

NORTH KOHALA RAIL-TRAIL AND CONNECTIVITY TRAIL PLAN

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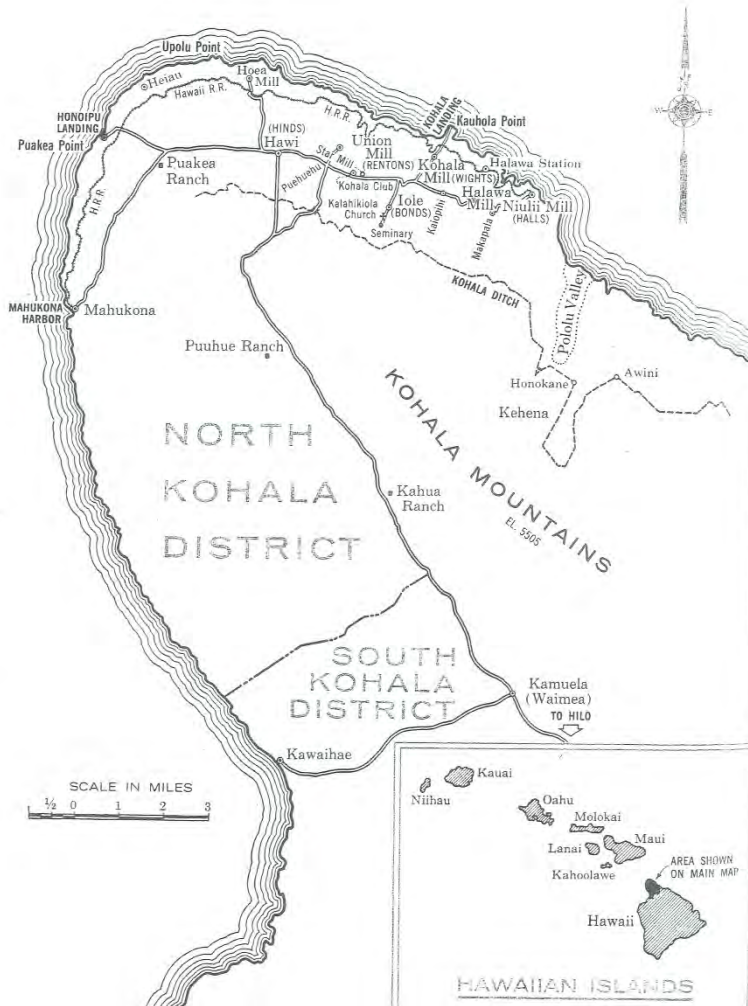
This document looks at the potential of having the very first railroad of Hawaii converted into a trail for public use and enjoyment. While being the very first railroad may warrant people to preserve it and tell the story, this is just one piece to a rich and vibrant past that has formed the communities of North Kohala into what it is today. This document provides a snapshot into this past, and the potential to continue the stories of place that can keep the memories and lessons alive for future generations.

This report can be used in various ways. There is information to provide a deeper understanding of the history of the railroad itself. This is essential to the preservation of the corridor. The laws and policies from the Kingdom of Hawaii, the Territory, and the State present complexities that define public right-of-way (ROW), public roads and infrastructure. Part of the purpose of this report is to understand the legal framework of the Railroad ROW, and to determine if further work by the State Department of Land and Natural Resources, Division of Forestry and Wildlife, Na Ala Hele Division is warranted to establish a formal public trail.

The report provides historical background to better understand the importance of the past, as well as the future. This document attempts to show major changes in land tenure and economic uses, population dynamics and changes, and how it relates to the concepts of public access and rights to traverse lands. It should be used to help identify and guide a process by which the community can come to agreement to how they want to preserve the past, perpetuate lessons and stories, and be able to traverse the landscape unimpeded. While the main purpose is to explore the old Railroad ROW and connecting mauka-makai access trails for a public use, the report will touch on the essential pieces of the past that define North Kohala, and why it is so important to be able to continue to have access to the lands, tell the stories and lessons of the past, while also building upon them with our future generations.

The North Kohala Hawaiian Railroad officially started in Mahukona Harbor (now Beach Park) and follows the coastline up and around to Niulii (See Map 1). This was the very first railroad for the Hawaiian Kingdom and once operated as a passenger, freight, sugar cane, and mail carrier for the Hawaiian Kingdom and later, exclusively for the sugar plantations. While popular opinion remembers the railroad

Map 1 Historic North Kohala Hawaiian Railroad



From North Kohala Community Development Plan, 2008

as one exclusive to the shipping of sugar cane, the original alignment did not go to the sugar mills, and included the transport of passengers, mail, and government workers. This report will examine the intent of the railroad act, and how the development of the railroad spurred change for North Kohala. The report will also examine whether or not the railroad alignment falls under public jurisdiction as a trail, and provides recommendations for further actions.

To best understand the public trails system in the Hawaiian Islands and how trails are selected and opened to the public, it is essential to understand pertinent laws that protect public access, trails, and roads. The Highways Act of 1892, approved by Queen Liliuokalani, forms the basis of our public infrastructure. The Highways Act of 1892 determined that the ownership of all public highways and the land, real estate and property of the same, shall be in the Hawaiian Government in fee simple¹. The definition of a public

highway includes all existing trails at the time “or hereafter opened, laid out or built by the Government, or by private parties, and dedicated or abandoned to the public as a highway, are hereby declared to be

¹ Referenced from: <https://dlnr.hawaii.gov/recreation/files/2013/09/Highways-Act-Summary.pdf>, Ancient, Historic, and Old Government Trails and Roads in Hawaii. A Summary of Pertinent Law and the Act itself, Referenced from: <http://punawaiola.org/es6/index.html?path=/Collections/Laws/SessionLaws1892001.pdf>

public highways.” Furthermore, “All public highways once established shall continue until abandoned by due process of law”.²

The Highways Act of 1892 is included in Chapter 264-1(b), Hawaii Revised Statutes (HRS), further defining the intent of the Highways Act, as follows:

All trails, and other non-vehicular rights-of-way (ROW) in the State declared to be public ROW by the Highways Act of 1892, or opened, laid out, or built by the government or otherwise created or vested as non-vehicular public ROW at any time hereafter, or in the future, are declared to be public trails. A public trail is under the jurisdiction of the State Board of Land and Natural Resources – unless it was created by or dedicated to a particular county, in which case it shall be under the jurisdiction of that county. All State trails once established shall continue until lawfully disposed of pursuant to Chapter 171, HRS.³

What this report will look at in more detail is whether or not the North Kohala Hawaiian Railroad alignment is:

1. Considered a road, under the definitions provided in the Highways Act of 1892
2. Was built by, or commissioned by, the Hawaiian Government
3. If the ROW has been lawfully disposed of pursuant to Chapter 171, HRS.
4. If there are portions of the ROW that have been lawfully disposed of, what are the recommended next steps? Can coastal access law and existing protected alignment supplement areas where this may happen?

Historical and Legal Overview

The very first railroad for the Hawaiian Kingdom was the North Kohala Hawaiian Railroad, approved in 1878. “An Act to Promote the Construction of Railways,” approved August 1st, A.D. 1878. The Act was then changed by an amendment in August 1880 that clarified the “rather loose arrangement of the Act’s Section 27 and 28”⁴ which related to the return of investment. It was then amended to “guarantee as subsidy of not more than two thousand five hundred dollars per mile of railroad actually constructed, equipped, and in complete running order, such completion to be evidenced by a certificate in writing of the Surveyor General, which certificate shall be filled in the office of said Minister.”⁵ The other amendment that was made, Section 28 of Chapter 29, further outlines the use of public funds for the construction of the railroad. Thus, it states “...the Minister of Finance is hereby authorized and required to pay on the certificate of the Minister of the Interior to the corporation...such sums of money as may be ascertained to be due by virtue and authority of the preceding section but not in any case to exceed

²Referenced from: <http://punawaiola.org/es6/index.html?path=/Collections/Laws/SessionLaws1892001.pdf>

³ ibid

⁴ Narrow Gauge in a Kingdom: The Hawaiian Railroad Company, 1878-1897. JC Conde, 1971
Glenwood Publishers

⁵ ibid

two thousand five hundred per mile of railroad constructed, out of any moneys which may at the time be in the Public Treasury not otherwise appropriated.” It documents further that if it should not be sufficient to cover the costs, then the Minister of Finance, with the consent of the King, may issue bonds with an interest rate of 7% annually. With these changes, the Act, as Amended, was approved on August 13, 1880.

The Hawaiian Railroad Company formed on October 20, 1880 and was responsible for the narrow gauge railroad that ran from Mahukona to Niulii. An act to support railroad planning and construction was originally introduced into the Hawaii legislature in June 1878 but it wasn't until Samuel G. Wilder was appointed the new minister of the Interior that the charter for the Hawaii Railroad Company, from Mahukona to Niulii, was signed. Once King Kalakaua signed the charter, he deposed his whole cabinet leaving Wilder free to proceed with his plans for the railroad⁶.

Published figures for 1884 indicate that the railroad carried 20,000 tons of freight and 6,000 passengers that year. The Hawaiian railroad had no physical connection to any of the plantations it served and had no spur tracks to mills in its original alignment⁷. This demonstrates that public funds were used to construct the railroad, and, while the intent of Samuel G. Wilder was likely to further his own businesses as well as furthering the large agricultural plantations, the construction of the railroad was done as part of a government initiative. The Government Contract⁸ provides a summary of the commitments, with some key components that underlie the full intent of the railroad. The date is especially important when considering other Hawaiian Laws and Statutes that provide a legal basis for further inquiry into this alignment being eligible to become a trail for public use.

HAWAIIAN RAILROAD COMPANY CONTRACT

- 1st. Corporation shall commence to construct a Railroad within one year from October 23, 1880. Gauge shall be not less than 30 inches. Worked by locomotive Steam Engine.
- 2nd. Shall during continuance of the Charter carry all mail matter free of charge. Also all Sheriffs, Constables and Peace Officers when on Government Duty.
- 3rd. Rolling stock subject at all time to the approval of the Minister of the Interior.
- 4th. Average speed shall not be less than 5 nor more than 30 miles per hour.
- 5th. Shall upon the request of the Minister of the Interior repair all rolling stock, stations and portions of the road as shall be designated defective.

⁶ Jesse C. Conde with Gerald M. Best. Sugar Trains – Narrow Gauge Rails of Hawaii. Glenwood Publishers, Felton CA 1973.

⁷ *ibid*

⁸ Hawaiian Railroad Company Data, Archives of Hawaii

6th Minister of the Interior, or persons whom he shall appoint permitted at all times the right to pass over and examine the road, and all buildings, rolling stock, stations &c.

7th Minister of the Interior to cause to be paid to said Corporation \$2500 per mile for each and every mile constructed, equipped and in complete running order upon certificate of the Surveyor General. No subsidy to be paid until at least 5 miles of the Railroad is complete.

If at the expiration of the Charter the same shall not be renewed on application for such purpose, the Government shall take over and purchase the road, rolling stock, land, appurtenances and shall pay therefor to the Corporation such sum as shall be appraised by 5 different persons or a majority of them as the value thereof.

The contract, set prior to the Highways Act of 1892, sets in motion the establishment of a railroad that brings goods, services, people, government workers, and mail from Mahukona to Nuilii. It is established through a Government Act, is subsidized by the Government, and is referred to as a road. This last paragraph of the Act provides the use of the word 'road' as it relates to the railroad alignment or ROW. "the Government shall take over and purchase the **road**, rolling stock, land, appurtenances and shall pay..." The use the railroad as a 'road' is seen in other legal documents to describe the railroad ROW.

In review of other railroads throughout the Kingdom, we see instances where subsidies were authorized for the railroads. Chapter CXI. An Act Granting a Franchise to Establish and Maintain a Lottery. *Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom: ...* Section 4. Said sum shall be devoted to the uses and purposes hereinafter set forth, and the Minister of Finance is hereby authorized to pay the same as herein provided, as long as the same is received for said franchise." The act further describes subsidy to pay for public resources, including: Subsidy to be paid for the construction and maintenance of a railroad around the Island of Oahu... as well as Third: Subsidy to be paid for the construction and maintenance of a railroad from Hilo, Island of Hawaii, through the Districts of Hilo and Hamakua, fifty thousand dollars per annum, to be paid during such period during which said railroad is kept in operation. This points to the use of public funds for the construction and maintenance of the railroads. While it does not specifically call out the North Kohala Railroad, it provides another documentation of the use of public funds in the construction and maintenance of railroads.

In the Highways Act of 1892, Section 8 includes the responsibility that "Railroads, Canals and Ditches crossing highways to be kept in order by the Government. Section 8. Whenever highways are laid out to cross railroads, canals or ditches, the road authorities must, at public expense and without delay, so prepare and guard such road, canal or ditch that the public may cross the same without danger."⁹ This statement implies that the 'road' is referring to the Railroad.

The history shows that the North Kohala Railroad was not constructed as a means to transport sugar cane alone. It includes government use, was developed through an Act, and included government funding. This supports the concept that the railroad was a government-funded, government commissioned, and government used public facility. It is often reported as a 'road' under Government

⁹ Referenced from: <http://punawaiola.org/es6/index.html?path=/Collections/Laws/SessionLaws1892001.pdf>

contracts, Acts and laws, and was built prior to 1892. This indicates that it should be considered a 'trail' under HRS 264-1(b). In the Mapping Section of this document, we will further examine the railroad ROW and determine if there were any legal changes to the railroad ROW that would not qualify it as a road.

Understanding Hawaiian Land Tenure prior to 1778

From 1778 to 1890, when the Hawaiian Railroad Company was formed, there were drastic changes in land tenure as well as the economic, social, political and religious norms. This description is included in this report to show how these changes altered the day to day life in North Kohala, and relates to the importance of public access to important cultural and historic sites. Prior to European contact in 1778, Hawaiians developed a complex and stable land tenure system. The eight main islands were divided into several separate chiefdoms, with an ali'i 'ai moku (district or island chief) or mō'i (high chief) controlling one island or section of an island and with a kālaimoku (counselor) to manage lands.¹⁰ The ali'i 'ai moku also had an 'aha ali'i (council of chiefs) for advice and guidance. Certain lands were reserved for the ali'i 'ai moku and the remaining lands were given to the most loyal chiefs, relatives, or allies. In turn, the chiefs retained lands for themselves and distributed the rest to their followers. All lands were given subject to revocation at will, and when conquest or death brought a new ali'i 'ai moku, lands would be redistributed according to the preference of the new high chief in consultation with the kālaimoku and 'aha ali'i. The ali'i 'ai moku was managed by ahupua'a, with an ahupua'a chief who was responsible for the production of the ahupua'a.

The ahupua'a was the land unit that most closely related to the everyday life of the people. An ahupua'a could range in size from one hundred to thousands of acres. An ahupua'a typically "ran like a wedge from sea to mountains."¹¹ An ali'i 'ai ahupua'a (ahupua'a chief), or sometimes a konohiki (land agent), administered the ahupua'a. An early Hawai'i case explained that the ahupua'a afforded to the chiefs and people "a fishery residence at the warm seaside, together with the products of the high lands, such as fuel, canoe timber, mountain birds, and the right-of-way to the same, and all the varied products of the intermediate land as might be suitable to the soil and climate of the different altitudes from sea soil to mountainside or top."¹²

Hawaiian society paralleled this land division pattern. At the top were the ali'i ài moku and kahuna nui (high priest), then the ali'i 'ai ahupua'a, then the ahupua'a konohiki, and finally the maka'āinana (people of the land).¹³ The maka'āinana worked together under the direction of the chiefs and priests and within the boundaries of the ahupua'a, the maka'āinana had the right to hunt, gather wild plants and herbs, fish offshore, and use parcels of land for kalo cultivation together with sufficient water for

¹⁰ See E.S. Craighill Handy & Elizabeth Green Handy with the Collaboration of Mary Kawena Pukui, *Native Planters in Old Hawaii: Their Life, Lore, and Environment* 45-49 (rev.ed. 1991), as found in *Native Hawaiian Law - A Treatise*, Edited by Melody Kapilialoha MacKenzie with Susan K. Serrano and D. Kapua'ala Sproat. (Referred to as Handy, Handy & Pukui)

¹¹ *ibid*

¹² See Patrick Vinton Kirch, *When did the Polynesians settle Hawaii? A Review of 150 Years of Scholarly Inquiry and a Tentative Answer*, 16 *Hawaiian Arch.* 3 (2011) (

¹³ Handy, Handy & Pukui

irrigation.¹⁴ Maka'āinana could freely trade and move within the ahupua'a, however all of the activities were regulated by a very intricate system of rules designed to conserve natural resources and provide for all ahupua'a residents. This system of land tenure also gave the maka'āinana the power to move to another ahupua'a if they were ill-treated, which then poorly reflected the ability of an ahupua'a chief to make the land productive. This is a simplified version, as there are many interpretations and differences of opinion in the freedom given to commoners, however, for the purposes of understanding land tenure, this document considers this perspective. This system was vastly different from what we have today, and also allows one to understand why the concept of private land ownership impacted not only the land tenure system, but also the Hawaiian society and order.

