Protecting Waikapuna:

Nana i waele mua i ke ala, mahope aku makou, na poki'i
(He or She First Cleared the Path and Then We Younger Ones Followed)

CASE STUDY | FALL 2020

Photo Credit: Keoni Fox

Partnership for the National Trails System

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This document was produced by the Partnership for the National Trails System with support from the U.S. Department of Transportation Federal Highway Administration.

BEST PRACTICES

This case study highlights community engagement, collaboration among multiple partners, and use of innovative strategies to conserve culturally significant landscapes along national historic trails.

PROJECT PARTNERS

- Ala Kahakai Trail Association
- County of Hawaii
- Hawaii Department of Land and Natural Resources
- Ka'u Mahi LLC
- Trust for Public Land

KEY TERMS

- Funding
- Protecting lands with exceptional cultural and natural resource values
- Working with local communities
- Working with county and State agencies
- Working with land trusts

Department of Transportation Strategic Goal Alignment

INFRASTRUCTURE

The acquisition of Waikapuna is one of five ongoing protection projects on the Ala Kahakai National Historic Trail along the Ka'u coastline of Hawaii. The Ala Kahakai Trail Association and local communities are working together to conserve the lands and develop management plans that ensure protection for significant cultural and historical sites, provide for public access, and allow for compatible uses of the land.

INNOVATION

The parties involved in protecting Waikapuna engaged local communities, sought and secured new funding from local and State governmental agencies, and worked closely with an experienced land trust to achieve shared goals. A unique arrangement, in which the fee ownership of the land is held by the Ala Kahakai Trail Association and a conservation easement is held by the county, ensures that the land will be protected in perpetuity.

ACCOUNTABILITY

The permanent protection of Waikapuna fulfills the purposes of the National Trails System Act by preserving the property's significant cultural, natural, and scenic resources and providing the public with the opportunity to experience and enjoy them.

About the Partnership for the National Trails System

MISSION

To empower, inspire, and strengthen public and private partners to develop, preserve, promote, and sustain the national scenic and historic trails.

VISION

PNTS envisions a world-class system of national scenic and historic trails that preserves natural and cultural values and provides recreational benefits for all.

PURPOSE

The purpose of PNTS is to promote and support the efforts of national scenic and historic trail organizations, to secure public and private resources, and to serve as a collective voice for policy and action that supports national scenic and historic trails.

Photo Credit: Nahaku Kalei

Above: Hikers on the trail to the coast along the Ala Kahakai National Historic Trail on the Waikapuna property.

Protecting Hawaii's Land and Culture

by DON OWEN, Trail Protection Specialist, Partnership for the National Trails System

"For sale: 2,317 acres of pristine Hawaiian coastline. Inquire within."

In December 2019, the Ala Kahakai Trail Association acquired Waikapuna, a 2,317-acre parcel of prime Hawaiian real estate valued at more than $7 million. The Association now holds a fee or easement interest in more than 3,225 acres, more than any other national historic trail organization.

"How in the world did you do it?" I asked Kaleo Paik, a longtime member of the Association's Board of Directors.

"Nana i waele mua i ke ala, mahope aku makou, na poki'i," said Paik. "It means, 'He or she first cleared the path and then we younger ones followed.' We are following our elders and protecting their land and culture."

Photo Credit: Keoni Fox

Above: An aerial view of the Waikapuna landscape.

One of hundreds of Hawaii's ancient ahupua'a (or mountain-to-sea land divisions), Waikapuna today is a spectacular, undeveloped landscape of anchialine and brackish saltwater tide pools, caves, native coastal plants, dry land forest habitat, small sandy bays interspersed with ragged cliffs and vast lava flows, and thousands of archaeological sites associated with a once-thriving Hawaiian fishing and farming community.

Established as a national historic trail in 2000 to commemorate and provide access to traditional Hawaiian culture and the extraordinary geology, flora, and fauna of an island nation, the Ala Kahakai National Historic Trail in reality is a network of trails that connect hundreds of ancient settlement sites. The trail follows the shoreline of the great island of Hawaii for nearly 175 miles in a crescent-shaped arc that nearly circumnavigates the island, from the northwesternmost point at Kohala to the southernmost point at Ka Lae to Puna along the southeastern coast of the island.

