

Legacy Land Conservation Commission Minutes

DATE: December 2, 2015

TIME: 9:00 a.m. to 4:30 p.m.

PLACE: Room 132 (Board Room), Kalanimoku Bldg., 1151 Punchbowl St., Honolulu, Hawai'i

COMMISSION MEMBERS PRESENT:

Ms. Lori Buchanan (Chair)

Mr. Thorne Abbott

Ms. Theresa Menard

Dr. John Sinton

Mr. Rick Warshauer

Ms. Wendy Wiltse

Ms. Marjorie Ziegler

COMMISSION MEMBERS ABSENT:

None

STAFF:

Ms. Kirsten Gallaher, DLNR, DOFAW

Ms. Chauncey Hirose-Hulbert, DLNR, DOFAW

Mr. Ian Hirokawa, DLNR, Land Division

Ms. Malama Minn, DLNR, Land Division

PUBLIC:

Ms. Brenda Asuncion, Maunalua Fishpond Heritage Center

Mr. James Cogswell, DLNR, DOFAW (applicant)

Mr. Doug Cole, North Shore Community Land Trust

Ms. Mary-Lindsey Correa, Kuli'ou'ou 'Ohana

Ms. Angela Correa-Pei, Maunalua Fishpond Heritage Center

Mr. Chris Cramer, Maunalua Fishpond Heritage Center

Ms. Sheila David

Ms. Ah Lan Diamond, Hi'ipaka LLC

Ms. Lea Hong, Trust for Public Lands

Ms. Jeannine Johnson, Maunalua Fishpond Heritage Center

Ms. Laura Ka'akua, Trust for Public Lands

Ms. Na'mi Kama

Mr. Joseph Kennedy

Ms. C. Kauai Lucas, Maunalua Fishpond Heritage Center

Ms. Kanakolu Noa, Kuli'ou'ou 'Ohana

Mr. David Penn, DLNR, DOFAW (applicant)

Mr. Richard Pezzulo, Hi'ipaka LLC

Mr. Wayne Richardson

Mr. Brett Ritter, William S. Richardson Law School

Ms. Irene Sprecher, DLNR, DOFAW (applicant)

Mr. David Stapp, William S. Richardson Law School

Mr. John Vetter, DLNR, DOFAW

Mr. Michael Wilson, Hawaiian Legacy Hardwoods

Ms. Shannon Wood, Windward Ahupua'a Alliance
Ms. Marigold Zoll, DLNR, DOFAW (applicant)

MINUTES:

ITEM 1. Call to order and introduction of members and staff.

Legacy Land Conservation Commission members, staff, and members of the public introduced themselves.

ITEM 2. Election of Legacy Land Conservation Commission Vice-Chair.

Chair Buchanan inquired if there were any nominations for the Vice-Chairperson position.

Member Abbott nominated Member Sinton for the position. Member Sinton acknowledged his willingness to fill the position. Member Abbott also voiced willingness to serve in the Vice-Chair position if needed.

Chair Buchanan asked staff about the completion of her term, believing the Commission might need to elect a new Chairperson shortly. Ms. Gallaher agreed to inquire further and provide an update before the next meeting.

Seeing no other nominations, Chair Buchanan closed nominations. Member Warshauer seconded the motion; all were in favor of Member Sinton as Vice-Chair. Member Buchanan thanked Member Sinton for his service.

ITEM 3. Approval of Legacy Land Conservation Commission meeting minutes from October 13, 2015.

Member Ziegler noted the title should be "Legacy Land Conservation Commission Minutes," not "Legacy Land Committee Meeting."

Vice-Chair Sinton motioned for approval as amended by Member Ziegler, Member Warshauer seconded. All were in favor.

Due to the absence of a current Legacy Land Conservation Planner, Ms. Gallaher thanked members of the Division of Forestry and Wildlife (DOFAW) staff and interns for administrative assistance to keep the program running. Complete applications and supplemental documents for all FY16 applications were available for the public to view at the door. Ms. Gallaher also reminded the Commission that their meeting packets contained agendas and revised applicant summary sheets with updated acreage and monetary asks. Finally, Ms. Gallaher noted a project, Moanalua Garden Foundation, had removed its application.

Chair Buchanan, seeing no objections, allowed Ms. Gallaher to move to Item 5 on the agenda to provide an overview of the process and methods of the rankings before Item 4, disclosing possible conflicts by Commission members.

ITEM 5. Discussion of the process and method by which the Commission will form recommendations to the Department and Board of Land and Natural Resources regarding FY16 project funding.

Ms. Gallaher provided an overview of the 2016 Legacy Land Conservation grant process. Applications had been due on September 15th, followed by site visits by Commission member task forces during the months of October and November. From these site visits, each Lead Commission member would provide a presentation of the site to fellow Commission members. Following these presentations, applicants would have the opportunity to present their projects, followed by public testimony. The Commission members, in the meeting the following day, would rank the applications from one to five; one being the highest recommendation and five being the lowest. These scores would be averaged, with the highest-ranked projects being funded first. The estimated grants budget for FY16 (after administrative costs and fees) is \$4.5 million.

Member Wiltse inquired if this \$4.5 million total was before or after the \$1.5 million cost of the Turtle Bay Makai easement. Ms. Gallaher stated that, being an applicant, Turtle Bay would be included in the rankings process for part of the \$4.5 million funding.

Member Ziegler clarified the role of TPL (Trust for Public Lands) applying to the Commission for the \$1.5 million until the debt service had been paid off. Ms. Gallaher confirmed that this would be the very first application by TPL put forth since the legislative designation.

Ms. Gallaher stated once the projects were ranked, the recommendations by the Commission would be reviewed by the Senate President and the House Speaker. The Board of Land and Natural Resources (BLNR) would approve or deny the funding recommendations during one of their regular meetings, usually in either February or March. Final approval would then be obtained from the Governor, usually in May.

ITEM 4. Disclosure by members of the Commission of any potential conflicts of interest involving Fiscal Year 2016 (FY16) projects.

Member Menard stated she would be recusing herself from the Upper Kuka'iau Ranch Acquisition application since her employer, The Nature Conservancy (TNC), owns the conservation easement on the property in question. Member Menard had also looked in to a possible recusal for the Kanewai Springs application, but in speaking with TNC's lawyers, decided that her recusal on the project would not be necessary.

Chair Buchanan clarified that Member Menard's recusal from the Upper Kuka'iau application would not inhibit her from discussion of the project, only from the official voting and ranking of the project. Ms. Gallaher confirmed.

Member Ziegler asked if the process of recusal was in the Statute or regulations. Chair Buchanan stated it was under Sunshine Law, that a conflict occurred when there was a direct financial connection. Member Menard confirmed it was in the statute, HRS 84-14(6) – Conflicts of Interest. Member Menard then went on to read the Statute itself.

Chair Buchanan confirmed that as a state Commission, all members would be held to the HRS rules.

Ms. Gallaher reminded the Commission members that recusal from a particular project should be stated on the voting form.

Member Warshauer inquired about the costs of program administration and central services. Ms. Gallaher replied that she did not have the figures at the meeting, but would confirm them in the following meeting. Vice-Chair Sinton mentioned the costs had been discussed in the previous meeting in October.

