreational purposes. (Emphasis added.) We have been informed by the Department of Land and Natural Resources, Division of Forestry and Wildlife, that hunting must be permitted as an activity since there are existing hunting facilities within the State forest reserve.

To help allay your fears regarding the potential dangers of hunters, we would like to share with you the following excerpts from a letter that we sent to a number of Halakau Street residents who share your concerns:

"It appears that your major concern relates to hunters and the potential danger that would be created. We have been informed by the Division of Wildlife and Forestry, Department of Land and Natural Resources, that there has been no documented accident involving rifles or hunting dogs along public access trails adjacent to residences. Hunting would be permitted only in the public hunting area much further inland and would be prohibited on Bishop Estate lands.

In addition, your fear regarding hunting dogs is unwarranted. Hunting dogs, as well as other types of dogs, cannot be brought to the trail unleashed. They must be on leashes. Further, it is unfair to represent all hunting dogs as vicious creatures who attack instinctively without fear of provocation. This is simply untrue. Hunting dogs are no different from other types of dogs except that they are usually better trained."

Mr. Thomas S. Witten, ASLA
March 9, 1995
Page 2

2) Restrict hours from 7:00 a.m. to 5:00 p.m. We concur with your suggestion and will work with Na Ala Hele in restricting access hours.

3) Require hikers to provide identification to security guard. We concur. At Hawaii Loa Ridge, prior to allowing access, the security guard collects pertinent information on every trail user and ensures that each person has signed a waiver of liability agreement. The guard also takes down pertinent information on the vehicle and issues a parking permit for the parking area near the trailhead. A similar procedure could be established for Waialae Iki V.

4) Indemnify Waialae Iki V Community Association. We discussed this matter with staff of the Na Ala Hele Trails Program at DLNR and had hoped that the State would be willing to enter into an indemnification agreement with the Community Association. However, inasmuch as the State did not enter into such an agreement with Hawaii Loa Ridge, they were unwilling to do so for Waialae Iki V. To address the liability issue, the Hawaii Loa Community Association requires each hiker, when they check in at the security guard station, to sign an agreement which indemnifies the Association from any liability. A similar procedure could be established for the WIV Community Association.

5) Limit parking area to 6 stalls. Staff of DLNR has expressed a concern that a six-stall parking area may be insufficient once word gets around that the Wiliwilinui Trail has been reopened. Thus we decided that a 10-stall parking area would be preferable, albeit more costly, to build. This would lessen the number of trail users who would have to park on the public streets outside of the guard house and walk up the trail head whenever the parking lot is fully occupied.

We hope that we have adequately addressed your comments. Again, thank you for your thoughts on this matter.

Sincerely,

GENTRY WAIALAE IKI V PARTNERS

Tom Hosoda

Tom Hosoda

c: Samuel Lemmo, OCEA

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU
330 SOUTH KING STREET
HONOLULU, HAWAII 96813



95 FEB 6 8:16
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

RECEIVED
DATE

Kenneth E. Sprague
Acting Director and Chief Engineer
IN REPLY REFER TO
95-14-0050

February 3, 1995

Mr. Michael D. Wilson
Chairperson
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: Your Letter of January 12, 1995, Relating to a Conservation District Use Application No. OA-2761 for a Public Access Hiking Trail at Williwilui Ridge, E. Honolulu. Oahu Tax Map Rev. 3-5-24; Por. 03

RECEIVED
95 FEB 13 10 30 AM '95
DINER
OCEA

We have reviewed the application and have the following comments:

Engineering:

Graded area could be up to 0.3 acres with no planting. Include Best Management Practices (BMPs) for erosion control to prevent silt from reaching the stream. Refer to page 4, third paragraph of the application and page 1, third paragraph under "Technical Characteristics" of the draft environmental assessment.

Should there be any questions regarding this matter, please call Gerald Takayasu at 527-6104.

Refuse Collection:

None.

Very truly yours,

KENNETH E. SPRAGUE
Acting Director and Chief Engineer

THE GENTRY COMPANIES



April 10, 1995

Mr. Kenneth E. Sprague
Director and Chief Engineer
Department of Public Works
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Sprague:

RE: Conservation District Use Application, Public Access Hiking Trail at Williwilui Ridge (Gentry Waialae Iki V Partners) (File No. OA-2761) Waikiki, Kona, O'ahu TMK: 3-5-27:3

Thank you for your comments on the subject Conservation District Use Application. As you have recommended, we will incorporate Best Management Practices (BMPs) for erosion control in the preparation of our grading plan. In addition, once the trail is constructed, Na Ala Hele will be maintaining it on a periodic basis to ensure that soil erosion is kept to a minimum.

Sincerely,

GENTRY WAIALAE IKI V PARTNERS

Tosh Hosoda

cc: Samuel Lemmo

CITY AND COUNTY OF HONOLULU
POLICE DEPARTMENT
801 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813 - AREA CODE (808) 523-3111

JEREMY HARRIS
MAYOR

95 FEB 24 10:56



MICHAEL S. NAKAMURA
CHIEF
HAROLD M. KAWASAKI
DEPUTY CHIEF

CCOA

OUR REFERENCE BS-DL

February 1, 1995

State Department of Land and
Natural Resources
Office of Conversations and
Environmental Affairs
Attention: Mr. Samuel Lemmo
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Dear Mr. Lemmo:

This is in response to your letter dated January 25, 1995,
requesting for comments on the planned public access hiking trail
on Wiliwilinui Ridge.

We approve of the proposed trail, which will be a valuable
addition to the city's recreational resources. However, we have
some concerns about the security for the hikers' vehicles that
will be parked in the ten-car, off-street parking area.

We would suggest that the lot not be so isolated that their cars
become easy targets for vandals or thieves. The parking area for
hikers to Manoa Falls presents problems precisely because of its
isolation.

We would recommend that the parking lot be visible enough to
nearby residents and to street traffic to discourage potential
criminals. Perhaps a way can be found to provide this security
in a manner that will not disturb nearby residents.

Thank you for the opportunity to review this document.

Sincerely,

MICHAEL S. NAKAMURA
Chief of Police

BY *Eugene Uemura*
EUGENE UEMURA, Assistant Chief
Administrative Bureau

THE GENTRY COMPANIES



March 9, 1995

Chief of Police Michael S. Nakamura
Honolulu Police Department
801 South Beretania Street
Honolulu, Hawaii 96813

Dear Chief Nakamura:

RE: Conservation District Use Application, Public Access Hiking Trail at
Wiliwilinui Ridge (Gentry Waialae Iki V Partners) (File No. OA-2761)
Waikiki, Kona, O'ahu
TMK: 3-5-27:3

Thank you for your comments on the subject Conservation District Use Application,
expressing your approval of the proposed trail which will be a valuable addition to the
City's recreational resources.

With respect to your concern regarding potential vandalism and theft which may occur in
the rather isolated parking area, we respond as follows. We do not anticipate the
remoteness of the parking area to be a problem because access to the project site will be
controlled by a security guard stationed at the entrance to the Waialae Iki V project. Prior
to allowing access, the security guard will collect pertinent information on every trail user
and will ensure that each person has signed a waiver of liability agreement. The guard will
also take down pertinent information on each vehicle and will issue a special parking
permit to those authorized to enter the project. A similar procedure has been established
for Hawaii Loa Ridge and seems to be working well.

We are also attempting to limit the number of cars allowed access (into the Waialae Iki V
project) to the number of parking stalls available, thus providing an additional deterrent to
vandals or thieves. The security guard would also monitor those hikers who park their
cars outside of the project and walk up to the trailhead.

We hope that this adequately addresses your concerns regarding security. Thank you
again for your comments.