The scenery is showstopping at every turn. However, the trail's true significance is underfoot. When you walk on the trail, you walk in the footsteps of the island's ancestors—generation upon generation upon generation.

And according to Paik, it is this spiritual connection to the land that gives the Ala Kahakai Trail its true meaning. "The trail is what connects all of us to the ocean," she said. "The trail is what connects everything. It was built by our ancestors. It was the fabric of our society. It was passed down to us as a gift. This is the kuleana (the reciprocal responsibility) that we at the Ala Kahakai Trail Association hope to reconnect and maintain for the mo'opuna (the grandsons and granddaughters) of those who came before us and never left."

> *"The trail connects all of us to the ocean. The trail is what connects everything. It was built by our ancestors. It was the fabric of our society. It was passed down to us as a gift."*
>
> **- Kaleo Paik, Ala Kahakai Trail Association**

Protecting Our Land, Protecting Our Heritage

I spoke at length with Keoni Fox, another key member of the Ala Kahakai Trail Association's six-person Board of Directors and one of the driving forces behind the effort to protect Waikapuna and the Ka'u coastline. Fox, a site acquisition consultant for the wireless telecommunications industry and manager of his family's free range poultry farm, has been actively engaged in protecting the Ka'u coastline of Hawaii for the past 20 years. His passion comes from the heart: in addition to being a keen native plant enthusiast and hiker, he has direct ancestral ties on his mother's side of the family to the land.

"What happened?" I wanted to know. "How did an organization of six Board members protect 2,317 acres of some of the most culturally and environmentally significant land in our country?"

The answer, in part, goes back generations. In addition to being an ahupua'a, Waikapuna was one of the many small fishing and farming villages that dotted the coastline of Hawaii for hundreds, if not thousands of years. The 1868 eruption of Mauna Loa and earthquakes and tsunamis that followed forced thousands of native villagers in Waikapuna and other coastal villages to move inland.

For the next century, Waikapuna remained largely untouched, except for a few former residents who maintained their connections to the land, grazing livestock and using ancient trails and paths for subsistence fishing and access to the iwi kupuna (burial sites) of their ancestors. "Native Hawaiians have an extremely strong connection to the land. We almost treat the land as if it's a family member," said Fox. "Our burial grounds, our food, our way of life, it's all connected."

ALA KAHAKAI

The Ala Kahakai Trail Association was established in 2006 to ensure that the Ala Kahakai National Historic Trail is well-connected to the community, that Hawaiian values and principles are in place and practiced, to foster partnerships and collaboration, and to provide help and guidance for the work of managing and sustaining the trail in perpetuity.

Photo Credit: Nahaku Kalei

Above: In 2016, the Ala Kahakai Trail Association and the National Park Service's Ala Kahakai National Historic Trail office organized a visit to Waikapuna with community members, Ka'u descendants, and conservation partners.

Photo Credit: Nahaku Kalei

Above: The trail descends past steep cliffs to a sandy beach and tidal pool. Now protected in perpetuity, the Waikapuna property conserves significant natural resources as well as cultural and historic resources.

And then the developers came. In 2001, Fox's aunt called. The 772-acre Kawala property next door to Waikapuna had been purchased and was being targeted for development. Fox recalled, "She said there were people behind their home, and these orange flags were everywhere. She told me I should come home and help save our family's burial sites. I met with the new owners and told them, 'If you're going to develop this land, please protect our family's burial sites.' That's where it all started. We never imagined that we could save the whole thing, but it grew into something much larger than we ever imagined."

Others soon became involved. A local director of the Sierra Club accepted a position with the Native Hawaiian Legal Corporation, which did pro bono work to help local communities understand land laws and permitting authorities. He was able to convince the county and State that they had to do an archaeological survey before the bulldozers rolled. The preliminary findings were stunning. Finally, after many meetings with the County of Hawaii and the burial commission, the developers of the Kawala property decided it would be too costly to carry out all the mitigation recommended in the archaeological report.

That stopped the immediate threat—temporarily. Developers were still committed to developing the land.

