

Rowland, Moana

From: Jackie <[REDACTED]>
Sent: Thursday, February 22, 2018 2:38 PM
To: Rowland, Moana
Subject: Mahalo Dear Moana

Aloha Dear Moana,

How can we ever say "thank you" for going out of your way for us? Tori was so amazing and concerned to contact you. I know she felt bad for us. There is not enough "Mahalo's" on the planet to ever say how grateful we are to you for the second time. We have been so upset and frustrated not knowing which way to turn, and today you, once again, were our Angel!!! By explaining why this man who has been trespassing, literally cutting up our land, with a crew of people with no regard for the land or our well being and making repeated threats, of bringing the public down this trail, of which we are totally libel, and creating a circus atmosphere, but your email cleared up everything. He knew that the County and the State had no jurisdiction, but trespassed anyway, but now we know why because of the HOA easement, he felt totally justified. None of the landowners were aware of this easement. We notified, as you suggested, the association and we are going to have our attorney draft a letter to send to everyone to vote, but we had no clue until this morning. Thanks to YOU Precious Moana. OMG Infinite Blessings of Infinite Love and Aloha!! You embody "Aloha" in every sense of the word and we are sending all your Love and Blessings back to you in every good and wonderful way. Please please please if ever I can help you in any way please don't hesitate to ask. You bring tears to my eyes!! Thank You Angel Moana.

With Infinite Gratitude,
Jack and Jackie McGinity

Sent from my iPad

Rowland, Moana

From: Jackie <[REDACTED]>
Sent: Friday, February 23, 2018 9:20 PM
To: Rowland, Moana
Subject: Re: Mahalo Dear Moana

I AM so Honored to share with them how outstanding and wonderful YOU are Moana!!! Thank You So Much for that information!!!
Love and Blessings,
Jackie

Sent from my iPad

> On Feb 23, 2018, at 9:02 PM, Rowland, Moana <moana.rowland@hawaii.gov> wrote:

>
> Jackie,
> You are very kind. My administrator David Smith at David.G.Smith@hawaii.gov and Chairperson Suzanne Case would love to hear your comments. I am always happy to help kama'aina so if you need anything else please let me know.
> Aloha Moana

>
> Sent from my iPhone

>
>> On Feb 22, 2018, at 5:51 PM, Jackie <[REDACTED]> wrote:

>>
>> Oh Dear Moana,
>> I totally agree with you on all fronts. However, you have to know that you are doing way more than your job. You are doing Divine work. I told you that 2 years ago, it's your action that says it all!! In the end that is all that ever matters. Is there any one I can contact to share with them what an outstanding person you are. How you really go out of your way for others!!!! Please let me know. I would love to share this experience. I AM so grateful.

>> Love and Aloha,
>> Jackie

>>
>> Sent from my iPad

>>
>>> On Feb 22, 2018, at 3:04 PM, Rowland, Moana <moana.rowland@hawaii.gov> wrote:

>>>
>>> Aloha Jackie,
>>> I am sorry you have been burdened with this easement issue for so long and hope the HOA can help with the solution. I am a strong advocate for public access, but only when and where it is legally sound and safe for passage. The easement may show as an encumbrance on your deed and if so make sure that any future sale of the property reflects the termination of the easement once it is recorded at the Bureau of Conveyances.

>>>
>>> I am happy to help and really just doing my job. Good luck!

>>>
>>> A hui hou,

>>> Moana

>>>

>>> Doris Moana Rowland

>>> Department of Land and Natural Resources Division of Forestry and

>>> Wildlife Na Ala Hele Trails and Access Program

>>> 1151 Punchbowl Street Room 325

>>> Honolulu, Hawaii 96813

>>> Office: 808-587-0057

>>> Mobile:808-426-6967

>>> Fax:808-587-0160

>>>

>>> -----Original Message-----

>>> From: Jackie [mailto:████████████████████]

