

## **Minutes of the December 13, 2011, Legacy Land Conservation Commission Meeting**

**Date:** December 13, 2011

**Time:** 9:00 a.m. - 4:00 p.m.

**Place:** Room 322B, Kalanimoku Bldg., 1151 Punchbowl St., Honolulu, Hawai‘i

### **COMMISSION MEMBERS PRESENT:**

Dr. Carl J. Berg

Dr. Dale Bonar

Ms. Lori Buchanan

Dr. Joan E. Canfield

Mr. Kaiwi Nui

Mr. Herbert (“Monty”) Richards

Dr. Robert J. Shallenberger

Ms. Karen G.S. Young

### **STAFF:**

Ian Hirokawa, DLNR, Land Division

Molly Schmidt, DLNR, DOFAW

Cassandra Smith, DLNR, DOFAW

### **PUBLIC:**

Cynthia Rezentes

Don Coons

Barb Coons

Scott Fisher

John Henshaw

Jody Kaulukukui

Fred Stone

Deborah Ward,

Lea Hong

Ken Van Bergen

No‘eau Peralto

Gail Byrne Baber

Dotty Kelly-Paddock,

Davianna McGregor

James K. Mānaku Sr.

Toni Withington

Kaleo Paik

David Smith, Kalauao

Jean Razor, Kaiholena

Lurline McGregor

Rick Gmirkin

Kalani Souza

Aric Arikaki

Ululani Beirne-Keawe

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

**ITEM 2:** Approval of Legacy Land Conservation Commission meeting minutes from October 27, 2011.

Chair Bonar asked Ms. Schmidt if she had received any comments on the minutes from October 27<sup>th</sup>. She stated she had received a comment from Member Berg, just a typo on page six, correcting the word “hereby”. Also one from Staff which was just that after she sent them out she remembered she did not put the table in for the site visit assignments which would probably make it more clear for people; and asked if they approve the minutes based on that condition of inserting the table. Chair Bonar agreed, and stated he would accept a motion to accept the minutes. Member Young moved and Member Berg seconded, all were in favor.

**ITEM 3:** Disclosure by members of the Commission of any potential conflicts of interest involving Fiscal Year 2012 (FY12) projects (please see the lists of applicants attached to this agenda).

Chair Bonar stated that he had a personal conflict with the Maunawila project in Hauula since it is his organization, the Hawaiian Island Land Trust; that is going for the grant there, and said he would be exiting the room during those presentations and testimonies. No other Commission members had any issues except for Member Richards with the Kukaiaiu project because he is a board member for The Nature Conservancy.

**ITEM 4:** Discussion of the process and method by which the Commission will form recommendations to the Department and Board of Land and Natural Resources regarding FY12 project funding.

Chair Bonar began the discussion of the process and said that what they would be doing today is two types of presentations one by the applicants, and then also by the Commission members regarding their site visits. He then asked if there were those who would be testifying, and encouraged them to be brief (due to the amount of material they have to get to that day), and what the Commission is really interested in is if there is any new information about matching funds, or questions that may have been asked on the site visits, things to clarify. He went on to explain that today the Commission would be discussing the projects and at tomorrow's meeting they would be ranking them, and wanted to remind everyone that they are an advisory Commission, and what they do is recommend the ranking of the projects and are passed on to the Chair of DLNR for approval. Following their approval (and the Chair could modify it), those are then sent to the Legislature Heads for the House and Senate look at the rankings and proposals and they typically have a meeting to discuss the rationale, they make their comments. Almost always in the past five years they agree that the ranking makes sense. It then comes back again and it is presented to the Board of Land and Natural Resources at a public meeting. The Board is who makes the actual allocations of funds, and typically their meeting are in March sometime and that will be when the final decision gets made.

Chair Bonar then asked Ms. Schmidt if she could describe the specific way they will rank the projects in tomorrow's meeting. Ms. Schmidt explained that there is a form to rank the project 1-5, they average those numbers and they rank them. Basically the Commission makes its rankings based on the interim evaluation form which is in the meeting documents. Chair Bonar then asked Ms. Schmidt if she had a projection for how much funding will be available based on the amounts that have been requested. She stated the estimate is between 3.7 and 4.4 (million) depending on revenues and

whether funds can be unencumbered for a project where funding has lapsed. Chair Bonar said that there are a few grants that were actually made and now have been retracted, the proponents had dropped the project so now the money should be coming back in; the money does come back in to the pool but they don't know yet if it can be used this year.

Ms. Schmidt stated that there were three papers that just went around the table, and they were application updates. A map of the Kaiholena project, the other is an email from Lea Hong and some attachments, and a letter from TPL regarding the Paukūkalo project. Chair Bonar announced that TPL was withdrawing the application for the Paukūkalo Coastal Wetlands project so it will be withdrawn from consideration at this time.