Sincerely,

GENTRY WAIALAE IKI V PARTNERS

Tosh Hosoda
Tosh Hosoda

cc: Samuel Lemmo, OCEA

Gentry Companies, Ltd. 5011 Hanalei Hwy., Hanalei, Hawaii 96747 P.O. Box 295, Hanalei, Hawaii 96747 (808) 470-5454

8/8/95

11
P.O.
6677

PLANNING DEPARTMENT
CITY AND COUNTY OF HONOLULU
RECEIVED
430 SOUTH KING STREET
HONOLULU HAWAII 96813

95 FEB 6 8:15



CHERYL D. SOON
ACTING CHIEF PLANNING OFFICER
CITY AND COUNTY OF HONOLULU
DEPUTY CHIEF PLANNING OFFICER

City of Lili
& NATURAL RESOURCES
STATE OF HAWAII

TH 1/95-0071

February 2, 1995

Honorable Michael D. Wilson, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

RECEIVED
95 FEB 9 AM 7:38
DLNR
OCEA

S2

Dear Mr. Wilson:

Conservation District Use Application (CDUA)
File No.: OA-2761 for a Public Access Hiking Trail
at Wiliwilinui Ridge, East Honolulu, Oahu, Hawaii,
Tax Map Key: 2-5-24; Portion 003

In response to your letter of January 12, 1995, we have reviewed the subject CDUA and have no objections to the proposed project. The proposed trail project is consistent with its Preservation designation on the East Honolulu Development Plan Land Use Map. Furthermore, it supports policies and objectives relating to the natural environment, and culture and recreation, and open space in the General and Development Plans.

In addition to those agencies and citizen groups listed in the Draft Environmental Assessment, we recommend that the Honolulu Police and Fire Departments, the Board of Water Supply, and the Kuliouou/Kalani Iki Neighborhood Board No. 2 be included as consulted parties.

Thank you for the opportunity to comment on this matter. Should you have any questions, please contact Tim Hata of our staff at 527-6070.

Sincerely,

Cheryl D. Soon
CHERYL D. SOON
Acting Chief Planning Officer

CDS:ft

THE GENTRY COMPANIES



March 9, 1995

Ms. Cheryl D. Soon
Chief Planning Officer
Planning Department
City and County of Honolulu
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Dear Ms. Soon:

RE: Conservation District Use Application, Public Access Hiking Trail at Wiliwilinui Ridge (Gentry Waialae Iki V Partners) (File No. OA-2761) Waikiki, Kona, O'ahu
TMK: 3-5-27:3

Thank you for your comments on the subject Conservation District Use Application noting the project's consistency with the policies and objectives relating to the natural environment, and culture and recreation, and open space in the General and Development Plans.

Pursuant to your suggestion, we included the Honolulu Police and Fire Departments, the Board of Water Supply, and the Kuliouou/Kalani Iki Neighborhood Board No. 2 as consulted parties.

Sincerely,

GENTRY WAIALAE IKI V PARTNERS

Toshi Hosoda
Toshi Hosoda

c: Samuel Lemmo, OCEA

DEPARTMENT OF LAND & NATURAL RESOURCES
Division of Forestry and Wildlife

MEMORANDUM: January 30, 1995

TO: Roger Evans, OCEA
FROM: Michael G. Buck, Administrator *MGB*
SUBJECT: Public Access Hiking Trail, Wiliwilimui Ridge, E. Honolulu, File No. OA-2761

We have reviewed File No. OA-2761 and have the following comments and recommendations:

- 1) Access should NOT be restricted or limited to the number of parking spaces available. Should there be a problem, overflow parking can be accommodated along Halakau Street.
- 2) DOFAW's Na Ala Hele Trails & Access Program will maintain the trail after it is constructed by the applicant pending the applicant's public access negotiations with Kamehameha Schools/Bishop Estate.
- 3) The construction and maintenance of the parking lot is the responsibility of the applicant.
- 4) A fire contingency plan is required as part of the conditions to the approved CDUA.

cc: Oahu Branch
NAH Program Manager

RECEIVED
'95 FEB 2 11: 08

SL
OCEA

THE GENTRY COMPANIES



March 9, 1995

Mr. Michael G. Buck, Administrator
Division of Forestry and Wildlife
Department of Land and Natural Resources
1151 Punchbowl Street
Room 325
Honolulu, Hawaii 96813

Dear Mr. Buck:

RE: Conservation District Use Application, Public Access Hiking Trail at
Wiliwilinui Ridge (Gentry Waialae Iki V Partners) (File No. OA-2761)
Waikiki, Kona, O'ahu
TMK: 3-5-27:3

Thank you for your comments on the subject Conservation District Use Application.

We have reviewed your recommendations and respond as follows:

- 1) Not restricting or limiting access to the number of parking spaces available; accommodate overflow parking on Halakau Street. We received several comments regarding the accessibility of the trailhead to the general public. As a proposed solution, two respondents suggested that the public be allowed to drop off hikers at the trailhead if the ten-stall parking lot is full, and allow the passage of foot-traffic from the guard station to the trailhead. This solution should reduce any disturbance to the Halakau Street residents. We concur that this would be a fair compromise solution to both trailusers and the residents, and that this would be a preferred alternative to allowing overflow parking on Halakau Street.
- 2) Construction and maintenance of the trail. Your comments are noted.
- 3) Construction and maintenance of the parking lot. Although it is not required by law, we have agreed to construct the parking lot. Maintenance of the parking lot is still being discussed.
- 4) A fire contingency plan. A fire contingency plan will be developed and included as part of the CDUA.

Mr. Michael G. Buck
March 9, 1995
Page 2

Thank you again for your comments. We will continue working with your Na Ala Hele staff in getting this trail built.

Sincerely,

GENTRY WAIALAE IKI V PARTNERS

Tosh Hosoda

Tosh Hosoda

c: Samuel Lennuo

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

EDWARD J. CANTLAND
GOVERNOR OF HAWAII



RECEIVED
95 JAN 27 10:16

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OCEA
STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

SCOTT L. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
SHERIFF COLLEMAN

AGRICULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONSERVATION
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

January 20, 1995

MEMORANDUM

LOG NO: 13696
DOC NO: 9501TD16

52

TO: Roger C. Evans, Administrator
Office of Conservation and Environmental Affairs

FROM: Don Hibbard, Administrator
Historic Preservation Division

SUBJECT: Conservation District Use Application, Public Access Hiking Trail at
Wiliwilinui Ridge (Gentry Waialae Iki V Partners) (File No. OA-2761)
Waikiki, Kona, O'ahu
TMK: 3-5-24: 3

A review of our records shows that site 50-80-15-4811, a World War II era bunker is located in the vicinity of the proposed hiking trail. There are no other historic sites in the vicinity, nor would they be expected in this location. We believe that the hiking trail will have "no effect" on site -4811, or on historic sites generally.

TD JK

THE GENTRY COMPANIES



March 9, 1995

Mr. Don Hibbard, Administrator
Historic Preservation Division
State Department of Land and Natural Resources
33 South King Street, 6th Floor
Honolulu, Hawaii 96813

Dear Mr. Hibbard:

RE: Conservation District Use Application, Public Access Hiking Trail at
Wiliwilinui Ridge (Gentry Waialae Iki V Partners) (File No. OA-2761)
Waikiki, Kona, O'ahu
TMK: 3-5-27:3

Thank you for your comments on the subject Conservation District Use Application.

Your stated belief that "the hiking trail will have 'no effect' on site 4811, or on historic sites generally" is particularly noted.

Sincerely,

GENTRY WAIALAE IKI V PARTNERS

Tosh Hosoda
Tosh Hosoda

c: Samuel Lemmo, OCEA

DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS

January 20, 1995

RECEIVED
'95 JAN 24 PM 1:45

DL
OCEA

MEMORANDUM

TO: Mr. Roger Evans, Administrator
Office of Conservation and Environmental Affairs

FROM: Ralston Nagata
State Parks Administrator

SUBJECT: Public Access Hiking Trail Wiliwilu Iki Ridge, E. Honolulu, Oahu
Conservation District Use Application (OA-2761)

We wish to offer comments regarding the relative availability/accessibility of this trailhead to the general public:

Assuming this facility becomes public knowledge via Na Ala Hele or related maps put out by DLNR or County public access staff, the public may be effectively discouraged to get to the 10 stall parking lot. Should the community association wish to discourage such public use, the guard booth at the entry to Waialae Iki V subdivision could easily turn away hikers (in vehicles) by indicating that the lot is full. Would the hiker be able to park the car in the vicinity of the subdivision entry and walk the 1/2 mile or so to the trailhead? What recourse would the hiker then have, if the 10 stall parking area is unoccupied or nearly so when he walks in?