And then, in 2008, many banks and real estate developers were suddenly threatened by the downturn in the national economy. The adjoining 2,317-acre Waikapuna, one of three large properties slated for development, sold to the Lehman Brothers through foreclosure. Lehman Brothers, in turn, sold the lands to Ka'u Mahi LLC, which was operating through a Colorado-based holding company called Resource Land Holdings.

Initially, Ka'u Mahi LLC hoped to turn a profit by renting plots to ranchers and coffee farmers. When that didn't work out, they turned back to the concept of subdividing the property. By the time the archaeological surveys on the Waikapuna property were completed, however, more than 1,000 historic features were identified, most of which were located in two major complexes. The final archaeological report on Waikapuna emphasized the significance of the findings:

"These complexes represent fairly intact cultural landscapes that record the diachronic history of the land and its use by humans since the arrival of the first Polynesian voyagers to the shores of Ka'u through the present day, and provide a tangible connection to the past for the modern residents of the area. The features that make

up the two complexes, while they were constructed and used at different times for various purposes, are part of the mo'olelo (story) of these lands, and cannot be separated from one another or the landscape in which they reside in any meaningful way."

Meanwhile, the local communities, working together with the Trust for Public Land (TPL) and other organizations, convinced the County of Hawaii to create a Public Access, Open Space and Natural Resources Preservation Commission (PONC) fund that could be used to protect lands with exceptional cultural and natural resource values. The county also passed a 2% tax on high-end real estate transactions to provide funding for land acquisition.

In 2011, Fox and his family contacted TPL in hopes of finding an ally capable of handling such a large land acquisition project. "It was so helpful to have a third party who could talk to the landowners," he said. "It's really hard when you are so emotionally tied to the land. TPL was able to find a 'win-win' solution."

TPL asked Ka'u Mahi LLC for a one-year term in which to raise the needed funds to purchase the property and conduct their due diligence requirements for title, environmental hazard surveys, and appraisals. TPL also took the lead in applying for State Legacy Land Conservation Program funding and county PONC funding. The Waikapuna project received top ranking from both agencies, two years in a row. According to Fox, that was enough to let the landowner know that the effort had merit and that TPL was committed to preserving these lands for the community.

In 2016, the Ala Kahakai Trail Association was asked to support the preservation effort by the descendants. The State and county were interested in conserving the property, but reluctant to own and manage such a large tract of land with multiple cultural and natural resources. The Association had just closed on their first land acquisition project when Fox joined the Board of Directors.

At the time, the Association focused most of its efforts on a community-based management approach for protecting the trail, getting landowners and communities involved in good land management practices. According to the organization, this approach appealed to communities and landowners who want

Photo Credit: Nahaku Kalei

Above: Pelehonuamea Harman with her husband, Kekoa and three children. Pele is the great-granddaughter of the revered Hawaiian historian, Mary Kawena Pukui, who was from the local community of Na'alehu. Kawena was raised by her grandmother, Nali'ipo'aimoku, who was from Waikapuna originally. When she was a child, Kawena would visit Waikapuna with her grandmother to fish and they would stay near this exact spot.

to ensure that decisions about protecting the trail are made in accordance with community and ancestral values. Purchasing and holding land was (and still is) a last resort to save land from being developed in a way that would destroy its cultural significance—in situations like, for example, Waikapuna.

After several years of negotiations, the Trust for Public Land worked out a deal with the landowner—and the Ala Kahakai Trail Association, the State, and the county. The trust would acquire the property and then convey the property to the Ala Kahakai Trail Association, which in turn would simultaneously convey a conservation easement to the County of Hawaii, which would provide funding from the county's PONC fund, which in turn would be used to match funding from the State.

Photo Credit: Nahaku Kalei

Above: The Ala Kahakai Trail Association secured funding from the State Legacy Fund and County Open Space Fund to purchase Waikapuna. The dramatic vistas of this land in Hawaii are breathtaking.

This innovative strategy appealed to all parties, although implementation proved to be challenging on multiple fronts. Under Hawaiian land laws, native Hawaiians were able to qualify for rights to small, square tracts of land to grow kalo, sweet potatoes, or other food, or where they lived or kept a canoe. These kuleana claims, which complicated the transfer of title, were resolved through extensive deed research. In addition, the deed to the property also stipulated that the Ala Kahakai Trail Association would place a conservation easement on the property and covenant that a portion of the net proceeds from sale, lease, rental, or disposal of the property would be paid to the State of Hawaii.

