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Beryl Blaich	Open Space Commission
Hartwell Blake	Kōloa Community Association
Teddy Blake	Kōloa Community Association
David Bukoski	Kōloa resident
Stella Burgess	Cultural practitioner, Grand Hyatt Kaua`i Resort & Spa
David Chang	Malama Māhā`ulepū, Sierra Club
Andy Evans	Captain Andy's Sailing Adventure
Rick Haviland	Outfitters Kauai
Dick Holtzman	Kukui`ula Development Company Hawaii
Ronald Iida	Royal Order of Kamehameha
Ivan Kaneko	Kalāheo resident, fisherman
Gini Kapali	Kukui`ula Development Company Hawaii.
Sue Kanoho	Kaua`i Visitors Bureau
Tessie Kinnaman	Lāwa`i resident, Open Space Comm.
Jody Kjeldsen	Po`ipū Beach Resort Association
Russell Kyono	Lāwa`i resident, fisherman
Sam Lee	Kōloa resident
Keith Nitta	Kalāheo resident, surfer
Marvin Otsuji	Sea Sport Divers
Saburo Yoshioka	Kukuilono Community Association

Key resources to the Lāwa`i Kai Community Advisory Group and Project Team include:

Holbrook Goodale	Kama`āina, NTBG Trustee
Betty Snowden	Duarte/Puaoi `Ohana
Robert Nishimoto	DLNR, Aquatic Resources
Skippy Hau	DLNR, Aquatic Resources
Don Heacock	DLNR, Aquatic Resources
Joe Borden	DLNR, Boating and Recreation
Tommy Oi	DLNR, Land Division
Kate Kastner	Historic Hawai'i Foundation

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Jim De Costa	Security
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Janet Leopold	Public Relations
David H. Lorence	Director of Science
Janet Mayfield	Director of Communications
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Michael H. Kido	University of Hawai'i, Hawai'i Stream Research Center
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Matt Rossner	Hydrologist
Robert L. Spear	Scientific Consultant Services, Inc.
Leanne McGearty	Scientific Consultant Services, Inc.
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Lāwa`i Kai Master Plan & Management Plan Project Team:

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Richard E. Hanna	NTBG, Librarian
Nadine Nakamura	NKN Project Planning
Barbara Robeson	Researcher

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17.0 APPENDICES

- A. Letter of Authorization from the Allerton Gardens Trust to the Department of Land and Natural Resources (Pending)**
- B. Management Plan: Goals and Objectives**
- C. Proposed Rules for the Commercial and Public Recreational Vessels Using the Lāwa‘i Kai Beach and Bay**
- D. Terrestrial Public Access Table: Legal and Illegal, Pros and Cons**
- E. User Surveys and Methodology**
- F. Preservation Planning for Historic Resources**

Appendix A

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Appendix B

MANAGEMENT PLANS: Goals and Objectives Summary

HISTORIC RESOURCES

Goal 1 *Protect and preserve the historic resources of the Lāwa‘i Kai Special Subzone*

- Objective 1.1 Create Interpretation Plan for historical resources
- Objective 1.2 Evaluate the possible nomination to State & National Registers of Historic Places
- Objective 1.3 Consider feasibility of designation as a Cultural Landscape
- Objective 1.4 Develop Historic Preservation Plan for Allerton Garden
- Objective 1.5 Update Disaster Management Plan to include preservation component
- Objective 1.6 Maintain and repair historic structures

LANDSCAPE RESOURCES

Goal 1 *Preserve garden resources consistent with the historic Allerton Garden design*

- Objective 1.1 Develop a written safety plan and communicate procedures to appropriate staff and volunteers
- Objective 2.1 Maintain an adequately-sized, trained, and knowledgeable workforce to maintain the historic integrity of the Garden
- Objective 2.2 Maintain historic integrity and plant materials within the Garden
- Objective 2.3 Stabilize and protect topography in areas prone to soil erosion and runoff using Best Management Practices
- Objective 3.1 Map, inventory, and document existing garden resources
- Objective 3.2 Inventory and document vegetative features and their historic context
- Objective 4.1 Minimize the visual impacts from adjacent developments

Goal 2 *Preserve the integrity of the historic landscape by controlling alien animals*

- Objective 5.1 Exclude the pig population and other ungulates within the Lāwa‘i Kai Special Subzone
- Objective 5.2 Reduce or remove feral cat and dog populations
- Objective 5.3 Reduce or remove chickens within the Garden area
- Objective 5.4 Reduce or eliminate rat population