In order to protect the public's right to access, we recommend an appropriate welcoming trail access sign be also posted in the vicinity of the guard booth. If the guard is to restrict vehicles based on reaching the 10 vehicle capacity, then the guard should be able to disclose a record noting vehicle (license number), entry and exit times, and trail head as destination.

We have been involved in similar situations where required public access across private development eventually is "lost" to the public, because the development tries to hide or discourage the public traversing their property to get to the public access, as in this case, located at the far end of the property. While discouragement may turn out not to be the case with this development, it is better to work things out at the outset, when the applicant tends to be most receptive to conditions imposed.

RALSTON NAGATA

THE GENTRY COMPANIES



March 9, 1995

Mr. Ralston Nagata
State Parks Administrator
Department of Land and Natural Resources
1151 Punchbowl Street, Room 310
Honolulu, Hawaii 96813

Dear Mr. Nagata:

RE: Conservation District Use Application, Public Access Hiking Trail at Wiliwilu Ridge (Gentry Waialae Iki V Partners) (File No. OA-2761) Waikiki, Kona, O'ahu TMK: 3-5-27:3

Thank you for your comments on the subject Conservation District Use Application. We have reviewed your comments and suggestions and respond as follows:

- 1) We received several comments similar to yours regarding the accessibility of the trailhead to the general public. We believe that your suggestion is a good one, i.e. to allow the public to the drop off hikers at the trailhead if the ten-stall parking lot is full, and to allow the passage of foot-traffic from the guard station to the trailhead. This appears to be a fair compromise solution to both trailusers and the residents, and would be a preferred alternative to allowing overflow parking on Halakau Street.
- 2) The posting of an appropriate welcoming trail access sign in the vicinity of the guard booth should not be a problem. We will work with the Waialae Iki V Community Association on implementing this suggestion.
- 3) We are open to your suggestion in which the guard would show his or her records to the public as verification that the parking lot is fully occupied.

Thank you again for your suggestions and comments.

Sincerely,

GENTRY WAIALAE IKI V PARTNERS

Tosh Hosoda

Tosh Hosoda

c: Samuel Lemmo

RECEIVED

UNIVERSITY OF HAWAII '95 MAR 6 PM 3:06

Sea Grant Extension Service
School of Ocean and Earth Science and Technology

DIRECTOR
OCEA

2 March 1995

Mr. Sam Lemmo
Department of Land and Natural Resources
Office of Conservation and Environmental Affairs
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

SUBJECT: Review of Gentry Waialae Iki V Partners Draft
Environmental Assessment (DEA)

Dear Mr. Lemmo,

First and foremost, I want to thank you for sending a copy of the above document to me ("Conservation District Use Application For A Public Access Hiking Trail On Wiliwilinui Ridge"). I have reviewed this document and have several concerns that I believe should be addressed before this application be considered to be complete and allowed to move forward. These are discussed below.

By way of background, the CDUA proposes to develop a 10-car parking area at the end of Halakau Street for public use and a 1/3 to 1/2 mile long trail to connect into the existing trail on Wiliwilinui Ridge. This is commendable in light of the fact that the area has been effectively off-limits to the hiking public for some time (I use to hike the area in the middle 1950's).

The rationale for the proposed trail development is given in part on pages 5, 6 and 7 of the DEA, as noted on page 5 of the CDUA:

1. Consistency with the purpose of the Conservation District:

"Among the purposes of the Conservation District are the conservation of necessary forest growth, the conservation and development of land and natural resources adequate for present and future needs, and the conservation and preservation of open spaces for public use and enjoyment. (Emphasis added.) The proposed trail is intended to allow the public to enjoy the open space and scenic natural beauty of Conservation District lands on Wiliwilinui Ridge."

Community Outreach and Technology Transfer for the Sea Grant College Program
1000 Pope Road - Room 218 - Honolulu, Hawaii 96822
Telephone: (808) 955-8191 - Facsimile: (808) 955-2558 - Cable Address: UNIHAW
An Equal Opportunity/Affirmative Action Institution

5398
20-57450

Mr. Sam Lemmo
Page 2
2 March 1995

Thus, a purpose for the development of the trail is to meet regulations regarding the public's right to enjoy the scenic and hiking resources of Wiliwilinui Ridge. It should be remembered that this right has not been allowed under the present development. Moreover, as is noted below, the general public's right of entry will be severely limited under the proposed development.

Additionally on page 6 of the CDUA:

4. No substantial adverse impact to the existing natural resources within the surrounding area, community or region:

"There will be minimal impact to the existing natural resources. Brush clearing and minor excavation will occur to establish the correct walking tread width, along with the application of techniques that reduce soil erosion and accelerated runoff. In addition, mitigative measures, including creation of a separate parking lot area, will be taken to ensure that there will be a minimal impact on the majority of Halakau Street residents. Placing a limit on the number of cars being admitted to the trail area, and heavily landscaping the parking lot will also help to ensure that there will be no substantial adverse impact within the surrounding area."

We note further in the DEA on page 2, the following:

"It is also anticipated that there will be a modest increase in the amount of traffic through the Waialae Iki subdivisions during construction of the trail and once the trail is opened to the public. Based on the number of cars driving up to a similar trail on Hawaii Loa Ridge, there will be an increase of approximately 50 cars per month."¹

¹ Based on the number of cars during the month of October 1994. It is likely that there would be more trail users during the spring and summer months and fewer hikers during the winter months".

These are the only data provided in the DEA regarding how the figure for the number of parking stalls was determined. The selection of a single month's use of a similar trail on Hawaii Loa Ridge as a database is not explained in the DEA and it should be. Why didn't the consultants use data from both the summer and winter months in determining PRESENT usage levels?

Mr. Sam Lemmo
Page 3
2 March 1995

To objectively determine the present usage levels, the consultants should utilize data (i.e., number of daily users, cars, etc.) from a number of well-known (e.g., Manoa Falls, etc.) and lesser known trailheads (such as the Hawaii Loa Ridge trail) for both weekdays as well as weekends. These data should be presented in a table and the methods used in determining how many parking stalls for the proposed development should be given in detail. Anything short of this is inadequate.

The DEA makes the assumption that 10 stalls will be adequate for the hiking public of Oahu. It is questionable whether 10 stalls would be sufficient, especially in light of the statistics in the State of Hawaii Data Book - 1992, table 224, which notes that in a 1989 survey one percent of Hawaii's residents used hiking trails at least once during the last two weekend days as well as one percent of the polled residents used hiking trails once during the last five weekdays. Visitors have a higher rate of usage of our hiking trails; fully 16 percent of all visitors polled use a hiking trail once during their stay. In 1990 the population of Oahu was about 836,000 (from State Data Book) and one percent would be 8,360 people using a hiking trail once every 5 days or once every weekend. This translates into more than 1,650 people using Oahu's hiking trails every weekday or more than 4,100 people using these trails on any given weekend day.

With respect to visitors, the numbers are higher; in 1990 Oahu received approximately 5,350,000 visitors (State Data Book). If 16 percent of these people used a hiking trail, this would amount to 856,000 individuals using trails over the year or 2,345 people per day hiking on one of Oahu's trails.

Ten parking stalls is based on the premise of very low usage patterns taken from a one month's worth of data at the Hawaii Loa Ridge trailhead. As stated above, this is inadequate and it should be addressed in the DEA especially in light of the data available in the State Data Book regarding the size of the hiking population. The Hawaii Loa Ridge trailhead is not well known and may not be the most appropriate to use. In a call to the State Division of Forestry, I found out that the Hawaii Loa Ridge trail has not been officially opened nor has a parking area been developed. Thus, the validity of any data from Hawaii Loa Ridge is questionable. The DEA should address this in detail.

The DEA does not address the issue of growth in the hiking population with the passage of time and the adequacy of ten

Mr. Sam Lemmo
Page 4
2 March 1995

stalls in the future. This issue should be addressed in the DEA. How will growth in the hiking population be handled?

Finally, on page 4 of the DEA we note:

"Negative impacts - Although hordes of trailusers are not anticipated, the proposed project may have a negative impact on residents of the Waialae Iki subdivisions because of slightly increased traffic and noise. The developer will take measures to minimize the adverse impacts on surrounding residents, including creation of a separate off-street parking area so as to minimize the nuisance to nearby residents. Other mitigative measures include heavily landscaping the parking area and placing a limit on the number of cars allowed to the project area to coincide with the number of parking spaces available."