Contact with the Europeans and the Americans brought radical changes. Kamehameha I, using Western arms and allies, brought all of the islands, with the exception of Kauai, under his control. In 1810, Kamehameha gained the allegiance of Kauai's chief, Kaumuali'i, thus uniting all the islands under one rule. Kamehameha I did divide the lands among his chiefs in the customary way, and he also created another administrative level by appointing loyal chiefs to be governors on each of the islands.¹⁵ Kamehameha's son Liholiho, serving as King Kamehameha II, created changes to societal and land tenure. With the encouragement of Ka'ahumanu and his mother, the high chiefess Keōpūolani, Kamehameha II abandoned the kapu (religious restrictions) that included a prohibition on men and women eating together. By openly eating with Ka'ahumanu and Keōpūolani in an act known as the 'ai noa (free eating), Kamehameha II abandoned the traditional religion.¹⁶ From this point on, we see an influx of Europeans and Americans, new treaties, influences, as well as the Protestant Calvinist missionaries. Early commerce and trade was centered on active fur and sandalwood trades, as well as the whaling industry. When overharvesting collapsed the sandalwood trade and whaling stocks diminished, Europeans and Americans, looked towards large-scale agricultural products and the pressure to change the traditional land tenure system intensified. The Constitution of 1840, under Kamehameha III, formally declared that the land belonged to the chiefs and people with the king as trustee for all. The 1840 Constitution established a governmental structure for the kingdom, confirming the authority of the island governors, appointed by the king, and it created two bodies of legislative council, a judicial system, the kuhina nui (prime minister), and four others appointed by the House of Representatives.

The next big change was with the Māhele period, which started with the act creating the Land Commission. The King would retain his private lands, subject only to the rights of the tenants, and the remaining land of the kingdom would be divided into thirds: one-third to the Hawaiian government, one-third to the chiefs and konohiki, and the final third to the native tenants.¹⁷ In 1848, the king held almost 2.5 million acres, or 60.3% of the total land, while the chiefs had received a total approximating 1.6 million acres¹⁸. The king divided his lands into two parts. The larger portion, about 1.5 million acres, he "set apart forever to the chiefs and people: of the kingdom". The legislative council then ratified and accepted the lands conveyed to the chiefs and people, declaring them to be "set apart as the lands of the Hawaiian government, subject always to the rights of tenants." These lands were designated as

¹⁴ Marion Kelly, *Changes in Land Tenure in Hawaii, 1778-1850 (un published M.A. thesis, University of Hawaii - Manoa)*

¹⁵ *Compare, E.g.,* Chinen, Mahele, *supra* note 22, at 5 and Ralph S. Kuyendall, *The Hawaiian Kingdom 1778-1854: Foundation and Transformation* 269 (1938)

¹⁶ Samuel Mānaiakalani Kamakau, *Ruling Chiefs of Hawaii* 222-25 (1961) and as described in *Native Hawaiian Law – A Treatise* pg 10 (2015)

¹⁷ Pirvy Council Minutes, Dec. 21, 1849, *available in* Ka Huli Ao Digital Archives, <http://punawaiola.org>

¹⁸ Jon J. Chinen, *The Great Mahele: Hawaii's Land Division of 1848* (1958).

Government Lands. In 1862 a Boundary Commission was established to settle boundary questions regarding the ahupua'a and 'ili kūpono that had been awarded by name only¹⁹. The final action in the Māhele process was for the maka'āinana. The Kuleana Act of August 6, 1850 authorized the Land Commission to award fee-simple title to native tenants for their plots of land²⁰.

Tenant farmers could apply for their own plots of land, called kuleana. A kuleana parcel could come from lands of the king, government, or chiefs. While the kuleana lands were generally among the richest and most fertile in the islands, there were a lot of restrictions. The kuleana could include only the land that a tenant had cultivated plus a house lot of not more than a quarter of an acre. The native tenant was required to pay for a survey of the land and bring two witnesses to testify to the tenant's right to the land. In the end, only 28,658 acres, much less than 1 percent of the total land, went to the maka'āinana through this process. There were a lot of different reasons and theories as to why maka'āinana did not secure more kuleana parcels. This was a very different land tenure system, many did not understand or know about the law, some lacked money to pay for a survey, and others felt that to claim land was an act of betrayal to the chiefs, and still others feared reprisal from the chiefs.²¹ The 1850 Kuleana Act also protected the rights of tenants to gain access to the mountains and the sea and to gather certain materials. However, an early Hawaii case, *Oni v. Meek* (1958), held that the rights enumerated in the Kuleana Act were the full extent of native tenant rights within the ahupua'a. This meant that other traditional rights, such as the right to grow crops and pasture animals on unoccupied portions of the ahupua'a was not allowed.

In 1845 an act was created to authorize the sale of Government Lands, and within four years over twenty-seven thousand acres of land had been sold. In 1850, a second major piece of legislation permitted any resident of Hawai'i to own and convey land *regardless* of citizenship.²² These changes created drastic changes to land ownership. When the Land Commission dissolved in 1855, approximately 1.6 million acres of land had been distributed to the chiefs or konohiki, another 1.5 million acres had been set aside as Government Lands, almost 1 million acres had been retained by the king, and only 28,658 acres had been claimed by the people. The fifty-year period after the Māhele brought the growth of large-scale plantation agriculture, especially sugar, and the steady loss of lands from Hawaiian control. Professor Neil Levy describes the situation as follows:

With a permanent population of fewer than two thousand, Westerners took over most of Hawaii's land in the next half-century and manipulated the economy for their own profit. They had already stripped the land of its only readily exploitable resource, sandalwood. After the Reciprocity Treaty of 1876, which allowed Hawaiian sugar to enter the United States duty-free, Western-owned sugar plantations dominated the Hawaiian economy. That the local population did not participate in this economy proved no obstacle; laborers were imported and by the turn of the century, Hawaiians were a minority in their own homeland.²³

As the construction and use of the Hawaiian Railroad is a product of this time after the Great Māhele when sugar plantations dominated the land and economy, it is important to

¹⁹ Act of Aug. 23, 1862 Laws of His Majesty Kamehameha IV, King of the Hawaiian Islands 27, referenced from <http://punawaiola.org>

²⁰ Act of July 11, 1851, Statute Laws of His Majesty Kamehameha III, King of the Hawaiian Islands

²¹ Davianna Pōmaika'i McGregor, *NāKua'āina: Living Hawaiian Culture*.

²² Act of July 10, 1850

²³ Neil M. Levy, *Native Hawaiian Land Rights*, 63 Calif. L. Rev. (1975)

understand the history. Preserving the railroad ROW as a trail provides an opportunity to present the history, not only from the perspective of the sugar plantation, but also how the land became dominated by the sugar plantations and changed North Kohala from the days of Kamehameha I, which is described further in this document.

Government Changes and Annexation

As changes were affecting land use, ownership and economy, there were constant pressures from foreign interests, including those from the United States. As early as 1837, the *Pacific Commercial Advertiser*, a business focused publication, looked at the “immediate annexation would mean national prosperity instead of adversity, the glorious life of the people instead of the gradual decay and death.” In the 1850’s there was an annexationist sentiment that recruited people from California to Hawaii to “capture it in gangster fashion, despoil it, and sack, loot, and enslave the population.” Luckily this never happened, however, a number of the king’s ministers did act in collusion with the U.S. consul in Honolulu to try to entice the monarch to accept a treaty of annexation. There was an offer by New York commercial interests to buy the Islands for \$5 million. A statement signed by 19 prominent merchants and planters in 1853 stated that annexation would “restore prosperity and security”. Politicians and newspapers began calling for annexation, California Congressman J.W. McCorkle declared: “It is essential to our Pacific interests that we should have possession of the Hawaiian Islands.” Military voices were also discussing the need for taking Hawaii as a military necessity. In 1851 Admiral DuPont of the US Navy stated that, “It is impossible to estimate too highly the value and importance of the Hawaiian Islands, whether in a commercial or a military sense.” However, the U.S. was involved in the ‘Manifest Destiny’ and not politically feasible with the focus on the continental lands west of the Mississippi.

In 1851, the legislature adopted a resolution to review the 1840 Constitution. A new constitution was then created, known as the 1852 Constitution. The 1852 Constitution gave the right to vote to male subjects over the age of twenty who were taxpayers and had resided in Hawaii for more than a year. It made most of the acts of the king subject to approval of the Privy Council and kuhina nui. When Alexander Liholiho, Kamehameha IV took the throne in 1855, he ‘felt that the Constitution of 1852 placed unacceptable limitations on his royal authority’²⁴. However, he was not able to adopt a different constitution. When Kapuaaiwa, Kamehameha V was King in 1863, he refused to take an oath to maintain the constitution. A Constitutional convention was convened, and Kamehameha V signed the Constitution of 1864, which reasserted the monarch’s powers. William Lunalilo, Hawaii’s first elected king, made no changes in the Constitution of 1864, although he did advocate for eliminating property qualifications for voters.

When King Lunalilo died, within that first year of being elected, David Kalakaua and Queen Emma were considered the top runners to rule. Queen Emma demonstrated strong popular support, however, it appears that Kalakaua was able to solicit support among the planter-merchant elite, and won the crown. A large crowd of pro-Emma partisans, upset at the decision, stormed the courthouse, and many of the Royal Hawaiian Police joined the demonstrators. This act provided threat to the outnumbered business

²⁴ See Kuykendall, *Constitutions*, *Supra* note 54, at 21-27 (discussing Kamehameha IV’s attempts to amend the 1852 Constitution). As found in *Native Hawaiian Law A Treatise*.

oligarchy. Charles Bishop requested the commanders of U.S. and British warships docked in Honolulu to land troops to crush the “riotous mob²⁵” 150 U.S. marines and British sailors landed and marched up Fort Street to the courthouse. This will not be the last time U.S. troops are called to action.

King Kalaukua, like King Lunalilo, supported an amendment to the constitution that abolished voter property qualifications, which was adopted. King Kalaukua went to the U.S. and spoke before a joint session of the U.S. Congress to request the aid of a treaty of commercial reciprocity with American to ensure material prosperity. Thus, the Treaty of Reciprocity was passed in 1876 further supporting the sugar plantation economy. In 1887, the treaty was renewed with a provision that granted the U.S. exclusive right to enter Pu‘uloa (Pearl Harbor). On July 6, 1887 King Kalakaua was forced to sign a new constitution for the Hawaiian Kingdom. The new constitution was created by a group of white businessmen, who called themselves the Hawaiian League. The Hawaiian League was supported by an armed militia called the Honolulu Rifles. King Kalakaua was forced to sign this new constitution under gunpoint, and thus is named the “Bayonet Constitution”. The Bayonet Constitution striped the powers of the monarchy and gave authority to the legislature. It gave the King ceremonial status, made his military powers subject to legislative control, and placed executive power in the hands of a cabinet appointed by him but responsible to the legislature, and made the house of nobles an elective office. It allowed only men of Hawaiian, American, and European ancestry who met certain financial requirements, to vote.

Although the *Honolulu Star-Bulletin* noted to its readers in 1887 “Let it be remembered that the United States is not an aggressive nation. She has more territory than she can fully occupy for generations to come...She does not cross the seas to enlarge her possessions”²⁶. It was clear that there were other influences at work. U.S. Secretary of State James Blaine had a different position. He noted:

There is little doubt that were the Hawaiian Islands by annexation or distant protection a part of the territory of the Union, their fertile resources for the growth and raising of sugar would not only be controlled by American capital but so profitable a field of labor would attract thither from the United States willing workers. As purely American form of colonization in such a case would meet all the phases of the problem.”²⁷

In 1891, the U.S. enacted the McKinley tariff, which damaged Hawaii’s sugar industry. Some felt that the only way to guarantee the success of Hawaiian sugar was to become part of the U.S. Another influence to annexation was the threat the ruling business elite perceived with the changing demographics of Hawaii. In 1890, Asians constituted 32% of the population of the islands. Those promoting annexation pointed to Japan’s recent military triumph over China as a threat of a foreign people controlling Hawaii. The death of King Kalakaua in 1891 brought Queen Liliuokalani to the throne, who was determined to preserve the Hawaiian sovereignty. On January 14, 1893, Queen Liliuokalani read a declaration promulgating a new constitution. It asserted the power of the monarchy over the government and declared that all cabinet ministers would henceforth serve at her pleasure. It limited voting to Hawaiian-

²⁵ Harold Kent, *Charles Reed Bishop: Man of Hawaii*, p. xiii

²⁶ Quoted from Kuykendall, *Hawaiian Kingdom, 1874-1893*. As found in Kent, *Under the Influence*.

²⁷ *ibid*

born or naturalized citizens, and gave the queen authority to appoint nobles for life. After having the power through the Bayonet Constitution, this was seen as unacceptable to the business elite. That very same evening, Thurston, Dole, Smith, W.R. Castle, and F.W. Wunderburg met and proclaimed themselves a “Committee of Public Safety”, and met with Minister Stevens who told them that the U.S. Troops on board the *Boston* will be ready to land at any moment to prevent the destruction of American life and property. The committee then organized around 100 *haoles*, preparing them for the next steps. On January 16th, 1893, Minister Stevens ordered the *Boston’s* commander, Captain Wiltse, to land his troops to assist “in preserving public order”. The Committee of Public Safety that next morning then seized the government buildings and proclaimed the dissolution of the monarchy and the establishment of the Republic of Hawaii. Minister Stevens immediately recognized the Provisional Government, even before Lil’uokalani’s line of defense had surrendered. The queen relinquished her authority to the United States, and on February 1, 1893, Minister Stevens placed the Provisional Government under the protection of the U.S. pending annexation negotiations, landed American troops, and hoisted the American flag over Hawaii.

President Harrison drew up an annexation treaty, but when U.S. government investigator James Blount was tasked to look into the truth of the overthrow, he determined that “The undoubted sentiment of the people is for the Queen, against the Provisional Government and against annexation.”²⁸ President Cleveland, elected in 1892, was opposed to annexation. In the islands, martial law was in force, and the Crown lands were opened for sale and lease, with the Queen’s best lands sold to the plantations. A new constitution, modeled after the 1891 Mississippi constitution, was created that denied the vote to anyone not literate in English or did not possess property worth at least \$200 (equivalent to \$6,091 in 2018²⁹) and omitted such rights as the right to a trial by jury. In January 1895, an uncoordinated and poorly planned royalist revolt broke out, with surrender shortly after a couple of fights. Immediately after, U.S. troops staged highly visible training. By 1897, two positions were in play in the U.S. Congress regarding annexation. The sugar-based elite in Hawaii was pro-annexation and was able to influence supporters, including military men who saw Hawaii as a way to provide the U.S. with “dominant power over the entire North Pacific.³⁰” and who labelled opponents “traitors to the race.”³¹ Business interests in foreign markets argued that annexation would allow for opening of markets and give command of the Pacific for trans-Pacific expansion. The opposition noted that there were no Hawaiians who were in favor of annexation thus had an emphasis on respect for self-determination. However, in July 1898, annexationists’ supporters in the U.S. Senate passed a resolution, the Newlands Resolution, which resulted in Hawaii being incorporated into the United States.

This report looks at the history of the railroad and looks to the Acts, policies, and laws to help support the case that the old railroad ROW should be a public trail. It is also important to understand the history, the various versions of the Hawaiian Constitution, and the creation of specific laws and acts under these different influences. As this document showed that the Kingdom of Hawaii, under King Kalakaua, passed

²⁸ Quoted in Julius W. Pratt, *Expansionists of 1898*, p. 134. As found in Kent, Under the Influence.

²⁹ Referenced from: <https://westegg.com/inflation/infl.cgi>

³⁰ Quoted by Admiral George Balknap in *Pacific Destiny* as found in Kent, Under the Influence.

³¹ Quoted by Assistant Secretary Theodore Roosevelt in *Pacific Destiny* as found in Kent, Under the Influence.

the Act to Promote Railroads in 1880, prior to the Bayonet Constitution. However, the Treaty of Reciprocity was passed in 1876, reflecting the needs of the sugar plantations and of the business community. The Highways Act of 1892 was done under Queen Liliuokalani, prior to the new constitution, under the Bayonet constitution. This does not change the laws, but does require consideration. The trails aim to provide the public with access across lands, provides the right to access the coast, could help provide safe access for emergencies, access the mountains, and to general right to traverse the lands unimpeded. It opens up opportunities to tell these stories and history. It could facilitate discussion and the perpetuation of the stories of place. As noted earlier, this report is for the people of North Kohala. Thus, it is for the people to make these decisions.

The Public Trust Doctrine

Under traditional Hawaiian land tenure principles, all lands and the adjacent ocean areas were held in trust by the ali'i (chiefs), who directed the maka'āinana (people of the land) in the sustainable stewardship of the resources. As described in more detail above, after western contact, laws were eventually introduced with respect to private land ownership. One other area that is important as we understand the public access rights is how coastlines remain under the public trust doctrine, held by the government as a public resource. This is important in areas where the railroad ROW may have been legally abandoned. The project could look at either approaching such land owners to convince them to allow the trail to continue, or, if it is a subdivision or larger area, permission to bring the trail to the coastline, where public access is a right. Information below provides the justification for this approach.