INFRASTRUCTURE RESOURCES

Goal 1 *Stabilize and improve the infrastructure to preserve the historic Allerton Garden*

- Objective 1.1 Upgrade tool sheds wastewater system
- Objective 1.2 Upgrade guest house wastewater system
- Objective 2.1 Maintain roadway surfaces and paths as funding permits
- Objective 2.2 Improve roadway surfaces and paths as funding permits
- Objective 2.3 Consider feasibility of rebuilding stream crossing/bridge in historical location to accommodate maintenance vehicles and pedestrians
- Objective 3.1 Explore feasibility of changing water features to a closed loop system
- Objective 3.2 Determine ways to improve the system for water features
- Objective 3.3 Explore ways to prevent leakage while preserving the historical integrity of water features

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Objective 4.1	Examine alternative sources of potable water from the east and west sides of Lāwa‘i Valley
Objective 4.2	Upgrade existing water system if no alternatives are available
Objective 5.1	Improve the Pump 6 water system
Objective 5.2	Consider ways to separate the irrigation system from the water features system
Objective 5.3	Design and install a more efficient water distribution system
Objective 5.4	Analyze ways to become more energy efficient and explore us of renewable energy for powering Pump 6
Objective 6.1	Finalize a permanent vehicular access from Visitor Center over KDCH property
Objective 6.2	Explore the feasibility of installing a fence on the east and west sides of the Garden
Objective 7.1	Maintain and preserve rock walls and steps as funding permits
Objective 7.2	Study new routing of electrical and telephone lines

ARCHAEOLOGICAL RESOURCES

Goal 1 Protect and Preserve the Archaeological Sites within Allerton Garden

Objective 1.1	Continue to provide access to the sites for traditional and cultural uses by lineal descendents
Objective 2.1	Continue to implement maintenance plan for Allerton Garden
Objective 2.2	Manage human activity on the beach through adoption of rules
Objective 3.1	Include identified archaeological resources if Allerton Garden is nominated to the State and National Registers of Historic Places
Objective 3.2	Explore funding opportunities and collaborations with independent researchers, graduate students, and cultural preservation groups
Objective 3.3	Develop an Archaeological Preservation Plan for identified archaeological sites
Objective 3.4	Develop interpretive plan and materials on the pre-contact history of Lāwa‘i Valley that are consistent with State Historic Preservation Office guidelines

LĀWA‘I ESTUARY AND STREAM RESOURCES

Goal 1 Improve water quality & ecological health of Lāwa‘i Kai estuary, stream, and coastal waters.

Objective 1.1	Develop baseline data and monitor water quality in stream and estuary
Objective 1.2	Develop Best Management Practices for bank management within the project area along stream corridor
Objective 1.3	Contain and control non-native vegetation within the Garden area. Monitor for invasive trends and remove invasives
Objective 1.4	Educate the public about the benefits of using BMPs for the ecological restoration of estuary and bay
Objective 1.5	Maintain the natural connection (sandbar) between the estuary and stream
Objective 1.6	Delineate wetland areas
Objective 1.7	Consider feasibility of hardening earthen roads with permeable surfaces within the project area
Objective 1.8	Explore feasibility of fishpond restoration

Goal 2 Restore and protect native aquatic species in Lāwa‘i Kai Estuary and Stream

Objective 2.1	Manage and reduce the number of alien aquatic species such as guppies, tilapia, Tahitian prawn, Samoan crab
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- Objective 2.2 Improve natural habitat in stream and estuary to allow for the recruitment and return of native species. Explore the establishment of permanent in-stream flow minima to maintain aquatic habitats through drought conditions, in cooperation with other landowners in the watershed

COASTAL AND MARINE RESOURCES

Goal 1 *Restore native coastal ecosystem on Lāwa‘i Kai Beach*

- Objective 1.1 Assist State and Federal agencies in tracking and monitoring green sea turtle activities, habitat, and populations
- Objective 1.2 Improve and maintain nesting habitat for green sea turtles
- Objective 1.3 Ban nighttime lighting on beach and coastal areas
- Objective 1.4 Eliminate maintenance vehicle tracks on beach
- Objective 2.1 Maintain Lāwa‘i Kai as a safe haven for monk seals
- Objective 3.2 Reduce or remove feral cat populations (same as Landscape Resource Plan, Objective 5.2)

Goal 2 *Educate the public about the unique resources and ecosystem of Lāwa‘i Kai Beach and Bay*

- Objective 4.1 Train staff, tour guides, and volunteers to educate the public

Goal 3 *Improve the marine resources of Lāwa‘i Kai Bay*

- Objective 5.1 Improve the marine habitats in Lāwa‘i Kai Bay for feeding, resting, and reproduction of resource species.
- Objective 5.2 Gather and record traditional knowledge of cultural practices of the area.