The above statement clearly shows the intent of the developer to provide access to only ten automobiles at a time to the trailhead. The Williviniui trail is a reasonably long hike, taking the better part of a day. Thus the proposed public entry scenario will potentially exclude many hikers. This issue is not adequately addressed in the DEA and it should be.

The DEA should address the issue of how the number of cars in the parking area will be monitored. As the document now reads, the number of cars in the lot will be determined by the guards at the bottom (makai end) of the Waialae Iki V subdivision. What is to prevent guards from turning hikers away by saying that the parking lot is full? How will this be fairly monitored? These issues must be addressed in the DEA.

Furthermore, the developer should remember that the Williviniui Ridge trail was in place and was used well before the development of the Waialae Iki V subdivision. Trails in Hawaii should be open to all who wish to use them.

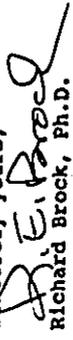
The DEA should consider other alternatives. Perhaps the solution to some of the issues raised above would be to allow the drop-off of hikers at the trailhead if the ten-stall parking lot is full and allow the passage of foot-traffic from the guard house to the trailhead. This would not be an "ideal" solution to either hikers or residents, but it would allow the public access to trailhead if the parking area were full. It would also ad-

Mr. Sam Leano
Page 5
2 March 1995

dress the question of whether the parking lot was full or not as well as handle future growth in the hiking population. This scenario would probably not disturb the area residents much because of the relatively long distance (about 1.4 mile) between the trailhead and guard house would insure all but the most die-hard hiker would consider walking back up to the trailhead after parking his car outside of the Waialae Iki V subdivision. This alternative (or solution?) should be acceptable in the DEA. As a hiker, I find this scenario to be acceptable and believe that many others would also. I commend Bishop Estate and the developer in taking the initiative to make this trailhead available to the public.

I do hope that my comments will be given consideration in the DEA and any negotiations that may occur between the developer and DLNR. Thank you for the opportunity to comment and if you have any questions regarding my comments, I may be reached at 956-2859 during the day.

Sincerely yours,


Richard Brock, Ph.D.

cc: Dr. John Harrison
University of Hawaii Environmental Center

RECEIVED

ADDENDUM TO FINAL ENVIRONMENTAL ASSESSMENT

'95 MAY 12 PM 4:50

AFFECTED ENVIRONMENT

DLNR
OCEA

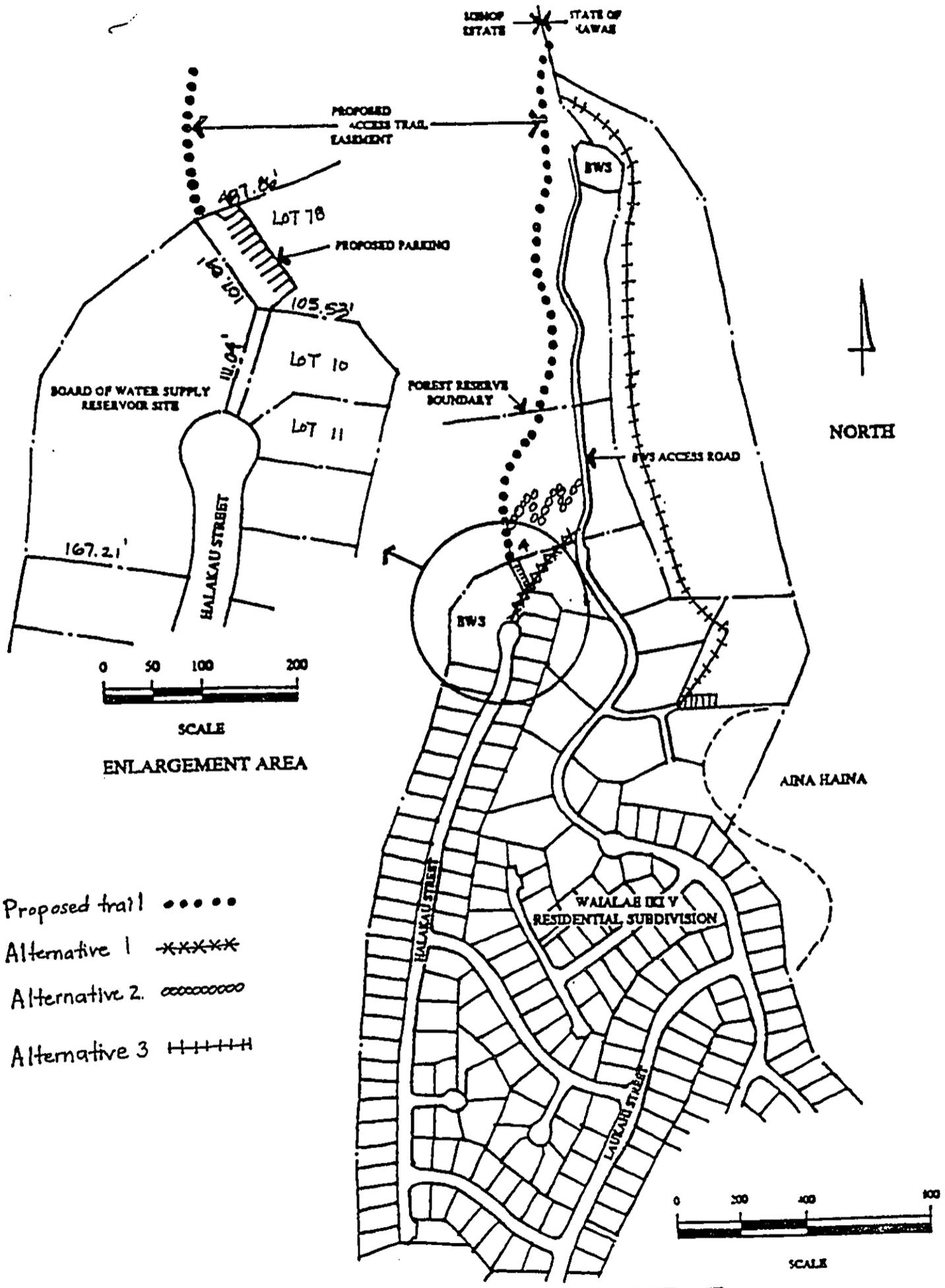
Soils - Soils in the project area consist of rock land (rRK) and Helemano silty clay, 30 to 90 percent slopes (HLMG). Rock land is made up of areas where exposed rock covers 25 to 90 percent of the surface. The rock outcrops and very shallow soils are the main characteristics. The rock outcrops are mainly basalt and andesite. This land type is nearly level to very steep. Elevations range from nearly sea level to more than 6,000 feet. The annual rainfall amounts to 15 to 60 inches.

Rockland is used for pasture, wildlife habitat, and water supply. The natural vegetation in the lower elevations consists mainly of kiawe, klu, piligrass, Japanese tea, and koa haole. Lantana, guava, Natal redtop, and molassesgrass are dominant at the higher elevations. This land type is also used for urban development. In many areas, especially on the island of Oahu, the soil material associated with the rock outcrops is very sticky and very plastic. It also has high shrink-swell potential.

The Helemano series consists of well-drained soils on alluvial fans and colluvial slopes on the sides of gulches. These soils are on the island of Oahu. They developed in alluvium and colluvium derived from basic igneous rock and are steep to extremely steep. Elevations range from 500 to 1,200 feet. The annual rainfall dominantly amounts to 30 to 60 inches, and the mean annual soil temperature is 72° F. These soils are used for pasture, woodland, and wildlife habitat. The natural vegetation consists of bermudagrass, Christmas berry, eucalyptus, Formosa koa, guava, Japanese tea, Java plum, and koa haole.

Helemano silty clay, 30 to 90 percent slopes, is on the sides of V-shaped gulches. The surface layer is generally dark reddish-brown silty clay about 10 inches thick. The sub-soil, about 50 inches thick, is dark reddish-brown and dark-red silty clay that has subangular blocky structure. The substratum is soft, highly weathered basic igneous rock. The soil is neutral in the surface layer and neutral to slightly acid in the subsoil. Permeability is moderately rapid. Runoff is medium to very rapid, and the erosion hazard is severe to very severe.