“In *King v. Oahu Railway & Land Co* (1899), the Hawaii Supreme Court reaffirmed an ancient principle, the public trust doctrine, ruling that all lands under navigable waters are public lands held in trust by the government for public uses. In that case, the Hawaiian Kingdom had leased shoreline property around Honolulu harbor to defendant Oahu Railway and Land Company to develop and manage railroad and wharf facilities. Pursuant to the lease and the Railroad Act of 1878, the railway company became an agent of the government and had the authority to exercise eminent domain powers, such as the condemnation of lands. The lease also allowed the government to reclaim the land and any improvements after giving the railway company ninety days' notice. The controversy happened when the government wanted to reclaim the land to make extensive wharf improvements. Oahu Railway sought to condemn the land for railroad and wharf purposes and establish a perpetual right-of-way to sail and anchor its vessels. The issues before the court was whether the government, through its lease, had relinquished its control over land under the navigable waters of Honolulu harbor to the extent that the railway company could condemn the submerged land over the government's objections. The Court held that the government could not have relinquished control over the submerged land to the extent that the railway company could condemn it, due to the special nature of submerged lands.

The court ruled: The people of Hawaii hold the absolute rights to all its navigable waters and the soils under them for their own common use. The lands under the navigable waters in and around the territory of the Hawaiian Government are held in trust for the public uses of navigation. While this in itself may not help the land component of the railroad ROW, it does have a connection to shoreline boundaries and the public trust. Hawaii courts have recognized public trust principles in shoreline areas above the low-water mark. Although they have recognized the power to the Hawaiian Kingdom to grant lands down to the low-water mark, courts have held that absent specific language granting such lands,

lands Makai (seaward) of the high-water mark typically remain reserved for public use. Hawai'i courts have also held that Hawaiian tradition and custom, along with public trust principles, establish public rights to shoreline areas makai of the high-water mark.

Based on a couple of cases, *Ashford* (1968) and *County of Hawaii v. Sotomura (Sotomura I)* (1973) the Hawaii Supreme Court recognized that it was the custom and practice of the government survey office to have kama'āina witnesses to point out shoreline boundaries to government surveyors, who would then record those boundaries. There was no evidence to indicate that Hawaiian shorelines in 1866 had been based on U.S. Coast and Geodetic Survey publications. Thus, the court held that ancient tradition, custom, and usage established the shoreline boundaries between public beaches and private lands as along the upper reaches of the wash of the waves, as evidenced by the edge of vegetation or debris line. For the case of North Kohala, there is a Conservation Land Use District along the cliffs fronting the ocean. Together with the Ala Kahakai National Historic Trail, there is public access along the coastline for a swath of land from the cliffs in most areas up until 'Upolu Point. There may be areas within the alignment in this section that may need to utilize this area as the access point to connect portions of the old railroad line if there are cases where the railroad ROW has been legally abandoned. This will be further detailed out in the mapping analysis section of this report.

King Kamehameha I – Importance of Place

This section brings us back to a time before, and immediately after Western contact to the Hawaiian Islands. To understand the importance that North Kohala had on the formation of the Hawaiian Kingdom, we will go into a brief description of King Kamehameha I, the important relationship with place, and the significance of the many resources and *wahi pana* that exist throughout the area. This can be expanded to describe important cultural sites that the community wishes to protect and interpreted. There are many cultural sites found throughout North Kohala from villages, heiau, to expansive agricultural irrigation and plots. As there are many sites, this report will touch on the history relating to Kamehameha I, his kula iwi (*his homeland*), and some select areas that are becoming public lands through recent land purchases.

Kamehameha was born near Kokoiki, toward the leeward side, close to the imposing and ancient Mo'okini Heiau. The year is not certain, and was most likely sometime in the 1750's, approximately twenty years before the arrival of Captain James Cook. Kohala 'Āina³² describes the birth of Kamehameha as follows: It was said that "During the stormy night of Kamehameha's birth, there were many omens that led to suspicions that a leader was born. It is said that when one of the rival chiefs in Hilo heard of the birth, he remarked: "Pinch off the tip of the young mulberry shoot." Concerned, the mother gave Pai'ea (Kamehameha) into the custody of Nae'ole, chief of Hālawa, to raise him away from the dangers of the court. A woman named Keaka helped Nae'ole. Isolated from parents, uncles, and nephews, left to his own company, will and mind, the young boy acquired the name Kamehameha, the lonely one. When Kamehameha was five years old, he joined Alapa'inui's court. When his father and uncle Alapa'inui died, another uncle, the general Kalani'opu'u, took the young Kamehameha under his

³² Kohala 'Āina, Sophia V. Schweitzer and Surety Kohala Corporation. Mutual Publishing, November 2003

wing. Kalani'opu'u had Kamehameha trained by the best warrior known, Kekuhaupi'o from Ke'ei in South Kona. The young chief poured all his energy into learning the martial arts, preparing for the inevitable battles he wanted to win. Kamehameha returned to Hālawa with Kekuhaupi'o to practice his craft, the use of the many—pointed spear, in a district that he knew well.

More signs indicated that Kamehameha was heading for greatness. Some chiefs clung to him, eager to profit from his ascent. Others were planning his defeat. Kalani'opu'u reiterated his wish that, upon his death, his son Kiwala'o would rule. His nephew Kamehameha, he said, should look after the war god Kuka'ilimoku. Kamehameha responded by breaking a powerful kapu. After the conquest of the rebelling chief 'Imakakoloa in Puna, protocol required that Kiwala'o lead the sacrificial ceremonies. Instead, Kamehameha snagged the chief's body to offer it to Ku. The aged Kalani'opu'u understood that he could not stop his nephew. He ordered Kamehameha to prepare: "Return to your birthplace and take care of the chiefs and the commoners."³³

Kamehameha stayed for two years and he lived at Hālawa during five separate periods of his life³⁴. He tended taro patches, planted noni trees, and encouraged his people to share in the work. These were happy, abundant times for Hālawa and Kamehameha's people became faithful, self-confident, and strong. Kamehameha became the leader of Hawaii Island after a series of battles. While Kamehameha was living at Hālawa, Kekuhaupi'o came to bring the news of Kalani'opu'u's death and thus of an imminent war. Kamehameha fought with Kiwala'o and won. Between battles to subdue the island's chiefs to his reign, Kamehameha returned to his Kohala lands to continue agriculture. When Kamehameha was not in Hālawa, the warriors of Kahekili, the chief of Maui, plundered his beloved Hālawa lands and oppressed his people. Kamehameha and Kekuhaupi'o then returned and defeated Kahekili in the Battle of Hapu'u, which lasted two days. Then they rested in Hālawa before unifying the Hawaiian Island.

Hālawa was once was one of Kohala's most prominent lands. King Kamehameha spent his early childhood years in this fertile land. He enjoyed the bountiful land, and was known to surf Kapanāia and tend to his taro farms. At that time, Hālawa was densely populated. It had a promising chief and an abundance of food. At the first missionary census in 1835, Hālawa's residents numbered 214. As time moved forward, Hālawa became home to a Catholic settlement under the leadership of Saint (Father) Damien de Veuster. Fields ideal for sugar cane attracted Kohala's second sugar mill, drawing both the crème de la crème of Hawaii's haole socialites and dozens of impoverished Chinese immigrants, the first ethnic group of the laborers in Hawai'i. Today, Hālawa slumbers quietly through the changes in Kohala, its legendary and colorful past largely forgotten except for the stories.

In addition to Hālawa, there are numerous areas that showcase the activity of Kamehameha while he was living in Kohala, including at the lands surrounding Kapanāia Bay. Within the land there is evidence of the earliest culture of Hawaiian settlement, including Kapalama Heiau, a canoe haul road build by Kamehameha, and nineteen other sites, spanning prehistoric to historic. Kapalama heiau is on Kaheo

³³ ibid

³⁴ Hawaiian Mission Children's Society Library, Mission Houses Museum.

Point and at the time of the Māhele, there were ten Land Court Award claims by nine claimants that were granted to these parcels, all located within the ahupuaʻa of Aʻamakao. The Hawaiian Railroad also traversed this area, with physical remnants of the railroad trestle footings found across the stream. The current road down to the bay is likely from the construction of the railroad, perhaps built upon the ancient trail down to the bay.

The land in Kohala, and in particular the land of Kamehameha, was once full of native trees, and gardens. The coastal areas had groves of hala, breadfruit, noni, milo, hau, kou, and kukui trees. Farmers (including Kamehameha) built elaborate auwai water irrigation systems from the streams that carried water to the deep soil plateau. The gulches were full of loʻi taro patches. In some areas, such as the Kapanāia parcels that will soon be county lands, community groups and organizations are active and dedicated to restoring this natural setting. Access to this area, through the railroad ROW as well as mauka-makai access is key to making this become a reality. This portion of land will be further analyzed in the mapping section of this report.

Influence and Change – Impacts from Religion and Disease

With the removal of the kapu system and Hawaiian spiritual religion, there was significant expansion of missionaries spreading Christianity. Missionaries played an influential role in the transitions in Hawaii. There was also the transition from the Hawaiian land tenure system to a western-based private land ownership system, which brought a change in the way of life, as well as the economy. After traders and whalers arrived to the islands, there was the start of the transition into a cash economy. Once the sandalwood trade and whaling slowed, there was advancement into the large-scale agriculture economy. North Kohala had a presence of Protestant, Catholic, and Mormon missions in the early period. Some who came as missionaries, stayed and furthered not only the movement of Christianity, but also created economic opportunities in the form of powerful large agricultural enterprises, including sugar plantations.

The first missionaries arrived in the islands in 1820, several years after the removal of the kapu system. At least 8,000 people lived in Kohala at the time³⁵, living with the abundance of ocean and land. It wasn't until 1837 that Kohala supported its first church, at Nunulu above Kapaau town. In 1839, Reverend Bliss established the foundation of the ʻIole Mission Station, what became known as the Bond estate, and is now under the name Hoʻomaui O ʻIole. In 1840, Minister Elias Bond and his wife Ellen came from Maine and built and grew the mission, schools, and eventually established the Kohala Sugar Plantation. Elias Bond was exposed to the "Royalty and nobles of the Sandwich Islands, as a result of the first group of missionaries who arrived in 1820"³⁶. He established a New England-style mission that created change and influence in Kohala. The physical buildings are still present, as it was placed on the National and State Register of Historic Places in 1977 and 1978. Father Elias Bond³⁷ saw the changes in economics, and tried to slow down the destructive speed with which Kohala shifted from traditional

³⁵ Coffee times, referenced from <http://www.coffeetimes.com/aug98.htm>

³⁶ Elias Bond and the Mormons in Kohala, referenced from <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1191&context=mphs>

³⁷ Damon, Ethel Mosley. Father Bond of Kohala. Honolulu, the Friend, 1927.

barter to new money. However, he had to concede that money had become the new standard and that his community was “wretchedly poor”³⁸. Those who could afford it fled Kohala to Lahaina and Honolulu where whalers and traders accelerated the new economy.

Bond felt he could not leave his flock, mission, and school and sought to find ways to support the community. He attracted the support of his Mission friend Samuel Northup Castle. Together, they raised capital for the Kohala Sugar Company. Bond then entered into the sugar business, known by some as the “Missionary Plantation”, and by the early 1870’s, the Kohala Sugar Plantation profited. Bond gave money back to schools and the Mission board.³⁹ Eleven years earlier, Castle had resigned from the Mission to start a business venture with another ex-missionary. Bond sold his land and bought stock in Kohala Sugar Company.

Bond insisted on strict plantation rules that kept his primary missionary purpose in the foreground. Bond was told to go easy on his strict religious rules, and Dwight D. Baldwin, the son of a Waimea-based missionary who used to visit Kohala prior to Bond, managed with a softer heart than other managers. While Baldwin left it losing money, (but well liked), The Kohala Sugar Company climbed out of debt shortly after and Bond lost influence as George CC Williams became manager in 1872. James Wight was the first to become independent, separating himself from his agreements with Bond to open Halawa Mill and Plantation in 1873. Other haole businessmen moved in, and new mills followed. Niulii Mill (1877), Union Mill (1874), Star Mill and Hawi Mill (both 1881) opened.⁴⁰ Subsidiary plantations and independent entrepreneurs organized, growing and selling cane to nearby mills.

In addition to Protestant missions, Father Damien de Veuster served from March 1865 to 1873 when he left for Kalaupapa on Molokai to help the people who had contracted Hansen’s disease (leprosy). He is now canonized as Saint Damien for his work. James Hawkins and John Stillman Woodbury were the first Mormons to arrive as missionaries. Brother Rice was sent to reopen mission efforts for the Mormon Church, along with mainland Elders Nathan Tanner and Thomas Karren, in company with newly ordained Elder John W. Kahumoku, and established their mission in Kohala. While the different ministries held strong to the belief of saving lives through conversion, and increasing their members through conversion, the likely biggest reduction in the flock of each church was not one of economy or one of religion, it was the diseases carried over. Measles, whooping cough, dysentery, influenza, and small pox spread death across the islands. Samuel M. Kamakau, a Hawaiian historian, reported, “In September, 1848, an American warship brought the disease known as measles to Hilo, Hawaii. It spread and carried away about a third of the population.”⁴¹ In 1949, M.A. Taff, Jr., then head of the Territorial Health Department’s vital statistics office, stated that “the (1848-49) measles epidemic alone killed off one-

³⁸ Kohala ‘Āina, Sophia V. Schweitzer and Surety Kohala Corporation. Mutual Publishing, November 2003

³⁹ Coffee times, referenced from <http://www.coffeetimes.com/aug98.htm>

⁴⁰ Kohala ‘Āina, Sophia V. Schweitzer and Surety Kohala Corporation. Mutual Publishing, November 2003

⁴¹ Schmitt. For 1990 estimates of the “pure” and part Hawaiian populations, see Robert C. Schmitt, “How Many Hawaiians Live in Hawaii? *Pacific Studies*19, no. 3 Sept.1996. referenced from <https://core.ac.uk/download/pdf/5014607.pdf>

quarter of the native population. By the end of the major epidemics, the Hawaiian population was decimated. The 1850 census found 82,035 unmixed Hawaiians and 558 part Hawaiians, compared with 107,354 Hawaiians in 1836, and perhaps 300,000⁴² in 1778⁴³.

Many influences and change came to North Kohala and the islands. Sugar plantations grew in prosperity in the Hawaiian Islands. On September 9, 1876, a reciprocal treaty was completed between the U.S. and the Kingdom of Hawaii. Under the treaty, Hawaiian sugar entered the US market duty free, in exchange for the U.S. to be allowed to develop “Pearl River Lagoon” on Oahu as a “coaling station and naval repair base⁴⁴. As the large-scale agricultural plantations grew in economy and influence, there was the need to move goods, services, and people to locations across the islands. There was also the need for labor on these large agricultural plantations. The reduction in the Hawaiian population and the ability to bring in other labor brought changes in the population of North Kohala. With the influence of Samuel G. Wilder, the start of the Hawaiian Railroad Company began a trend that expanded across the islands as a means to boost economic production and modernize the economy. Chinese laborers were brought in to build the railroads, and numerous immigrants are brought to work the sugar plantations.

The First Hawaiian Railroad

In the first week of March 1882, 11 miles of the Big Islands’ first railroad opened, connecting Hawi to Mahukona, and bringing an isolated peninsula into the era of mechanized industry. Plantations no longer had to rely on bullock-drawn wagons or treacherous boat landings. Samuel Gardner Wilder, great uncle of manager J. Scott B. Pratt, worked with the Hawaiian Railroad Company to incorporate on July 5, 1880, with the goal of improving efficiency and profits in sugar transportation. Wilder also owned the inter-island steamship company that serviced Mahukona. Thus, it is apparent that the intent from Samuel G. Wilder was likely for the benefit of his own businesses; however, the railroad was nevertheless built as a government infrastructure project.

Plans for the Mahukona railroad had started in 1878, when a new treaty between the Hawaiian Kingdom, ruled by King Kalakaua, and the United States encouraged sugar exports. While Samuel Parker at Waimea-based Parker Ranch envisioned a Hilo-Hamakua connection, the owner of the Likelike and its steamer company, Samuel G. Wilder, proposed a cheaper Kohala route. Samuel G. Wilder, American by birth, formed a partnership with C.H. Lewers and formed Wilder & Co., which operated the Wilder Steamship Company. In 1878, he was part of a new cabinet, and became the Minister of the Interior under King Kalakaua. In 1880, several businessmen in Honolulu, including his brother William C. Wilder, petitioned for a charter for the Hawaiian Railroad Company. As Minister of the Interior, Samuel G. Wilder created and signed the charter, with King Kalakaua completing the amendment in August 1880. The day after the amendment was signed; King Kalakaua deposed his whole cabinet, including Wilder. Wilder was granted a Charter of Incorporation under the official name “The Hawaiian Railroad Company” in July 1880. Wilder was President of the company and his brother, William, as treasurer. Samuel G. Wilder

⁴² Other estimates (<http://www.pewresearch.org/fact-tank/2015/04/06/native-hawaiian-population/>) put the population at around 700,000 in 1778.

⁴³ Robert C. Schmitt, *Demographic Statistics of Hawaii: 1778-1965* (Honolulu: University of Hawaii) 1968

⁴⁴ Railroads of Hawaii ... Narrow and Standard Gauge Common Carriers. Best, Gerald M. Golden West Books, 1978.

then went to New York to purchase railroad equipment and cars and returned to Hawaii in December 1880. He had lined up 100 Chinese workers for the railroad construction; however, they were quarantined on Oahu due to a devastating smallpox epidemic. There were 4,400 Chinese immigrants who were contracted to work at the sugar plantations, who brought the smallpox with them to the islands.