>>> Sent: Thursday, February 22, 2018 2:38 PM

>>> To: Rowland, Moana <moana.rowland@hawaii.gov>

>>> Subject: Mahalo Dear Moana

>>>

>>> Aloha Dear Moana,

>>> How can we ever say "thank you" for going out of your way for us? Tori was so amazing and concerned to contact you. I know she felt bad for us. There is not enough "Mahalo's" on the planet to ever say how grateful we are to you for the second time. We have been so upset and frustrated not knowing which way to turn, and today you, once again, were our Angel!!! By explaining why this man who has been trespassing, literally cutting up our land, with a crew of people with no regard for the land or our well being and making repeated threats, of bringing the public down this trail, of which we are totally libel, and creating a circus atmosphere, but your email cleared up everything. He knew that the County and the State had no jurisdiction, but trespassed anyway, but now we know why because of the HOA easement, he felt totally justified. None of the landowners were aware of this easement. We notified, as you suggested, the association and we are going to have our attorney draft a letter to send to everyone to vote, but we had no clue until this morning. Thanks to YOU Precious Moana. OMG Infinite Blessings of Infinite Love and Aloha!! You embody "Aloha" in every sense of the word and we are sending all your Love and Blessings back to you in every good and wonderful way. Please please please if ever I can help you in any way please don't hesitate to ask. You bring tears to my eyes!! Thank You Angel Moana.

>>> With Infinite Gratitude,

>>> Jack and Jackie McGinity

>>>

>>> Sent from my iPad

>>

Rowland, Moana

From: Jackie <[REDACTED]>
Sent: Monday, May 07, 2018 5:14 PM
To: Rowland, Moana
Subject: Re: Aloha Dear Moana

Dearest Moana,
Thank you so very much for everything. I just forwarded your email to our attorney, asking him to write the letter. No words are good enough to ever thank you for everything you have done for us!!
Infinite Blessings of Aloha,
Jackie

Sent from my iPad

> On May 7, 2018, at 4:06 PM, Rowland, Moana <moana.rowland@hawaii.gov> wrote:
>
> Hi Jackie,
> Please have your attorney write a letter to the Chair of DLNR (Suzanne Case) explaining the situation and the matter can then be referred to the proper divisions i.e. Land Division and the Division of Forestry and Wildlife. We (DLNR) will work with our attorneys to create an action plan to get this issue resolved. Hang in there please. I know it's a long process but we need to include any and all affected parties to get this matter resolved.
> Aloha,
> Moana
>
> Doris Moana Rowland
> Department of Land and Natural Resources Division of Forestry and
> Wildlife Na Ala Hele Trails and Access Program
> 1151 Punchbowl Street Room 325
> Honolulu, Hawaii 96813
> Office: 808-587-0057
> Mobile:808-426-6967
> Fax:808-587-0160
>
> -----Original Message-----
> From: Jackie [mailto:[REDACTED]]
> Sent: Monday, May 07, 2018 4:02 PM
> To: Rowland, Moana <moana.rowland@hawaii.gov>
> Subject: Aloha Dear Moana
>
> Aloha Dear Moana,
> Hope you and yours are doing great!! Just checking in with you. Wanted to let you know that our HOA finally drafted a letter from our attorney, to dissolve the Aina O' Ka Hale Pili easement, as your suggestion. I know I mentioned that our attorney was drafting this letter, and now we have the support of the HOA, as you suggested. However, I don't know if you have heard from our attorney, but what the Homeowners want to know, what it is that we do need from you to be able to go to the BOC and register this? We can't just write the letter of termination ourselves and take it to the BOC without some documentation from you folks. That is the last stumbling block, so would sincerely love

a reply as how we should handle this when you have a moment Moana. Thank you again, for all your Guidance and Aloha, you have truly been an Angel. We are all so ready to put this behind us. Mahalo Moana.

> With Infinite Gratitude,

> Jackie McGinity

>

> Sent from my iPad

Rowland, Moana

From: Rowland, Moana
Sent: Monday, April 02, 2018 10:19 AM
To: 'Jackie'
Subject: RE: Aloha Dear Moana

Good morning Jackie,
Please ask your lawyer if they can send a letter to me explaining the situation and what is being requested of DLNR to sign off on this easement. That would be the best way to get the ball rolling on our end.

