

## Calendar No. 135

106TH CONGRESS }  
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SENATE

{ REPORT  
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### ALA KAHAKAI NATIONAL HISTORIC TRAIL ACT

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JUNE 7, 1999.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### REPORT

[To accompany S. 700]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 700) to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, line 19, strike “Upolu” and insert “’Upolu”.
2. On page 3, line 24, strike “Wahaulu” and insert “Waha’ula”.

#### PURPOSE OF THE MEASURE

The purpose of S. 700 is to amend the National Trails System Act to designate the Ala Kahakai Trail in Hawaii as a National Historic Trail.

#### BACKGROUND AND NEED

Public Law 102-461, signed on October 23, 1992, authorized the National Park Service to conduct a study of the Ala Kahakai Trail. The Ala Kahakai follows an approximately 175-mile portion of the prehistoric *ala loa* (long trail) roughly parallel to the seacoast extending from Upolu Point on the north tip of Hawai’i<sup>1</sup> Island down the west coast of the island around Ka Lae (South Point, literally, “The Point”) to the east boundary of Hawai’i Volcanoes National Park at the ancient shoreline temple (*heiau*) known as Waha’ula Heiau. In prehistoric times, the *ala loa* circuited the entire island.

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<sup>1</sup> Hawai’i is the spelling used in the Ala Kahakai National Trail Study.

A record of decision for the trail study and final environmental impact statement was approved in June 1998.

The Trail was evaluated against the criteria for national scenic trails, national historic trails and for the National Register of Historic Places. However, it was confirmed that the overriding significance lies in the cultural and historical values and therefore it was recommended that the Ala Kahakai be designated a National Historic Trail. Of the four alternatives considered, a continuous national historic trail was the preferred alternative. The trail would pass through four other National Park Service units: Pu'ukohola Heiau National Historic Site, Kaloko-Honokohau National Historic Park, Pu'u honua o Honaunau National Historical Park and Hawai'i Volcanoes National Park.

#### LEGISLATIVE HISTORY

S. 700 was introduced by Senators Akaka and Inouye on March 24, 1999. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 700 on April 22, 1999.

At its business meeting on May 19, 1999, the Committee on Energy and Natural Resources ordered S. 700, favorably reported, as amended.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 19, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 700 as amended as described herein.

#### COMMITTEE AMENDMENT

The Committee adopted a technical amendment which corrects two spelling errors.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the bill's short title as the "Ala Kahakai National Historic Trail Act".

*Section 2* lists several Congressional findings.

*Section 3* amends section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) to designate the Ala Kahakai Trail as a National Historic Trail. It directs that a map is to be available for public inspection in National Park Service (NPS) offices. The trail is to be administered by the NPS, however, no additional Federal land may be acquired without the consent of the owner. The Park Service is to encourage public participation with communities, land owners along the trail and volunteer trail groups in the planning, development and maintenance of the trail. Consultation with affected Federal, State and local agencies, native Hawaiian groups and landowners is required.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, May 26, 1999.

Hon. FRANK H. MURKOWSKI,  
 Chairman, Committee on Energy and Natural Resources, U.S. Senate,  
 Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 700, the Ala Kahakai National Historic Trail Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
 (For Dan L. Crippen, Director).

Enclosure.

*S. 700—Ala Kahakai National Historic Trail Act*

S. 700 would amend the National Trails System Act to designate the 175-mile Ala Kahakai trail in Hawaii as a National Historic Trail. The new trail would be administered by the Department of the Interior, acting through the National Park Service (NPS). Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates the agency would spend about \$3 million for planning and development over the next two years. Operating expenses in subsequent years would be about \$0.3 million annually.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 700 contains no inter-governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 700. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 700, as ordered reported.

EXECUTIVE COMMUNICATIONS

At the Subcommittee hearing a representative from the National Park Service testified in support S. 700, as follows:

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the position of the Department of the Interior on S. 700, a bill to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

The Department of the Interior strongly supports this bill. S. 700 would add the Ala Kahakai National Historic Trail to the list of National Historic Trails under the National Trails Systems Act. S. 700 would implement the recommendations made by a recent Congressionally authorized study, conducted by the National Park Service, that found the Ala Kahakai to be both suitable and feasible for inclusion into the National Trails System, meeting all three criteria for national historic trails outlined in Section 5 of the National Trails System Act.