Member Abbott mentioned the previous Legacy Land Conservation Planner, Molly Schmidt, had said the costs were usually between \$500,000 and \$700,000 in the past.

Vice-Chair Sinton added that in FY16, the program had a spending ceiling of \$5.1 million, leaving an estimated \$600,000 for administrative and central service fees and \$4.5 million to award to the FY16 projects. Member Menard showed Member Ziegler the Legislative report showing the spending for 2015 (on pages eight and nine).

Chair Buchanan inquired about the total ask for all applications. Ms. Gallaher replied that it was \$5,838,346.

Chair Buchanan compared last year's applicant asks of approximately \$20 million, adding that the FY16 ask of \$5.8 million allowed for a better chance that most projects would be funded.

ITEM 6. Reports by Commission members and Commission member task forces regarding visits to FY16 project sites; discussion of site visits to the FY16 project sites by Commission members.

Chair Buchanan stated that due to a large amount of supplemental documentation added to certain applications, and also the sheer size in acreage of some projects, the reporting by Commission members may take some time.

Ms. Gallaher asked the applicants and public if there were any time constraints which would dictate the order of presentations.

Ms. Laura Ka'akua requested that the Pu'ukua project go first since certain community members may not be able to wait too long to give public testimony, and that the Kanewai Spring application be discussed last due to availability of people giving testimony.

Mr. Penn also requested that the Upper Kuka'iau application be discussed earlier in the morning since a supporting member of the public had a flight restriction.

The Commission agreed to the order of projects. A motion was not required given that this was not on the agenda.

Member Menard asked Ms. Gallaher if the Attorney General (AG) would be available at the meeting to answer some clarifying questions, to which Ms. Gallaher replied that she had requested the AG's attendance, but had heard that she had been ill the previous day. Ms. Gallaher would continue to try getting hold of her to attend some portion of the meetings that day or the following.

Chair Buchanan asked Member Menard if she needed any legal advice pertaining to her abilities to serve as a member of the Commission or participation in voting on the applications. Member Menard replied that there may be legal advice needed on the current conservation easement being held by a private entity (TNC) on land that the State was trying to acquire for the Upper Kuka'iau application and further

questions about the Turtle Bay application. Chair Buchanan mentioned the option of going into an Executive session if questions arose about either application.

Chair Buchanan asked if there were any further requests from the Commission members or public about the order of presentations.

Vice-Chair Sinton clarified that first the Commission members give their site visits reports, following which applicants had the opportunity to give a presentation, after which point the public would be able to testify.

Chair Buchanan stated the order in which the projects would be presented and discussed, that being Pu'ukua, Upper Kuka'iau, Turtle Bay, Helemano, and Kanewai Spring.

Chair Buchanan reminded the public that site visit presentations were to provide a more personal take on the site not included in the written report by Commission members.

Pu'ukua

Member Menard, being the lead Commission member on the site visit, mentioned the applicants, Ms. Diamond and Mr. Pezzulo, were in attendance. Commission members on the site visit included Chair Buchanan, Member Menard, Member Wiltse, and Member Warshauer. This Legacy Land request was for \$175,000, for 3.75 acres; Member Menard noted this was the lowest ask of the five applicants. Sites seen on the property included remnants of a house, railroad ties, and an old well. Hi'ipaka LLC now owns and manages Waimea Valley and was able to give the Commission members a tour of the valley.

Member Menard asked the applicant about the exact amount of acreage managed; Mr. Pezzulo stated that 1,857 acres are managed by Hi'ipaka LLC.

Member Menard had been impressed by the positivity of the staff and employees during the site visit. In addition to the lowest ask of this year's projects, Pu'ukua had an excellent match of \$255,000 from outside sources. In looking at the project by cost per acre, this was the second highest cost per acre project that might be funded by the Commission. The City and County of Honolulu would hold the Conservation Easement on the property. Ms. Ka'akua stated there would be an administrative co-holder, hopefully the North Shore Community Land Trust. The application was complete with no missing documents, preliminary title report, willing seller letter, and correct TMK parcels. Member Menard considered the development threat to be extremely high, with several potential buyers and the beautiful location of the property. The property is currently on the market.

Member Abbott asked about the listing price for the property, to which Mr. Pezzulo replied that it was \$375,000.

Member Menard believed the most important preservation purpose of the property were the two burial sites. Member Menard wished there had been visits by the State Historic Preservation Division or more information available about the burials.

Member Menard noted there was a Forest Stewardship program with a five year strategic plan available into which this property, if funded, would be incorporated. Mr. Pezzulo confirmed this.

Chair Buchanan stated that other Commission members present during the site visit could add any comments they had.

Member Ziegler asked why there was a \$55,000 difference between the listed price of \$375,000 and the total estimated cost of \$430,000 as well, if the Forest Stewardship Plan was tied to the land. Member Abbott suggested these questions would be more appropriate for the applicant.

Chair Buchanan also showed some photos of her own from the site visit emphasizing the number of children visiting; acquiring this property would help to maintain the valley as a whole for future generations.

Upper Kuka'iau Ranch

Member Warshauer (lead Commission Member), stated the property in question was on the North East slope of Mauna Kea. The property in question was the upper portion of the longstanding Kuka'iau Ranch. Tree density is sparse, due to grazing by cattle, but more dense and diverse on the upper portions of the site. There is a majority of deep soil of older substrate with ash soil, which is good for pasture. Pukiawe shrubs dominate the landscape, while dense grass covers the lower portions.

Member Ziegler asked what kind of ungulates were on the site, to which Member Warshauer replied that while cattle previously inhabited the site, there were now small populations of Mouflon sheep and pigs.

Member Ziegler asked if the site was above designated critical habitat. Member Warshauer replied the site is immediately below the Mauna Kea Forest Reserve, with a small portion of the parcel part of Palila critical habitat.

Member Warshauer described various types of vegetation and habitats of the area. The existing infrastructure included a water system for cattle, two large reservoirs, one near the bottom, and one near the top, as well as older infrastructure such as steel water tanks, redwood water tanks, and catchment areas. The water available is clean and clear with new lining in catchment areas; which is considered a good asset to the land. The mauka reservoir is new, but the catchment area requires attention due to bones being discovered. The lining for the catchment had been removed in order to excavate the area properly, and had been wind-damaged. Member Warshauer mentioned many of these sandy areas near the cinder cone habitats we used by ancient Hawaiians for burial purposes. This mauka reservoir could possibly help supply water to assist the adjacent Palila habitat restoration being done by the state. Further pictures of the property showed a bunkhouse and kitchen area, with Member Warshauer noting the buildings had been worn by use over the years. The kitchen structure included a stove, and primitive water heater, but was overall very functional.

Member Ziegler asked if the sandy habitat Member Warshauer had mentioned was in fact basaltic sand as opposed to beach sand. Vice-Chair Sinton confirmed it consisted of pyroclastic sands. Member Warshauer believed this sandy material would have made it easy to dig and inter things in ancient times.

Other infrastructure on the property included large reflective antennae (one that is no longer in service) another three towers managed by different companies; one antenna running on solar, another on a generator. The US Coast Guard had been the overseeing entity for these antennae. In the vicinity, bones had been discovered and there had been associated issues with Historic Preservation and the Burial Commission.

