



## Kamehameha Schools®

March 6, 2024

VIA [U.S. MAIL][E-MAIL]

Agricultural Resource Management Division  
Department of Agriculture  
State of Hawai‘i  
Hawai‘i Island – Hilo  
16E Lanikaula Street  
Hilo, HI 96720-4302  
Attn: Land Agent

Agricultural Resource Management Division  
Department of Agriculture  
State of Hawai‘i  
1428 S. King Street  
Honolulu, HI 96814-2512  
Attn: Land Agent

RE: Waipunahina Bridge on Lower Cane Haul Road, County of Hawai‘i;  
TMK Nos. (3) 4-3-004: 001 & (3) 4-3-003:021;

### **NOTICE OF POTENTIALLY UNSAFE CONDITIONS**

Ladies and Gentlemen:

The purpose of this letter to inform you of potentially dangerous and hazardous conditions relating to the Waipunahina Bridge located on Lower Cane Haul Road between Tax Map Key Nos. (3) 4-3-004: 001 & (3) 4-3-003:021 and generally shown on the map attached hereto as Exhibit A.<sup>1</sup> The Trustees of the Estate of Bernice Pauahi Bishop (“KS”) own or have an ownership interest in Tax Map Key Nos. (3) 4-3-004: 001 & (3) 4-3-003:021, and all or certain portions of such lands are leased to third parties. We understand that the State of Hawai‘i and some of its own tenants may use Waipunahina Bridge to access lands owned by the State of Hawai‘i, including a slaughterhouse located on Tax Map Key No. (3) 4-3-005-012, and, some of those users sometimes bring heavy equipment and containers across Waipunahina Bridge.

After a recent visual inspection of the Waipunahina Bridge, it has come to our attention that the condition of the Waipunahina Bridge may be unsafe and dangerous. Waipunahina Bridge was part of existing plantation infrastructure at the time KS acquired its interest in the applicable lands, and was not constructed by KS. KS plans to hire a consultant to inspect and assess the condition of Waipunahina Bridge, however, until such time as we receive any such consultant’s report and can better determine whether Waipunahina Bridge is in useable condition, we think it is best to avoid use of the Waipunahina Bridge due to life and safety reasons. **Therefore, KS respectfully asks that you and your lessees and tenants immediately cease all use of Waipunahina Bridge and utilize an alternate route to access State lands. If you or your lessees and tenants nonetheless use Waipunahina Bridge, it shall be at your and their own risk, and KS shall have no liability to any such parties arising out of or related to the use of**

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<sup>1</sup> There is another bridge commonly referred to as the “Waipunahina Bridge” along Hawai‘i Belt Road. Such bridge is not the subject matter of this letter.

**the Waipunahina Bridge, and KS specifically disclaims the same.** Nothing contained herein shall be deemed an admission or assumption of liability or responsibility for the Waipunahina Bridge, and KS reserves all of its rights with respect to Waipunahina Bridge, including, without limitation, imposing weight limits or other restrictions with respect thereto.

KS also requests that the State of Hawai‘i and KS work together in good faith on a long-term access solution for all current users of Waipunahina Bridge. KS will have more information related to the current condition of Waipunahina Bridge after its consultant conducts its assessment. In the meantime, we would appreciate it if you could provide us with any documentation relating to legal access by the State of Hawai‘i or its tenants over Waipunahina Bridge.

If you have any questions or would like to discuss, please contact Kelii Kapali at (808) 982-0830. Thank you very much for your kokua.

Sincerely,

*Marissa Harman*

Marissa Harman  
Director of Asset Management  
Kamehameha Schools

**Exhibit A**