Chair Bonar asked if there was anyone who had time restrictions because of flights to catch. Ken Van... stated he had a restriction, Chair Bonar responded that Kahuku Ag. was second on the list so he should be fine. Mr. Peralto who was there for Kuka'iau had finals to attend to at school so the sooner the better for him. Ms. Laramee for Kalauao stated the later the better for her. Chair Bonar then read off the order: County of Hawai'i goes first for the Ka'ū, Kahuku property, second will be the Maunawila project, third will be The Nature Conservancy projects for Kuka'iau, then The Ala Kahakai, Ka'ena sixth, TPL Kahuku Mauka seventh, and Kalauao Valley will be last. Chair Bonar then asked if there were any time restrictions for the Commissioners, no restrictions.

**ITEM 5. Reports by Commission members and Commission member task forces regarding visits to FY12 project sites; discussion of site visits to the FY12 project sites by Commission members (please see the list of applicants attached to this agenda, there will be one site visit report for each applicant).**

The Commission began its site visit presentations with Chair Bonar discussing their visit to the Kahuku property in Ka'ū. He began by describing the area which consisted of little development and lava fields with kīpuka of native mesic forests. The coastal area is where hawksbill turtles nests, and areas for monk seals to come ashore. He then began referring to pictures that were projected in regards to access. He stated they area had once been proposed for resort development but that had been withdrawn, and now there is a development study going on for the area adjacent to it for a resort type of development. So while the area is remote and the its really only being used by local folks to fish, dive and camp; it is an area that could have much increase and pressure on it for development to occur. He then referred to the pictures again in reference to the project area. Chair Bonar, Member Richards, and Member Shallenberger were all on the visit and their general feeling was that it is a important area that needs to be protected, it has a lot of potential partnerships with DLNR, the National Park Service, U.S. Fish and Wildlife. Member Shallenberger also wanted to mention that they had secured the match funding from the county; and also mentioned the issue of access, and the possible adjacent development; also that hawksbill turtles have come ashore in the area. Member Richards wanted to point out that it is important to protect areas where monk seals come ashore. There were no other questions from the Commission.

Chair Bonar moved the meeting to project number two, Maunawila Heiau in Hau'ula, and he left the room. Member Berg then acted as Chair as he led the discussion and explained that Chair Bonar would not be apart of this decision. Member Kaiwi and Member Buchanan were on the site visit. Member Kaiwi began explaining the logistics of the parcel, and explained that this was the only other heiau besides Kūkaniloko which he had seen that amount of inter dispersed pōhaku. Also that it was the most amount of poho (indentations) in the rocks he had seen in Hawaii in a concentrated area. He

went on to state that he was blown away by the variety of community support, and their commitment to the project was really refreshing. He enjoyed the non-structure of the visit because he had time to sit and reflect at the site visit. Member Shallenberger had a question about the threats to the site. Member Kaiwi said he thought the community members could answer that, but to lose a place with such educational value would be bad, and at one point there were ATVs going through the parcel. Member Buchanan then reiterated on what Member Kaiwi said about the value of this place to all community members, and the importance of protecting it before damage is done. Member Shallenberger then asked about access to the property. Member Kaiwi said there had been talk about making a road on to the property. Member Shallenberger asked if this would affect the site. Member Buchanan stated there was a house site closer to the road, but it's overgrown and needs to be cleared out to gage where the road could go. Member Berg asked what the poho were used for, Member Kaiwi stated they would be used to hold candles, or positioned to hold lā'au lapa'au; there are a variety of theories out there, and wanted to reiterated the high concentration of these poho. He went on to say the heiau needs more time and study.

Chair Bonar came back, and the discussion began on the two Kukaiau projects and Member Richards then left the room. The first project will be for the conservation easement. Member Berg, Member Shallenberger, and Chair Bonar were on the site visit. Member Berg went on to reference some slides in regards to the koa tree nursery, and the way they were being planted. He also pointed out that there was still koa growth in the gullies where cattle can't reach them, so if the area was fenced it would be a good habitat for koa and 'ōhi'a trees to grow again. Chair Bonar agreed that with this parcel you can see the huge difference it makes to have ungulates fenced out, and that this location is prime because the growth of the trees is quite fast compared to other areas in Hawai'i. Member Young had a question about the lumber venture of the other part of the project. Chair Bonar explained that they will be planting legacy trees (there forever), and then other trees thirty, fifty, a hundred years down the line they can be harvested. Member Kaiwi had a question about how the known burial sites near a trail will be managed; Member Berg thought that the applicants could explain that. Member Buchanan questioned about the specifics of the locations of the replanted koa, Chair Bonar explained that the whole field would be fenced off. She then asked what the acreage would be total for the planted for legacy koa. Discussion ensued about the two purposes of the project.