Construction of the railroad was done primarily by the 100 Chinese laborers brought in by Samuel G. Wilder, with the addition of 20 haole supervisors. The construction of the railroad had its challenges. There were areas that needed blasting and gulches to traverse. It was reported in the local newspaper that the construction included “passing through a country full of boulders and rocks, necessitating constant blasting.” (Hawaiian Gazette, June 8, 1881). The thirty-six inch narrow gauge line had to be anchored into bare lava, wending its way up and around steep gulches, navigating high trestles, and hugging coastal cliffs. For reasons Wilder did not explain, he placed railroad stations far below camps and sugar mills, “as remote from all community interests and lines of travel as the sagacious cane-field owners could compel it to go (Kohala Midget, October 7, 1914). Construction changed Kohala’s landscape, plowing fields that, complained a Hawaiian farmer, were “ruthlessly destroyed by the railroad overseers of S.G. Wilder. This act is equal to that of plain murder, because the livelihood of myself and my family is reduced to nothing, that is, my plants and that of my family are covered with dirt, the taro, banana, ti leaves, coffee, mango, orange, bamboo, and other plants. My property was filled with fruits, but these days it is reduced to naught.” (S.W. Kahanui Nua Makapala).

The railroad was able to begin the process of shipping goods, services, and people with the opening of the line. The official opening of the railroad was not announced in any paper, but it is likely that it was officially opened in the spring of 1882. The first notable report on the progress is found in *The Gazette* on March 1st, 1882, with, “Island Locals – Hawaii – The rails of the Mahukona railway are laid for eleven miles, and already freight and passengers are being carried.”⁴⁵ The *Gazette* noted again in 1882, “The first load of sugar carried by the railway was shipped per *Likelike last week*. There were one hundred tons from Union, Star and Hind’s mills. Had the weather been more favorable, double the quantity would have been brought, but the roads in consequence of the heavy rain, rendered carting impossible.” The *Gazette*, again in 1882, did note the continued work to be done: “The difficulty now is gulches. These occur every quarter or half mile and the construction of bridges occupies considerable time.” (Gazette, 1882). As the *Saturday Press* reported on March 18, 1882, “The latest mania in Kohala is going to the station at Hawi, below Hind’s. On a fine day even the ladies may be seen winding their way to the attractive spot and returning in raptures about the whistle and bell, ‘that keeps ringing all the time, just like a real train!’ The Hawaiian Railroad is in operation, or rather that part of it which has been constructed, and is conveying sugar from one or two mills.”

There were no direct mill connections until long after 1900, when it changed names and ownership. As a consequence of the railroad not going to the mills, there was the challenge of loading onto the train. One plantation, Hoesa Mill, hoisted their sugar up to the railroad with a gravity track to ease the hauling problem. Part of the reason for the alignment of the railroad, with its many curves, is to allow the

⁴⁵ Narrow Gauge for the Kingdom, Pg 31

shortest and easiest gulch crossings. While the rail was not connected to the sugar mills, it did still serve the purpose of moving goods and people. The railroad provided a new way for the sugar companies to get their sugar to port, which was also shipped through the shipping business of Samuel G. Wilder.

No real explanation was ever disclosed as to why the railroad didn't connect to the mills.⁴⁶ There are some publications that claim it was always created for the sole purpose of sugar, however, this can be debated based on the records for the government needs, modernization, and passengers. One opinion was "Quite probably it was one of economy, for the line literally hugged the coast to avoid cuts and fills. Following the contour of the terrain rather than a straight line the country being not only rolling hilly, the road in many sections was a simple continuation of curves."⁴⁷ Again, as a matter of economy to avoid expensive bridges across the gulches, the railroad ran up a gulch to the point where it could be crossed with a relatively low trestle. As a result the line amounted to 19 7/8 miles for a true distance about 15 miles, from Mahukona to Niulii."⁴⁸ At least two railroad workers were killed. A German in the employ of the Hawaiian Railroad Company fell between the cars and was instantly killed.⁴⁹ Engines rolled over, a hair-width away from the cliffs or on narrow trestles high above solid ground. Frightened cattle and pigs ran head on into the train. Despite these challenges, few questioned the safety and advantages of the Railroad, and Wilder continued adding tracks.

On January 13, 1883, Wilder's Railroad reached the Niuli'i turnaround at Kohala's most eastern plantation, nearly 20 miles, almost 5 miles longer than a straight Mahukona to Niuli'i shot. Its' trestles crossed seventeen gulches, one of them eighty-four feet high, one 560 feet long. The train wound around 25-sharp curves. It included a primitive telephone system that connected the stations. King Kalakaua's visit to unveil the once-lost statue of King Kamehameha at Kapa'au in May 1883, turned into the Hawaiian Railroad's grand ceremonial ride. From then on, the teak passenger cars from London in which he and his entourage had traveled were named the Kalakaua Cars. Plantations loading sugar paid \$2.50 per 2,000 lbs (one ton) of sugar, regardless of distance – the reason John Hind refused to participate. Productivity and revenues soared. Kohala entered its greatest prosperity to date. In 1884, it produced 10,000 tons of sugar and took in more than \$40,000 in profits. The Railroad carried 20,000 tons of freight and 6,000 passengers. That year, three locomotives hauled twenty-eight small freight cars, five flat cars and six passenger cars. In 1885 Kohala Sugar Company soared in productivity to five times its earlier reports.

King Kalakaua come to Mahkona Harbor on the *Nayezdnik* on May 6, 1883⁵⁰. The King and his party were brought ashore with a royal salute by the ships guns and brought with them the larger than life size bronze statue of King Kamehameha I. King Kalakaua, his royal entourage, and the statue arrived at the Star Mill Station. Ceremonies followed and the statue was mounted on a base, in the yard of

⁴⁶ Narrow Gage for the Kingdom Pg 32

⁴⁷ *ibid*

⁴⁸ Narrow Gage for the Kingdom

⁴⁹ Advertiser, March 24, 1884

⁵⁰ Railroads of Hawaii ... Narrow and Standard Gauge Common Carriers. Best, Gerald M. Golden West Books, 1978.

Ainakea School in Kapaau, where it still stands today. The railway cars used by King Kalakaua were then forever called the “Kalakaua cars”.

When Wilder died of a stroke in 1888, it was discovered that all the stock shares had gone to Wilder, who effectively owned the whole company. As a result, the company fell to his estate and immediate family. The plantations, as co-owners, had always thought they owned stock, and felt that they had been cheated. The deceit was part of a painful transition time for the railroad. As discoveries about Wilder’s business practices undermined confidence, the Railroad’s income decreased slowly and steadily. In 1896, the Hawaiian Railroad Company decided to dis-incorporate and re-incorporate under a new name with a clean slate. Thus, in January 1897, the Hawaii Railway Company Ltd. emerged. It was still under control of the Wilder estate and family; therefore the overhaul had little effect. From 1897 until 1899, four sugar firms, Kohala Sugar Co., Union Mill Co., and Halawa Mill & Plantation Co., Ltd. and the Niulii Plantation Co., began buying the railroad stock, and continued its operation under the name of the Hawaii Railway Company.

In 1899, Hawaii Railway Company approached Honolulu business factor Theo Davies & Co. With its help, four of Kohala’s five sugar companies bought out the suffering railway, “thus ensuring for the future favorable rates for sugar, coal and other freight⁵¹. The Hawi Mill continuing its independence and did not join as it continued to haul cane by road to Honoipu landing. The Railroad went through a period of loss until 1912, when the railroad surrendered control to Castle and Cooke. Robert Hall, in late February 1912 reported: “Communication from Mr. Davies re Railway: New directorate in Honolulu: amended bylaws, etc. Castle and Cooke now has control.” Castle and Cooke immediately returned to negotiations with John Hind at Hawi Mill. Hind abandoned Honoipu landing in exchange for 45% ownership in the railway and a position as president. Including Hawi Mill meant significantly more business and income for the ailing railway. Another locomotive, the Hawaii, joined the tracks. With further improvements, the railway recovered and in 1915, managed to pay a dividend to its stockholders totaling \$10,000.

Water was always a key component to the success of agriculture in North Kohala. The construction of the Kohala Ditch had a significant impact on the Sugar Plantations. “After the Kohala Ditch opened, cane yields nearly doubled across Kohala’s fields. Crops were healthier. Fresh-cut cane could “flume down” to mills situated below⁵². More automobiles were now in the district, which meant that passenger revenue had dropped to a negligible \$178.20 for the whole year, amounting to one or two people each week. Passenger transport was eventually phased out. Over the next years, three of the locomotives converted from coal to oil. In 1918, the railway gained permission from the Public Utilities Commission to increase the rates for freight. The additional money allowed for relocation of bridges, as well as the scrapping and replacing of engines. The railway ran with a certain stability at last. “Along with the plantation purchase came the full ownership of the Hawaii Railway and its facilities at Mahukona.⁵³ The Railway Company was a component of the business consolidation of the plantations. The consolidation became known as the Kohala Sugar Company in 1937, and was then re-incorporated that same year as

⁵¹ Kohala Sugar Company, Annual Report , 1900

⁵² Kohala Aina, 174

⁵³ J. Scott B Pratt, plantation manager, the Hawaii I Remember

Mahukona Terminals Ltd. Manager Pratt, grandnephew to Samuel G. Wilder, improved the railroad system to meet the needs of the plantations, by ordering additional spurs and expansions, such as new cane cars, locomotives, additional portable track, and a permanent track at 'Ainakea that would connect the train to the Kohala Mill. "The key to the new payout is the extension of the Hawaii Railroad Company's main line to bisect all the principal cane areas ... After the track is laid, all the cane below the railroad will be brought in by trains, while the above the track will be hauled by truck or flumes."⁵⁴

Improvements continued until the "Big Year" of 1937 when the Kohala Sugar Company laid spur tracks to the mills and their corresponding fields⁵⁵. This marked the first physical connection of the railroad to the sugar cane operations. Eventually these four plantations merged into the Kohala Sugar Co., and in 1937 the railroad was completely absorbed by that company. September 30, 1937, saw the disincorporation of the Hawaii Railway Company and the incorporation of the Mahukona Terminals Ltd., incorporated to take over the terminal operations formerly carried out by the Hawaii Railway Company.

A small spurt of railroad expansion accompanied the 1937 merger and the Ainakea-Kohala railroad spur connected the plantation with the railroad for the first time since the original construction. Additionally, 230 cane cars, 2 used Baldwin Locomotives, and an additional supply of portable track were added to the installation. In 1939 a part of the so-called "lower rail line," from Niulii to Star Mill junction, was abandoned and cane haul by truck was increased to a total of two thirds of the sugar crop. The new operational format lasted less than a decade because the railroad's terminus at Mahukona was useless after its port was closed by the Navy during World War II out of fears of attack on vessels in the small harbor. A year later, with the outbreak of WWII, the port of Mahukona closed, and the railroad came to a stop. Kohala Sugar Company decided to convert to truck hauling entirely, one of the first in the Islands to do so. In 1945 the largest plantation improvement recorded was, "the change in the mill storage area as a part of our conversion from rail to truck hauling". On October 29, 1945, the entire railroad from the end of the cane fields to the mill ceased to operate when the mill was shut down at the end of that season.⁵⁶

The Establishment and Growth of the Sugar Plantations Created Change in the Population in North Kohala

As the railroad brought new economy to the sugar plantations, changes to the population occurred. There were six mills in North Kohala in the late 1800's. Star Mill closed in 1891, after a 10-year struggle. Slowly, Kohala emerged as a powerful economic force, drawing men and women from all over the world. Its infrastructure kept pace. As described earlier, Samuel G. Wilder, owner of the inter-island steamship company whose ships came to various landings in South and North Kohala, developed The Hawaiian Railroad Company. His trains were rolling by the early 1880s, packed with sugar. As discussed earlier in the development of the railroad, while it wasn't only for sugar plantations, it certainly changed the economy and ability for the sugar companies to get their product out to market. Train stations were equipped with a telephone line. There was plenty of work in Kohala and a need for workers to hoe, strip,

⁵⁴ Honolulu Advertiser, 9/14/1937

⁵⁵ From <http://sugartrains.com/history.html>

⁵⁶ Narrow Gauge in a Kingdom, Epilogue

cut, carry and plant cane. As the number of Hawaiians diminished, planters recruited workers from China. By 1880, Kohala Sugar Company employed 250 laborers, eighty of them Chinese. The plantations sought to balance ethnic ratios, hoping to prevent organized majorities. The plantations started to supplement their work force in small numbers with South Pacific Islanders, and to a greater extent, with Europeans.

Hundreds of immigrants had to be shipped into Kohala. More people meant the need for increased services. For example, John Bond was taking on more than his original flock, and, although he clashed with management, he worked without pause to provide schools, teachers, and ministers. Despite hardships and injustices among island plantations, the district of Kohala gained a reputation for its slightly more humanitarian approach. Laborers left other plantations to come and work in Kohala. "The quarters on this plantation are noticeable for their neatness, comfort, and home-life appearance unlike the quarters I have seen elsewhere ... there are flower and vegetable gardens about the plan, wooden houses, some ten by twelve feet."⁵⁷

The diversity of immigrants who worked at the sugar plantations varied depending on the plantation, however, the Halawa Mill and Plantation is used to demonstrate the general immigration trends in North Kohala, and throughout the islands. The records from the Halawa Mill and Plantation included recruitment from 1873 to 1929. It began with Chinese Immigrants in 1884, Portuguese immigrants from 1877 to 1886, South Pacific Islanders from 1877 to 1885, Northern European from 1878 through 1885, Japanese in 1885, Okinawan in 1885, Puerto Rican Immigrants from 1900 to 1901, and Korean Immigrants in 1902. After the Philippine Islands fell under the reign of the US, a new group of laborers became available, and this time they seemed ideal. Filipinos were technically considered nationals, so they didn't have to adhere to immigration laws. They were poor and in desperate need of work. The Filipino men came without family, aiming to return to their homelands with money in their pockets.

Englishmen came to subtropical Hawai'i with their traditions and routines, from gin and tonics and high teas to playing polo and honoring the queen. One of Kohala's main agents, Theo Davies, came from Liverpool. In the late 1800s, the English formed the largest haole group in Kohala. They built the Kohala Club as a gathering place, keeping the British culture alive. Extensive English-style gardens surrounded the buildings. Only paying members were allowed, and only men were members. King Kalakaua himself visited the popular Kohala club.

As more people found the means to leave the camps, shop owners settled into their stores, and three main communities emerged: Niuli'i-Makapala, Kapa'au, and Hawi. A regular bus service, two nine-passenger vehicles, connected the towns to the outermost mills at 10 cents between stations: "One dollar full round trip Hawi to Niuli'i"⁵⁸ Saturday nights, the bus added extra service to connect with Tom Nahiwa's Moving Picture Entertainments. Kapa'au, with its central location between mills and camps, became an ideal center for new business. Its most interesting days were starting. Shoppers came from

⁵⁷ General S.C. Armstrong, son of a Kohala missionary family, 1880, visiting Kohala

⁵⁸ Kohala Midget, November 27, 1912

Union Mill, Star Mill, and Kohala Sugar Company. Each store gained its own loyal clientele. Deliveries to camps declined and then disappeared.

In the 1920s a new affluence brought in cars, from impractical but grandiose Fords to beat-up pickup trucks. The Kohala mountain road between Kohala and Waimea was so bad most of the cars drove only within a radius of 5-10 miles.⁵⁹ The Railroad ran close to town. Merchants' supplies depended on the port at Mahukona and transport by train. Store owners rushed weekly to the train stations packed to the rim with their merchandise. However, one bad storm or one shipwreck canceled the delivery of fresh or new goods. Steamer days were huge events. Occasionally a merchant traveled to Honolulu to discover new products from abroad.

In 1931, Hawi Mill officially became part of the Kohala Sugar Company due to the Hind Estate being divided equally among seven children, who decided to sell. For the Hawi Mill workers, 90% got bonuses. Hawi Mill and Plantation Company created under Robert Hind, and managed by his son, John Hind expanded to run without Honolulu investors. Alone, Hind raised the value of Hawi Mill to well above \$3 million, opened the Kohala Ditch, bought Puakea Plantation in the name of Hawi Mill, created the Homestead Plantation to manage the independent farmers, and made Hawi Mill 45% owner of the Railway.

Over the years, each plantation treated its laborers as it saw fit. A lack of telephones and reliable transportation prevented any form of supervision. But as Hawai'i moved towards annexation and ultimately statehood, American standards came to influence immigration laws and employer-employee relationships. New government officials demanded better conditions. Early pressures to change labor practices did not affect isolated Kohala too much. "While some have been making history, others have been making sugar. New Japanese workers fiercely resisted abuse and organized resistance was in the air"⁶⁰.

Kohala's employers, like those of other plantations, tried to bridge the gap with higher wages and some entertaining activities. A happy work force might not go on strike. To avert a major change, they offered organized picnics, a gym, a new recreational area, official Christmas parties, and movies. At one time there were five movie theaters in Kohala. Unions did eventually come into the picture, with strikes and agreements in the end. WWII loosened the rigid hierarchy of Kohala Sugar Company. Mahukona Harbor closed at the outbreak of the war. The railroad that used to carry sugar, freight, and passengers to the harbor lay abandoned. Thousands of miles away, President Roosevelt signed a bill allowing unions to fight for workers' rights. The Democratic Party in Hawaii rapidly gained control. During the war, no one had time or energy to work on labor issues. However, when peace returned, ethnic labor groups returned full force to their concerns, this time uniting plantation workers of all backgrounds. The first strike in 1946 and lasted 69 days.