RECREATION AND COMMERCIAL

Goal 1 *Manage recreational and commercial activities at Lāwa‘i Kai Beach and Bay*

- Objective 1.1 Create the Lāwa‘i Kai Special Subzone to encourage an integrated resource management approach
- Objective 1.2 Develop a public access policy that will protect this natural area from excessive use in the future
- Objective 1.3 Manage human activity on the beach through adoption of rules
- Objective 2.1 Ban nighttime lighting on beach and coastal area
- Objective 3.1 Form the Lāwa‘i Kai Resource Advisory Committee to create a strong relationship between the community and the DLNR
- Objective 3.2 Establish a “Makai Watch” program for coastal and marine resources
- Objective 4.1 Maintain numbers of motorized and non-motorized activity at existing levels.

Appendix C

STATE OF HAWAII

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART 3

OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES

CHAPTER 256

OCEAN RECREATION MANAGEMENT RULES

AMEND SUBCHAPTER 3

SOUTH SHORE KAUA'I OCEAN RECREATION MANAGEMENT AREAS

§13-256-56 Lawai Kai Beach and Bay

§13-256-56 Lawai Kai Beach and Bay restricted zones.

(a) Purpose: The purpose of these rules is to (1) protect and preserve the natural environment and unique experience of Lawai Kai Beach and Bay, (2) continue the existing levels of public recreational and commercial uses of Lawai Kai Beach and Bay, and (3) protect and perpetuate the green sea turtle nesting areas and Hawaiian monk seal habitat.

(b) Definitions:

"Lawai Kai Bay" means all ocean waters confined by the boundaries shown on Exhibit "X" dated _____, located at the end of this subchapter and described as follows:

[DLNR to add legal description]

"Lawai Kai Beach" means the area confined by boundaries as shown on Exhibit X, dated _____, and located at the end of this chapter, and also described as follows:

[DLNR to add legal description.]

"Ingress/Egress Corridor" means the area established daily by the users of the corridor to determine the best direction for approach to or departure from the shoreline under existing wind and sea conditions.

"Lawai Kai Beach Beaching Area" means the area approximately 30 ft. by 12 ft. in size on the eastern portion of the beach designated to accommodate the beaching of not more than ten (10) non-motorized vessels.

(c) Zone A, Lawai Kai Bay.

(1) Zone A, Lawai Kay Bay mean the ocean waters confined by the boundaries for said zones as shown on Exhibit X, dated _____, located at the end of this subchapter. The boundaries of Zone A are as follows:

[DLNR to add legal description]

(2) General restrictions. Zone A, Lawai Kai Bay.

- (a) All recreational and commercial motorized vessels operating, anchoring, or transiting Lawai Kai Bay are restricted to Zone A, and are prohibited from landing on the beach.
- (b) No person shall operate a motorized vessel at a speed in excess of a "slow-no-wake" speed within Zone A.
- (c) No more than two motorized vessels shall be permitted to anchor within Zone A at any given time.
- (d) Anchoring in Lāwaʻi Kai Bay shall be restricted to the sandy bottom area only.
- (e) No motorized vessels shall anchor for more than two (2) hours within Zone A.
- (f) All thrillcraft and jet skis are prohibited within the Lawai Kai Bay.
- (g) Fishing is prohibited within Zone A and Zone B. This restriction shall not apply to non-motorized vessels

engaged in small scale surround net fishing,¹ pole fishing or crabbing.