The attached map depicts the classification of soils found in the project area as determined by the Soil Conservation Services, U.S. Department of Agriculture, in cooperation with Hawaii Agricultural Experiment Station, University of Hawaii.



PROPOSED WILIWILINUI HIKING TRAIL

GENERAL PROVISIONS

46-6.5

to and the circumstances under which the requirements therein shall or shall not be applicable to subdivisions.

(f) For purposes of this section certain terms used herein shall be defined as follows:

- (1) "Approval" means the final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought, provided that where construction of a building or buildings is proposed without further subdividing an existing parcel of land the term "approval" shall refer to the issuance of the building permit.
- (2) " Dwelling unit" means a room or rooms connected together, constituting an independent housekeeping unit for a family and containing a single kitchen.
- (3) "Lodging unit" means a room or rooms connected together, constituting an independent housekeeping unit for a family which does not contain any kitchen.
- (4) "Parks and playgrounds" mean areas used for active or passive recreational pursuits.
- (5) "Subdivider" means any person who divides land as specified under the definition of subdivision or who constructs a building or group of buildings containing or divided into three or more dwelling units or lodging units.
- (6) "Subdivision" means the division of improved or unimproved land into two or more lots, parcels, sites, or other divisions of land and for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to, or interest in, any or all such lots, parcels, sites, or division of land. The term includes resubdivision, and when appropriate to the context, shall relate to the land subdivided. The term also includes a building or group of buildings, other than a hotel, containing or divided into three or more dwelling units or lodging units.
- (7) "Privately owned parks and playgrounds" mean parks or playgrounds and their facilities which are not provided in perpetuity or dedicated but which are owned and maintained by or on behalf of the ultimate users of the subdivision pursuant to recorded restrictive covenants. Where the privately owned park is a part of the lot or lots on which a building or group of buildings containing or divided into three or more dwelling units or lodging units is constructed, it shall not be required that the private park or playground meet county subdivision standards nor shall the area of the private park or playground be deducted from the area of the lot or lots for purposes of zoning or building requirements. [L 1967, c 294, §1; HRS §46-6; am L 1970, c 140, §1; am L 1977, c 208, §1; am L 1979, c 105, §5 and c 199, §1; am imp L 1984, c 90, §1]

[§46-6.5] Public access. (a) Each county shall adopt ordinances which shall require a subdivider or developer, as a condition precedent to final approval of a subdivision, in cases where public access is not already provided, to dedicate land for public access by right-of-way or easement for pedestrian travel from a public highway or public streets to the land below the high-water mark on any coastal shoreline, and to dedicate land for public access by right of way from a public highway to areas in the mountains where there are existing

46-6.5

COUNTIES

facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails.

(b) These ordinances shall be adopted within one year of May 22, 1973.

(c) Upon the dedication of land for a right-of-way, as required by this section and acceptance by the county, the county concerned shall thereafter assume the cost of improvements for and the maintenance of the right-of-way, and the subdivider shall accordingly be relieved from such costs.

(d) For the purposes of this section, "subdivision" means any land which is divided or is proposed to be divided for the purpose of disposition into six or more lots, parcels, units, or interests and also includes any land whether contiguous or not, if six or more lots are offered as part of a common promotional plan of advertising and sale.

(e) The right-of-way shall be clearly designated on the final map of the subdivision or development.

(f) This section shall apply to the plan of any subdivision or development which has not been approved by the respective counties prior to July 1, 1973. [L 1973, c 143, §2]

Revision Note

"May 22, 1973" substituted for "the effective date of this Act".

§46-7 Agreements with federal government; use of funds. The governing body or the planning commission or department of the various counties, with the consent of the council, may enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the federal government or any other public body or bodies respecting action to be taken pursuant to any of the powers granted to it by law and furnish, expend, and receive any funds or other assistance in connection with projects being or to be undertaken pursuant to the powers. [L 1957, c 139, §1; Supp. §138-11.5; HRS §46-7]

§46-8 State and county co-sponsorship of programs. The governor may enter into agreements with the council of any county providing for the co-sponsorship and joint development and maintenance of programs and projects, within and for the county, which have been authorized by the legislature or for which moneys have been appropriated by the legislature. [L 1965, c 158, §1; Supp. §138-63; HRS §46-8]

§46-9 Expenditures of money for sister-city relationships. Any other law to the contrary notwithstanding, any county, including the city and county of Honolulu, may make expenditures of public funds, whenever the funds are available, in order to further the ties of friendship, understanding, and goodwill existing under sister-city relationships entered into by resolution duly adopted by the respective legislative bodies of each county, including the city and county of Honolulu. [L 1963, c 86, §1; Supp. §138-52; HRS §46-9]

§46-10 County bands; travel. The county council or city council of any county having a county band may authorize its band to travel to any other county or abroad for the purpose of creating goodwill. Notwithstanding any law to the contrary, county bands are authorized to receive donations from private persons or entities for travel expenses, or to have said expenses underwritten by private persons or entities, or the band itself may raise funds by engaging in

Sec. 22-5.7 Penalty.

Any person, firm or corporation which violates the provisions of this article shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both. (Sec. 22-5.7, R.O. 1978 (1983 Ed.))

Article 6. Public Access to Shoreline and Mountain Areas**Sections:**

- 22-6.1 Statutory authority.
- 22-6.2 Definitions.
- 22-6.3 Scope.
- 22-6.4 Requirements.
- 22-6.5 Dedication of access—Approval of subdivision.

Sec. 22-6.1 Statutory authority.

This article is enacted pursuant to the authority granted by HRS Section 46-6.5, as amended. (Sec. 22-6.1, R.O. 1978 (1983 Ed.))

Sec. 22-6.2 Definitions.

For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain words used herein are defined as follows:

"Approval" means the final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought; provided that, where construction of a building or buildings is proposed without further subdividing an existing parcel of land, the term "approval" shall refer to the issuance of the building permit.

"City" means the City and County of Honolulu. The geographical limit shall include all that portion of the State of Hawaii commonly known as the island of Oahu and all other islands in the State of Hawaii and the waters adjacent thereto not included in any other county.

"Director" means the director of land utilization of the City and County of Honolulu.

"Dedication" means the conveyance of land in fee simple or easement.

"Easement" means a grant of the right to use a strip of land for specific purpose.

"Multiple-family development" means a development of a building or group of buildings, placed on a zoning lot containing or divided into six or more dwelling or lodging units.

"Public access" for pedestrian travel means a public right-of-way in fee or easement for pedestrian traffic, and may also be used as a bikeway, utility easement or for restricted vehicular traffic.

"Shoreline" is defined as determined under the shoreline setback rules and regulations of the City and County of Honolulu and pursuant to the authority of HRS Chapter 205, as amended.

"Subdivision," for the purpose of this article, means any land which is divided or proposed to be divided for the purpose of disposition into six or more lots, parcels, units or interests and also includes any land whether contiguous or not, if six or more lots are offered as part of a common promotional plan of advertising and sale.

"Units" means dwelling units and lodging units as defined in the land use ordinance of the city.

"Zoning lot" is defined in the land use ordinance of the city. (Sec. 22-6.2, R.O. 1978 (1983 Ed.))

Sec. 22-6.3 Scope.

In cases where adequate public access is not already provided, every subdivider or developer as a condition precedent to final approval of a subdivision or issuance of a building permit for a multiple-family development shall dedicate land for public access by right-of-way in fee or easement for pedestrian travel from a public highway or public street to the following:

- (a) The land below the shoreline; and
- (b) The mountains where there are existing facilities for hiking, hunting, fruit picking, ti-leaf sliding and other recreational purposes, and where there are existing mountain trails.

The provisions of this article shall apply to all subdivisions and to multiple-family development.

The provisions of this article shall apply to an existing multiple-family development approved prior to the effective date of this article when six or more units are added to the existing development.

All subdivisions and multiple-family developments affecting public access, whether separated from the shoreline or mountain areas by intervening parcels, subdivisions or developments, shall be subject to the provisions of this article.

Upon the acceptance of the dedication of land for a right-of-way in fee or easement by the city, the city shall thereafter assume the cost of improvements for and the maintenance of the public access.

(Sec. 22-6.3, R.O. 1978 (1983 Ed.))

Sec. 22-6.4 Requirements.