Mahalo,
Moana

Doris Moana Rowland
Department of Land and Natural Resources Division of Forestry and Wildlife Na Ala Hele Trails and Access Program
1151 Punchbowl Street Room 325
Honolulu, Hawaii 96813
Office: 808-587-0057
Mobile:808-426-6967
Fax:808-587-0160

-----Original Message-----

From: Jackie [mailto:████████████████████]
Sent: Monday, April 02, 2018 10:13 AM
To: Rowland, Moana <moana.rowland@hawaii.gov>
Subject: Aloha Dear Moana

Aloha Dear Moana,
Hope your doing well and you had a wonderful Easter. I tried calling on Friday and left a message, so I thought I would follow up with an email. The McGinitys here from Maui. I wanted to let you know we took your advice regarding our easement in the Aina O' Ka Hale Pili Subdivision, and the HOA agreed to dissolve the easement, many people are starting to come down the trail because this man is continuing to tell the public to use this trail on his website and the "liability" is of grave concern. We went to our attorney and he is drafting a letter to dissolve the HOA easement, however, he asked me if I would ask you who I should contact that is familiar with this situation and would have the authority to "sign off" for the DLNR for the "reservation" of this easement. Which would release the DLNR from any responsibility. The reason being is that if this man who keeps trespassing wants to try and sue us or the HOA because he thinks he is representing the public, and still has a right to be there, even though we have shown him the paperwork from the County, saying they never accepted the easement and the letter from the DLNR your Na Ala Hele, saying there are no trails on our tmk or in our subdivision. So our attorney felt that having the State and the County sign off would be a tremendous help to the HOA, and us as well on lot 21, should this man continue even after the easement is dissolved by the HOA. Which many feel he will. So our attorney is drafting the letter now and would love to able to send this letter to whom ever can help to obtain the signature from the DLNR.

Our attorney explained that even one person becoming crippled is minimum of 10 million dollars, who would this fall on and this trail is extremely dangerous, many wild pigs, goats and hunters go down

there and there is absolutely no beach or beach access of any kind, only a 250' drop from a rope and if you fall your done. So any help you can give would be greatly appreciated Moana. I feel bad even asking because you have helped so much already, but legally if we can stop this man and his group in their tracks from sending 100's of innocent tourists into a precarious situation, then we would be so grateful because just dissolving the easement without the backing of the County and State legally will not be enough to get them to stop. Thank you for any and all consideration. This whole situation got really messed up from the inception but nobody really knew what could happen. Any and all advice is truly a God Send. We would truly be so grateful to end this as soon as possible. Mahalo Beautiful Moana.

Love and Infinite Aloha,
Jackie

Sent from my iPad

Rowland, Moana

From: Rowland, Moana
Sent: Friday, June 22, 2018 1:35 PM
To: Terrago, Rubyrosa T
Subject: Spee to Suzanne
Attachments: M18.05 Uaoa.docx

Doris Moana Rowland
Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trails and Access Program
1151 Punchbowl Street Room 325
Honolulu, Hawaii 96813
Office: 808-587-0057
Mobile:808-426-6967
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June 20, 2018

TO: Suzanne Case, Chair
THROUGH: David Smith, Administrator
FROM: Doris Moana Rowland, Abstractor
SUBJECT: Termination of Reservation of Pedestrian (Fisherman) Access Easement

Our office is in receipt of letters from Bill Knowlton, David Henderson Brown, Joyclynn Costa and Hauoli Konohia who are in opposition to the termination of a trail easement through a privately owned parcel in the Aina o ka Hale Pili subdivision.

This issue involves a trail created by a subdivision developer on Maui seeking approvals from the Planning Commission of the County of Maui for a Special Management Use Permit in 1992. In an attempt to satisfy a condition to provide 'traditional fishing beach access trails' the developer offered to dedicate a parcel of land identified as Lot 25 to the Land Division of the Department of Land and Natural Resources. This lot consists of a steep cliff and 250-foot drop off and the Land Division declined the offer following a site inspection. The state had no further discussion about trail access requirements with the developer and the matter of shoreline access remained a county concern.

In time the developer would create a trail in another location that traverses a privately-owned parcel identified as Lot 21, owned by John and Jackie McGinity. This trail leads to a stream bed that does not provide direct access to the shoreline.

In April 2001, former Chair Gilbert Coloma-Agaran wrote to Mr. Bill Knowlton informing him that the subject trail is under the purview of the County, pursuant to Chapter 46, HRS, and the County of Maui's Special Management Area Rules and Subdivision Ordinances. Research indicates the easement is not a historic trail and has never been managed or under the jurisdiction of any program within the DLNR. The Department's position has not changed since 2001. A copy of Gil's letter to Mr. Knowlton is attached for your reference.