Turtle Bay Makai

Member Wiltse provided an overview of the Turtle Bay Makai site visit. Commission members present included Member Menard, Member Warshauer, Member Wiltse, and Chair Buchanan, accompanied by Doug Cole (North Shore Community Land Trust) and Lea Hong (Trust for Public Land).

The application included the purchase of 53 acres, and a conservation easement of approximately 600 acres. The property extends from Kawela Bay, past the existing Turtle Bay resort, ending past Kahuku Point. The 53-acre purchase is west of the existing resort and adjacent to a future city park. In Member Wiltse's understanding, the 53-acre purchase and area under the conservation easement would be leased back to Turtle Bay Resort.

Using a photo from the presentation, Member Wiltse described the blue area on the map as that purchased by the state, the green being what has been placed under a conservation easement, and the yellow that area that could still be developed (not a part of this application).

Member Warshauer asked for clarification on what a small green square on the map was, Mr. Cole confirmed it was a park space privately managed by the resort, but open to the public.

A great benefit from this acquisition would be the increased public access to the area, which includes five miles of coastline and eight miles of public access trails. As part of future developments, more public parking would be made available.

Member Zeigler asked if the eight miles of public access trails were on portions of the yellow areas where potentially two more hotels could be built, to which Member Wiltse responded that they would coexist if such development were to take place.

Member Wiltse mentioned the cultural history of the area in conjunction with a photo marking the division of ahupua'a. Member Wiltse went on to mention a rich history of legends and burial sites in the area. The provision of habitat for Wildlife was also considered a strength of the area. Endangered Monk seals had been seen frequently on the coast. Wetland and coastal dune habitat had the potential for increased seabird and wetland bird activity. The North Shore Community Land Trust had been continuing restoration work in the Kahuku Point area and had planned a predator proof fence for the dune habitat.

Member Ziegler asked what types of seabirds, were nesting on site are the time, to which Mr. Cole replied that there were no successful nestings on the property due to the predators in the area. Shearwaters and Albatross had frequently been seen inspecting the area.

Member Wiltse stated Kawela bay area had been purchased by the state, but leased back to the Resort for continued use by the hotel. This area would eventually become a city park, with additional parking. The total price of this deal was approximately \$37.5 million: \$2.5 million from the U.S. Army and \$35 million from the state. This debt service was planned to be paid off via \$1.5 million annually from the Legacy Land fund and \$1.5 million annually from the Transit Accommodation tax.

Helemano

Chair Buchanan provided an overview of the Helemano site visit. Commission members present included Chair Buchanan, Member Abbott, Member Warshauer and Member Wiltse, with Marigold Zoll, Irene Sprecher, and Stephen Rafferty representing the applicants.

Chair Buchanan stated the total land in question comprised just over 3,000 acres; including lower and upper portions. Chair Buchanan noted that this was not the first time the project had been proposed to the Commission; however, collaboration with the Trust for Public Lands had pushed this project forward, with access to new funding sources. The area also provided an opportunity for real multipurpose public use; which was greatly needed on the island of Oahu.

Chair Buchanan emphasized the importance of support from potential user groups. The area showed great potential for a much-needed recreational space on Oahu including activities such as hunting, All Terrain Vehicle (ATV) use, camping, shooting, etcetera. Representative Oshiro had provided legislative support for the project.

Kanewai Springs

Vice-Chair Sinton provided an overview of the Kanewai Springs site visit. Commission members present included Member Menard, Member Abbott, Member Warshauer, and Vice-Chair Sinton. Ms. Ka'akua and Ms. Correa-Pei, representing the applicants, had accompanied them.

Vice-Chair Sinton stated the beginning of the site visit included a trip to Paiko Lagoon, but the property in question is located in a residential area, just off of Kalaniana'ole highway. Although Paiko Lagoon did not have anything do with the current application, it had provided context for the site visit. The property is adjacent to Kanewai Fishpond: Kanewai Spring feeds this fishpond, which feeds Paiko Lagoon, which feeds into Maunalua Bay.

The structure surrounding the spring had been built using Hawaiian style dry stack Lava rock mostly, before it fell into residential hands. It had been built prior to European contact, but later there were concrete attachments placed on top by the homeowner.

Vice-Chair Sinton emphasized the significance of the four-water system; that being the spring feeding the fishpond, the fishpond feeding the lagoon, and finally the lagoon feeding the bay. Having received access to the property in 2010, the Maunalua Fishpond Heritage Center had restored the spring in order to improve the entire system. As a result of restoration activities, Vice-Chair Sinton described improved water clarity, a returning of native fish, and a reduction in jellyfish in the fishpond. For example, a rare seaweed had reestablished itself in the spring after gradually disappearing from the area due to development.

Member Ziegler asked about the height of the spring water. Vice-Chair Sinton replied the water line should be tidal, so the water level had probably not been affected by pumping from the Board of Water Supply above.

Member Wiltse asked if the spring would be considered an anchialine pond with brackish water on the bottom. Vice-Chair Sinton replied that according to a high school student studying the pond, the salinity levels were very low. Member Menard added that the water had tasted fresh.

Member Ziegler asked if the animal activity was two ways, meaning creatures could get into and out of the pond; Vice-Chair Sinton confirmed this to be the case.

Vice-Chair Sinton stated the application had been submitted through the Trust for Public Land, but the Maunaloa Fishpond Heritage Center (MFHC) would hold the title and manage the land. MFHC had completed restoration using volunteers and other resources; showing they were already active in the community. MFHC planned to create a cultural learning center where the current dilapidated structure was. The site included standing stones, which people believed to be remnants of a fishing shrine. Vice-Chair Sinton reminded the members that the area had been developed over a bicarbonate shelf (an old reef), meaning these stones had to have been carried and placed in the area. A full archeological study had not yet been completed on the property. Vice-Chair Sinton considered the development risk to be extremely high. The property is located in a luxury housing area of the highly developed east Oahu. Vice-Chair Sinton believed it to be the critical headwaters for the entire system. The purchase of the property will also entitle MFHC a 1/10th stake, and formal input in the management of the Kanewai fishpond. Vice-Chair Sinton highly recommended the acquisition of this property by an organization like MFHC.

Member Warshauer added that this might be the last fresh water spring feeding a fishpond system of its kind on the Leeward side of the island.

Member Abbott expressed his concern at the lack of knowledge many people had about the island, its water, and history; he saw this property as an extraordinary opportunity for education based on its location in the middle of a hyper urban environment. Member Abbott also mentioned the property's availability was due to litigation.

Vice-Chair Sinton further highlighted the importance of the 1/10th stake in the Kanewai Fishpond that was included with the purchase of the property. This stake would allow for greater influence in the management of the fishpond itself.

Meeting adjourned for break at 11:00am

Meeting resumed at 11:10am

ITEM 7. Optional presentations by applicants of new information or clarification of information concerning their proposals.

Pu'ukua

Ms. Ka'akua (Native Lands Project Manager, TPL), Mr. Pezzulo (Executive Director Hi'ipaka LLC), and Ms. Diamond (Cultural Programs Manager, Waimea Valley) introduced themselves.