The landowner even became an active participant in the final deal, donating approximately $1.3 million of the total purchase price for the property. “We want to thank the landowner Ka’u Mahi for being patient and working closely with us on this conservation purchase. We could not have conserved this agricultural and cultural treasure for the people of Hawaii without the landowner’s generosity and flexibility,” said Lea Hong, TPL’s Hawaiian Island State Director. “We are humbled to have been part of this community effort to conserve these special lands,” said Byron Levkulich, a Board member of Ka’u Mahi LLC.

Finally, after years of negotiation, the deal closed in December 2019, protecting 2,317 acres of sacred land in perpetuity for the benefit of the local communities, the Ala Kahakai National Historic Trail, and the American public.

After the Acquisition

Two weeks later, the Ala Kahakai Trail Association and the Ho’omalu Ka’u, a local nonprofit that seeks to perpetuate, protect, and conserve the land and history of the Ka’u district, acquired a conservation easement on the adjoining 772-acre Kawala property that had been the first target of developers in Ka’u. The Galimba family, which now owns and manages the Kawala property as part of its grass-fed beef ranching operation, was seeking to restrict future land use to agricultural operations and reduce the debt that they incurred to acquire the land.

Lea Hong, State Director of the Trust for Public Land (which helped to facilitate the deal), said, “such easements are win-win tools for conservation that are voluntary instead of folks fighting or picketing. It’s really a wonderful way for communities to achieve both conservation and landowner’s goals.” Funding support for the acquisition came from The Freeman Foundation.

“This conservation easement preserves sections of an ancient trail system that connect the fertile fields of Naalehu with abundant marine resources along the coastline, including a culturally significant landscape with ancient Hawaiian sites and iwi kupuna (burials),” Keoni Fox said. “My own kupuna are buried here, so protecting Kawala and its burial sites is especially meaningful to my ohana (extended family).”

Managing the Land as a Cultural and Community Treasure

The conservation easement on the Waikapuna property held by the County of Hawaii carefully prescribes activities that can take place, including subsistence fishing, grazing, and access for recreation. The Ala Kahakai Trail Association Board of Directors fully recognizes that they have taken on a major responsibility, according to Fox. “We have property, liability, and directors and officers insurance. The taxes have to be paid, and the land has to be managed well. Fortunately, we have a local family that has leased the land for many years. They have a strong outlook on protecting cultural and natural values, and are all about locally produced grass-fed beef. We have a committee that oversees their lease and works with the local community to ensure good relations.”