Na Ala Hele was recently contacted by Jackie McGinity who has concerns about liability issues associated with the public traversing her private parcel along the trail easement. She is most upset that David Brown, a member of the Maui Na Ala Hele Trail Advisory Council has been clearing the trail and has made announcements in the local newspapers that the trail is open for public use. I suggested to her that she work with her homeowner association to resolve the issue as Na Ala Hele has no management authority of the trail easement.

It is my understanding the homeowner's association recently voted to terminate the easement and David Spee, the attorney for the homeowner's association, drafted the Termination document. Mr. Spee forwarded a copy of the Termination document to your office with the belief the Department of Land and Natural Resources has an interest in the trail easement.

Gil's opinion that the state has no interest in this trail would preclude the need for your signature. Our office can provide an appropriate response to Mr. Spee and the above named persons upon your recommendation.

Rowland, Moana

From: Rowland, Moana
Sent: Friday, June 29, 2018 11:25 AM
To: 'Bill Knowlton'
Subject: RE: abstract research

Mr. Knowlton,

Abstract research is done utilizing standard title research practices. You are welcome to contact the title companies I mentioned if you'd like to order a title report from them. The trail easement is not under the jurisdiction of the state. Please contact the County of Maui if you have any further concerns.

Mahalo,
Moana

Doris Moana Rowland
Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trails and Access Program
1151 Punchbowl Street Room 325
Honolulu, Hawaii 96813
Office: 808-587-0057
Mobile:808-426-6967
Fax:808-587-0160

From: Bill Knowlton [mailto:████████████████████]
Sent: Thursday, June 28, 2018 3:45 PM
To: Rowland, Moana <moana.rowland@hawaii.gov>
Subject: abstract research

Moana, I'm concerned about how this abstract for Holokai Road County/State etc. ownership was done. Can you please state what steps you and Mahoe took when doing the search. Is he still there? David Spee did file a Termination Document in the Bureau of Conveyances last Thursday. Did Chairperson Case sign off also, it's not indicated on the copy of the Doc Spee recorded. Thanks, Bill.

Rowland, Moana

From: Rowland, Moana
Sent: Monday, July 02, 2018 7:55 AM
To: Collins, Ernest M
Subject: FW: abstract research

Doris Moana Rowland
Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trails and Access Program
1151 Punchbowl Street Room 325
Honolulu, Hawaii 96813
Office: 808-587-0057
Mobile:808-426-6967
Fax:808-587-0160

From: Nohara, Torrie L
Sent: Saturday, June 30, 2018 7:40 AM
To: Rowland, Moana <moana.rowland@hawaii.gov>
Subject: Re: abstract research

Moana it's time to bring Mike and Dave in on this personal attack. This whack job will try to get you in trouble if you don't do what he wants.

Mahalo,
Torrie

Sent from my iPhone

On Jun 29, 2018, at 11:49 PM, Rowland, Moana <moana.rowland@hawaii.gov> wrote:

The trail easement is not under the jurisdiction of the state. Please contact the County of Maui with your concerns.
Malama pono.
Moana

Sent from my iPhone

On Jun 29, 2018, at 5:04 PM, Bill Knowlton <[REDACTED]> wrote:

Moana, The SHPD is under the jurisdiction of DLNR. The AIS done by Sinoto "noted a historic roadway in Uaoa Gulch, terraced with dry masonry stones..." This historic roadway was not properly identified either by Sinoto or Don Hibbard, SHPD, or Mahoe Collins and yourself.

You are free to correct your abstract by conducting a complete search in the 2nd Circuit Court, Bureau of Conveyances, State Tax offices, and the State Archives. My

understanding is these historic roads have to be identified correctly by the State of Hawaii, and are in the Public Trust Doctrine. I've seen your credentials listed in the PATH case, and watched you testify then at trial.

Furthermore you have not answered my other questions in my prior email. Please respond completely, this is my second request for that information. Aloha Aina, Bill.

On Fri, Jun 29, 2018 at 11:24 AM, Rowland, Moana <moana.rowland@hawaii.gov> wrote:

Mr. Knowlton,

Abstract research is done utilizing standard title research practices. You are welcome to contact the title companies I mentioned if you'd like to order a title report from them. The trail easement is not under the jurisdiction of the state. Please contact the County of Maui if you have any further concerns.