- (a) **Location and Alignment.** The location and alignment shall be consistent with the intent and purpose of this article and shall implement the intent and purpose of the general plan and development plan of the city; and consider the topography; other existing access locations; lot layout; access connections; zoning and uses of the properties on and within the surrounding area; safety; traffic circulation; effect on the surrounding area; areawide traffic; and conform to the standards and requirements of the department of parks and recreation of the city.
- (b) **Subdivision of Land.** The director shall determine the location and alignment of the public access for pedestrian travel on subdivision of land, upon consultation with the director of parks and recreation or other governmental agencies affected by such public access.
- (c) **Multiple-Family Development.** All multiple-family development building permits along or affecting public access near the shoreline or mountain areas shall be reviewed by the director of parks and recreation of the city.

When it is determined by the director of parks and recreation that adequate public access is already provided, the director of parks and recreation shall notify the building superintendent for approval of the building permit.

When it is determined that adequate access is not provided, the developer shall dedicate land for public access by right-of-way in fee or easement as a condition precedent to approval of the building permit.

- (d) **Width of Public Access.** The minimum width of such public access shall be 12 feet, except as otherwise approved by the director upon consultation with the director of parks and recreation.

(Sec. 22-6.4, R.O. 1978 (1983 Ed.))

Sec. 22-6.5 Dedication of access—Approval of subdivision.

- (a) **Subdivision of Land.** When it is determined that public access must be provided upon review of a subdivision application, the subdivider shall file the necessary deeds of conveyance with the department of parks and recreation or other governmental agency responsible for the maintenance and improvement of the public access. Upon written notification from the director of parks and recreation or other agency that the dedication documents have been reviewed and approved as to form and contents, the director shall grant approval to the subdivision in accordance with the subdivision rules and regulations of the city. The public access for pedestrian travel shall be clearly designated on the final map of the subdivision in accordance with the subdivision rules and regulations.

Upon approval of the subdivision, the subdivider shall file the executed deeds of dedication for conveyance of the public access, free and clear of all encumbrances, within 30 days to the city. Failure to file this document within the 30-day period, or such extension as may be granted by the director of parks and recreation, shall be a violation of the provisions of this article. Conveyance shall be in conformity with all applicable statutes, ordinances and regulations.

- (b) **Multiple-Family Development.** When it is determined that public access must be provided upon review of a multiple-family development, the developer shall file a subdivision application to create the public access right-of-way or easement in accordance with the subdivision rules and regulations.

The subdivider shall file the necessary deeds of conveyance with the department of parks and recreation. Upon written notification from the director of parks and recreation that the dedication documents have been reviewed and approved as to form and content, the director shall grant approval to the subdivision in accordance with the subdivision rules and regulations.

The subdivider shall file the executed deeds of conveyance free and clear of all encumbrances upon approval

of the subdivision. Upon acceptance by the city of the dedication, the director of parks and recreation shall notify the building superintendent for approval of the building permit. The right-of-way shall be clearly designated on the multiple-family development plan.

(Sec. 22-6.5, R.O. 1978 (1983 Ed.))

Article 7. Parks and Playgrounds

Sections:

- 22-7.1 Statutory authority.
- 22-7.2 Definitions.
- 22-7.3 Scope.
- 22-7.4 Exceptions.
- 22-7.5 Land area required for parks and playgrounds.
- 22-7.6 In-lieu payment—Combination in-lieu payment and dedication.
- 22-7.7 In-lieu payment—Determination of amount.
- 22-7.8 Credit for parks and playgrounds.
- 22-7.9 Rules and regulations.
- 22-7.10 Appeals.
- 22-7.11 Refund of fees.
- 22-7.12 Violations and penalties.

Sec. 22-7.1 Statutory authority.

This article is enacted pursuant to the authority granted by HRS Section 46-6, as amended. (Sec. 22-7.1, R.O. 1978 (1983 Ed.))

Sec. 22-7.2 Definitions.

For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

"Approval" means the final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought; provided that, where construction of a building or buildings is proposed without further subdividing an existing parcel of land, the term "approval" shall refer to the issuance of the building permit.

"City" means the City and County of Honolulu. The geographical limit shall include all that portion of the State of Hawaii commonly known as the island of Oahu and all other islands in the State of Hawaii and the waters adjacent thereto not included in any other county.

"Dedication" means conveyance of land in fee simple.

"Director" means the director of land utilization of the City and County of Honolulu.

"Dwelling unit" is as defined in the land use ordinance of the city.

"Hotel" is as defined in the land use ordinance of the city.

"Lodging unit" is as defined in the land use ordinance of the city.

"Multiple-family development" means a building or group of buildings, other than a hotel, placed on a zoning lot and containing or divided into three or more dwelling or lodging units, including planned development and cluster projects under the land use ordinance containing or divided into three more dwelling or lodging units.

"Parks and playgrounds" means areas, including beach parks, used for active or passive recreational pursuits. The areas include parks and playgrounds which implement the intent and purpose of the general plan of the city.

"Provide land in perpetuity" means conveyance of land in fee simple with the option on the part of the grantor to provide for reversionary interest.

"Subdivider" means any person who divides land as specified under the definition of subdivision or who constructs a building or group of buildings containing or divided into three or more dwelling or lodging units.

"Subdivision" means the division of improved or unimproved land into two or more lots, parcels, sites or other divisions of land for residential purposes and for the purpose, whether immediate or future, of sale, lease, rental, or transfer of title to or interest in any or all such lots, parcels, sites or division of land. The term includes resubdivision, and when appropriate to the context, shall relate to the land subdivided. The term also includes a

RECEIVED
INFORMATION ABOUT THE WAIALAE IKI V TRAIL
Provided by Gentry Waialae Iki V Partners (5/12/95)

95 MAY 12 PM 4:05
OCEA

Gentry Waialae Iki V Partners has heard from a number of Waialae Iki V owners over the past few weeks, asking for more information about the public access easement to the trail above Waialae Iki V. The following are the questions that have been asked most frequently.

Why do we have to provide access through Waialae Iki V?

State law (Hawaii Revised Statute Sec. 46-6.5) and City ordinance (Revised Ordinances of Honolulu Sec. 22-6.1 to 22-6.5) require that developers of land "dedicate land for public access by right of way from a public highway to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails." Copies of the statute and ordinance are attached for your information.

Are there any other private communities that are required to provide public access?

Yes. Hawaii Loa Ridge is likewise required to provide access to public lands, and a public access easement has been provided through their project. Vehicles are required to stop at the guardhouse and each individual is required to sign a waiver of liability form. According to the property manager, there have been no disturbing incidents resulting from allowing public access to the trail.

I'm really concerned about hunters being able to use our roadways. Is there anything we can do about that?

Gentry has asked the State Department of Land and Natural Resources (DLNR) and the City Parks Department if hunting could be barred in the area above Waialae Iki V. Both have advised Gentry that because State law requires that access be allowed for "hiking, *hunting*, fruit picking, ti-leaf sliding and other recreational purposes", hunters would not be barred from using the access trail to get to the designated hunting grounds on State lands. The access trail itself would be a safety zone and no hunting would be allowed on it or on any of the Bishop Estate lands leading up to the forest reserve. It was also pointed out that reconnaissance by the Division of Forestry and Wildlife (DOFAW) indicates that the pig population is very low along the ridge at this time and it would therefore not be a prime hunting ground. Most of the wild pigs live down in the valley where food and water are more abundant. Thus, it is not anticipated that hunters would heavily utilize the Wiliwilinui trail since most hunters would prefer to access the public hunting area where pigs may be more plentiful through the adjacent Aina Haina valley.

However, because of concerns raised by Gentry and the Halakau Street residents and because the area is not a popular hunting grounds, DLNR has agreed to prohibit access for hunting dogs, except during controlled hunts. Controlled hunts are held only at times that are designated by the DLNR, when they seek help from pig hunters to reduce the wild pig population. This restriction on hunting dogs should alleviate some of the main concerns raised by WIV residents. Because of the prohibition on hunting dogs (for other than controlled hunts), it is unlikely that many hunters would opt to use the trail.

I understand that there is already a public access easement in Waialae Iki V. Is that true?