Mr. Pezzulo provided a brief history of Waimea Valley and Hi'ipaka's plan for the property. With pictures provided, Mr. Pezzulo described the 1,875 acres owned and managed by Hi'ipaka. In the early 2000's the previous owner had showed interest in developing the area for high-end housing estates. Based on community objections, organizations including the Trust for Public Land and Office of Hawaiian Affairs worked to purchase the property to preserve the area from development. From the \$14 million purchase, Hi'ipaka LLC owned everything from Kamehameha Highway into the mauka regions of the property excluding two housing lots and the Pu'ukua property.

The mission of Hi'ipaka is to "preserve and perpetuate the human, natural, and cultural resources of Waimea Valley for future generations"; it was suggested this property related directly to this mission due to it containing the burial site of Hewahewa, the last kahuna nui who ruled Waimea Valley. Any development on the property, once purchased, would not be for traditional visitors to the Valley, but rather, strictly for educational purposes and restoration to low land native forest. This area would be incorporated into the education program.

Mr. Pezzulo answered a previous question about the current Forest Stewardship Plan, stating that the property had not been included in the plan due to it not being owned by Hi'ipaka LLC. If the property was acquired, the Forest Stewardship plan would be extended to it. As an example, Hi'ipaka had out planted approximately 15,000 native trees in the mauka region of Waimea. Not only is there a state Forest Stewardship plan, but other agreements with U.S. Department of Agriculture programs including Conservation Reserve Program (CRP) and Conservation Reserve Enhancement Program (CREP). There is also a greater opportunity for volunteer restoration to the property, if acquired, due to the easy access and close proximity to parking.

Ms. Diamond provided the cultural history of Waimea Valley and the importance of acquiring this property. Being comprised of Kamaikai (north) and Kamanui (south), a two valley system, there are many culturally significant areas on the property, including a kauhale (homestead) and archeological site which was restored to eight hale and updated with an archeological survey. From the construction of two roads and the introduction of the botanical gardens by the previous owners, many things were taken away from the original kauhale. This may be the only kauhale available with public access. There are five cultural sites outside of the valley proper with direct ties to the valley. The area has been called the valley of the priest because since 1092 A.D., because it is said that the first kamapua'a, in the form of a man, set aside lands being with 'wai' to have the kahuna nui reside and rule, Waimea being one of them. A long line of kahuna nui ended with Hewahewa. Pu'ukua is said to be the resting place of Hewahewa.

Ms. Diamond stated that approximately 150 burial caves had been discovered along the valley walls, some having been disturbed and some still intact, with bundles. Due to the property being privately held, the Hewahewa burial has remained untouched and densely overgrown. It has been the position of Hi'ipaka to not enter or touch the property without the acknowledgement of the descendants. From a cultural standpoint, they perceived a duty to take care of the kupuna, which could not be done without ownership.

Mr. Pezzulo described the location of the burial; located just above the parking lot near the visitors center, and the first thing visitors saw as they entered the valley. In order to best preserve and protect this area, Mr. Pezzulo believed it needed to be managed by Hi'ipaka.

Ms. Ka'akua described the path toward the burial and reiterated the importance Hi'ipaka LLC placed on working with the descendants. Hi'ipaka had been activity looking for Pu'ukua descendants, because the exact location of the burial was unclear.

Mr. Pezzulo stated there were descendants of Hewahewa in attendance at the meeting to testify; and that they could access the site whenever required.

Ms. Ka'akua informed the Commission about the status of the property. There had been consistent interest in the purchase of the property, which had increased the original price from \$375,000 to approximately \$400,000. Ms. Ka'akua also noted that 3.75 acres on the north shore of O'ahu for this price

was considered a good deal based on the real estate market; however, it would be completely inappropriate for the property to be held privately. It would be expected to create a strained relationship between the owners, the descendants and Hi'ipaka.

Ms. Ka'akua stated that due to the rapid timeline of closing on the property, the Trust for Public Land was prepared to take out a loan to ensure the purchase could occur.

Ms. Diamond added that a member of the Piko family, with a long line of family connected to Waimea, had expressed the importance of the Pu'ukua property being a part of Hi'ipaka and not fragmented. There had been 78 documented archeological sites in Waimea Valley; many descendants had been contacted, and for some, it had been extremely difficult to return to the valley after leaving.

Ms. Ka'akua reminded the Commission that it was not only for the preservation for the family members, but iwi was the most important resource, and a responsibility that needed to be taken care of. And furthermore, the iwi at the site were those Kamehameha I's advisor as he united the islands. Hewahewa had also been linked to many changes; for example, the fall of the Kapu system.

Vice-Chair Sinton asked if this property was the only piece of land not owned by Hi'ipaka in Waimea Valley, to which Ms. Ka'akua stated there were two other private properties, but located outside of the Waimea Valley gate.

Ms. Ka'akua stated that she had a copy of the Forest Stewardship plan, available if any Commission members wished to see it.

Member Ziegler commented on worrisome it was to have to no laws designating the protection from development for burials, even one as important as this. Ms. Ka'akua replied that traditionally, individuals were not supposed to disclose burial locations, but in this case, it was necessary to protect the site.

Member Ziegler wondered if it was possible for the state to not allow development of the area. Ms. Ka'akua stated that she had been in contact with the State Historic Preservation Division; and while there had not been an official statement, an archeologist she had spoken with was pleased a Legacy Land application was the way the applicant had chosen to secure the property.

Vice-Chair Sinton asked if the sites were on the registry, to which Ms. Ka'akua replied that the state archeologist had found site numbers, but a lot of the information was still considered a 'grey area'.

Member Abbott inquired as to the involvement of the Burial Council at this point in time. Ms. Ka'akua stated the family of Hewahewa had reached out to them.

Member Abbott asked about the size the foundations of the old house, to which Ms. Ka'akua referenced a photo from her presentation; overall, the foundations were not very large.

Member Abbott also inquired about the state land use designation for the TMK (tax map key), specifically if it was under a conservation designation. Member Ziegler mentioned it might be a limited subzone; Ms. Ka'akua agreed.

Member Abbott asked about the depth of the well on the parcel, to which Mr. Pezzulo stated it is approximately 15 to 20 feet at the water line.

Member Abbott also inquired about the houses at the entrance to the Waimea Valley. Mr. Pezzulo noted the first two houses, upon turning in from Kamehameha Highway, are privately owned, with the third being the caretaker's house owned by Hi'ipaka LLC. Member Abbott also asked if there was any relation or affiliation of the private landowners to Waimea Valley; Mr. Pezzulo stated there was none. The current owner had acquired the property in the 1950s and used it as a vacation home. The original owner had since passed away and this property was being liquidated for their children.

Member Abbott commented on the excellent use of the land already managed by Hi'ipaka, which in his opinion provided an excellent reference for the possible future management of the parcel in question; the future management of an area was a factor in the ranking process of the applications presented to the Commission.

Member Abbott asked how long the property had been on the market, to which Ms. Ka'akua replied approximately a year. Ms. Ka'akua stated there had been a potential buyer that the applicants had been very concerned about.