Gradually, mobility increased and mechanization left more time for leisure. The mechanization of sugar resulted in the reduction of hard labor needs. In 1937, 2,400 employees were needed to run the mill. In

⁵⁹ Kohala Midget, March 15, 1916

⁶⁰ Hawaiian Gazette, 1893

1949, it was reduced to 800 employees and in 1964, it was further reduced to 660 employees. Sugar remained the main economic force in Kohala until 1971, when the U.S. subsidization of sugar prices ended, and Castle and Cooke decided to halt production at Kohala in 1975. “The difficult decision to halt production at Kohala was reached after thorough studies indicated the futility of making the operation even reasonably profitable.”⁶¹ Governor John Burns responded by establishing a 12-member Task Force to identify and support potential new businesses in Kohala. Castle and Cooke noted that it would not abandon Kohala’s employees and “The Kohala phase-out will be gradual and the company will assist the 516 employees there in finding new employment.”⁶² By 1975, four Task Force –sponsored businesses labored to grow and created jobs: Kohala Plastics Industries, a manufacturer of drip irrigation components; Orchids Pacifica; Hawaii Biogenics, a feedlot corn-growing operation independent of Kohala’s earlier attempt; and Kohala Nursery. The Kohala sugar mill closed in 1975. The company kept 201 employees to shut operations down.

Kohala Nursery was the only start-up to survive from the Task Force. The new Mauna Kea Beach Hotel employed 625 people, more than half commuted from Kohala. The Task Force enterprises provided short opportunities, and did encourage residents to remain in North Kohala. Kamehameha Park was improved to include tennis courts, a swimming pool and a gymnasium. It was an effort to instill new life and pride. “Kohala learned to consider its past as an asset for an unexpected new industry, tourism. Visitors, Kohala discovered, love the history of plantation towns. Visitors, indeed, started to fill the brand-new resorts in Kona and South Kohala, providing jobs.”⁶³

Federal, State and Local Planning

This next section focuses on the present day, and the proposals that have been set within the planning documents for North Kohala and the Island of Hawaii.

Ala Kahakai National Historic Trail

The Ala Kahakai National Historic Trail (NHT) was established in 2005 with the statement of purpose:

- To preserve, protect, reestablish as necessary, and maintain a substantial portion of the ancient coastal *ala loa* (long coastal trail) and associated resources and values, along with linking trails on or parallel to the shoreline on Hawai’i Island.
- To provide for a high quality experience, enjoyment, and education – guided by Native Hawaiian protocol and etiquette – while protecting the trail’s natural and cultural heritage and respecting private and community interest.

The trail extends approximately 175 miles from ‘Upolu Point, which is included within a portion of the ROW, down the Kona Coast and around South Point to the eastern boundary of Hawai’i Volcanoes National Park. The National Park Service (NPS) administers the Ala Kahakai NHT. In 2009, a Comprehensive Management Plan (CMP) was completed, with community engagement and input, to

⁶¹ Castle & Cooke, Annual Report 1971, ad found in Kohala Aina.

⁶² Ibid

⁶³ Kohala Aina, 179

establish the management guidelines needed to “fulfill the preservation and public use goals for the Ala Kahakai NHT for the approximately 15-years (2009-2023).”⁶⁴ As the railroad ROW includes the section from ‘Upolu to Mahukona Beach Park, there are opportunities to collaborate and support efforts to further this project.

As a result of community engagement with the development of the CMP, there was a strong community vision that is important to consider. Communities along the route of the trail, which includes a portion of the railroad ROW, expressed their desire for the Ala Kahakai NHT⁶⁵ to:

- Preserve ancient and historic trails within the corridor and tell the stories of those who use them;
- Provide access to practice traditional lifestyles and mālama ‘āina (care for the land);
- Protect sacred sites, historic places, and natural areas;
- Become a living classroom for educating Hawai‘i’s people and visitors;
- Offer opportunities for community partnerships based on the ahupua‘a concept;
- Create safe and well-kept places for spiritual, cultural, and recreational practices; and
- Unite local communities around common goals to preserve Hawai‘i’s culture and environment.

When a national trail is designated under the NPS System, it includes the significance of the site and the rationale as to why this is so important to preserve and protect. The Significance statement identifies that the Ala Kahakai NHT contains the oldest and best remaining examples of the ancient *ala loa*, the major land route connecting the reaches of the coastal settlement zone of *ahupua‘a* on the island of Hawai‘i.⁶⁶ The trail will preserve, protect and interpret “preserved and walkable remnants or the preserved alignment of ancient and historic trails, and sites, features or places of significance situated along or connected by those remnants or along the alignment.”⁶⁷ As such, it seems that there is a connection to the trail, from Upolu point to Mahukona, where it could be interpreted as an important part of Hawaiian history, as the influence and change it represented, as well as brought, to the communities of North Kohala.

Hawaii Island General Plan

The County of Hawai‘i has a General Plan that provides overall guidance to the development of Hawaii Island. It considers the needs of the entire island, providing general growth strategies to direct future opportunities related to land use, zoning amendments as well as capital expenditures. The General Plan “strives to position Hawai‘i Island for economic progress while preserving the environment and strengthening community foundations.”⁶⁸ The first Hawaii County General Plan provided for a 10 year review process. The information used in this report is from the 2005 Hawaii County General Plan, which

⁶⁴ From the Ala Kahakai National Historic Trail Comprehensive Management Plan, referenced from https://www.nps.gov/alka/learn/management/upload/ALKA_CMP_low-resolution.pdf

⁶⁵ From the Ala Kahakai National Historic Trail Comprehensive Management Plan, referenced from https://www.nps.gov/alka/learn/management/upload/ALKA_CMP_low-resolution.pdf

⁶⁶ From the Ala Kahakai National Historic Trail Comprehensive Management Plan, referenced from https://www.nps.gov/alka/learn/management/upload/ALKA_CMP_low-resolution.pdf

⁶⁷ *ibid*

⁶⁸ Retrieved from <http://www.hiplanningdept.com/general-plan/>

is only now in the review process. The Community Development Plans (CDP) translates the broad General Plan goals, policies and standards into plans that can be implemented within specific community areas. The North Kohala CDP includes the North Kohala District of Hawaii Island, bordered by South Kohala to the south, and Hamakua District to the east. The ocean defines the region's north and west borders. The CDP addresses each element found within the General Plan, and generally includes a combination of land-use amendments, policies, budget, public-private partnership development, and community-based implementation of activities listed in the plan. The current North Kohala CDP was written and adopted unanimously after a two-year process by a Steering Committee of volunteer community members. It was passed by the County Council and signed by the Mayor on November 5, 2008. It was adopted as Ordinance 08-151 through Chapter 16, section 16-2, Hawaii County Code 1983 (2005 Edition, as amended).

North Kohala Community Development Plan

The CDP provides a framework for the community. The North Kohala Community Access Group (NKCAG), formed through the CDP process as one of several focus groups, has been working consistently to implement the recommendations within the CDP. The group has met once a month for ten years under the chairmanship of Ted Matsuda. It provides updates, discusses issues and concerns, and takes action. Under the guidance of the NKCAG, nine miles of coastal trails and several mauka-makai vehicular access roads have been added to the district's inventory. Each community in Hawaii County establishes their own vision and goal as a part of their plan. For North Kohala, the overall GOAL of the North Kohala CDP is "To manage the future growth of the district in a manner that is consistent with the Kohala lifestyle and ideals of being a rural community with a strong cultural heritage, an agricultural base, and a small town feel."

This plan addresses the community's strong desire to implement the recommendations on trails and access within the CDP. Because of this, it is important to keep the key planning implications related to Kohala's natural and cultural resources in mind while addressing implementation. The ones that are relevant to this plan are as follows:

- "Cultural sites and landscapes – Important cultural sites and landscapes, including the entire Kohala coastline and the mauka kula lands, should be protected."
- The old railroad alignment traverses through numerous areas that contain important cultural sites and landscapes, and could offer protection and care, by community who have ties to the land or can be stewards of these important sites.
- "Coastal (makai) resources – Kohala's pristine coastline and abundance of marine life should be protected from development and be accessible to residents."
- The overall plan looks at pedestrian access along the coastline, with mauka-makai access integrated into the overall plan. Access to the coastline and marine resources is a key component of this plan.
- "Open space – The district's large open spaces should be preserved."
- There has been significant progress on the protection of large open spaces along the coastline and in key areas. This plan supports the continued protection of these special places for public access, stewardship, and use.

- “Vulnerability to Natural Hazards – Emergency preparedness should be a priority.”

One of the key components of a resilient, connected community is to be prepared for natural hazards when they do occur. The North Kohala community has seen past natural disasters, including a massive 2006 earthquake, and there are efforts to establish Pratt Road as an emergency access road. This plan supports this intention. In addition, the mauka-makai access trails are key in this overall plan.

In addition to these principals, it should be noted that the trails listed in this plan mirror the CPD, which includes trails and roads that are/were traditional or have been in existence for many years. The only exceptions are newly created easements identified by the County as public access as permit requirements in subdivisions or developments. The trails and accesses listed here are based on community desires and recommendations and are not necessarily the access ways that have been negotiated by the County Planning Department in their permit requirements.

Preserved Lands & Progress on the CDP - Documenting Progress

The CDP includes a coastal trail, mauka-makai trails, an emergency access road, and the old railroad right-of-way (ROW). The following provide a status of the public lands and access as of the writing of this document. There has been tremendous progress in securing public lands along the coastline, as described in the CDP. Two of the four areas recommended for public purchase – Pao’o and Kaiholena - have been secured. Altogether, the community has played an active part in the preservation from development of 390 acres of coastal land and raised \$20.1 million for the purchases in ten years.

The coastal access trail is listed as “a trail that starts at the beach in Pololū Valley and follows the coastline of the district to Kawaihae.” The following trails and public lands are discussed every month at the Community Access Group meetings, and the following provides the status at the time of this writing. (Note: more photos will be added to document these locations, in final doc production)

- Pololū Lookout – this area is beyond the extent of the old railroad ROW, but is an important connection to public trails and access to the coastline. There is an existing paved state highway that ends at a paved lookout and parking area. This links the trail to and from the bottom of Pololū Valley to the coastline trail along the cliff tops toward Akoakoa Point. The Pololū Valley trail is administered by Na Ala Hele, the state trail system. There have been issues related to parking and unsafe conditions with the increasing number of visitors to this spot. At the time of this writing, the community is supporting State Na Ala Hele on their CIP that includes improvements to the Pololu Lookout. Funds are supporting a survey of state lands at the lookout area. The state and Surety are in communication on the proposed parking lot land and a possible reconfiguration of land parcels.
- Niuli’i – Waikama road – there is an existing unpaved road from Akoni Pule Highway at Niuli’i to the top of Waikama Gulch. There is pedestrian access on an existing trail along the western rim of the gulch to the coastal trail. The land is now preserved, and is owned by The Kohala Center. This land includes habitat between Keokea Park and Neue Bay, was listed as high on the County’s Open Space Priority list for six years. In 2016, the owners donated the 48 acres of land to the Kohala Center, a Waimea-based non-profit dedicated to land stewardship, conservation of native species and educational activities. This land includes the old railroad turnaround and

defines the end of the line for the railroad. The Kohala Center will be mowing the area to better assess the features on site. There may have been some land filling in and around the railroad turnaround. The Kohala Center is looking at relocating hale from the old Kona Village Resort as suitable structures for having activities on the site.

- Pratt road is seen as a potential emergency access road. There have been several community-led clean up days to begin to clear the road.
- Keokea County Park Road – an existing paved government road leading through Niuli'i to Keokea Park. This is existing and will continue to be public access.
- Kapanai Bay Road – This is an important mauka-makai vehicular access point that ends at a premier fishing and gathering area for Kohala. There are remnants of trails and rope ladders that extend down the sides of the cliff to the reef shelf. This was once known for its limu kohu gathering. At the time of Kamehameha I, surfing was a popular sport in the bay. Fishing and gathering were, and continue to be, an important activity to preserve. When the Kohala Sugar Plantation shut down, this access was nearly lost. Land was privatized by fences and gates which prompted the Native Hawaiian organization Hui Mamalahoa to legally fight for access. As a result, a court-ordered vehicle access, on an unpaved road, to Kapanai'a and Hapu'u bays was provided for public use and access (Civil HA-5464 Kohala Corporation v. Ahoi, 1982). It also included pedestrian access along the cliff shoreline. The shoreline public access trail between Hapu'u and Kapanai Bays was formalized in a Grant of Public Access Easement to the County of Hawaii in February 2013. The roadway is currently owned by the State.
- Hapu'u - The County of Hawaii purchased the first 22 acres using Open Space funding in March 2018. This land includes a very popular fishing site and home of Hale O Ka'ili Heiau, said to have been built by Kamehameha. Two other parcels on the cliffs, totaling 42.5 acres, are also County Council approved and awaiting the beginning of negotiations. The Hale O Ka'ili Heiau is in public hands however, there needs to be a management plan to better inform the public and to keep people from destroying the site. Kohala Lihikai will be applying for stewardship through the County Maintenance fund.
- Kapanai – State Legacy Land and County funds have been approved to purchase the 85 acres that includes Kapanai Bay, Kapalama Heiau and most of Walaohia Gulch. This area includes numerous cultural and recreational sites, and includes portions of the railroad ROW.
- Halelua - This is a mile and a quarter long stretch of coast and includes the remnants of O'hau Heiau. The 50.3 acre parcel has ranked high on the County's priority list for purchase for seven years and is subject to a County Council resolution to purchase. In November 2018 the County also adopted a Grant of Public Access Easement for a coastal trail.
- Kauhola Lighthouse Road – there has been an existing federal right of way since 1912. This access is the subject of Subdivisions 7776 & 7776-A. The existing vehicle access from the lighthouse (swimming pool) east to the cliff top at O'hau. In 2012 the Trust for Public Lands helped the community raise funds, partly from the Legacy Land Conservation Program to purchase 28 acres of land on the point. Title of the land is held by the community non-profit Maika'i Kamakani O Kohala for the people of Kohala.
- 'Āinakea Road – an existing paved County road through 'Āinakea subdivision then extending into a gated private unpaved road makai in 'Āinakea ahupua'a. There currently is no access into the private road. However, Grants of Public Access Easement were made in 2014 and 2015 creating trails along the coast.

- Paho Beach – The County issued a Grant of Public Access Easement (GOE) and needs enforcement action. This has been difficult for the public to use.
- Upolu Airport East – Another area that the County is reviewing to issue a GOE.
- Upolu Airport Restoration – The *Power, View Plane, and Soil Erosion Group* recently reported to the NKCDP Action Committee on the success of several erosion control and native re-planting projects, ongoing since 2013. Additional projects are underway utilizing the help of Kohala High School students under the guidance of Kohala Lihikai. The property does have old road cobbles and likely a number of roads, based on the cobbles found (see photos, below).
- Honoipu – The new owners filed for a Special Management Area (SMA) permit to allow them to renovate the structures on site. The Planning Department has given an exemption from environmental review, but is calling for a public access plan. It appears that the railroad row is just outside of the property boundaries. However the old Hoesa to Honoipu Road runs through this property and needs verification. The State Na Ala Hele is interested in the parking site, and the Ala Kahakai National Historic Trail program is also involved.



- Pali Akamoa – State Na Ala Hele is working with the neighboring community association and starting the process to re-survey and repair the trail along the coast. The State will have to re-survey the trail location, part of which eroded after the 2006 earthquake and the trail alignment will be located to a safer location inland. This is the historical site of the Honoipu Landing, once controlled by the Hind family. There may be opportunities to work with the community association to allow for the trail to follow the coast in this location, and avoid the gated community.
- Kukuipahu – This is a large swath of land that is currently owned by an investment company and contains the alignment of the railroad. Access to this property to investigate has not been granted, however, there may be opportunities in the near future. The land has foreclosed, and the group hopes to work with the new landowner to grant access. The land is subject to a subdivision condition requiring public access, coastal and mauka-makai, when the property is developed or changed.

Mauka-Makai Trails - Roads from the Community Development Plan that will be included in the mapping analysis. These roads and trails include:

- Union Market Road – a vehicular public access on an unpaved, private road required by SMA Use Permit No. 417 and Special Permit No. 1117, Sunderland & Watkins for a retreat on

agricultural land. Access to ocean is restricted to half-mile walking distance. A public access trail exists along the shoreline of the property.

- Hāwī Road – is a vehicular public access extending from the makai end of Hāwī Road, a County paved road, to the rim of Kumakua Gulch and pedestrian access to Paho Beach. Access is provided and listed with Subdivision 7640, Mohammadi. This permits pedestrian access from Hāwī Road to Pāhoa Beach with no lateral trail, even though it was a condition of the subdivision. The owners are under enforcement review by the County. Vehicular access needs to be extended to shoreline.
- Hō‘ea Road – a vehicular public access extending from the makai end of Hō‘ea Road, a paved County road, to the ocean via a private unpaved road. Current road is gated at the end with no ocean access. (see photo)



- ‘Upolu Road – is a paved government road that extends to the airport on the coast. Vehicle access on an unpaved road westward to the road between the ahupua‘a of ‘Upolu and Honoipu (Old Coast Guard Road), including the Mo‘okini Heiau and Kamehameha Birthplace, is not complete. A portion of this road is granted as vehicular lateral access by Subdivision 2000-209 however, there are significant issues that are still in play, see notes below.
- Old Coast Guard Road – is a paved federal right of way to the former Coast Guard Loran station exists, with issues relating to public access. A parking lot exists at the shoreline. Vehicular access travels northeast along the old railroad right of way, a government highway prior to 1892 mauka Kohala Hideaways LLC and the Department of Hawaiian Homeland property. Pedestrian access travels makai to the coastal road at both Mo‘okini Heiau and Kamehameha Birth site on existing trails in Pu‘uepa ahupua‘a granted by Subdivision 2000-209. This is currently gated.