- (h) All vessels shall be restricted from transiting beyond Zone A and landing on the beach during the green sea turtle nesting season of May 1 through September 30. These dates may be adjusted to earlier than May 1, or later than September 30 if green sea turtles are found nesting in the area.
 - (i) All non-motorized vessels transiting through Zone A shall not land or beach vessels outside the designated “beaching” area which will be sized to accommodate up to a total of ten (10) kayaks, paddleboards, and similar vessels. When the beaching area has reached capacity, no non-motorized vessels shall land on Lawai Kai Beach. The beaching area shall be located on the shoreline below the highest wash of the waves, or as defined in Chapter 13-222, Hawaii Administrative Rules.²
- (3) Commercial vessel restrictions. Zone A, Lawai Kai Bay.
- (a) Commercial motorized vessels are restricted to Zone A only.
 - (b) Passengers on commercial motorized vessels are restricted to Zone A for swimming, snorkeling, scuba or other water-based activities, and prohibited from swimming to Lawai Kai Beach from Zone A.
 - (c) Commercial non-motorized vessels with valid State of Hawaii, Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DOBOR)

¹ Surround net fishing refers to the cultural and traditional practice of using a small vessel to catch fish by surrounding the school of fish, then gathering the fish within the net.

² "Shoreline" means the upper reaches of the wash of the waves, other than storm or seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.

permits shall land on Lawai Kai Beach only by transiting through Zone A and the designated Ingress/Egress corridor.

- (4) Recreational vessel restrictions, Zone A, Lawai Kai Bay.
 - (a) Motorized recreational vessels are restricted to Zone A.
 - (b) Recreational non-motorized vessels shall not be permitted beyond Zone A or to land on the beach during turtle nesting season May 1 through September 30. These dates may be adjusted to earlier than May 1, or later than September 30 if green sea turtles are found nesting in the area.
- (d) Zone B, Lawai Kai Bay.
 - (1) Zone B, Lawai Kay Bay mean the ocean waters confined by the boundaries for said zones as shown on Exhibit X, dated _____, located at the end of this subchapter. Zone B includes an Ingress/Egress corridor. The boundaries of Zone B are as follows:
[DLNR to add legal description]
 - (2) Zone B, Ingress/Egress corridor. The Ingress/Egress corridor is the area established daily by the users of the corridor to determine the best direction for approach to or departure from the shoreline under existing wind and sea conditions. The Ingress/Egress corridor is restricted to non-motorized vessels only.
- (e) Exemptions, Lawai Kai Bay.
 - (1) Exempted commercial uses in Zone A include snorkeling, scuba, and other water-based activities, and shall be limited to daylight hours and must be accompanied by proper buoys, flags, and markers, identifying them for safety reasons.
 - (2) Exempted recreational uses in Zone A and Zone B include snorkeling, scuba, spear fishing and other water-based activities shall be limited to daylight hours and must be accompanied by proper buoys, flags, and markers, identifying them for safety reasons.

- (f) Restrictions, Lawai Kai Beach.
 - (1) Vessel restrictions:
 - (a) Motorized vessels are not permitted beyond Zone A or to land on Lawai Kai Beach.
 - (b) Passengers from commercial motorized vessels anchored in Lawai Kai Bay are only permitted to swim within Zone A and are not permitted to swim to the beach.
 - (c) All non-motorized vessels are restricted from landing on Lawai Kai Beach during the turtle nesting season May 1 through September 30. These dates may be adjusted to earlier than May 1, or later than September 30 if green sea turtles are found nesting in the area.
 - (d) Non-motorized vessels shall be beached only in the designated “beaching” area at the eastern edge of the beach which will be sized to accommodate up to a total of ten (10) kayaks, paddleboards, and similar vessels. When the beaching area has reached capacity no non-motorized vessels shall land on Lawai Kai Beach.
 - (e) Landings of commercial non-motorized vessels on Lawai Kai Beach are restricted to two landings per week (not to occur on weekends and state holidays), and only between October 1 and April 30. These dates may be adjusted to earlier than April 30, or later than October 1 if green sea turtles are found nesting in the area.
 - (f) Commercial non-motorized vessels operating in Lawai Kai Bay and landing on Lawai Kai Beach are restricted to those vessels with valid permits, including ramp permits, shall obtained from the State of Hawaii, Department of Land and Natural Resources, Division of Boating and Ocean Recreation.