The Commission then moved on to the second part of the project in which the Nature Conservancy was looking to purchase the land for palila habitat, and Member Berg referenced a slide to show the area and the already existing fencing that could be extended to protect the bird habitat. Member Buchanan had a question about the catchment system on the property, and Member Berg responded by showing her on the slide that was displayed; and continued to explain the terrain and area via the slide. He also showed that there were rocks with petroglyphs that look as though they could have been moved when a tower was built nearby. Chair Bonar also thought there were burial near the cinder cones because that is common in the area. Member Kaiwi asked if there had been anyone on the site visit who discussed management of the trail, iwi, or the rocks. Chair Bonar stated no, but it was a good question to ask the applicants.

The next project was for Kaiholena; Member Shallenberger began the presentation (Member Kaiwi was on the visit as well). He explained how they accessed the property, and how the area was mostly covered in kiawe trees but previously was a dry land forest with many fishing villages around the coast. He explained that the significance of this area was to protect it from development, and if they pick up lot F then over 7 miles of continuous coastline will be protected. He went on to explain the value of the marine resources and cultural resources. Also, Member Shallenberger acknowledged

the issues that will be faced if the land is acquired such as management of the kiawe. He then referenced a picture that showed the agriculture in the uplands of the area and how utilized it was in the past. He said that what makes this project attractive from a protection stand point was that with lot F they can protect the area in a major way, there is diverse representatives of the community that support the project and area for over four decades, the natural history, cultural sites, and marine resources. He stated again that development is a real threat for this area. There was some problems with the match but was hoping it would be clarified. He thought the biggest challenge for this parcel would be managing it over time with the kiawe, invasive weeds; the potential for restoration is there but it's not going to be cheap or easy. He was hopeful that if Ala Kahakai Trail Association hold the title and work with the National Park Service and the community it could work. Member Kaiwi agreed that it will be a lot of work but it was good to see the National Park Service and the community having a positive attitude to manage this area. He said during the site visit it was nice to see that everyone was patient and respectful while the other representatives spoke about the area. Chair Bonar shared the same thoughts regarding the difficulty of managing a piece of land such as this. Member Shallenberger wanted to reiterate that there is federal, state, county, and community interest to manage this area. Chair Bonar stated it was really good to see all these different community groups take interest in the area. Member Young stated she thought there was a discount from the seller of 8% and that's a big thing.

For the Ka'ena parcel site visit was Members Canfield, Buchanan, and Young. Member Canfield gave the presentation and began by describing the area referencing some slides, and also the positive restoration that has occurred after fencing was built around the NAR area. There were two monk seals on the coast when they visited. The area with the predator fence is now mostly free of feral mammals, which is really great too. With the acquisition of the parcel a barrier could go up to prevent off-road vehicles from driving through the area. She stated that the seller does want to see the land go to conservation. Chair Bonar asked if there was potential for development there; Member Canfield stated she thought there would be a lot of restrictions for that. Member Buchanan stated she would like to ask Ms. Yuen what their intentions are because it seems clear from the application that it is a strategic purchase in order to extend the NAR. Member Canfield said one of the things they got to discuss on the site visit was that they had 0% match and that was because they felt that if they went to the usual types of sources that one goes to for a project like this, the size of the amount they would be asking for, and the way it would come out priority wise it would fall out anyway, and since it is a relatively smaller project the LLCP could fund the whole thing. Member Shallenberger asked if there had been any talk about putting it under an easement rather than purchasing it. Member Young stated it seemed like an affordable purchase, they were impressed that it would maintain the view plan and the access.

Member Canfield also gave the presentation for the Kahuku Mauka property. North Shore Community Land Trust would like to become the owner, and there are current leases on the lower part of the property but it is month to month so the farmers can't go to funding sources so this purchase would be helpful in making longer term agriculture possible. The upper portions are leased for ranching right now and it is the intent right now to continue that as a way to increase management funds coming in. She thought a really impressive part about this property was the commanding view from a pu'u that is at about 200 ft. elevation, and you can see all of the Kahuku peninsula including the water bird habitat area; so the applicants are thinking about making a trail that leads up there, and along the way is a pond that stilts have been seen at. There have been no archeological surveys of the pu'u but it seems likely there would be sites because of the location. She went on to say there hasn't been so much community involvement because the applicant is keeping a low profile to not upset the