Member Abbott asked if the current individuals interested in the property understood the development restrictions on the property. Mr. Pezzulo stated the realtor is required to fully disclose all information about the property, but Ms. Ka'akua added the potential buyers might not be fully aware of the extent of restrictions.

Finally, Member Abbott asked if the asphalt parking lot was included in the parcel, to which Mr. Pezzulo stated it was not; that area is overflow parking for Waimea Valley.

Mr. Hirokawa queried the process of the transaction, adding that Legacy Land funding could not be used as reimbursement. Ms. Ka'akua replied that TPL would be the organization buying the property, and if this application were to be fully funded, Hi'ipaka would use the grant to acquire the property from TPL through an escrow process.

Member Ziegler inquired about the lo'i kalo restoration project plan given in the application. Mr. Pezzulo stated the kalo restoration plan was to demonstrate the continued restoration of the area, but had nothing to do with the parcel in question.

Ms. Gallaher stated that in the interest of time, it would be appropriate to hear public testimony, and further reminded the public that testimony should extend no longer than three minutes per individual.

Ms. Kama, a descendant of Hewahewa, explained the long history of her family. She represented the family currently on the island, as the rest were spread across the globe. Upon first visiting the iwi in 1980, she felt an immediate connection to area. Ms. Kama also thanked the applicants for all the work being done to preserve the land. While there was a great deal of history, she considered the most important part to be the iwi. Ms. Kama had contacted the Burial Council and had been working with Hina; she felt the iwi must be maintained so future generations can feel the love that was felt by the descendants today.

Ms. David stated this preservation was not only for their family, but also for all Hawaiians. Hewahewa chose to be buried there, rather than a cave in order to not be disturbed. The Hawaiian culture needed to be preserved for future generations as well as the world.

Mr. Doug Cole, director of the North Shore Community Land Trust (NSCLT), stated his support for this application. From a community standpoint, Waimea Valley had had multiple owners in the past but Hi'ipaka had done an incredible job. Past ownership of Waimea Valley had at times made it very difficult and expensive to access the valley but since Hi'ipaka has taken over management, community access had changed for the better. This improvement illustrated the management capabilities of Hi'ipaka to undertake this project. The North Shore Community Land Trust was willing and able to hold the Easement on the property or help the City with it if required.

Member Ziegler inquired about the City and County of Honolulu holding the easement since they would be funding a portion for it. Mr. Cole replied that while he could not speak for the County, the County had held easements in past projects, however they had not always liked to carry the full burden of the easement, which is where an organization like NSCLT would step in to help.

Member Ziegler asked why there would even need to be an easement if Hi'ipaka would be the landowner, to which Mr. Cole replied that the easement may be due to the County funding sources requiring the land to be conserved with an easement.

Upper Kuka'iau Ranch

Mr. David Penn introduced himself, representing the Division of Forestry and Wildlife (DOFAW) proposal to purchase the Upper Kuka'iau Ranch. The multifaceted project would commit DOFAW to challenging work for the foreseeable future; this being so, Mr. Penn asked the Commission to consider the long-term goals of the project. This long-term view was concurrent with the reasoning behind the landowner's decision to place an easement on the property.

Mr. Penn introduced Mr. Richardson, Trustee of the Deluz estate, and mentioned Mr. Deluz, Jr., may be available by phone if questions arose.

Referencing a slide on his presentation, Mr. Penn stated the U.S. Fish and Wildlife Service (USFWS) had awarded this project with a Recovery Land Acquisition Grant for over \$1 million. This funding would be available until the end of June 2017 and would go to protect the critically endangered Palila bird habitat on the top of the property. The National Fish and Wildlife Foundation had awarded money to TNC for this acquisition as well. Mr. Penn stated he was in the process of taking this project before the BLNR for approval to secure an agreement for the same amount of approximately \$500,000 since this was not directly transferable from TNC to DOFAW. In addition to these funds, Mr. Penn asked the Commission for approximately \$1.3 million to secure the acquisition. The addition of this funding would be enough for the project to move forward before the USFWS funding deadline of June 2017.

Member Abbott asked about the deadline for the USFWS funding. Mr. Penn replied that the project was currently on a one-year extension, putting the deadline at June 30th, 2016; however, as long as it was progressing, another one-year extension could be likely be added. Mr. Penn stated that without Legacy Land funding, it would be difficult to achieve any further project deadlines.

Mr. Penn, again referring to his presentation, showed photos of the property, mentioning the critical Palila habitat, long ranching history, and the catchment areas mentions previously by Member Warshauer. As previously mentioned, the landowner had given up development rights to the property through an easement and divided it into 40-acre parcels.

The ranching taking place is largely a cow-calf operation (it is more profitable to raise calves and send them to the mainland for finishing, rather than have the beef stay in the islands). However, there is a cooperative-type slaughterhouse in the area, but not on the parcels in question.

Member Ziegler asked for clarification on whether there was development further down from the applicant area, though she acknowledged the landowner had voluntarily entered into an easement with TNC. Mr. Penn affirmed that there had been subdivision of agricultural land below the applicant area.

Member Ziegler asked if there was still grazing on the parcels in question; Mr. Penn replied there is still grazing allowed under the easement, but that he would explain further in his presentation.

Mr. Penn stated there was an additional parcel added to the application that is shown as #13, the 0.25-acre parcel on Pu'u Kihei. Member Warshauer asked when the parcel had been created, as it did not meet the zoning parcel size. Mr. Richardson replied that it had not been created recently.

Mr. Penn continued to show photos of the property and the adjacent properties, stating that once those leases were up, the fate of those properties would also be reevaluated.

Member Ziegler asked when the easement was created, to which Mr. Penn stated the easement was created in 2009. Mr. Penn added that leased land adjacent to the applicant property was being used for grazing, but there were no cattle currently on the property even though the easement allowed for grazing.

Member Abbott asked where the radio antennae were located, to which Mr. Penn stated there is a repeater station on Pu'u Kihei and others on I'olehaihai. Referencing photos, Mr. Penn showed antennae that were being leased, with leases ending in 2015.

Member Abbott asked if the parcel was on the Pu'u, to which Mr. Penn stated it was on the Pu'u and definitively not down by the reservoir.

Mr. Penn showed a map of the Archeological Inventory Survey (AIS), which had been accepted by the State Historic Preservation Division (SHPD). The History Preservation Division had recommended different degrees of preservation depending on what had been discovered, ranging from ranching history to iwi (burials) found on the site. For the burials found, a Burial Treatment Plan was being developed by the landowner, subject to a Burial Council evaluation. The other potential burial site located near the radio tower was being managed by the U.S. Coast Guard and both state and federal historic preservation divisions. There had been two drafts surveys submitted, but they were not public record until SHPD accepted them. Lastly, the mustard colors on the map were listed as traditional cultural areas (national designation).

Chair Buchanan asked why, if a federal 106 consultation was being completed on the Coast Guard site, it was not also being completed on the other site mentioned, to which Mr. Penn replied that the descendants had been involved in the Burial Treatment Plan with the landowners as well as conducted site visits as recently as the previous month. Mr. Richardson concurred with Mr. Penn's statement.