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- (1) The maximum number of passengers per commercial landing on Lawai Kai Beach is 12, plus (two) 2 guides.
 - (2) The maximum number of kayaks is six (6) two-person kayaks for passengers, plus two (2) one-person kayaks for guides.
 - (3) The maximum time on the beach is one hour per commercial landing between 7:00 am and 10:00 am.
 - (4) All refuse generated by the commercial tour, including human waste, will be carried away and disposed of at appropriate sanitary facilities.
- (2) Non-vessel restrictions:
- (a) Dogs and horses are not permitted on Lawai Kai Beach. This shall not apply to seeing-eye dogs accompanying their masters.
 - (b) No person shall dispose of garbage, trash, or waste materials in the shoreline area.
 - (c) No fires and camping are permitted in the sandy beach area of Lawai Kai Beach.
 - (d) There shall be no nighttime lights and nighttime use of the beach area during the months of May 1 through September 30. These dates may be adjusted to earlier than May 1, or later than September 30 if green sea turtles are found nesting in the area.
 - (e) Activities and uses on the beach during green sea turtle nesting and hatching periods are restricted to areas outside the demarked turtle nesting areas.
 - (f) When Hawaiian monk seals are present within the shoreline area, all persons shall stay at least 150 feet from away from

all seals and not cross the beach between a mother seal and her pup.³

- (g) No person shall molest, disturb, injure, trap, take, catch, possess, poison, or kill any wild bird or mammal, or disturb their habitat within the Lawai Kai Beach area except when otherwise authorized by all applicable federal, state and county laws and rules.
- (3) Exceptions.
- (a) Sun bathing, beach combing, recreational swimming, boarding activities, pole fishing, throw net, diving, spear-fishing, and other water-based uses are all permitted on Lawai Kai Beach.

³ Monk Seals are protected by the Marine Mammal Protection Act of 1972 (MMPA) and further protected by the Endangered Species Act of 1973 (ESA) and under Hawai'i State Law.