The County of Hawaii Planning Department provided a letter with the subject: Mo‘okini Area Public Access, October 6, 2008. This letter details concerns from the Planning Department to DLNR Chair, Mr. Chris Kanazawa, CEO of Parker Ranch, Mr. Neil Hannahs, Director of the Land Assets Division, Kamehameha Schools, Ms. Momi Lum, Mo‘okini Foundation, and Duane Kanuha, Kohala Preserve Conservation Trust LLC. The letter concerns various public access and easement issues in North Kohala in the vicinity of the “Old Coast Guard Road”, the Mo‘okini Heiau, and the birthplace of Kamehameha the Great. These will be further investigated and

presented in the Mapping section of this report (add page numbers to reference for the final versions).

The Na Ala Hele program abstractor did a memorandum on the Old Coast Guard Road but it did not include certain parcels that do appear to be public highway under the Highways Act of 1892. “The Coast Guard Road is essential for public access to the shoreline in this area. It has been freely used by the public for decades. The Na Ala Hele program has a shoreline trail which begins at the Makai end of the Coast Guard Road, within TMK No 5-6-1:74 owned by the State of Hawaii, and continues along the shoreline south makai of the Puakea Bay Ranch subdivision. This was established as part of CDUP HA-2625, based on the assumption that there was public vehicular access to this point via the Coast Guard Road.”

The Access from Coast Guard Road to Mo’okini Heiau and Kamehameha Birth site is still being determined. In 2001, Surety Kohala was consolidating and re-subdividing property in this area and elsewhere in Kohala. The County of Hawaii Planning Department, acting on the authority, required that Surety provide public access in the subdivisions. Surety Kohala appealed to the County Board of Appeals. The County and Surety eventually entered into a Settlement Agreement, which includes an agreement to grant a 20’ wide easement for vehicular access over the old railroad right-of-way from the Coast Guard Road to the Mo’okini Heiau and the birthplace of Kamehameha the Great (to the extent that the railroad ROW crossed property owned by Surety Kohala). The Settlement Agreement also included vehicular access to the Mo’okini Heiau and the Kamehameha I birth site from the railroad ROW, pedestrian access to the sea from the Mo’okini Heiau and Kamehameha the Great birth site, and reaffirmed public access along the shoreline. It also contained a vehicular access from the railroad ROW mauka to TMK No 5-5-5”03, the Mo’okinin Laukini Heiau, Inc. property.

- Kukuipahu (Parker Ranch subdivision) – vehicular access on an existing paved road in the Subdivisions 7520, 7521 and 7526 or alongside the property was identified in the CDP. Vehicular access for the public was not provided in the above subdivisions, but should have been. This site has outstanding historic and recreational use and was singled out by the CDP for preservation. It has been on the County Open Space Priority List for purchase eleven times since 2007.
- Kapa’a Park Road – an existing paved County road to the County park.
- Kapa’anui (Māhukona resort) – The CDP calls for public purchase of the 435 Acres, which has also been on the County Open Space Priority List of eleven years. Preliminary talks have been help with representatives of the owner, Mahukona LLC, which took over after foreclosure proceedings in 2012. It is Kohala’s primary ocean recreation area and home to hundreds of historic sites. The old railroad ROW traverses through the property and allows for scenic access to the coastline and historic sites. The resort’s public access plan shows vehicular access on private subdivision roads in the resort development as a condition of SMA 341, Change of Zone ordinance 93 109 and Surety Kohala Public Access Plan. The existing public access is court-ordered over the existing jeep road on the railroad bed. Road is gated on Māhukona end.
- Māhukona – vehicular access on the paved government road to the harbor and Māhukona County Park. Also vehicular access to shoreline with three parking areas within the Māhukona Resort as a condition of SMA 341, Change of Zone ordinance 93 109 and Surety Kohala Public

Access Plan. Hui Mamalahoa, a Kohala native Hawaiian organization, successfully fought for and achieved the existing public lateral vehicular access over the existing jeep road on the railroad bed (Third Circuit Court Civil # 89-268 (June 4, 1990) Civil #5467 (June 22, 1989), and Civil #5469 (April 14, 1981). The roadway has been gated since 1989. Pedestrian public access has only been allowed at the discretion of the landowner since 2010.

Opportunities, Challenges, and Creating Public Trails in North Kohala

This next section of the report includes details on the railroad ROW, and looks at the legal status of the trail. It will look at current land ownership, easements, and any legal removal of the Railroad ROW from public road or trail opportunities. The Railroad ROW will be broken into components to better analyze the opportunities. They are broken into segments, as follows:

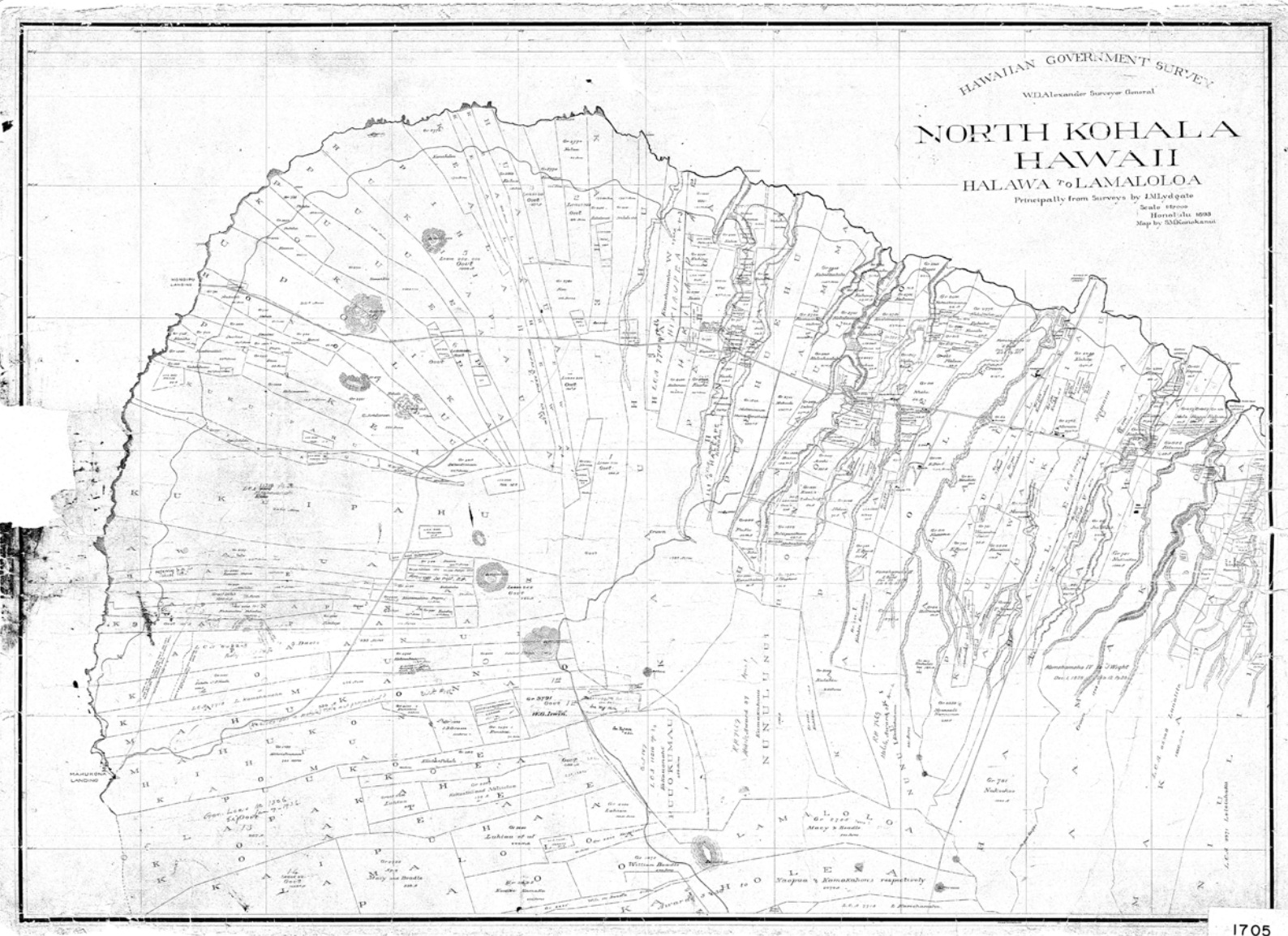
Segment break out:

1. Mahukona
2. Kukuipahu
3. Puakea/Honoipu
4. Upolu
5. Hoesa - Upolu to Paho Beach
6. Paho
7. Honomakau
8. Ainakea
9. Kauhola to Hapu'u
10. Kapanai to Niuli'i

North Kohala Segments

Project Information

The following provides information on parcel numbers, property ownership, legal access information, and a summary of identified opportunities and issues. The segments are broken up to allow for analysis and ease of viewing. More detailed information, such as instrument number, official legal documents, real estate information, and notes, is provided in the text of this report. The property ownership information reflects the time in which this report was drafted and may be updated as properties change hands. This report will be used as a means to determine the next steps and strategies necessary to transform the concept of the North Kohala Rail Trail into a reality.



Legend

- County Roads
- Rail ROW/Trails
- Parcels

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Mahukona - Segment 1

Property Information

- ① TMK 57003003000, privately owned.
- ② TMK 570020110000, privately owned.
- ③ TMK 560010370000, State of Hawaii.

Opportunities:

- Hui Mamalanoa, a Kohala native Hawaiian organization successfully achieved the existing public access over the jeep trail on the RR ROW. It is gated at Mahukona, allowing only pedestrians to use the trail.
- Property 1 and 2 includes a vehicular/railway easement along the old railway parallel to and mauka of the shoreline that shall constitute a floating shoreline easement, subject to relocation with approval by the State of Hawaii.
- Mahukona Beach Park is an important park for the community. There have been requests, for over 10 years, to improve the pavilion and the facilities as a CIP project. The County recently condemned the building, and the community would like to see it reopened for use. This could be a location to include water, bathrooms, and basic shelter. This could be a great location for interpretive signs, information about the trail, and other information that the community feels is important.
- Existing trail that is used by hikers.
- The area is flat and has opportunities for wayfinding, interpretation, and observations of both the land and sea.
- Remnants of the rail tiles present in some locations.
- State park/harbor at Mahukona has camping facilities and parking for the gateway to the trail. There may be opportunities for partnership with the State, including resources to showcase this location as the gateway and the starting point of the Rail Trail, with interpretive opportunities.
- The CDP calls for the public purchase of the Mahukona South and North LLC properties, totaling 435 acres.
- This area is home to hundreds of historic sites, allowing for protection and interpretation of the area.
- The former depot of the railroad is still intact at the harbor.

Issues:

- Ownership is in private hands, so need to be aware of any changes at Mahukona.
- There is a need to assess any cultural or historic resources that should be highlighted, interpreted, and/or avoided throughout this section.
- Mahukona Beach Park (County) has long delayed facility upgrades. The Pavilion has been condemned, resulting in little infrastructure for camping and use of the park.
- Vehicular access is technically allowed, which could be in conflict with trail use.



Rail trail along the coast



Existing signage at trail head



Condemned park pavilion



Remnants of old rail tiles



Kukuipahu - Segment 2

Property Information

All of the properties within this section are owned by Kukuipahu Makai LLC. It is also known as Parker Ranch subdivision and has been identified in the CDP as an outstanding property for preservation. In 2019, Kukuipahu Makai LLC went through foreclosure and is to be auctioned off. Once there is a new land owner, there may be opportunities to hike the area and to work with the new land owners on the trail concept.

While the community believes it should be preserved, per the CDP, this has been a property intended to be consolidated, subdivided and used as a residential development. Vehicular access on an existing paved road in the Subdivisions 7520, 7521 and 7526 or alongside the property was identified in the CDP. Within the public records found, there are declarations for public access (Document No 2002-082864), which states:

"A perpetual, non-exclusive, ten foot wide easement for pedestrian public access purposes over, upon, across and through Lot 21, as shown on the map. Accordingly, in order to assure that public pedestrian access is provided within the property to and along designated shoreline access areas or mountain areas, as applicable, the Declarant and the County hereby agree to be bound by, and to encumber portions of the property by redecoration of this easement."

This access is for pedestrian access only, and includes a mauka-makai connection from the highway, and then along the coastline. The legal map shows the coastline easement and the RR ROW, however the RR ROW is not marked as public in this stretch.

This area along the coast has a number of sensitive sites. There is an old village site, Haena, that has a lot of in tact house sites, village, and there are sites throughout the coast line. This is a sensitive area and Historic Preservation would need to be involved.

Opportunities:

- This has a flat area that traverses the coastline. There are opportunities for the trail within the Ala Kahakai NHT corridor. If the actual railroad ROW is not permitted through this area, there is still access through as part of the Ala Kahakai National Historical Trail.
- There appears to be trail easements within the properties; however, more research will need to be done to determine the locations and the public access rights to these areas.
- The properties within this corridor have one owner, Kukuipahu Makai LLC, potentially making negotiations easier.
- There is an access road to the ocean at Kapaa Park, a County of Hawaii park. This park provides parking and access to the trail.
- The site has outstanding historic and recreation use and was singled out by the CDP for preservation. It has been on the County Open Space Priority List for purchase eleven times since 2007.
- Access is identified in the CDP.

Issues:

- We have not been able to get onto the land to assess the condition.
- Drone footage here would be helpful to include as we have not been able to get access. Photo 4 shows the railroad ROW on an elevated berm of the ROW.
- Negotiations with landowner have been challenging, as the property was subject to foreclosure recently. Once there are new owners, access to the site, as well as discussion about the trail could take place.
- Vehicular access on an existing paved road in the Subdivisions 7520, 7521, and 7526 or alongside the property was identified in the CDP. Vehicular access for the public was not provided in the above subdivisions, but should have been.
- Archaeological work will have to be done before trail and access are located.



Existing raised railroad bed



Existing trail



Kapaa Park



Puakea/Honoipu - Segment 3

Property Information

- 1 TMK 56001108000, privately owned. Buildings and a pool on property. The RR ROW has been shown on this property and the State Historic Preservation Division instructed that no more breaches to this alignment be made.
- 2 TMK 56001109000, privately owned, no buildings. Parcel includes 2004-210755 that provides an easement for utility and access on the property.
- 3 TMK 560011100000, privately owned. No buildings present. Property includes a 50-foot wide equestrian easement .
- 4 TMK 560020160000, privately owned. A building and pool on site, built in 1988.
- 5 TMK 56002017000, privately owned. No buildings present.
- 6 TMK 560020180000, no owner listed, no building, in agriculture.
- 7 TMK 560020190000, privately owned. House with a pool on site. Property includes an 8-foot wide pedestrian easement .
- 8 TMK 560020200000, privately owned. No structures or permits.
- 9 TMK 560020210000, privately owned. Property crosses Puakea Bay Drive, no buildings present.
- 10 TMK 560020220000, privately owned. No buildings present.
- 11 TMK 56002023000, privately owned. RR ROW crosses near the cul-de-sac. Buildings, barn, and a pool present on site.
- 12 TMK 560010740000, privately owned. Large vacation home, close to cliff, violated a number of regulations. Public access along the coast is required, however, the 2006 earth quake damaged the public access trail, and it has been unaccessible ever since. The state is actively trying to re-negotiate a safer trail in this area.



Gated community - no public access



Closed Na Ala Hele Coastal Trail



Homeowner Association Park



Old Honoipu Harbor Landing

Opportunities:

- The RR ROW currently goes through a number of parcels that contain homes. Public access along the coastline is a requirement of the subdivision. A possible alternative to the trail through private property is to use the existing public coastal trail.
- The RR ROW cuts across one road, Puakea Bay Drive, and avoids the other access roads within the Puakea Bay subdivision.
- Four out of 12 properties have structures within the entire Upolu segment, so there are opportunities to avoid structures with a trail.
- In the area where it appears that the RR ROW is gone, there is public access along the shoreline.
- There is a 50-foot equestrian easement. It would be good to approach the property owners in this area to see what the status is of the easement, if there are plans, and if there is any interest in equestrian use along the trail.
- The "Old Railroad Right-of-Way" is called out on maps in some of the parcels.
- There is access to the coastal trails through Old Coast Guard Road. The coastal public trail could be an alternative in this area. The old Honoipu to Hoesa Road could be the public access trail to Kamehameha's birth site and Mo'okini Heiau. At the airport, the trail could revert back to the original RR ROW.
- The coastal trail provides access to important fishing sites. There is also a park for the homeowners association that shows a remnant of the old railroad, and overlooks Honoipu Landing, where sugar was transported for the Hawi Mill before John Hind joined the railroad operations.