Chair Buchanan stated she was apprehensive about the monetary costs associated with the proper preservation of these cultural sites knowing that it would fall to the State to manage if the area was

purchased, as well as considering that much was still unknown. Mr. Penn stated an upcoming slide would have further details, along with the AIS in the application.

Mr. Penn continued with photos showing the restoration potential of the area as mentioned by Member Warshauer during his presentation earlier. Mr. Penn also mentioned Mr. Vetter of DOFAW as the Forest Bird Recovery Coordinator who had also contributed to the Mauna Kea Forest Restoration Project, Chauncey Asing who was the manager of the project, and Michael Wilson from the Hawaiian Legacy Hardwoods.

Mr. Penn continued to show landscape views of the property. Further issues with the project included getting another complete appraisal of the property, which included improvements such as the updated water system, costs and associated measures taken to meet historic preservation requirements, future ownership of the conservation easement (with the possibility it being donated to the State or the Hawaiian Island Land Trust (HILT) from TNC) or it going towards the implementation and feasibility of the Restoration and Management Plan, and future modification of the conservation easement, which was of concern.

Showing a map of the conservation easement zones, Mr. Penn pointed out the restoration area within the zone 1 critical habitat of the endangered Palila. This area is the most protected, only allowing grazing to occur (with agreement of the owner) for ecological and fire prevention purposes. In the other three zones, commercial grazing would be allowed. For other agricultural purposes, 600 acres had been allotted in continuous 100-acre blocks. Near the existing cabin, 6,000 sq ft for construction or reconstruction had been allowed.

Member Abbott stated that 6,000 sq ft for a cabin seemed large, to which Mr. Penn stated it was a total construction footprint, not only for the cabin.

Member Ziegler asked for clarification about the three parcels listed. Mr. Penn stated there were three parcels total; two of which (colored) are under the easement, and the third being the small quarter acre parcel recently added that was not yet under the easement.

Mr. Penn stated that under the easement, zones three and four could construct two agricultural buildings of 1,000 sq ft each, as well as water systems for conservation purposes. As far as hunting on the property, the current easements states that hunting is prohibited to the public.

Member Warshauer suggested the hunting and animal management were two completely different uses, with which Mr. Penn agreed, stating that the easement language was somewhat confusing.

Member Ziegler asked if it was possible to change the easement if it were to be purchased by the state; Mr. Penn replied that an attempt could be made to modify it. Member Warshauer asked how much modification could occur since there were multiple parties involved, to which Mr. Penn stated it would have to be discussed with the grantor since there was a possibility they would encounter an IRS penalty.

Member Warshauer asked if there was a guarantee that TNC is willing to relinquish the easement to the State if the property was purchased. Mr. Penn replied that the agreement was verbal and written documentation had not yet been it has only been conversational. Further, although there is no written documentation, it was quite likely.

Member Ziegler stated she was skeptical of it being simply a conservation area, to which Mr. Penn replied it was a multipurpose area and project.

Member Abbott inquired about the uses of the irrigation system currently and in the future if Legacy Land were to fund the project. Mr. Penn replied that the water was being used for ranching and the community that is associated with the ranch further down past Mana Road. Mr. Richardson stated there was also some potable use. The water use and rights would change if funding was acquired. The ranch had expressed an interest in retaining some of the water rights as part of the transaction. The water could also be used to support the restoration and conservation of the area, the continued use of the property and for fire protection. The land board could also license water through an auction process.

In Member Warshauer's opinion, water is very important resource and should stay with the land. There had recently been a very wet period, yet the reservoirs were not full, making use by additional parties concerning. Member Wiltse asked if the water was all catchment water, which Mr. Penn confirmed. Mr. Penn stated the easement also provided for another 10 acres that could be developed for water catchment if funding were to be provided. Because of the higher than usual elevation, Member Warshauer suggested it might not be cost effective to implement.

Member Warshauer asked if the state would assume the monetary responsibility from the U.S. Coast Guard for the burial preservations, if the property were to be acquired. Mr. Penn replied that the Coast Guard would still complete their requirements.

Member Menard asked about Tax Map Key (TMK) 21, specifically the installation of a metal frame and gas tank in 2013, to which Mr. Penn stated that it had been completed. Mr. Richardson stated that it was probably the tank pictured in previous presentations, and no new construction had taken place in a while.

Mr. Penn stated there had been talks about the road maintenance and development with the County and property owner since the County utilized the communications towers on the property.

Member Menard asked about the conservation easement and the adjacent forest reserve. It is a private conservation easement and would be on state lands. Mr. Penn stated that it might not become a forest reserve although the application was titled as such. Member Ziegler suggested this was misleading.

Member Menard noted that a previous scenario that seemed the same had been rejected by the Attorney General. Mr. Hirokawa stated a private conservation easement on any public land would not be allowed from the Land Division standpoint. However, this was not a blanket statement and easements would be looked at case by case to determine if there were parts that the state could not agree to. Mr. Penn added this was why he was encouraging the transference of the easement from TNC to the state.

Member Warshauer asked if the Attorney General (AG) could provide an opinion before the Commission's decision to decrease the likelihood of the application being rejected after the rankings. Ms. Minn also asked if there was any way to obtain confirmation from TNC regarding transfer of the easement.

Ms. Minn stated that conflicts arose when there were differences between public land designations and the language of the conservation easement. An official opinion by the AG might also set a precedent for future projects, which could be positive or negative. Member Abbott added that while the AG's opinion

was important, it was simply an opinion. Mr. Hirokawa added that because it was a state acquisition, the AG would have to sign off on the deal.

Member Ziegler asked for clarification about the necessity for funding at this stage. The project had come before the Commission before and had been granted funding. Mr. Penn replied that TNC had come before the Commission, previously, but decided not to go through with the acquisition. Member Ziegler further asked if TNC did not want to pursue the project, why the state was picking up where it was left, to which Mr. Penn replied that there was a funding deadline from USFWS as well as it involving an estate issue with the owners.

Member Abbott asked if HILT could become the new recipient of the USFWS funding, if the project were not to receive Legacy Land funding. Mr. Penn replied that HILT could potentially be awarded a sub-grant from DOFAW, depending on the timeline.. However, this was not an option that had been pursued because the National Fish and Wildlife Foundation money could not be given to HILT.

Mr. Richardson stated it would be a shame to not pursue this option of funding despite the internal problems on the owners' side. He and the owners were available for contact and discussion.

Chair Buchanan asked about the water implications for anyone below the project area after the purchase. Mr. Richardson replied that people would be affected, but nothing that could not be replaced. There were other opportunities to generate water that would not come from the property in question.

Chair Buchanan recessed the meeting for lunch at 1:15pm.

Chair Buchanan called the meeting back to order.

Member Abbott asked if the easement would be in perpetuity, which Mr. Penn confirmed.

Member Menard asked about authorization to sign applications within DOFAW given the application had been signed by James Cogswell. Mr. Penn replied that as the head of the wildlife section, he is authorized to sign such agreements. Ms. Gallaher mentioned that there were currently rotating Administrators which also could add to the unfamiliarity of signatures.