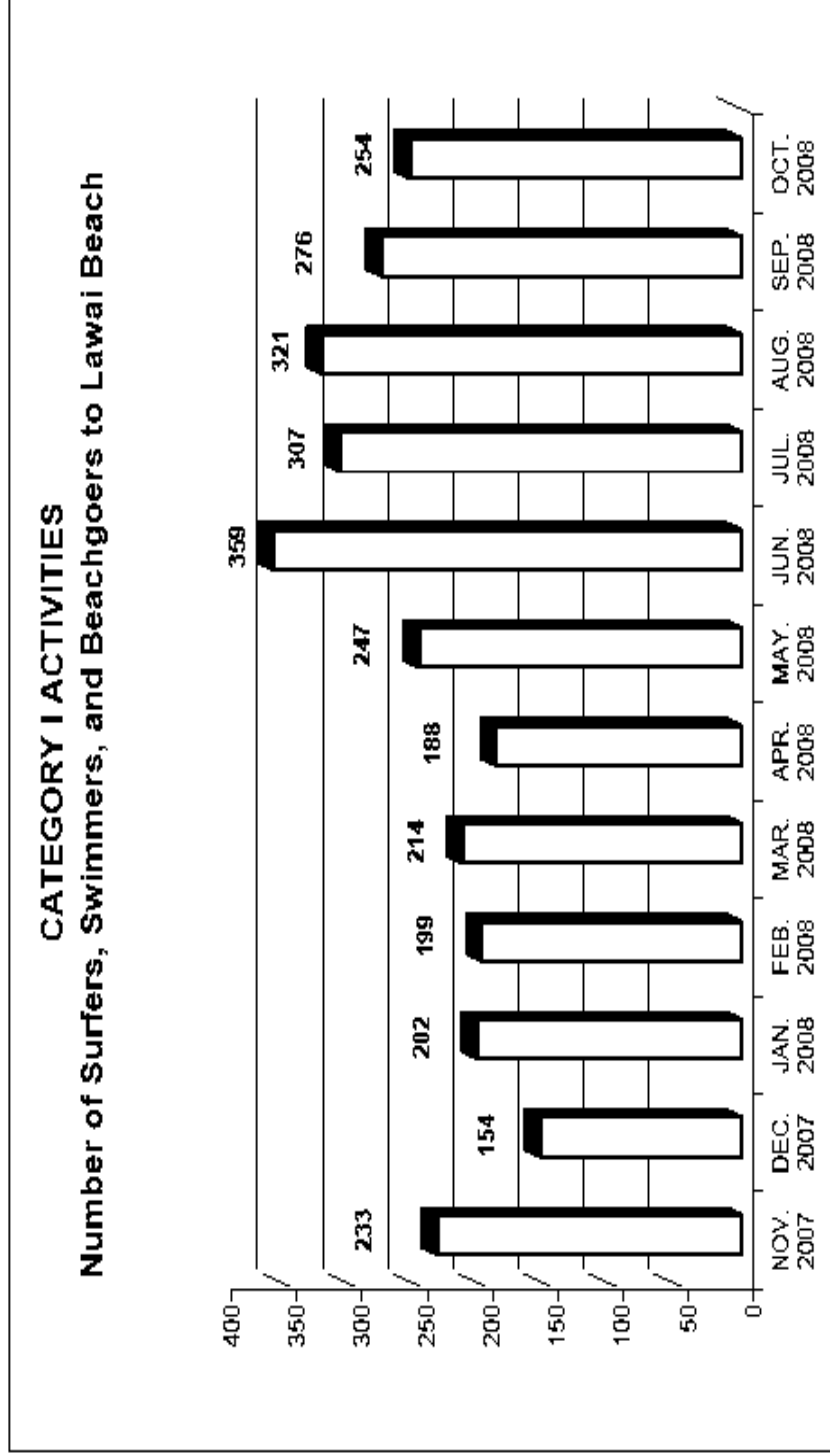
Appendix D

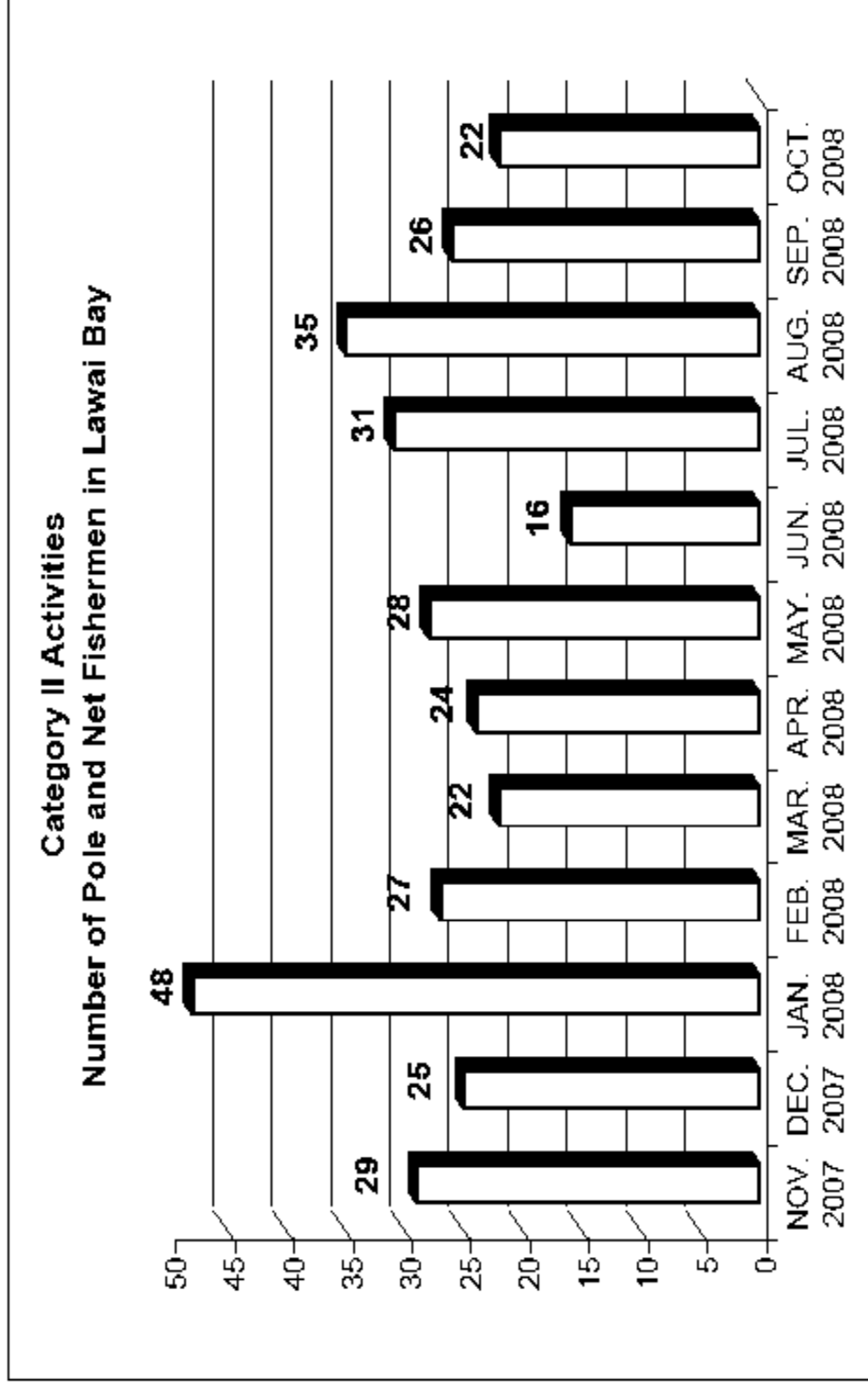
Terrestrial Public Access to Coastal Lands Legal and Illegal Alternatives at Lāwa`i Kai (revised 09-03-09)