Mahalo,

Moana

Doris Moana Rowland

Department of Land and Natural Resources

Division of Forestry and Wildlife

Na Ala Hele Trails and Access Program

1151 Punchbowl Street Room 325

Honolulu, Hawaii 96813

Office: 808-587-0057

Mobile:808-426-6967

Fax:808-587-0160

From: Bill Knowlton [mailto:████████████████████]
Sent: Thursday, June 28, 2018 3:45 PM
To: Rowland, Moana <moana.rowland@hawaii.gov>
Subject: abstract research

Moana, I'm concerned about how this abstract for Holokai Road County/State etc. ownership was done.

Can you please state what steps you and Mahoe took when doing the search. Is he still there? David Spee did file a Termination Document in the Bureau of Conveyances last Thursday. Did Chairperson Case sign off also, it's not indicated on the copy of the Doc Spee recorded. Thanks, Bill.

Rowland, Moana

From: Levins, Sara D <Sara.D.Levins@hawaii.gov>
Sent: Friday, July 06, 2018 11:00 AM
To: Case, Suzanne D
Subject: FW: Termination of Ocean Access request from David Spee.
Attachments: Letter to Suzanne Case dtd 5.17.18.pdf

Just came across this one too.

Sara Levins

Assistant to Chair
State of Hawaii
Department of Land & Natural Resources
1151 Punchbowl St., Rm. 130
Honolulu, HI 96813
808.587.0401 (ph)

From: DLNR.CO.PublicDLNR
Sent: Thursday, June 28, 2018 4:28 PM
To: Case, Suzanne D <suzanne.case@hawaii.gov>; Levins, Sara D <Sara.D.Levins@hawaii.gov>
Cc: Tsuji, Russell Y <Russell.Y.Tsuji@hawaii.gov>; Moore, Kevin E <kevin.e.moore@hawaii.gov>
Subject: FW: Termination of Ocean Access request from David Spee.

Forwarding as addressed for further handling and response.

Mahalo,
Dw/Comms

From: Bill Knowlton [<mailto:billdog100@gmail.com>]
Sent: Thursday, June 28, 2018 3:09 PM
To: DLNR.CO.PublicDLNR <dlnr@hawaii.gov>
Subject: Termination of Ocean Access request from David Spee.

DLNR, Maui Attorney David Spee sent Chairperson Case a letter requesting she (DLNR) sign off on the above Document for property located within the Aina O Ka Hale Pili subdivision. (attached.)
Did the chairperson sign off on this request, and if so will you please email me a copy of the signed document? Mahalo, Bill.

DAVID R. SPEE

A Law Corporation
62 Baldwin Avenue, Suite 2B
P.O. Box 790478
Paia, Hawaii 96779

Phone: (808) 579-8244

E-Mail: DavidSpee@aol.com

Fax: (808) 579-8600

VIA EMAIL: dlnr@hawaii.gov

May 17, 2018

Suzanne Case
Department of Land and Natural Resources
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Re: Aina O Ka Hale Pili Easement.

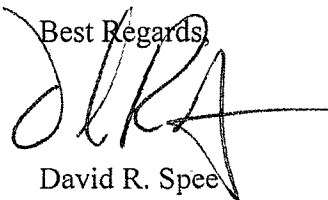
Dear Ms. Case:

I represent the Aina O Ka Hale Pili Homeowner's Association on Maui. It is a subdivision created in the 1990's. On August 28, 1995, the developer prepared and filed a Reservation of Pedestrian (Fisherman) Access Easement. It was recorded with the Bureau of Conveyances and it reserved an easement right that was temporary until a governmental agency or other entity was willing to take title to the Easement. To date the County has refused to accept the ownership of or take any responsibility for the management, public use of the easement and no State agency or other entity has been willing to accept the management, control or maintenance of the easement.

The easement crosses a very steep embankment/cliff and it is unsafe for regular travel. A problem has arisen because a local trail activists is now clearing a path through a property in the subdivision with the intent of opening it up to the public. The trail goes down such a steep embankment that a rope is necessary to keep from falling down the cliff. It is not clear why this reservation was made back in 1995 but it makes no sense due to the dangerous nature of the access.

I have drafted a "Termination of Reservation of Pedestrian (Fisherman) Access Easement" which is attached. The recitals set forth the relevant facts relating to the original Reservation and the process for terminating it. The Association would like to have both the State and the County of Maui acknowledge that they relinquish their rights in the Reservation. Please let me know if you need any additional information.

Best Regards,



David R. Spee

cc: Moana Rowland – via email (moana.rowland@hawaii.gov)