Ala Kahakai is the modern name for an approximately 175-mile portion of the ancient shoreline footpath, the Ala Loa (Long Trail), that once circumscribed the island of Hawaii. The Ala Loa was the major land route connecting the 600 or more communities of the island kingdom of Hawaii from approximately 1400 to 1700 A.D., tying together the lives of approximately 120,000 people. The trail is associated with many prehistoric and historic housing areas of the island, nearly all the royal centers, and most of the major temples of the island. Its use is associated with the many rulers of the kingdom, with battlefields and the movement of armies during their reigns, and with annual taxation. The portion of the ancient trail that traverses the west coast of Hawaii Island was particularly significant between the years 1779 and 1820 when a series of events unfolded that would have lasting consequences for Hawaiian culture evolution: Captain Cook's landing and subsequent death at Kealahou Bay in 1779; the rise of Kamehameha to power and consolidation of the Hawaiian Islands under monarchical rule; the death of Kamehameha I in 1819, followed by the overthrow of the ancient religious system, the Kapu; and finally, the arrival of the first western missionaries in 1820. The trail continued in use throughout the 18th and 19th centuries, although some sections were modified to accommodate horses, and later, two-wheeled carts and motorized vehicles. The trail has great significance to native Hawaiians who continue to use it in traditional ways.

Approximately fifty percent of the 175 miles of trail are currently in local, state, or federal government ownership. For the Park Service alone the trail connects four NPS sites and several national historic landmarks. Approximately nine percent of the trail lies across public access easements or dedications. Another twenty percent of the trail that lies within private hands is shown on tax maps

or old survey maps as “ancient trails” as defined in the Highways Act of 1892. Ancient trails are already open to public use and are owned in fee simple by the state.

NPS would implement the statutory designation of the Ala Kahakai Trail as a National Historic Trail by preparing a comprehensive management and use plan (CMP), that would conform with Section 5 of the National Trails System Act. The plan would actively involve native Hawaiians, landowners, trail users, and other interested groups and individuals. State and local agencies, native Hawaiian and local organizations, landowners, and trail user groups would be encouraged to manage their portions of the trail.

The National Park Service would administer this trail according to the authorities of Section 7 of the National Trails System Act, ensuring that natural, cultural, and ethnographic resources were inventoried and protected before trail segments were opened and promoted for public use. The Secretary of the Interior would appoint an advisory council comprised of representatives of affected federal, state, and local government agencies, the native Hawaiian community, corporate and individual landowners, trail users, and others with an established interest in the trail, to provide the National Park Service with guidance on the operation of the trail.

By designating the Ala Kahakai as a National Historic Trail S. 700 would help us preserve one of the most important legacies of Hawaii’s indigenous history and culture. The Department of the Interior would be honored to perform its responsibilities under this act. I would be happy to answer any of your questions.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 700, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Public Law 90–543, as amended—October 2, 1968)

SEC. 5. (a) National Scenic and National Historic Trails shall be authorized and designated only by an Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

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[( )] (18) The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the “California Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment” and dated September 1987. A map generally depicting the route shall be

on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.

[( )] (19) The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled "California and Pony Express Trails, Eligibility/Feasibility Study/Environment Assessment", and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.

[( )] (20) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Selma to Montgomery" and dated April 1993. Maps depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.

( ) *ALA KAHAKAI NATIONAL HISTORIC TRAIL.—*

(A) *IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu on the north tip of Hawaii Island down the west coast of the island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as "Waha'ula", as generally depicted on the map entitled "Ala Kahakai Trail", contained in the report prepared pursuant to subsection (b) entitled "Ala Kahakai Trail Study and Environmental Impact Statement", dated January 1998.*

(B) *MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.*

(C) *ADMINISTRATION.*—*The trail shall be administered by the Secretary of the Interior.*

(D) *LAND ACQUISITION.*—*No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.*

(E) *PUBLIC PARTICIPATION; CONSULTATION.*—*The Secretary of the Interior shall—*

*(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer groups to participate in the planning, development, and maintenance of the trail; and*

*(ii) consult with affected Federal State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.*