Access Type	Access Description	Pros	Cons
LEGAL	<p>Beach users park their cars along Lāwa`i Road between Allerton Gate and Spouting Horn, walk down the remnants of an historic shoreline trail, and traverse the rocky coastline from the east (Kukui`ula side)</p>	<ul style="list-style-type: none"> ▪ Legally-established access to coastal area. ▪ Rocky coastline and wave action limits recreational overuse of area. ▪ Traditionally used by fishermen and some surfers 	<ul style="list-style-type: none"> ▪ Access along this shoreline trail is limited to the physically fit. ▪ Potentially unsafe for individuals who are unfamiliar with the eroded terrain, elevation changes, and rocky outcroppings. ▪ Coastal erosion has further deteriorated sections of the trail, making it particularly difficult to enter and exit along the same route. ▪ Conditions can be hazardous at certain times of the year.
LEGAL	<p>Beach users pay \$25.00 for an annual pass from Alexander & Baldwin. Users access agricultural lands from Wahiawa Mill, drive through coffee fields, and park on the plateau. Users climb down home-made ladders to the rocky coastline from the west.</p>	<ul style="list-style-type: none"> ▪ Legally-established access to coastal lands ▪ Rocky coastline limits overuse of natural resources. ▪ Isolated area, traditionally used by fishermen. ▪ Not well-known. 	<ul style="list-style-type: none"> ▪ Beach access is limited to the physically fit. ▪ Unsafe for individuals who are unfamiliar with the terrain. ▪ Conditions can be hazardous at certain times of the year. ▪ Increased use by non-fishermen would disrupt fishing. ▪ Access is restricted during coffee bean harvest between September and December.