seller because they are very interested in development. Member Kaiwi asked if they talked about First Wind and the adjacent wind farm. Member Canfield stated that there had been talk about putting windmills up on this property to create income, but only if it is compatible because it might be in the landing zone for army training. Member Shallenberger asked if the two million dollars was secure, and it was. He also had a question about the wetland area, he finds that every time there is a puddle and a stilt stops in the want to turn it in to a managed land development. He thinks the evidence shows that over the years we have done ourselves wrong when by developing every little puddle for a bird; especially when there is an adjacent wildlife refuge with predator control you may just suck birds away to an area where you can't control predators. Member Canfield agreed that was good advice for them. Member Young asked if the seller was still asking 5.5 million. The Commission thought that was the appraisal, and it was still a question to whether the seller would sell it for 4 million. Member Canfield stated they were negotiating with the land owner to agree to pick an appraiser that they will abide by. Member Shallenberger asked about the public access because it seemed like something that everyone was for, but asked if it was discussed in the management plan. Member Canfield stated she thought it would be controlled because of the cultural sites and security for the farms below, but this was just preliminary discussion and will have to be talked about in further detail. Member Buchanan stated that her concern was it seems only a quarter of the property was suitable for agriculture because the rest is quite steep; also she didn't know what the access road and people using it. Member Shallenberger said it would be nice to know from the applicant if they had thought about how these ag lots would be laid out or had looked at this issue. Member Canfield thought they were getting advice from NRCS, and said in the mid section it was a little rolling, but looks suitable for orchards. Member Young reminded the Commission that they were planning to rent the upper portion to ranching.

Member Canfield also began the presentation for Kalauao Valley. DOFAW would like to purchase this area that is part of the 'Aiea Loop Trail which is being sold by Bishop Museum, who is selling off a number of their undeveloped lands. She stated they were surprised there weren't more surveys done of the area, but it is Elepaio habitat, and includes many rare plants more towards the ridge. Member Young stated it was a very beautiful area of 625 acres, and their asking from Legacy \$192,000 so it seems like a really good acquisition. Member Kaiwi said it was great to see the native forests just a couple miles up from the city, and over from adjacent Hālawā Valley. He was also hopeful about the partnership with possible partnership with Kamehameha schools for education. Member Young thought it was great to have something so close to the community for native forestry. Brief discussion ensued on why the area is being sold (because it can't be developed). Member Canfield pointed out there were three possibilities for matching funds, but it looked as though the City and County Clean Water Act went through. Chair Bonar called for a 10 min break.

**ITEM 6: Optional presentation by applicants of new information or clarification of information concerning their proposals. Applicants should limit presentations to a maximum of 10 minutes to allow for questions from the Commission. (Public testimony on projects is encouraged under this item. The Commission requests that individual testimonies be limited to 3 minutes). Please see the attached list of applicants.**

Ken Van Bergen from the County of Hawai'i was the first to present to the Commission, and he was there on behalf of Kahuku coastal property. He began by thanking the Commission for allowing him to present, and for being involved in the past land acquisitions that took place. He then invited Bill Moore to speak and explain why they want to acquire this property. Mr. Moore explained he was there to represent the seller. He went on to say he had been visiting this area for over thirty years (the

reason for him giving the presentation), and gave a land description. The area is mostly zoned as conservation by the county, but there is a sliver of ag land as well. An attorney was hired to do research for the property and he found that with ownership to the property the road is included and is inseparable so it provides a permanent legal access to the coast. The road is available to the public now, but is not a public access. This area was apart of the Hawaiian Riviera Development Project, it went through the general plan and was suppose to be a resort, there was an EIS, the plan was to develop a resort, luxury homes, and a golf course on the 3,000 acre property. He explained that there were huge geological cracks that run from the shore hundreds of feet inland that have yet to be explored. There was a partial archeological survey done during the time the resort was being planed, and there are major resources especially near the coastal area. In the adjacent property they are going through the internment process to begin development and are proposing two hundred residential units, hotel, golf courses, airport and support village; so there is pressure on this area for development. Mr. Moore began to discuss the different collaborations that are going on who are willing to participate in the management and preservation on this property. The land owner does want to make a cash contribution of a minimum of \$25,000 to assist in the management fund to make sure integration between the various interests groups goes well. In his opinion one of the key aspects of this is the public access; it took them about thirty minutes to get from the road to the shoreline (6 miles), the nearest adjacent access is Manuka and it takes about two hours going each way, so it's a major access to the shoreline where there is very little access.

Will Sykes from the Hawai'i Island Hawksbill Turtle Recovery Project introduced himself and explained they are a partnership between National Park Service, U.S. Fish and Wildlife Service, NOAA, and non-profit organizations. He explained this rare turtle does come to nest on the coastline of this area, and only about 5-15 a year for only the Ka'u coast, the adjacent bay to the property, Pohuehue, has been the most productive of all areas; so this area is their critical habitat. In 2010 they also observed a monk seal resting on the beach in this area.