Issues:

- This area is a gated community with luxury homes. There will need to be negotiations should the trail follow its original alignment.
- The RR ROW shows up in some parcels, but not consistently through the properties. There is an easement for coastal linear access, so there are solutions.
- There have been some 'breaches' of the railroad bed through development actions.
- The public coastal trail is currently closed due to safety concerns following the 2006 earthquake. There are opportunities to fix this trail and allow public access through this area.
- There are access issues to Kamehameha's birth site and Mo'okini Heiau on the current access road, using Old Coast Guard Road. Alternative route could be explored that would use the existing Honoipu to Hoesa Road as a trail through this area, requiring action from the State Na Ala Hele and working with the current landowners.



Upolu - Segment 4

Property Information

- 1 TMK 560010260000, privately owned. Small parcel adjacent to the Old Coast Guard Road, house on site.
- 2 TMK 560010560000, federally owned property, related to the antenna site.
- 3 TMK 560010280000, privately owned, leased, in agricultural.
- 4 TMK 55050040000, privately owned, leased, agricultural. There are two Grant of Easement Instruments 11-17659 on 10/26/2011 and 03-130627 in 6/26/2003
- 5 TMK 55005005000, privately owned, leased, agricultural. Two Grant of Easement Instruments 11-17659 on 10/26/2011 and 3/24/2008 (same Instrument #)
- 6 TMK 550050170000, privately owned, leased, agricultural.
- 7 TMK 550050100000, privately owned, leased, agricultural.
- 8 TMK 550060030000, privately owned, agricultural, no buildings.
- 9 TMK 550060320000, privately owned, agricultural, building present. RR ROW is a small sliver of land that is touched on south side of the road.
- 10 TMK 550070400000, privately owned, agricultural land, wind turbines. Grant of easement 12/19/2017 (no instrument number)
- 11 TMK 550070020000 Privately owned, two grants of easements issued for the property.



Honoipu to Hoesa Road/Trail



Sign of Kamehameha I Birth Site

Opportunities:

- Within the Upolu Airport Property, there is a proposed 20-foot wide vehicular easement for public access, as well as a proposed parking easement and coastal pedestrian trail for public access. This is not within the RR ROW, but does provide a destination to the coast and access to sites. Discussions have been on-going, and may need to be re-initiated to ensure that there is action on this matter.
- The State Na Ala Hele program abstractor has done a memorandum on the Old Coast Guard Road, but it did not include certain parcels that do appear to be in public access/Highways Act of 1892. The Coast Guard Road is essential for vehicular access.
- Pedestrian access from the RR ROW to the sites (Mo'okini Heiau area and Kamehameha I birth site) exists, and this could be a destination with interpretive opportunities.
- The RR ROW is shown on a number of maps, through Bishop Estate lands.
- State DLNR Historic Preservation Division has documented the old RR ROW as a feature to be preserved, and has provided direction to keep it preserved.
- There is agriculture and wind farms throughout this segment. This may be seen as a compatible use and be supported, if the proposal and protections of private property are put into place.
- Location of the easement from old maps appears to be close to property lines and existing roads or driveways. Alignment with these could make placement of the trail easier.

Issues:

- While there is a proposed easement (see above) for vehicles and parking, there has been no action. In 2001, Surety Kohala and the County came to an agreement which includes an agreement to grant a 20' wide easement for vehicular access over the RR ROW from the Coast Guard Road to the Mo'okini Heiau and the birth place of Kamehameha I. The agreement also included vehicular access to the Mo'okini Heiau and the birth site from the RR ROW, pedestrian access to the sea from the Mo'okini Heiau and birth site, and reaffirmed public access along the shoreline. However, this has not been executed.
- Access to Mo'okini Area has been discussed, and there is a letter that details concerns with the State, County, Kamehameha Schools (Bishop Estate), Ms. Momi Lum, Mo'okini Foundation, Duane Kanuha, and Kohala Preserve Conservation Trust LLC. The discussions are around access to Mo'okini Heiau and Kamehameha I birth site. The State, through State Parks, has management of the sites. There is a dispute between the county, the state, and other parties on management, as the sites hold very sensitive historic sites. Both can be reached via a dirt road, however, access and improvements have not been resolved.
- There is a need to sensitively manage the cultural and historic sites and enhance protection and awareness.
- Wind farms and agricultural use may have some push backs related to safety.



Hoea - Segment 5

Property Information

- ① TMK 550060100000 Privately owned, new rum distillery with a tasting room at the Waikoloa Resort.
- ② TMK 550070020000 Privately owned, two grants of easements issued for the property.
- ③ TMK 550070090000 State of Hawaii owned, leased in agriculture
- ④ TMK 5507040000, privately owned, in agricultural, wind farm.
- ⑤ TMK 5507008000, State of Hawaii owned, leased.
- ⑥ TMK 5507010000, privately owned, leased, tenants in severalty. Grant of easement Instrument # 02-193432 from 10/29/2002.
- ⑦ TMK 55007035000, privately owned. Several permits for dwelling units, barn that changed to a dwelling, solar, off grid windmill. Property is at the end of Hoea Makai Road and there is what looks like an easement to the coastal TMK property that the RR ROW would cross.
- ⑧ TMK 55070340000, privately owned, adjacent to Hoea Makai Road, agricultural.
- ⑨ TMK 55008010000, privately owned. Condo Master Non-Taxable Parcel. TMK 5500801000001 lists apartment deeds (3) and 5500801000002 with farm dwelling and two apartment deeds listed as owners with separate parcel number info. RR ROW may be on property or the boundary.
- ⑩ TMK 55008008000, privately owned. Property has a house constructed in 1982 and may contain small portion of RR ROW.

Opportunities:

- There is a big chunk of agricultural land with windmills and open space; this may be may be compatible with a hiking trail.
- There is a rum distillery being proposed on land near the airport adjoining the RR easement, which could be a supporter and possibly a destination for people hiking on the trail. If the alternative trail was pursued, this may be an opportunity to work with the business.
- The land is still mostly flat; this is the last segment before many of the major gulches.
- There are still relatively few landowners with dwelling units, which may make it feasible to have the trail without a big conflict.
- There are a few areas where the ROW may need to be verified on the ground. For properties that appear to border the RR ROW, there is the possibility of working with the landowners on either side to allow passage through.
- Location of the easement from old maps appears to be close to property lines and existing roads or driveways. Alignment with these could make placement of the trail easier.
- Vehicular public access has been called for by the community, but is not in place yet.
- The access on Hawi Road was a condition of Subdivision 7640, however the owners are under enforcement proceedings with the County. The public access should be extended to Pahoehoe Beach, with a lateral trail.

Issues:

- The RR ROW may need to be assessed on the ground as there may be some areas where it is unclear.
- Access to determine on the ground conditions is difficult in this area.
- Condo lands appear to have mainland investors, would ideally need to find a local contact to help assist with negotiations.



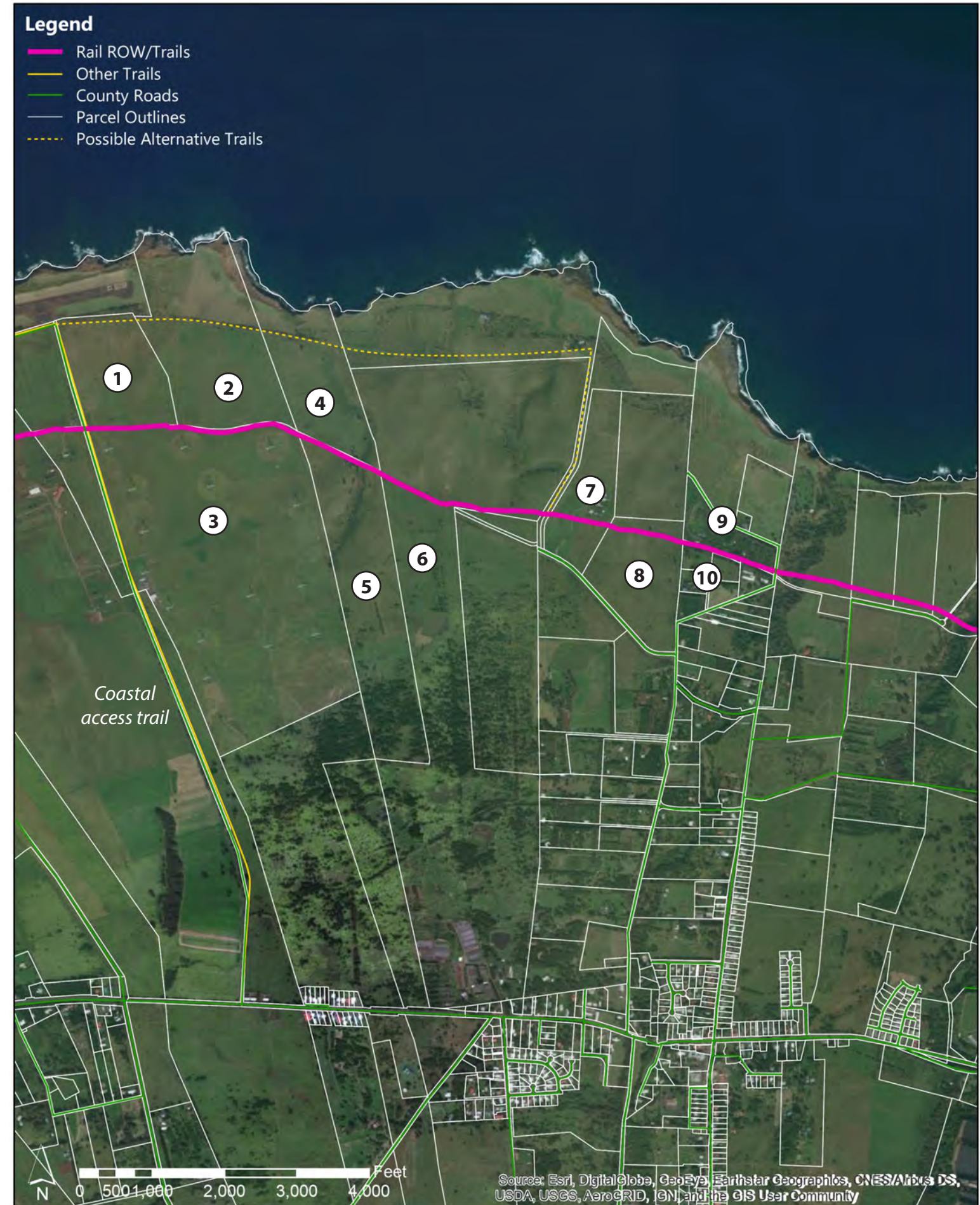
Gated trail access



Windmills and agricultural lands



Historic road near RR ROW



Pahoa - Segment 6

Property Information

- 1 TMK 550080600000, privately owned Condo Master non-taxable parcel. Property includes the gulch, bordered by Hoesa Road. On the ground, there appears to be a trail or road easement that traverses the slope on the side of the road.
- 2 TMK 550080600001, both agriculture (20 acres) and conservation designation (almost 4 acres). It is Unit 1 Lipoa Gulch Condo Map 1352. Parcel 550080600002 is also in agriculture (15 acres) and conservation (almost 2 acres). The property line ends where Uli Road makes a right turn.
- 3 TMK 550080130000, privately owned, agricultural land, 9 buildings, adjacent to Uli Road.
- 4 TMK 5500806400000, privately owned, agricultural land. No apparent buildings, adjacent to Uli Road.
- 5 TMK 550080650000, privately owned, agricultural land. Grant of easement, instrument number 03-138213. Last parcel on Uli Road before another gulch.
- 6 TMK 550080660000, privately owned. Property includes a gulch and the corner is at the end of Uli Road. Buildings/houses present. Mapping changes, Grant of Easement (Instrument # 03-138213) and Quitclaim Deed 03-119257.
- 7 TMK 540080540000, privately owned, agricultural.
- 8 TMK 540080450000, privately owned, agricultural, includes a gulch. Contains some storage structures, mapping change in 2003, 2004, and 2006.
- 9 TMK 540080530000, privately owned, agricultural. No apparent buildings, RR ROW alignment moves Makai to include these last two parcels.
- 10 TMK 540080360000, privately owned, agricultural. Coastal property that abuts the end of Honomakau Road. Grant of easements and mapping changes (02-235477 and 02-235476).



RR ROW access off of this road

Opportunities:

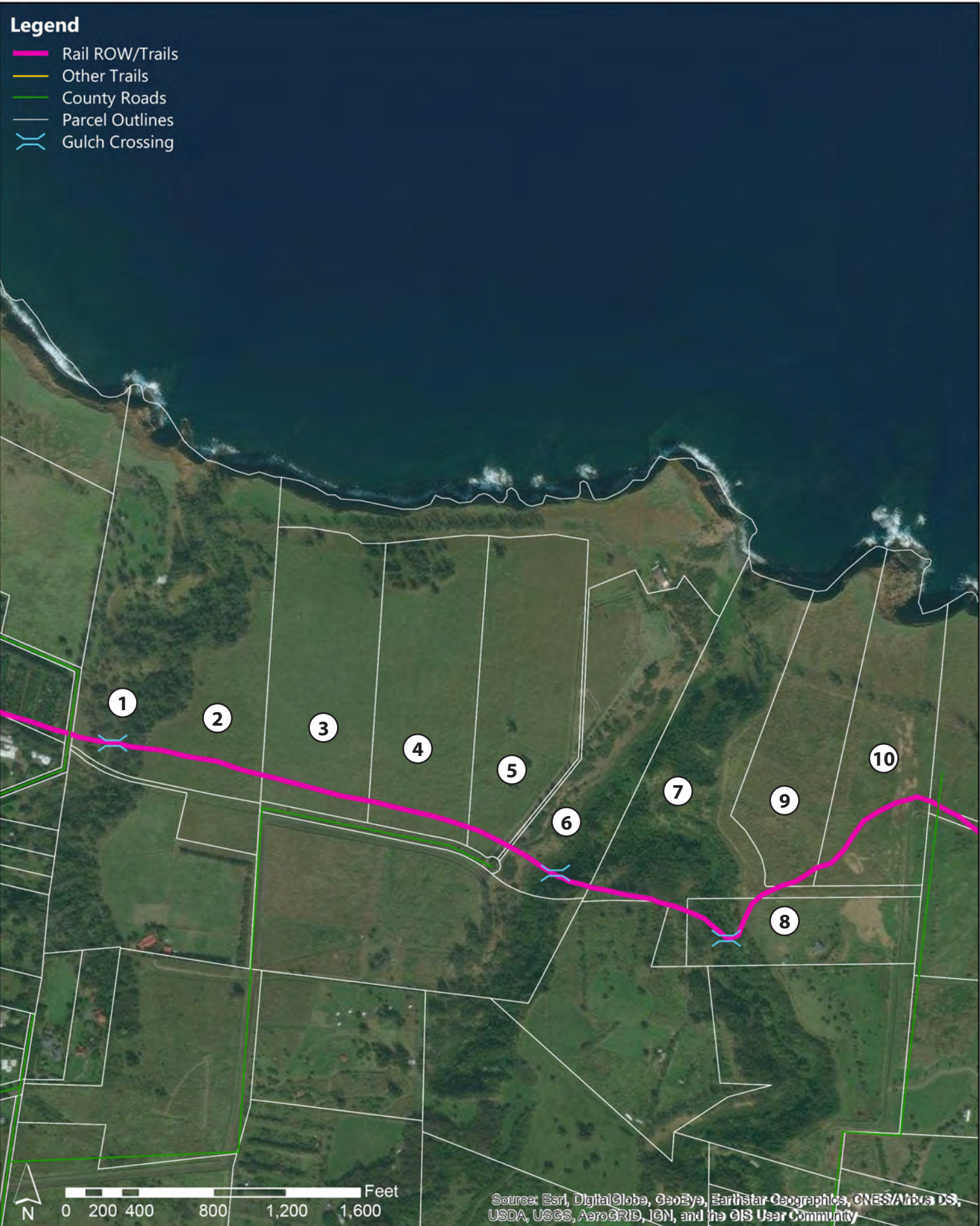
- There are 2 property owners who own multiple parcels. EWM Enterprises does have some development on their properties. Hermann Fernandez owns 3 parcels that appear to all be in Agriculture.
- There are areas that can be accessed from a road, which may help to better assess conditions and allow for an alternative route in some cases.
- There appears to be a service road in association with the RR ROW alignment, this may be useful for working within the gulch.
- The landowners may see a benefit of having the trail through this area.
- There is not a lot of housing development and larger lots.
- This segment is close to Hawi, which is a popular destination for visitors and locals alike.
- Location of the easement from old maps appears to be close to property lines and existing roads or driveways. Alignment with these could make placement of the trail easier.
- There is a vehicular public access extending from the makai end of Hawi Road. The County paved road ends, with permitted pedestrian access to Pahoa Beach.

Issues:

- There are gulches that need to be crossed in this area. The RR ROW used a trestle, making legal access to the land in the gulches more challenging.
- There are a number of mainland owners, which may prove to be challenging to meet with.



Community mural



Honomakau - Segment 7

Property Information

- ① TMK 540080390000, privately owned, agricultural. Narrow, curved, linear parcel, appears to be a roadway easement.
- ② TMK 540080370000, privately owned, agricultural, windmills and structures present. Grant of easements (02-235591, 02-235477).
- ③ TMK 540080710000, privately owned, agricultural. On the Mauka side of the curved linear parcel, no buildings present.
- ④ TMK 540080420000, privately owned, agricultural, no buildings. Curved, linear parcel.
- ⑤ TMK 540080430000, privately owned, adjacent to the curved linear parcel, agricultural, no buildings.
- ⑥ TMK 540090080000, privately owned, agricultural. No buildings, large parcel, no gulches, appears flat.