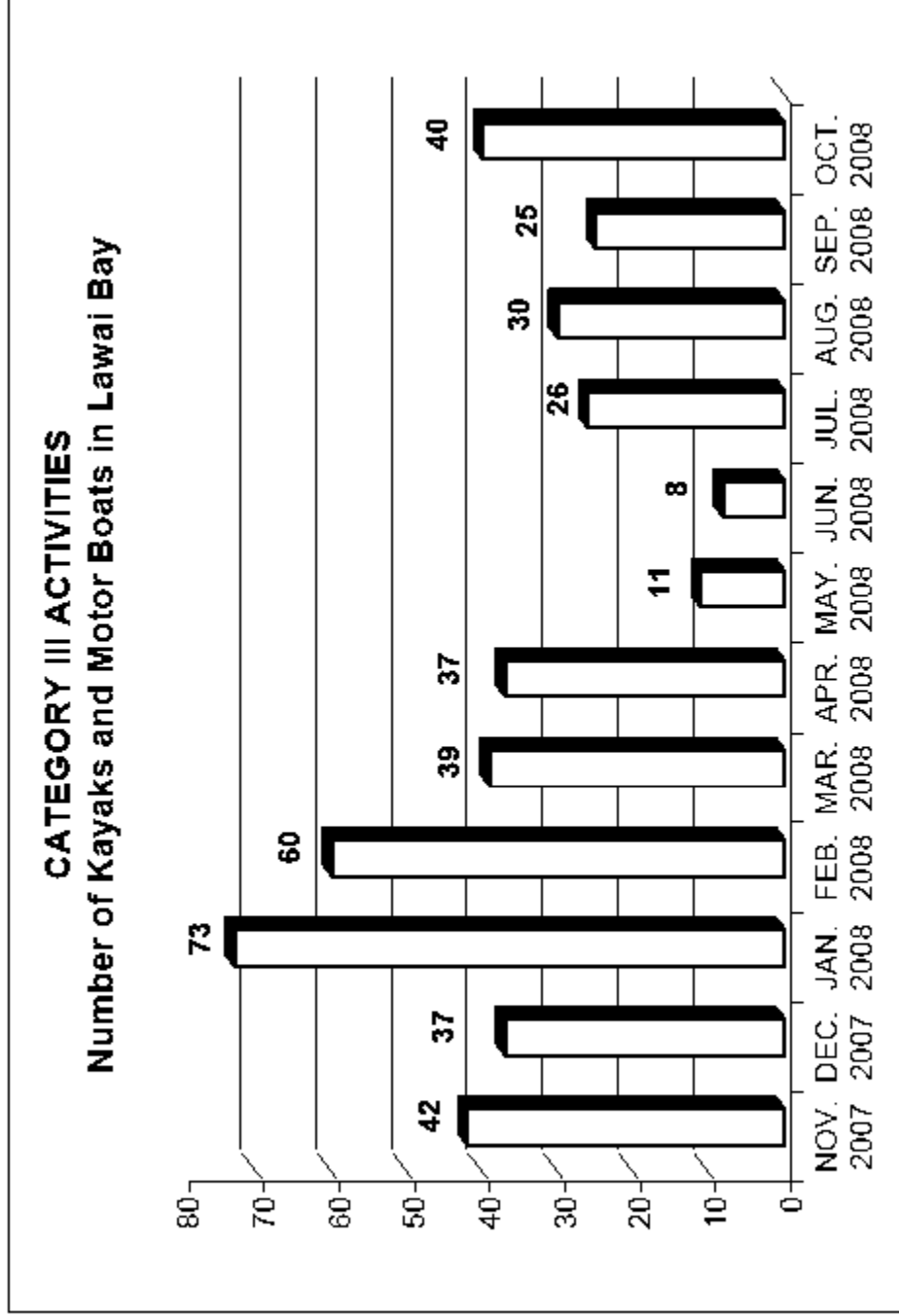
Access Type	Access Description	Pros	Cons
ILLEGAL	Beach users park their cars along Lāwa`i Road between Allerton Gate and Spouting Horn, trespass through KDCH and Allerton Garden properties, and climb down the undermined, abandoned Allerton driveway.	<ul style="list-style-type: none"> ▪ Direct, shorter access to coastal lands 	<ul style="list-style-type: none"> ▪ Portions of the road are eroded and undermined, creating a dangerous access ▪ Land owner may be liable for accidents that take place when the public uses private property to access the beach even though it is posted with NO TRESSPASSING signs. ▪ Encourages increased access from areas experiencing rapid growth and development.
ILLEGAL	Beach users pay \$25.00 for an annual pass from Alexander & Baldwin. Users access agricultural lands from Wahiawa Mill, drive through coffee fields, and park on the plateau. Trespassers climb down path over Allerton Garden property from the west.	<ul style="list-style-type: none"> ▪ Direct, shorter access to coastal lands 	<ul style="list-style-type: none"> ▪ Conditions can be hazardous at certain times of the year ▪ Land owner may be liable for accidents that take place when the public uses private property to access the beach even though it is posted with NO TRESSPASSING signs.

Appendix E





Appendix E



Appendix E

Appendix F

Preservation Planning for Historic Resources

Preservation planning is a process that organizes preservation activities (identification, evaluation, registration and treatment of historic properties) in a logical sequence. The Secretary of the Interior's Standards and Guidelines for Preservation Planning⁴ discuss the relationship among these activities while the remaining activity standards consider how each activity should be carried out.

The Standards for Planning outline a process that determines when an area should be examined for historic properties, whether an identified property is significant, and how a significant property should be treated. Some steps could include:

- Develop a scope of work and establish/seek funding to inventory and document historic resources.
- Survey and document the historic resources and cultural landscape elements of the project area and produce Cultural Landscape Reports for each of the four elements that meet criteria.
- Research, inventory and document existing conditions, creating a baseline for the landscape and historic elements.
- Establish a cultural landscape preservation team (to consult with experts in landscape architecture, landscape archaeology, history, horticulture, planning, architecture, engineering, cultural geography, wildlife ecology, ethnography, interpretation, material and object conservation, landscape maintenance and management).
- Research and develop “as-built” period plans documenting the various periods of landscape development and changes in historic appearance during a particular period of ownership, occupancy, or development.
- Prepare existing condition plans, sections, photographs, maps, video, or any combination of techniques. All features that contribute to the landscape's historic character should be recorded.
- Assess the integrity of the landscape, and place it within the historic context of similar landscapes.
- Consider nomination of Allerton Garden to the State and National Register of Historic Places.

Prepared by: B. Robeson, July 2009

⁴ Further information is available at www.nps.gov/history/HPS/pad/PlngStds/index.htm (Accessed 7-25-09).