Chair Bonar asked if the Commission members had any questions so far. Member Canfield asked what the urgency is on this sale, is the landowner going to go do something else with it. Mr. Moore responded that there were no immediate plans; they are actually in negotiation right now to have a letter of intent for another year or so, if this doesn't happen though they will be looking for other opportunities. Member Young asked if the County would accept less then what the application is asking for in lieu of the other applicants. Mr. Van Bergen said they would accept whatever they are given because, however they are limited on funds. Mr. Moore reiterated that the owner is willing to hold the property for another year, but anything that can be done to accelerate the acquisition process within that time which balances your needs and the Counties needs and availability, we are trying to find a balance. Chair Bonar asked Mr. Van Bergen if it was their intent to make public access right away, he responded initially they will leave it as is but they do want to make it a legal public access because at this point it's not even though people still do. Mr. Moore stated they have talking to the NARS program manager and she has a vision rather than a plan, and the vision is that this becomes an access point and a parking area for access to the NARS. So they see a long term opportunity for these relationships. He has spoken with the fishing community for this area and they don't want wide open access and they prefer the road remain four wheel drive. Mr. Moore agreed that the difficult part of the road does help to manage this property, and that is what they are going to help contribute towards and bring that to coalescence with this is what we want and this is how the area should be managed. He explained limited access has worked with other land management models on Hawai'i.

Chair Bonar stated that part of the challenge may be people may say this is County land now so fix the roads, the increased management challenges occur when lots of people access a place everyday. Mr. Moore stated that now the area is perceived as public access and doesn't see that much more folks trying to access it. What this does though is guarantee permanent public access, and again doesn't see an increase in use once the acquisition occurs. Mr. Van Bergen said typically with the Open Space Fund there are different types, it's met the criteria, and they will be making a comprehensive management plan with possibly parks, but it's hard to put together a plan before you have bought it. Chair Bonar stated that part of that is just being realistic about the cost and such. Mr. Van Bergen agreed. Chair Bonar asked if their Open Space Fund was just for acquisitions. Mr. Van Bergen it is, and there is probably be a charter amendment to allocate percentage to management. Chair Bonar then asked if there was more testimony for this project.

Don Coons introduced himself as the president of the Cave Conservancy. The concept they were there to promote is that of an underground wilderness, and there is a vast underground system beneath Mauna Loa, Kīlauea, and Hualālai with very important resources. They are a non-profit organizations registered with the State and Federal government, they've been around for about twelve years; their directors work in the caves regularly along with the many volunteers, there are ten directors that sit on the board right now with a variety of specialties. In twelve years they have set aside 58 acres, and over 2,000 cave entrances which protect hundreds of miles of underground systems beneath all the properties they have. Mr. Coons then referenced a map of the Kahuku property to show a large system beneath it. The area they are interested in is the kīpuka, Kanohina, where the cave system developed. Roughly a third of this cave system is under the property. They have surveyed thirty three miles of cave all together in which 8-10 miles are under this property. He then referenced a few other pictures regarding terrain of the area and everything they have surveyed underground. He stated because of access there is still a lot more to be explored and found, it's just the tip of the iceberg so to speak. More pictures were shown of the cave themselves, and he explained about their uniqueness and this system is the longest of its kind in the world. They have signed a management agreement with members in the Conservancy so that they can manage the entire cave as a whole. He stated that it is obvious in the area that Hawaiians had utilized it extensively in the caves and in the lava fields. It has remained untouched, and ninety percent of the cave they have surveyed, the Hawaiians had been there first. He wanted to stress that caves protect and preserve with their temperature and light, so the artifacts they find are in good condition and will remain that way. Pictures were shown of artifacts. He said geologists from the mainland were being brought in to assess a white matter growing in the cave.

Chair Bonar asked about the artifacts and if they had found any iwi. Mr. Coons stated they had found no iwi in the area and he believes that is because the cave was used for utilitarian purposes; and they have hundreds of examples which they photographed, documented and keep in their inventory, most of the time they don't touch them and they are always left in the original state. Chair Bonar asked about how they plan to manage this once it becomes County property. Mr. Coons responded that they will follow their management plan (that was submitted a few days ago), and leave everything as it is. They do support visiting scientists to use the caves to study various curriculum, they do time to time take school groups through. Chair Bonar just wanted to bring to light again the management challenges they may be faced with once the cave(s) become better known. Mr. Coons acknowledged it could happen, and depends on the nearby development in the sub divisions and the areas by the coast; they do currently monitoring the entrances they own near the subdivision. However the entrance to the cave on the property is very hard to get too. Member Shallenberger asked if he thought there was more systems underneath; Mr. Coons said yes he did. Member Kaiwi asked what

their coordination is like with the State Historic Preservation Division, and with the Office of Hawaiian Affairs. He said they were made aware of what they were doing and the artifacts they were documenting quit a while ago when bulldozing was going to occur over a system near the subdivision development. Member Kaiwi asked how the Cave Conservancy views of the issue of Native Hawaiian access rights because they own the openings. Mr. Coons said if a Native Hawaiian wants to go in to the cave they can, if they want to tell them about it or not that fine; they would like to know what's going on so they can help them protect it. Member Shallenberger asked how they were dealing with the caves of the adjacent property that is suppose to be developed. Mr. Coons stated one of the members had been doing research on that area but there were not nearly as many systems, but they were interested in them as well. Member Young asked if there were any dangers of a collapse. He stated with bulldozer activity there is. Chair Bonar reminded every one to be brief because they have seven projects to get through.