Member Menard asked about the agency consultation letter to David Smith, Acting DOFAW Administrator, from Chair Case, stating that the letter was not a genuine recommendation for the project. Mr. Penn stated that the letter had been written by the Hawaii branch manager and was not necessarily a reflection of the whole department's position. Ms. Sprecher also recognized the challenges and complexities to Kuka'iau, but it was still an important project for DOFAW.

Member Warshauer asked about the historic trails that traversed the property. Mr. Penn referred to the application. If it was a pre-1892 Highways Act trail and could be proven, it fell under the jurisdiction of the BLNR. The evidence was not definitive.

Chair Buchanan stated the project was multifaceted, with many issues and many questions that could not be answered immediately; however, being stewards of public money, it was important to vet the project as thoroughly as possible. If Legacy Land funding were not awarded, she inquired about the second option. Mr. Penn replied that other sources of funding would be pursued, including Army, or possibly return to the Commission the following year with another application. That being said, returning to

Legacy Land would create an extremely tight timeline in order to utilize the USFWS funding by the June 2017 deadline.

Chair Buchanan had also been concerned with some of the feedback given by other members of DOFAW. Besides the potential loss of federal funds, she asked about the level of threat to the property considering there was an easement already in place.

Member Warshauer said parts of the parcel could be added to the forest reserve. Mr. Penn replied that entire parcels were usually under a certain designation. Member Menard mentioned that the easement stipulated the property should be sold together and not subdivided. Member Warshauer clarified that after DLNR acquired the property, then the land could be subdivided. Ms. Sprecher added that addition to the forest reserve could happen since it was not technically a subdivision, but rather a different designation. Ms. Zoll agreed with Ms. Sprecher, giving an example of the creation of the Poamoho Natural Area Reserve (NAR).

Member Menard asked about the late addition of the 0.25 acre parcel, and noted that it was missing the interagency agreement. Mr. Penn stated this parcel did not become known to be available until after the site visit by Commission members, which is why it had not been in the original application.

Turtle Bay Makai

Ms. Hong and Mr. Cole introduced themselves.

Ms. Hong restated some of the highlights of the application including the seven to eight miles of trails which could be accessed by the public, coastal fishing areas, potential nesting habitat for green sea turtles, monk seal pupping habitat, wetland habitat that housed four endemic water birds, and Kahuku point, which had coastal sand dune habitat.

Mr. Cole stated through grant funding, community and landowner support, there had been monthly work days out at Kahuku point. Referencing a map, she noted that just makai of the Ironwood trees, the coastal habitat still had many native species and had been the focus of restoration. NSCLT had been working with USFWS who had been excited about the area's potential for many endangered species. The ultimate goal would be for a predator proof fence, which Turtle Bay was agreeable to.

Member Abbott inquired about the size and cost of the predator proof fence that could potentially enclose the area; Mr. Cole replied that geographically, the point would allow the protection of a substantial area without requiring much fencing. A phased approach would also be possible by fencing the native areas, until the ironwood areas could be cleared and incorporated. Mr. Cole mentioned installing 'symbolic' fencing on the existing pathways to prevent any shortcuts and further damage.

Ms. Hong referenced a new map that had recently been completed. It showed the approximately 12 acres owned by the County in fee, the approximately 56 acres owned by the state and leased back to Turtle Bay, the acreage with the easement placed upon it, and the area excluded from that easement.

Chair Buchanan asked for clarification on the unilateral agreement made years ago before this most recent deal. Mr. Hirokawa replied that once Turtle Bay pulled permits for a second hotel, then the parcel in question would go to the City and County for a park area.

Member Wiltse asked if the price of the purple area on the map could change in future. Mr. Cole remained optimistic, but nothing was certain.

Member Wiltse asked about the time required to pay off the debt service, to which Ms. Hong replied approximately seven to ten years.

Member Warshauer asked if the debt service could be paid off sooner if the legislature were to be generous. Both Ms. Hong and Mr. Cole stated that every legislative session provided an opportunity to fund the project in a different way.

Mr. Hirokawa added that due to bond investors, it might be more difficult to pay off the project sooner, but there could be changes in where the funding is coming from.

Helemano

Ms. Marigold Zoll, Mr. Steve Rafferty, and Ms. Irene Sprecher introduced themselves.

Ms. Zoll referenced a map showing the changes to the parcels in applications that had come before the Commission in previous years. If funded, there would be an increase in public access and recreation options with camping sites, more hiking trails and mountain bike trails.. The top portion would be dedicated to Hawaiian hoary bat habitat as well as hiking trails in the native forests. The lower areas would have hunting, and additional hiking and recreation. It would also encompass access to the Poamoho section of the Ewa Forest Reserve, which would eventually become the Poamoho Natural Area Reserve.

Ms. Zoll mentioned the importance of the public access to the area, which had enjoyed legislative support from Representative Oshiro. There has also been further support from the potential users of the area.

Ms. Sprecher added the application would receive approximately \$3 million from the Forest Legacy Program. Upon their recommendation, in the following years the project would be applying for another \$5 million.

Mr. Rafferty added that Clean Water and Natural Lands had recommended another \$2 million which was still awaiting approval from the City Council. USFWS had been enthusiastic about the potential for a Habitat Conservation Plant for the native bat, which would contribute approximately \$1.5 million. And finally, Sun Edison had been interested in providing private funding for bat mitigation. Upon the speaking with Dole, the price of \$10 million seemed within reach and would provide the momentum needed to support the project. The Navy was in support of the project due to the joint base on the property. Other sources of funding were also available.

Ms. Sprecher and Ms. Zoll also emphasized the high threat of development since the property in question was one of the last Dole holdings and the area was favorable for development.

Member Abbott asked what the land designation would be if DLNR were to purchase the property; Ms. Sprecher stated it would become a Forest Reserve. Ms. Zoll added that in terms of management, DOFAW had been successful in obtaining competitive grants to complete the proposed projects.

Member Warshauer asked if it would hurt if the Commission were to wait until the following year to fund the project, to which both Mr. Rafferty and Ms. Sprecher emphatically agreed. Mr. Rafferty stated that Dole's land was being sold by the day, so the threat of this project area being taken away was very high, and this funding is needed now to hopefully secure that purchase agreement.

Ms. Sprecher clarified that the legislative funding proposal would not go before the legislature this session, but the following.

Member Menard asked about the \$300,000 given to this project by the Commission in a previous year, to which Ms. Zoll responded that funding would still remain, with a slight amendment to the previous application required. Ms. Gallaher stated that upon reviewing that request and discussion with the Attorney General, the changes were so small that they should be dealt with after this grant cycle.

Mr. Rafferty stated that they would not like to increase the ask for this application since it might impact other applications this grant cycle.

Member Menard asked about access to the property, to which Ms. Zoll referenced a map showing the current access that would come with the purchase, but added that access to Drum Road would also be advantageous. Ms. Sprecher also mentioned that new parcels added near California Avenue also provided another point of access to the area.

Member Menard mentioned that there might be a Super Fund site near the property that could lower the asking price.

Kanewai Springs

Mr. Cramer from Maunaloa Fishpond Heritage Center (MFHC), Ms. Ka'akua from Trust for Public Lands, and Ms. Correa-Pei from MFHC and a fifth generation of Kuli'ou'ou introduced themselves and other member of the MFHC Board present.

