

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE, MAUI BRANCH
1955 MAIN STREET ROOM 301
WAILUKU, HAWAII 96793

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHIOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

October 22, 2018

Mr. Ted Pettit
Case Lombardi and Pettit
737 Bishop Street, Suite 2600
Honolulu, Hawaii 96813

Subject: Public trail to Ho'olawa Landing delineated on Registered Map No. 862

Dear Mr. Pettit,

Thank you for your letter of August 2, 2018. I understand from your letter that that you do not concur with the state's position regarding its ownership of the public trail to Ho'olawa Landing that is shown in Registered Map 862, dated 1881. As we noted in our May 16, 2017 letter to you:

- The subject trail remained in public use at the time of the Highways Act of 1892, as documented by Registered Map 862, which clearly shows the trail to Hoolawa Landing.
- The survey of Grant 3263, dated 1879, noted and used as a reference for its metes and bounds description, the "new road to Ho'olawa Landing", which, by those metes and bounds, is the trail shown on Registered Map 862.
- The judgement filed in circuit court for quiet title for parcel 32, and filed in the BOC as Doc. No. 97-117365, explicitly reserved in favor of the state, "the public trail to Ho'olawa Landing delineated on Registered Map No. 862.
- Article 5(a) in Exhibit A of Mr. Perry's warranty deed for parcel 32, reserves in favor of the state, "the public trail to Ho'olawa Landing delineated on Registered Map No. 862.

Therefore, pursuant §264-1, Hawaii Revised Statutes, the subject trail is owned by the state in fee simple.

As we also noted in our previous correspondence to you, we have been contacted by residents of the area requesting a determination as to the existence of a public trail to Ho'olawa Landing. The Department is tasked under state law with maintaining and

amending an inventory of all trails and accesses in the state, and with the development, restoration, and management of trails and access for public use. We are obligated to place the subject public trail on the inventory of state trails and to provide to the public pertinent information regarding the trail. We have a responsibility to ensure that the trail is available for public use.

In our previous correspondence to you, we acknowledged your client's concerns about potential impacts to his property that may result from the public use of the subject trail. In regards to those concerns, we have requested to meet with you to identify potential approaches to provide safe and appropriate public access to the shoreline while addressing the concerns expressed by your client. Unfortunately, you have declined those requests.

At this time, we will be proceeding with our objectives to survey and mark the trail for public use, consistent with our statutory responsibilities and in compliance with applicable laws, policies, and procedures. We reiterate our interest in discussing with you potential approaches to address any concerns your client may have regarding the public use of the trail. Please contact me or Mr. Bill Wynhoff, Deputy Attorney General, at your convenience at if you would like to discuss this.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Fretz', with a stylized, cursive script.

Scott Fretz
Branch Manager

Cc: Bill Wynhoff, Deputy Attorney General