Fred Stone introduced himself and stated he was studying the rare biological species in these caves, and just had an article published in Astro Biology Magazine. The microbial matter in the caves in one of the most unique and diverse in the world and he went on to explain this with pictures shown to the Committee. The 'ōhi'a roots in the systems are the source of an ecosystem with blind plant hoppers and cave crickets are unique to the South Point area. An extinct crab species were found in the caves.

Deborah Ward introduced herself and stated she worked for the Sierra Club and was the Conservation Chair this year, but she was there to speak on behalf of the Mokoloa group which is the Big Island group of the Sierra Club. She submitted a letter addressing the management concerns that they think are pertinent to this area and ways that they may be able to interact with other community associations who have components of management that they would be able to assist with. They have already put efforts in to managing areas like Kamilo that are very hard to access. They distributed petitions and they had wide variety of people very excited and wanted to know how they could help right away. She wanted to share with the Commission the importance of the inkling pools that host a species of 'opae 'ula specific to this area, and that is the same for all inkling pools through out the different 'ahupua'a in Hawai'i. She stated there are petroglyphs that go all the way from the sea to the summit of Mauna Loa and it is really a fabulous resource. She went on the list all the native species that have been seen in the area and/or reside there. They do not take the responsibility of managing the land lightly and understand the challenges and don't think they are going to be resolved quickly, and reiterated the different community groups which have shown support that may have different interests but all want to see the protection of this land and its resources. Chair Bonar asked if there were any other testimonies or comments from the Commission. Member Buchanan stated her issue was with the Cave Conservancy and how they presented the idea that they owned the entrances to the caves. She stated that she would encourage the County to reconsider their partnership with them and was disturbed by the language they used and that they were exploring these caves. She meant no disrespect to the scientist. Chair Bonar stated it is a sensitivity we all need to share. Mr. Coons stated it was their intent to protect the entrances and ownership is the easiest way to do that. Chair Bonar reiterated the importance of time, and asked everyone to be brief because they have read through the documents and testimonies that were sent in. Chair Bonar had a conflict with the upcoming project, the Maunawila Heiau proposed by Hawaiian Islands Land Trust, so he exited the room. He asked Member Berg if he would oversee this presentation.

Mr. Scott Fisher, Hawaiian Islands Land Trust (HILT), spoke about HILT's involvement in the project. He described the layout of the property, its location in an urban setting, referenced the Commission's site visit, and talked about the strong community support.

Davianna McGregor spoke about how the community and her family had been clearing the area, restoring the heiau. She talked about her family's history with owning the land. She presented several images and indicated some of the individuals that had contributed, including family members, youth, and community members. Lurline McGregor added her support.

Cynthia Rezentes stated that she had been involved with HILT at the beginning of the project and stated that she had since moved to another organization, but continued her support of the project.

Ululani Beirne-Keawe, a teacher and Hawaiian Ko'olauloa Hawaiian Civic Club officer (pelekikena), introduced herself and spoke in support of the Maunawila Heiau project.

Dotty Kelly-Paddock, Ko'olauloa Neighborhood Board member, introduced herself and spoke in support of the project. She mentioned how well the project had fit with the neighborhood.

Member Berg asked if there was additional testimony for the Maunawila project. Chair Bonar re-entered the room and called the next project.

John Henshaw introduced the Kukaiau projects and stated that he would let the Commission hear from members of the public first, and would then answer any questions regarding the projects.

No'eau Peralto introduced himself to the Commission. He stated he was born and raised in Hilo, and both his mom and dad's families come from Kuka'iau and Koholaulele; his grandfather and great grandfather both worked on Kuka'iau Ranch during the late 1800's and early 1900's. Over the last four years he has been working on gathering and reporting all the mo'olelo of these lands, and sharing it with the community. He stated he is currently a graduate student in Hawaiian Studies and UH Mānoa and this is the topic of his thesis and apologized for not have prepared a testimony but he had been up all night working on this thesis. He said he was there to share that he himself, his 'ohana, and other 'ohana from this area are truly invested in caring for these lands for future generations. A big part of that has come out of this research they have been doing by remembering and reconnecting to the histories of this places and their cultural significance. He would be happy to answer any of the questions the Commission had in regards to the culture of the area. In particular he is one of the cultural descendants who has been involved in a burial treatment plan specific to the two mauka parcels that are being discussed right now. He explained that the water catchments and reservoir that was seen in earlier picture was actually constructed on top of an ahu and burial site and also part of a larger sand dune burial site, and iwi kūpuna were basically scattered across the whole area and that was about four years ago now.