Blocked access to the coast



Agricultural lands

Opportunities:

- Large parcels owned by EWM Enterprises could make negotiations for a trail easy, if they see the benefit.
- Most of the properties are in agriculture and/or have windmills.
- There appears to be a road ROW through this segment, unsure of its relation to the RR ROW, should be investigated further.
- The trail alignment could follow the road easement (linear parcel #4) and follow the curved property line closer to the shoreline. This could ease property owner concerns.
- Location of the easement from old maps appears to be close to property lines and existing roads or driveways. Alignment with these could make placement of the trail easier.
- A lateral trail was a condition of the subdivision, but has not been created.

Issues:

- A single owner of many parcels in this segment requires skillful negotiations.
- There would need to be stewards of the trail in this area to avoid potential issues with squatting or illegal use of the land.
- The access on Hawi Road was a condition of Subdivision 7640, however the owners are under enforcement proceedings with the County. The public access should be extended to Pahoehoe Beach, with a lateral trail.



Historic map



Ainakea - Segment 8

Property Information

- 1 TMK 54009013000 , privately owned, agricultural property with a small dwelling unit. Has a gulch and the RR ROW goes through the bottom corner part of parcel where it traverses the gulch.
- 2 TMK 540090120000, privately owned, agricultural property with a small dwelling unit. RR ROW enters parcel on the other side of the gulch, crosses Lokahi Road and goes through another gulch on the adjacent parcel.
- 3 TMK 540090190000, privately owned, agricultural. RR ROW heads crosses gulch and heads Makai. Does not cross Honopueo Road on this property, heads up and across the road on the Makai property.
- 4 TMK 540090200000, privately owned, agricultural, abuts Honopueo Road.
- 5 TMK 540090010000 , privately owned, agricultural, abuts Honopueo Road.
- 6 TMK 540090250000, privately owned, agricultural, has building.
- 7 TMK 540090280000 privately owned, in agriculture.
- 8 TMK 530060290000, privately owned, agricultural. Has 2 small gulches on it that the RR ROW crosses.
- 9 TMK 530060300000, privately owned, agricultural, dwelling on property.
- 10 TMK 530060270000, privately owned, agricultural. Grant of Easement 62620848.

Opportunities:

- There are existing mauka-makai roads that go through this area, making assessments from the road a possibility.
- There are no private homes on the parcels near where the RR ROW traverses, making it potentially more compatible.
- The properties do have agriculture uses, which may make a trail compatible.
- This area is close to the community and visitor destinations, making a trail attractive for use.
- Properties 4,6,7,8,9 are subject to Grant of Public Access (pedestrian) Easement (GOE) along the shore.
- Lots 1,2,4 are subject to vehicular GOE to shoreline with parking lot on un-numbered parcel makai.
- Previously granted coastal trail is dangerous along the cliff edge, moving the trail to the railroad easement could provide a safer location.
- The eastern green access road is not public, but a private driveway. The CDP shows the extension of the subdivision road in Ainakea as the recommended M-M vehicle access.

Issues:

- There are a number of gulches in this segment, requiring creative solutions for the trail through the area.
- Agricultural uses and fencing could be an issue, more research and on the ground investigation is be needed.
- Stewardship of the trail in this area would need to be addressed as many of the land owners have addresses on the mainland.



Bond Memorial Public Library



Challenging gulch area



RR ROW crosses this street at curve



King Kamehameha I statue

Kauhola to Hapu'u - Segment 9

Property Information

- 1 TMK 530060230000, privately owned, large property, agricultural, gulch.
- 2 TMK 530070470000, privately owned with agricultural structures present on site. Has segment of the RR ROW, then goes onto the mauka property, then back on to this property. It is adjacent to Old Halaula Mill Road.
- 3 TMK 530070490000, privately owned, agricultural.
- 4 TMK 530070420000, privately owned, agricultural.
- 5 TMK 530070410000, privately owned, agricultural. Property looks like it is in the mauka corner, and crosses into the other property where the gulch begins.
- 6 TMK 53007043000, privately owned, agricultural, with permits for electrical, plumbing, and facilities for workers. It looks like the RR ROW crosses this property where the gulch is.
- 7 TMK 530070010000, privately owned, agricultural. Grant of easement 6/2016, Instrument # 60190738. Property is on the other side of the gulch.
- 8 TMK 530070100000, in Agriculture with a grant of easement from 2016.

Opportunities:

- There is pedestrian access along the cliff shoreline. The shoreline public access trail between Hapu'u and Kapanai'a Bays is formalized in a Grant of Public Access Easement to the County of Hawaii in February 2013, and between Kauhola Point and Hapu'u Bay in 2018.
- There are interpretive opportunities throughout this area. At the time of Kamehameha I, surfing was a popular sport in the bay. Fishing and gathering were, and continue to be, an important activity to preserve.
- When the Kohala Sugar Plantation shut down, this access was nearly lost. Land was privatized by fences and gates which prompted the Native Hawaiian organization Hui Mamalahoa to legally fight for access. As a result, a court-ordered vehicle access, on an unpaved road, to Kapanai'a and Hapu'u bays was provided for public use and access (Civil HA-5464 Kohala Corporation v. Ahoi, 1982).
- There is pedestrian access along the cliff shoreline. The shoreline public access trail between Hapu'u and Kapanai'a Bays is formalized in a Grant of Public Access Easement to the County of Hawaii in February 2013.
- There is a historical site, Hale O Ka'ili Heiau, being managed by a local community group.
- Kapanai'a Bay is a popular camping and recreation spot.
- There is an existing culvert that crosses the gulch. This is a public access way and believed to be the RR ROW.

Issues:

- The access road can only be used by 4 Wheel Drive vehicles.
- There is little parking or ease of entry to the area.
- There are issues related to illegal squatting in some areas along this stretch.
- There are issues of care and stewardship of the sites. It is important for awareness and stewardship.



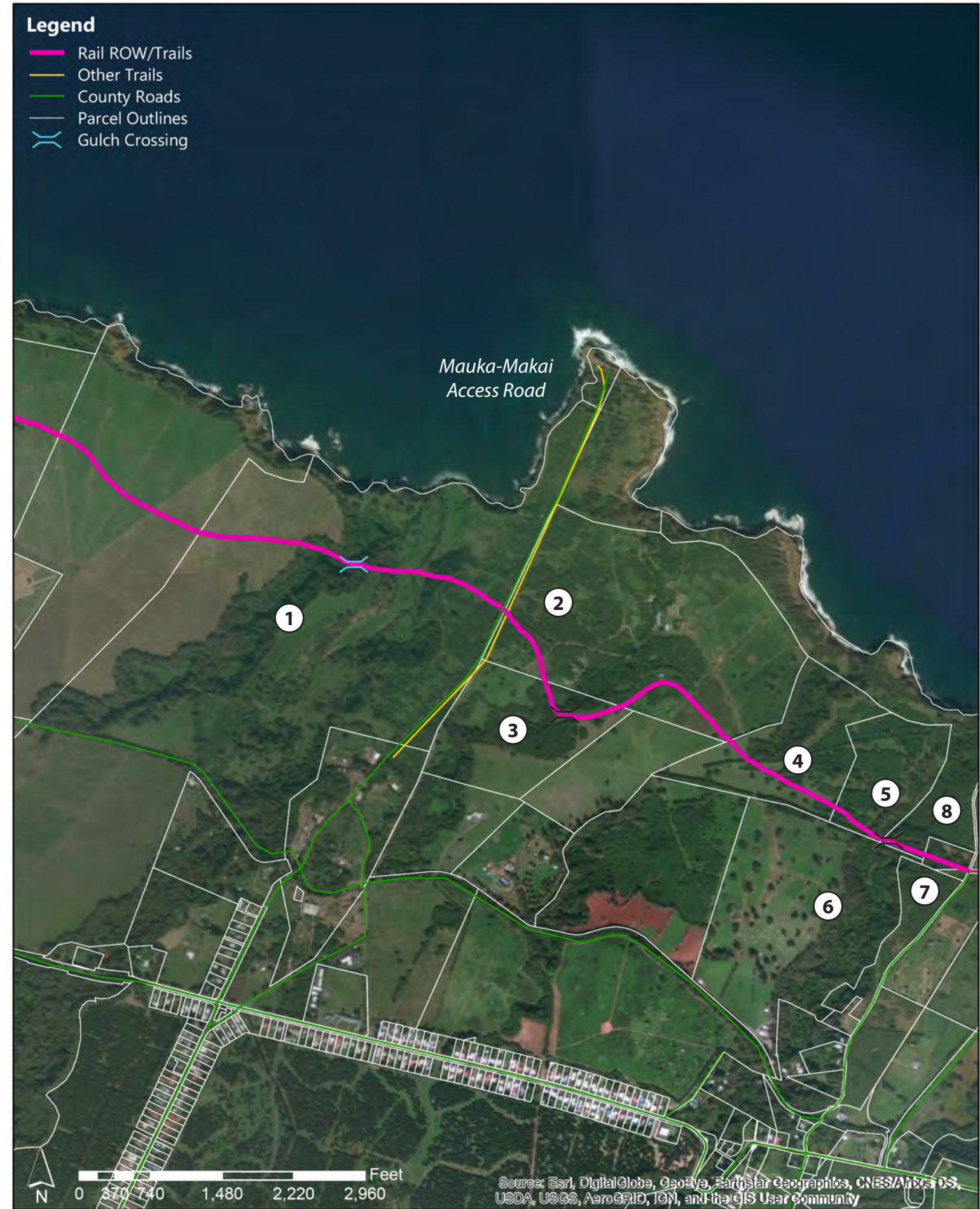
Kapanai'a Bay access



Existing trestle footings



Fishing and gathering spot



Kapanaia to Niuli'i - Segment 10

Property Information

- 1 TMK 530070210000, privately owned, agricultural property with one dwelling.
- 2 TMK 530070320000
- 3 TMK 530070240000
- 4 TMK 530070350000, privately owned, agricultural, with Grant of Easement (05-124186). Property is mauka of Kapanaia Bay Road.
- 5 TMK 530070250000, end of property abuts Kapanaia Bay Road
- 6 TMK 530070230000, existing road and culvert across the gulch in this location.
- 7 TMK 520070250000
- 8 TMK 530070270000
- 9 TMK 530070260000
- 10 TMK 520070240000
- 11 TMK 520070270000
- 12 TMK 520070040000, privately owned, Kapanaia gulch area, recently approved for public purchase. Access through this property will not be an issue as it will be open to the public.
- 13 TMK 520010140000, privately owned, large property. May be negotiable for a trail.

Opportunities:

- There are lots of interpretive opportunities within this segment.
- There are many recreational opportunities within this segment, Kapanaia Bay is already a popular camping and recreation spot.
- Community knowledge says that the railroad easement is along the lateral section of Kapanaia Road. Placing it there would eliminate crossing private land.
- The approval to purchase some of the properties for public use reflects the importance of the site for many reasons.
- The land where the RR ROW ends is owned by the Kohala Center. There are opportunities to work with them to address public use and recommendations for the site.
- This is the center of the Kula Iwi O Kamehameha (Kamehameha's homeland), a critical element in the history of the Hawaiian Islands.
- Kapanaia Bay Road – This is an important mauka-makai access point that ends at a premier fishing and gathering area for Kohala. There are remnants of trails and rope ladders that extend down the sides of the cliff to the reef shelf. This was once known for its limu kohu gathering.
- The railroad terminal is accessed by the public Keokea Park Road.

Issues:

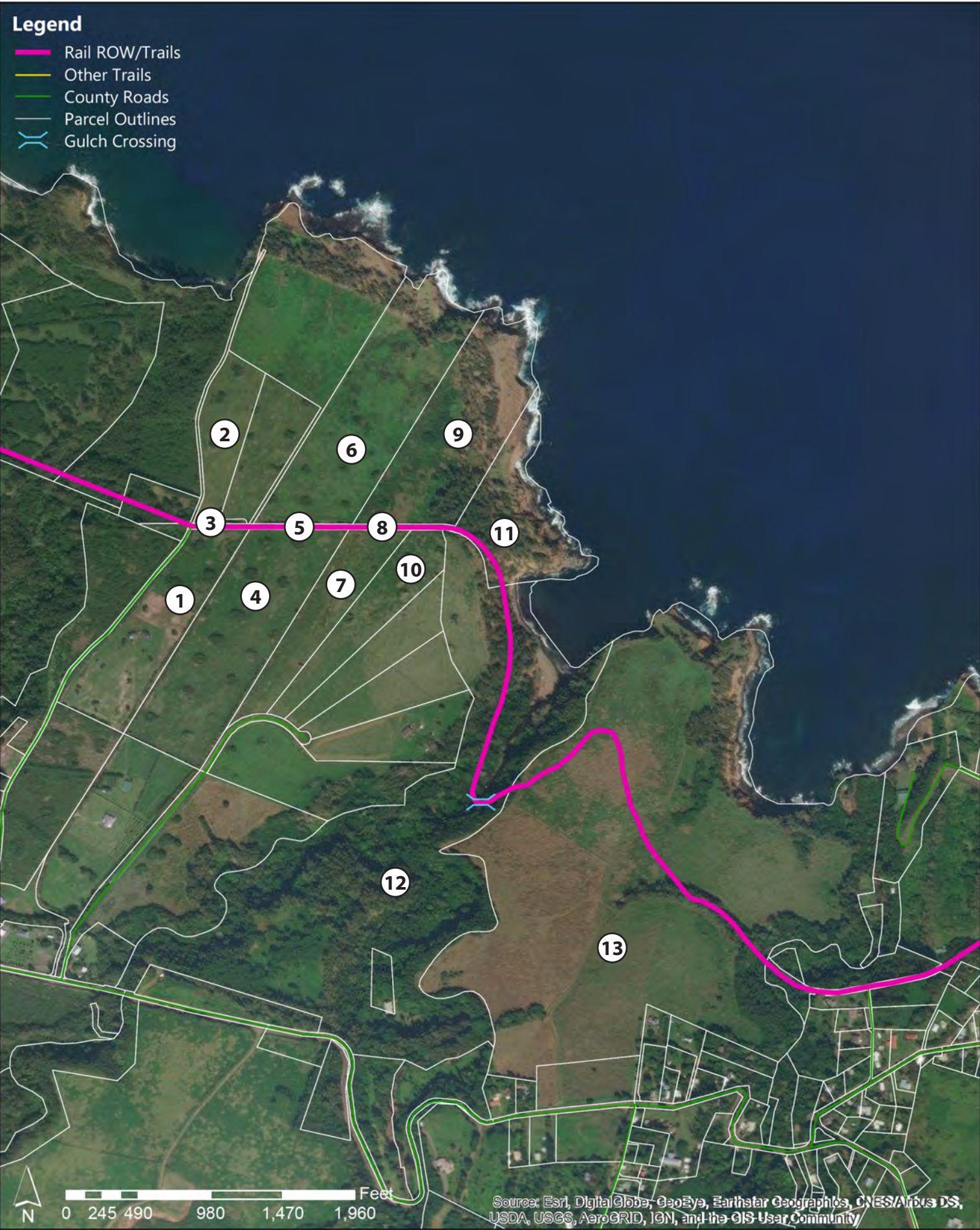
- The RR ROW goes through agricultural land, and then adjacent to some residential properties near the end of the RR ROW. This may need to be adjusted so that it is seen as a benefit, and not a burden on the residential properties.
- There are gulches within this area that will need to be examined for a trail through and back up the other side of the gulch.
- Illegal use of the area for squatters or other use would need to be examined.



Ropes for access



Existing trestle footing



Segment 11 - Niuli'i

Property Information

- ① TMK 520090430000, privately owned, odd shaped, small property.
- ② TMK 520090400000
- ③ TMK 520090160000, privately owned, residential zoning with dwellings.
- ④ TMK 520090380000
- ⑤ TMK 520090080000, privately owned, residential zoning, no buildings.
- ⑥ TMK 520010150000, privately owned, agricultural.
- ⑦ TMK 520090320000, privately owned, last real property in segment, looks like it follows the road and ends below, where Bus Stop Road meets up with the road to the park, past Old Railroad Road. To avoid disturbance to this property owner, the trail would avoid this property and end on parcel #8.
- ⑧ TMK 520010200000, owned by Kohala Center. This property is in preservation, and the old RR Turn-Around is located on the property. The Kohala Center is interested in working with the community to develop the property to meet the needs of the community. There is access to the coast, and a trail into Pololu Valley.

Opportunities:

- This is the last segment of the RR ROW, and offers interpretive opportunities at the end of the line, if the community would like to pursue.
- It appears that the ROW near properties 1-5 is on an existing easement. This could facilitate public ROW and allow the trail to continue through this area without disrupting private property.
- There is a public park at the point.

Issues:

- There are a number of smaller properties, so there will need to be sensitivity to be sure that the residences are not disturbed by the trail.
- There should be negotiations and discussions with all the property owners in this area to help to envision what Property 8 may be for the community.
- There will need to be careful consideration of commercial operations and the use of the trail.



Old Railroad Way Road



Historic Railroad Photo