Ms. Correa-Pei described the location of Kanewai Springs as a private residential property in Kuli'ou'ou. In reference to a map, Ms. Correa-Pei showed the spring connecting to the loko i'a and further connecting to Paiko Lagoon and out into Maunaloa Bay. Other historic photographs were referenced illustrating the history of fishponds in the area. There are no longer any working fishponds besides Kanewai Spring, and Kalauha'iha'i, both being restored. A coconut grove on the Kanewai property is also being restored by MFHC.

Ms. Correa-Pei described the changes she and her family had seen in living in Kuli'ou'ou since 1912. Her grandmother would find many varieties of limu (seaweed) as well as her grandmother's uncle being able to catch great amounts of fish from Maunaloa Bay. Over generations, there had been great declines in both the amount and variety of natural resources, but with restoration projects such as Kanewai Spring, that is beginning to change. Ms. Correa-Pei's grandmother was also instrumental in preventing Paiko Lagoon from being dredged to build a boat harbor. The majority of East Honolulu has been heavily developed even though it contains many historic and cultural sites. MFHC has also partnered with Malama Maunaloa to help eradicate the mudweed and other invasive algae.

Mr. Cramer referenced more photographs showing the historic sites near Kanewai, including before and after photos of the restoration. Access has been provided for the public, including school groups from

Waimanalo to the leeward site of Oahu. Because of the few fishponds on O'ahu, Kanewai allowed access to schools which might not have been able to reach He'eia or Loko E'a. The coconut grove was also being restored, and water monitoring projects, to develop baseline data, are ongoing. Transducers placed in the spring also showed the rhythm of the spring and its connection to the tides. Member Warshauer asked for clarification on what exactly was being measured, to which Mr. Cramer stated that particular study was consistently measuring the salinity. Vice-Chair Sinton asked about the timing of the salinity spike in the spring, and if it were tidal. Mr. Kennedy replied that he had completed his undergraduate research at Kanewai Spring, including a three month time series with a CTD Driver to investigate connectivity, temperature and depth. His results showed it was on a spring tide schedule.

Mr. Cramer referenced a photo of a historic Hawaiian newspaper describing bathing in Kanewai Spring. Some of the features of the fishpond included the traditional dry stack rock walls, the makaha (gates), and old coral reef foundation. A ku'ula stone, a shrine where the first fish were brought to give thanks, is still being used today. Endangered species such as the i'o (Hawaiian stilt), and other species of fish, limu, and shrimp had been returning to the spring.

Member Ziegler asked why Kanewai Spring was not categorized as an anchialine pond. Ms. Ka'akua stated that because it is connected to a fishpond, it has a surface level connection to the ocean. Mr. Kennedy added that anchialine ponds did not have the surface connection to the ocean.

Member Wiltse inquired about the future development of the structure on the property, to which Mr. Cramer stated the building is connected to the sewer line and would be restored to an educational center.

Member Ziegler asked about the future of the spring if new wells were to be constructed mauka of the property. Mr. Cramer stated this was always a possibility and would be monitored.

Member Abbott asked if there were any researchers studying bacteria in the spring, to which Mr. Cramer stated another member of the public could possibility address this issue in her testimony.

Ms. Ka'akua showed a drone video created show the whole property.

Ms. Correa-Pei stated that with purchase of the property, MFHC would also gain a 1/10th stake in the management of the fishpond that is connected to the property. Member Warshauer asked about support from adjacent landowners. Mr. Cramer stated the Koko Head side of the property is owned by the State and other landowner had allowed MFHC to gain access in the past. Ms. Ka'akua stated there were plans to hold an open house with the neighbors and community in the future. Mr. Cramer restated his hope that this property would be made available for the entire community, schools and scientists, not just a small group of people.

Ms. Ka'akua stated MFHC had started a private funding campaign for the new educational building structure.

Chair Buchanan asked for clarification on whether Paiko Sanctuary was a federal or state designation; according to Ms. Correa-Pei, it was a state designation.

Chair Buchanan then inquired about the TMK of the fishpond, to which Ms. Ka'akua replied that the fishpond was indeed a separate TMK which was owned collectively by the ten landowners around it.

Chair Buchanan asked if the MFHC had been involved in any discussions with the National Oceanic and Atmospheric Administration (NOAA) and the expansion of the whale sanctuary, to which Mr. Cramer replied that they had no direct involvement, but given the potential effects on fishponds stewarded by MFHC, it was very important to the organization.

Ms. Noa introduced herself and shared the cultural importance of the area. The name Kanewai was significant in itself, and referred to wai (freshwater) in the Native Hawaiian culture. She spoke of increasing engagement of one's family, and community in the understanding and connection to the land and wai. In her opinion, the educational potential and importance of this site could not be understated. She saw an opportunity to revitalize the connection of man and environment in this area as well.

Ms. Toshiro, of Iolani School had studied differences between Kanewai Spring and Kalauha'iha'i fishpond, including dissolved oxygen, ammonia, turbidity, and pH levels. She had been able to gain a scientific perspective of the springs, and a cultural perspective as well. Member Abbott asked about the dissolved oxygen levels of Kanewai, to which Ms. Toshiro stated it ranged from 80—110% during the day.

Mr. Kennedy provided testimony on the yearlong research project he had conducted on Kalauha'iha'i and Kanewai to quantify the groundwater discharge rate of both areas. Kanewai was treated as a control, while the quality of Kalauha'iha'i was seen to improve with restoration efforts. The development of the area and all over O'ahu had made Kanewai Spring extremely important from an educational standpoint to get children engaged, interested and to reconnect to where they are from.

Member Abbott asked the possibility of the rocks lifting during high tides to allow cracks to form in the walls to which Mr. Kennedy stated he had not personally seen that happen, but his time series research would suggest that that did occur. Member Warshauer suggested the fish migration could be a result of them following the salinity gradient, to which Mr. Kennedy agreed.

Ms. Asuncion commented on the broader context of fishponds on all the islands. There was a unique opportunity for the people of east Honolulu for honor the history of O'ahu. Other fishpond practitioners had been able to visit Kanewai and had been reminded of their ponds in Kekaha; this was a great compliment coming from such quality fishponds on the neighbor islands.

Ms. Correa stated her family history and connection to Kuli'ou'ou. There is a connection between the mo'olelo from ancient times, and the practices of the people in Kuli'ou'ou today. She provided limu as an example: development had impacted the productivity and availability of limu, and organizations such as MFHC had made it possible to remove invasive limu and have the indigenous limu return.

Member Warshauer asked about the possible causes in the disappearance of the local limu, to which Ms. Correa stated limu 'ele'ele as an example of one that had been returning to the area with the restoration of the spring and increased availability of freshwater.

ITEM 8. Discussion by members of the Commission of the FY16 project applications and supplementary materials.

Ms. Gallaher stated this had been incorporated into agenda item number seven and will also be address in agenda item number four in the following day's meeting.

ITEM 9. Announcements

Ms. Gallaher reminded the Commission extra ranking sheets were available in the back of the agenda packet.

ITEM 10. Adjournment

Chair Buchanan adjourned the meeting at 4:30pm.