Since then they have been working with the land owner, SHPD, and the Burial Council to develop a burial treatment plan that is still very much so in it's early stages and its been a struggle for them because there still hasn't been an archeological survey done on the area; and they have not negotiated access rights yet so that his 'ohana may access that area regularly. There is also another area of concern up at Pu'u 'Iolehaihai which was shown early with the communication towers on top of it; there was recently an additional project that was completed by the U.S. Coastguard in which they did not comply with any of the State or Federal laws in terms of consulting the National Historic Preservation Act, in terms of construction and ground surveys within the State recognized burial site. The two TMK parcels on the mauka end are recognized by SHPD as a previously known burial site back in October of 2010. There are a number of burials both cave and sand dune and the pu'u

dispersed through out the two parcels. There is also as mentioned early a portion of the 'Umikoa trail system which goes out through the ahupua'a of Koholaulele all the way down makai and all the way to the summit of Mauna Kea where it ends at Lake Waiau. It is the only known trail on that side of the island that accesses these sacred sites of the mountain, and that is something that has been recorded in mo'olelo since the time of Poli'ahu and her and her sisters were known to travel that trail down to the coast of Koholaulele. As far as the lower parcels being discussed about the conservation easement there are also a number of cultural sites in those areas including a lele or ahu that is along the trail system called Pu'ulehua that kūpuna have told him is a place where people stop to give ho'okupu or offerings on their way up the mountain before continuing further in to the sacred mauna regions. There are also some burial caves in that area as well. He just wanted to reinforce that these mauka areas are considered by the community to be off extreme importance not only on a cultural level, but also the natural environment as well with the degradation of the forests they have seen all the fresh water springs makai dry up. There is rarely any water seen in the streams so that has changed the lifestyle of the people who live down makai, and it changes the whole balance of that 'āina as well. So they see great importance in protecting and preserving these 'āina and bringing them back to life. He said he then would be happy to answer any questions.

John Henshaw wanted to respond to some questions the Commission mentioned earlier in regards to the plans for the lower area in terms of Hawaiian Legacy Hardwoods, they do have a lease on 1,000 acres. Their plan is to reforests the whole 3,600 acres, their plan was to keep the cows in the area to prevent fires by keeping the grass down as they fence and reforest it. So of the thousand acres they have already fenced about 500 acres and gotten all the ungulates out and the weeds and are reforesting with koa and other species. Mr. Henshaw stated one of the questions earlier was whether there would be planting other species and its going to fall in to three areas; in the gulch areas they plants all kinds of species but open areas they are looking at about 90 percent koa. The idea is to bring the forest back. One their investment were they do sell trees that is a sustainable operation; so they plan on cutting some trees but it is mixed through the forest so its not a big clear cut, and then once its cut they immediately plant more trees and reforested. Its in small patches so there are blocks of a hundred trees that are under the sell program. Their long term plan is to get out of investment trees and get only to legacy trees. The Four Seasons on Hawai'i Island just pledged to plant 5,000 trees with them, the Hale Kūlani Hotel has just agreed to plant a tree for every guests they have at their hotel now and forever, so there is a lot of people getting behind the idea of bringing the forest back to Hawai'i. What they are trying to do is create a place where they own some land and (can implement) conservation so they have a place to do that. They believe once they can demonstrate how this works they can move it to other areas and that would be great. He asked the Commission to think of this as experiment that could lead to a real change agent in bringing the forest back to life.

Member Berg asked what the status of the matching funds was. Mr. Henshaw responded in the lower area they had asked 2 million was asked of Forest Legacy and they are feeling extremely confident about that. If for some reason they didn't get that this year more likely it will forward to 2013. With the upper area its restricted fee is 3 million and they have applied for 2 million dollars of RLA funds and they were told they couldn't get that in 2011, they offered them 1.6 million and then when the final came out it wasn't there; what happened at the last minute was the Federal Government had to chop the budget a little bit so they lost that funding. It's the number one project for the State, and they will be asking for the same amount of 2 million in 2012. The National Fish and Wildlife Foundation have a program with Walmart called Acres For America in which they get money to do habitat improvement. Walmart is big in Hawai'i now and they want to have a project, and one of the focus areas they have is palila habitat recovery so this fit perfectly. They were told they would probably

hear in November if they got the one million, but they haven't heard yet. Last year they were number one on their list, but the funds ended up going to the oil spill in the golf. So they are anticipating getting a million dollars from them. They are working with the army under their ACON program and they applied for one million dollars in acquisition money, and they applied for 800,000 dollars in management money, primarily fencing and out planting of native species in the upper area. They haven't heard from them, but they said it's in their 2012 program. Apparently there is a flush of army money this year and Federal agencies are low on money for restoration so they have some of the best people writing the project up. If you add that all up you get more than 3 million, and they have been doing private fundraising. If something fell short the Nature Conservancy would step in with some of their private funds that they have raised. He stated he was extremely confident in one year they will have all the funds to close this acquisition.