Public access easements were designated in Phases 1A, 1B, and 2A after applications were submitted to the City to privatize the roads in those phases. The easements were designated over and across the Laukahi Street right-of-way and at the intersection of Laukahi and Oko'a Street. At the time Phase 2C was subdivided, a temporary public access easement was designated that runs through Oko'a Street and up to the Board of Water Supply access road.

I don't remember seeing hikers going through Waialae Iki V. Have they been using the public access easement?

Many of you may not remember that hikers were allowed access through Waialae Iki V during the earlier years of the project (from about 1986 to 1990). Bishop Estate was voluntarily allowing hikers to go through their property to reach the Wiliwilinui Trail. If a hiker had a permit from Bishop Estate and signed a disclaimer with the Association, he was allowed to pass through the Waialae Iki V project up to the hiking trail. In July 1988, Bishop Estate decided to discontinue issuing permits for access through their property because of liability concerns. Nonetheless, the public was still allowed access through the WIV project, proceeding onto Bishop Estate's property at their own risk.

When sitework construction of Phases 2B and 2C started in 1990, access to the trail was restricted because of the on-going construction work. As a result, public access through the project has been significantly limited since 1990, pending designation of the public access easement.

The public access easement did not have to be finalized until the final subdivision that was adjacent to the conservation land was processed. This occurred in 1991, when the Phase 2B and Phase 2C lots were first subdivided. At that time, the public access easement was temporarily designated through Oko'a Street and then up to the Board of Water Supply access road. Although the City approved that easement, it was with the understanding that the location was temporary pending relocation to Halakau Street. Hence, the grant of public access easement has not been finalized pending relocation of the easement, and access has not been allowed through Waialae Iki V during this time.

If there is already an access easement ending at Oko'a Street, why is it being changed?

The public access easement that runs along Oko'a Street was a temporary easement that was subject to change. The master plan for Waialae Iki V contemplated that the access would run from Laukahi Street to Nuna and then up Halakau Street. Gentry consulted with the Na Ala Hele Advisory Council, Bishop Estate (which owns the land above Waialae Iki V), the DLNR and the City Department of Land Utilization and Parks Department in determining the proposed location of the easement. All of those parties have approved the location of the public access easement off of Halakau Street. The Board of Water Supply has also indicated that it prefers the Halakau Street access to lessen the possibility of damage to its reservoir and facilities. One of the reasons that the Na Ala Hele Advisory Council opted to support the Halakau Street access is that the path from this access will be a winding, more scenic trail than the existing dirt roadway off of Oko'a Street, and thus will offer an enjoyable hiking experience. In addition, access from Oko'a Street would have required passage through the gate entry at the entrance to Phase 2-C. This would have been inconvenient to everyone involved, including the hikers, the security guards (who are not posted at the Phase 2-C entry), and the WIV owners.

Why wasn't I notified earlier about the easement off of Halakau Street?

Owners of lots at the upper portion of Halakau Street were notified at the time of sale that the public access easement was planned along their street. Although the roadways in Waialae Iki V are private, they were conveyed to the Community Association with a reservation of access and utility easements. Gentry, as the subdivider of the lots, was responsible for designating the public access easement. After Bishop Estate and the Na Ala Hele Advisory Council had both approved the designation of the access easement off of Halakau Street in November 1994, Gentry submitted a Conservation District Use Application to the Board of Land and Natural Resources requesting use of the conservation lands above Waialae Iki V for public access to the Wiliwilinui Trail. As part of that process, Gentry notified the Waialae Iki V Board and owners of lots on the upper portion of Halakau Street in January 1995. Notice was not given at that time to the other owners of Waialae Iki V because on issues of general community interest, Gentry usually deals directly with the Board, as the official representative of the Association.

Since a number of owners have raised questions and seem to have a lot of misinformation about the trail and access easement, we are distributing this information directly to all owners.

If the trail access is moved to the end of Halakau Street, won't there be a lot of excavation and destruction of natural habitat to build a new trail? I heard that there are drain culverts on the BWS access road that may cause flooding on the trail? What about erosion?

At least two-thirds of the access trail off of Halakau Street are an existing roadbed and trail which would require very little grading or excavation. The remaining portion of the trail which will require clearing and grading is comprised of vegetation which, in fact, is detrimental to a native forest. There will be negligible amounts of erosion associated with the trail and no flooding whatsoever associated with the construction of the trail. Best Management Practices for erosion control will be incorporated into the preparation of the grading plan. Grading and construction plans for the trail must be prepared by a licensed engineer and will be subject to approval by the DLNR.

There are two culverts on the BWS access road which channel water flows down to the area in the vicinity of the trail. One of the culverts will not affect the trail. Water from the other culvert has caused minimal erosion in the area, and to address any potential problems and prevent further erosion, Gentry plans to put in a small bridge-like crossing over the flow at the point where the water from the drainage outlet crosses the proposed trail alignment.

Has Gentry considered alternative alignments instead of building the new trail?

Several alternative alignments were recently suggested to Gentry by some of the homeowners. An attached map shows the various alternatives. Gentry is still evaluating them, but preliminary reviews by Gentry's engineers indicate that they are less feasible for the following reasons:

Alternative 1 calls for the use of an existing trail that starts from the end of Halakau Street and runs through lot 78 up to the upper BWS access road. Unfortunately, this access trail would cut through Lot 10, as well as a central portion of lot 78, which would significantly diminish its saleability and value.

Alternative 2 would leave the 10-stall parking area where it is planned on lot 78 and have a trail start at the end of the parking area and zigzag up to the BWS access road. This was Gentry's original plan, and although it would utilize the existing BWS access road to a large extent, it would require much more clearing of the existing forest than the proposed trail, which takes advantage of an existing roadbed and trail. It would also be more costly, more difficult to implement, and more susceptible to erosion.

Another similar alternative was also considered, which involved the construction of a trail from the lot 78 parking area directly to the BWS road. Because of the steep grade, the parking area will be situated approximately 10 to 18 feet below the grade of the rest of lot 78. Steps and railings would have to be built in order to accommodate pedestrian traffic, and privacy walls would have to be installed for lot 78. This was not viewed as an attractive alternative.

Alternative 3 would utilize an existing trail off Oko'a Place which runs parallel to Oko'a Street. Gentry does not find this to be a feasible solution because access would be through Phase 2-C and would cut through at least three lots in Phase 2-C.

Another alternative that Gentry previously explored was the possibility of obtaining land from the Board of Water Supply or Bishop Estate for the parking area. Both Bishop Estate and BWS have advised Gentry that they are not willing to allow that use. Approval would also have to be obtained from the DLNR for use of conservation lands for parking. Because this issue was again raised by residents within the last week, Gentry is approaching both Bishop Estate and BWS again, but given their previous denials, we do not anticipate a change in their position.

Who is going to build the trail? Who will maintain it?

Gentry, with technical assistance from Na Ala Hele, will construct the portion of the access that is not already a trailbed and will clear remaining portions. Pursuant to a memorandum of agreement to be executed with Bishop Estate, the State will be responsible for maintaining the trail. The State estimates that it will cost about \$400 a year to maintain the trail.

Where will the hikers and hunters park?

Because a number of Halakau Street residents raised concerns about the trail, Gentry has offered to give to the Waialae Iki V Community Association a portion of one of the houselots for a ten-stall parking lot for users of the trail. (See attached map.) Gentry would construct the parking area, and it is proposed that the Waialae Iki V Community Association maintain the lot once it is built. If the Association owns the parking area, it will be able to impose more restrictions and enforce monitoring of the lot. If the Association elects not to own and maintain the lot, Gentry may elect to not build the parking lot, in which case the trail users will be allowed to park on Halakau Street in designated parking areas. [The public access law does not require a separate parking lot for trail users, and the City and State have indicated that designated street parking would be acceptable. Gentry has offered to build the parking area because of the concerns raised by WIV residents.]

Can we restrict access to the trail?

On January 20, 1995, the WIV Board submitted a request to the DLNR that it be allowed to impose certain restrictions in connection with the use of the parking area, including limiting access to daylight hours, requiring users to provide identification and to sign waivers at the guardshack, and restricting the number of cars to the number of available parking stalls. Similar restrictions are imposed for people crossing the Hawaii Loa Ridge project for public access to the trail on that ridge. It appears likely that DLNR will approve the imposition of certain reasonable restrictions.

Won't we be liable for any accidents that hikers or hunters have in connection with the trail and public access?