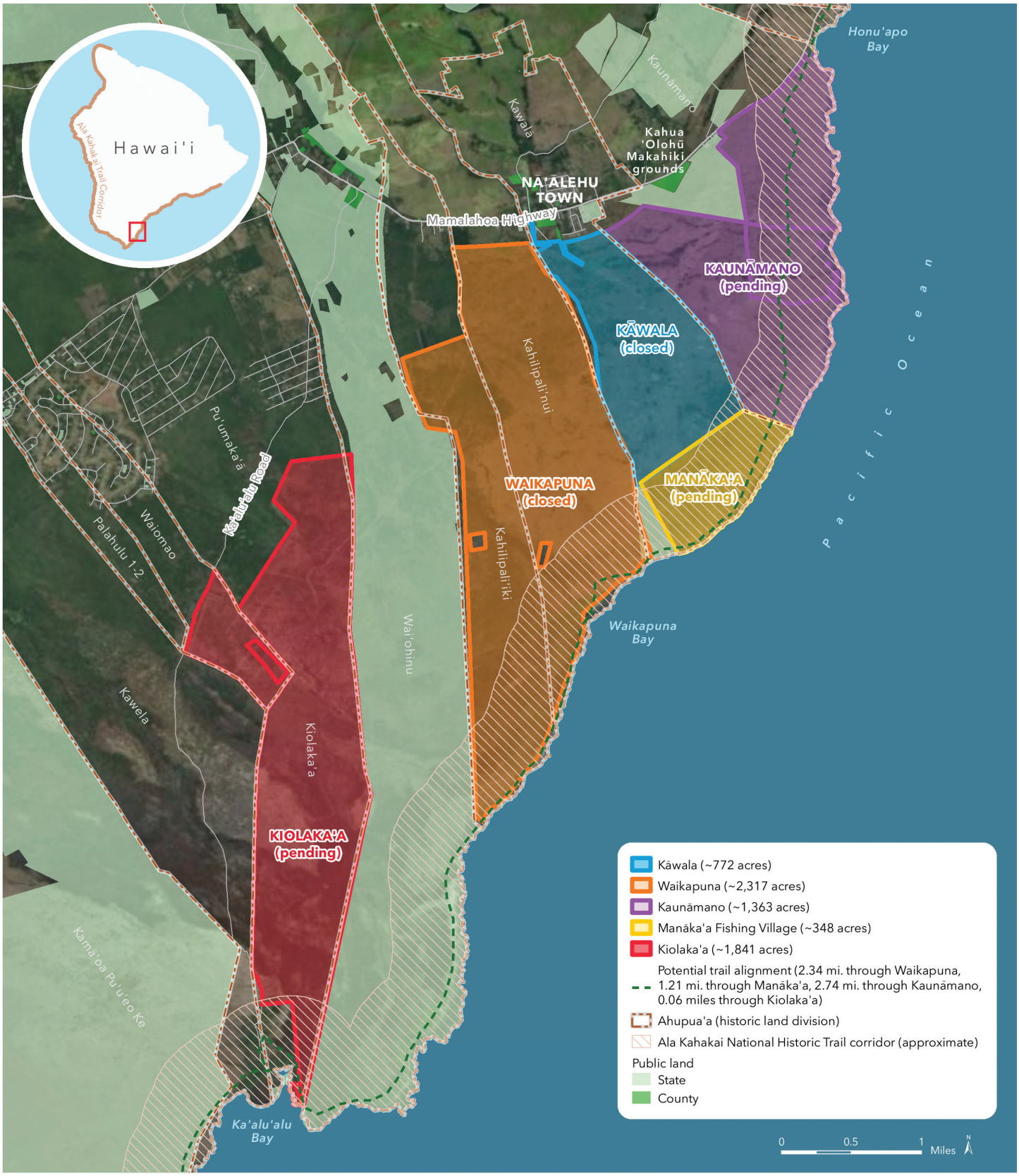
Said fellow Board member Paik, “The Association has formed a committee to be responsible for management of Waikapuna. The committee includes residents who have a connection to place as private citizens, community elders, a resident archaeologist, a member of The Nature Conservancy, a prestigious landowner, and one Ala Kahakai Trail Association Board member. We are not a land trust, even though we perform like one. Collectively, we go and ask the land, ‘Do you want us to take care of you?’”

Fox, Paik, and Hong said that TPL and others are negotiating to acquire several other properties in the immediate vicinity of Waikapuna. When completed, the collective land ownership pattern of Federal, State, and local agency property and lands held by private organizations will protect more than 6,000 acres—and much of the Ala Kahakai National Historic Trail in Ka’u. The lands will allow managers to develop and maintain the infrastructure of trails, provide public access, and ensure the safety of the general public.

In closing, I asked Paik if she had any advice for other national trail organizations. "Too often the trail organizations are looking at government agencies to purchase lands. You are not in the decision-making seat unless you own an interest in the land," she said. "Now, we are the landowners. We can make decisions that respect our community, that respect the land and our ancestors. Our mission is to support and guide a community-managed trail that honors those who came before and perpetuates for those to follow—with protocols and respect for Hawaii’s past, present, and future. We are following the path of our elders.”

Photo Credit: Keoni Fox

Above: Part of the Ala Kahakai National Historic Trail at the Waikapuna property.



Protecting Ka'ū's Coast

WAIKAPUNA, KĀWALA, KAUNĀMANO, MANĀKA'A FISHING VILLAGE, AND KIOLAKA'A, HAWAI'I ISLAND

ALA KAHAKAI

THE TRUST FOR PUBLIC LAND

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