The trail itself will not be on WIV land; only the public access easement that runs over WIV roadways and the parking area. The Grant of Public Access Easement provides for indemnification by the City as to certain property damage, personal injury or death arising out of the public's use of the public access. In addition, HRS Chapter 520 significantly limits liability of private landowners who make their land available to the public for recreational use.

What's the story with the separate gate at the Phase 2C entry?

Phase 2C, which includes 14 estate size lots, is intended to be a tasteful, upscale development at the top of the ridge, which will have the benefit of added privacy and panoramic views. The concept of the large lot subdivision at the top of Waialae Iki arose out of the fact that the area is fairly steep, mountainous terrain, making it unsuitable for the lots that typify the rest of Waialae Iki. These lots are a part of Waialae Iki V, and Gentry has been paying the association dues for the lots since July 1993. Approved subdivision plans provide for a gate at the entry to these lots, which will restrict vehicular access but not pedestrian access. Residents of Waialae Iki V will still be allowed to walk through that area. An agreement between Gentry and the Waialae Iki V Community Association provides that the owners of Phase 2C will be responsible for the cost of maintaining the entry gate and landscaping, as well as any additional costs relating to the maintenance and repair of the Phase 2C roadways (attributable to the different construction of those roads).

Was I told about the hiking trail at the time I bought my lot?

People who bought lots along the upper portion of Halakau Street (Phase 2B) in 1992 through 1994 were notified in their sales contract that the public access route through Waialae Iki V to Wiliwilinui Trail was planned to be up Laukahi Street to Nuna Street to Halakau Street. In addition, buyers were given disclosures regarding the possibility of hunters using the trail and the fact that parking for users of the trail might be located on Halakau Street.

At the time Phases 1A and 1B were developed and sold, it was still being contemplated that the roadways would be public, and not private. The sales contracts included a reservation by Gentry to designate the roadways as either private or public. If the roadways had been dedicated to the City, a public access easement would not have been necessary because the access would have been over public roads. Although private roads were being considered in the late 1980's, the public access easement had not yet been designated.

When would the trail be open to the public?

After all of the governmental agencies have formally approved the public access easement and trail, there would still be a number of actions which would have to be taken, including design, subdividing the parking area (if it is approved) and public access easement, and construction of the parking area and trailbed. Gentry anticipates that it will take at least nine to twelve months before all necessary plans are prepared and construction is completed.

Thank you for your interest and for sharing your concerns. We hope this has provided you with more accurate information about the public access easement and trail. If you have other questions, please call Debbie Luning at Gentry (599-8370). If you would like to submit comments to the DLNR regarding the proposed public access easement off Halakau Street, you are welcome to submit them to:

*Mr. Sam Lemmo
State Department of Land and Natural Resources
Office of Conservation and Environmental Affairs
1151 Punchbowl Street, Room 325
Honolulu, HI 96813*

WRITTEN COMMENTS SHOULD BE SUBMITTED NO LATER THAN MAY 31, 1995 IN ORDER TO BE CONSIDERED BY THE BOARD OF LAND AND NATURAL RESOURCES. For further information about the Board's meeting, please call Sam Lemmo (587-0377) at the Department of Land and Natural Resources.

END

CERTIFICATION

I HEREBY CERTIFY THAT THE MICROPHOTOGRAPH APPEARING IN THIS REEL OF
FILM ARE TRUE COPIES OF THE ORIGINAL DOCUMENTS.

2004

DATE

Erin A. Nakamura

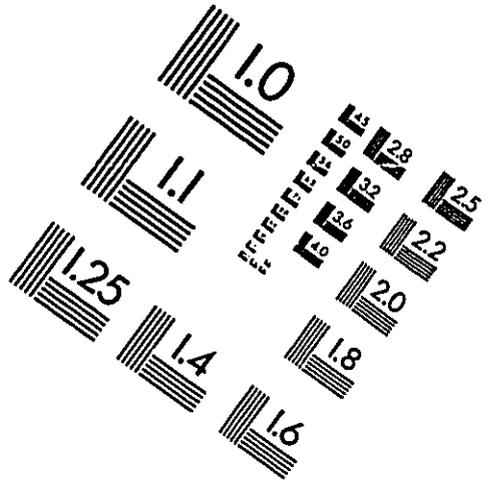
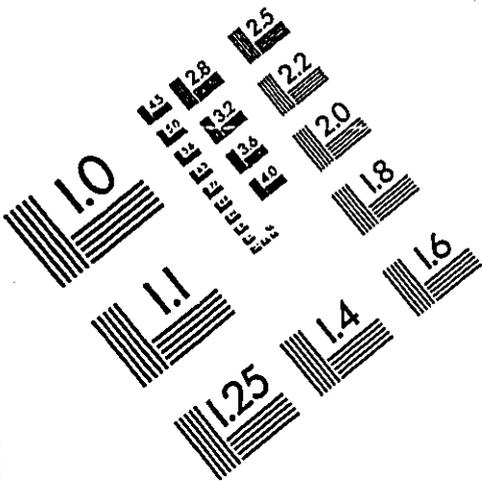
SIGNATURE OF OPERATOR



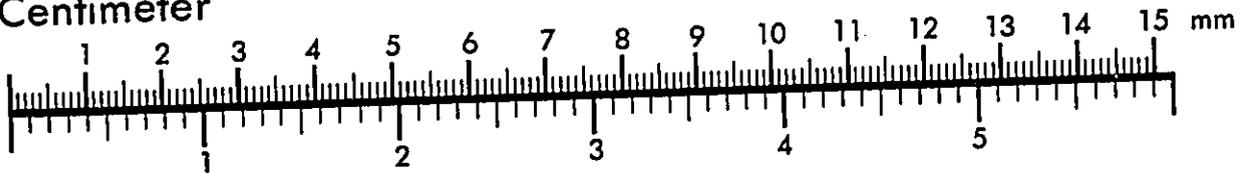
AIM

Association for Information and Image Management

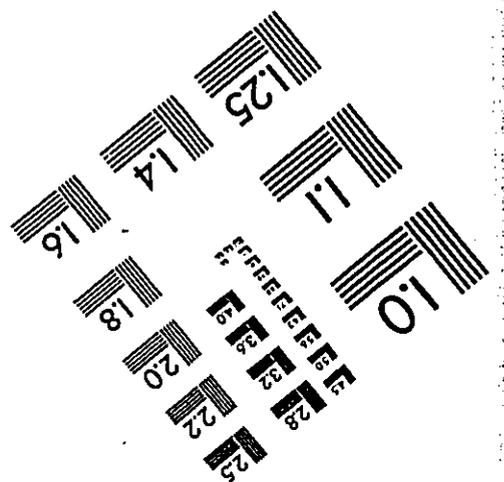
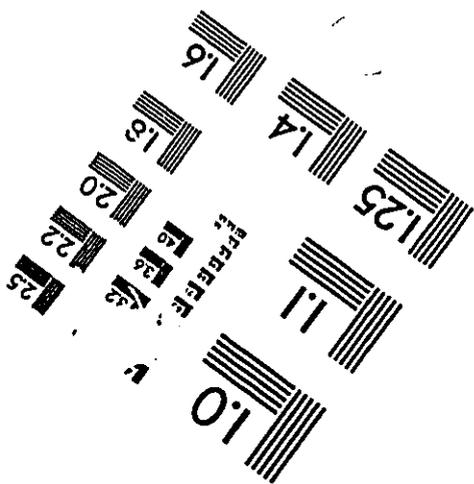
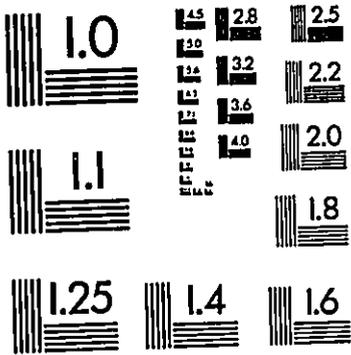
1100 Wayne Avenue, Suite 1100
Silver Spring, Maryland 20910
301/587-8202



Centimeter



Inches



MANUFACTURED TO AIM STANDARDS
BY APPLIED IMAGE, INC.

DENSITY TARGET



ADVANCED MICRO-IMAGE SYSTEMS HAWAII