Member Canfield asked if the funds they had in hand required a non federal match. Mr. Henshaw stated RLA and ACON are, and National Fish and Wildlife Association sounds like a government agency; those funds are actually private. Member Young asked if they had to pick between the two which would be the priority in terms of their funding limits. Mr. Henshaw stated what he would rather have them determine what they could fund and split it between the two because if he had their support with both projects then it would help them a lot more in getting other money. He said it's a situation were if they can go in front of a commission such as the LL that really studies these projects he can use that as a really good angle to go to private donors and say listen the State just wasn't able to come up with it but they think these projects are high priority. He asked that whatever they come up with to spread it between the two projects. Member Kaiwi asked if in this part of the experimental stage and your gather money from different sources would it be possible to consider, profits from tree sales, whatever you have you; could some of the money go the descendants who are helping with cultural resources in the area mainly iwi kūpuna, restoration, preservation. Mr. Henshaw stated he thought there could probably be something worked out. There are two thing they have: Hawaiian Legacy Hardwoods would be willing to make some regular donations to help that movement out. He had already talked to them about the trail to have it managed and taken care of. On the upper area if it goes to the Nature Conservancy at least during the time that they have it well do whatever we feel...but also once they move it in to permanent management whether its with the State or Federal Agency, to generate some management funds at that time. They have tried in a couple cases to blend in to a transfer of property a lump of money that's set aside in an endowment for management of the property. The Nature Conservancy has a very good track record of managing our endowment, and have money from that go to help the property. He didn't know the exacts right now, but its something he wanted to work towards.

Member Canfield asked him to explain management responsibilities of the lower property. Mr. Henshaw stated right now it is the DeLuz family and once it goes through then the plan is to have Hawai'i Legacy Hardwoods buy the restricted fee from the DeLuz so it would be managed as a forest under HFH with a Forest Legacy conservation easement held by the State on top of it. The long term management would be under what is called a Forest Stewardship management plan required by the Forest Legacy conservation easement and that has already been drafted and approved by the family and Hawaii Legacy Hardwoods. It's a long term, resource management plan that manages with the concept of sustainability. So the State monitors through the conservation easement, but the actual physical activities; the way the conservation easement is written is Forest Legacy is that the land owner can not do something that isn't approved in the plan, and the plan is approved by the State. So they have had double whammy of a conservation easement folder having a little bit more positive control and elaborated on the importance of it.

Member Young asked about the forestry part; she was thinking that there wouldn't be harvesting for years, and what if it fails. Mr. Henshaw responded if it fails then at least its stripped of its development rights and the property will always be transferred as a whole. In terms of the cash flow of their model, in both cases they pre sell the tree. The trees are pre sold for a donation; every tree has a GPS unit and discussed other qualities similar to that. It could fail, but at least they got 550 acres planted. Member Buchanan asked what she is suppose to say when Legislators ask her why Legacy Lands is supplying money to Hawaiian Legacy Hardwoods for them to plant trees in which they are going to harvest and make money. She also saw that they were providing \$250,000 for management and wanted to know if that was on an annual basis or a one time thing. Mr. Henshaw stated that Hawaiian Legacy Hardwoods would not be receiving any of the profit, it will be going to the DeLuz family. The value of that is the conservation easement. Right now that property is being divided in to forty acre lots and sold in to pieces. The ranch was at one point 40,000 acres and is now down to 10.2. So the idea is that the money that comes from the State is for the conservation easement. He wasn't sure about the \$250,000 donations, but the DeLuz family did make a \$50,000 donation for the stewardship for the upper area. They thought the other number was how much the current operating costs were.

Mr. Henshaw stated that the amount was just stating how much they were spending each year on management. Member Buchanan asked if they had a 32-year lease, and would be getting an additional 32-year lease. Mr. Henshaw confirmed that it would be a 60-year lease. Mr. Henshaw stated that The Nature Conservancy in the upper region is going to try and set up using the forest carbon model to help pay for planting the trees and explained the details of carbon model. TNC would like to register with the California registry to help generate funding.

Chair Bonar stated that the project would be paying the landowner for the rights – to ensure that it can't be subdivided into gentleman's estates, and would help reestablish the forest. Member Buchanan commented that it was right next to Palila Habitat, and that other land would be needed for mitigation efforts.

Mr. Henshaw commented that this application was the first from TNC in the history of Legacy Land; he appreciated the Commission's consideration.

Chair Bonar asked if there was additional testimony. Mr. Henshaw stated that another individual might be by later to testify.

Chair Bonar called a break for half an hour and then called the meeting back into session.

Mr. Kalani Souza stated that he was from Maui and now lived on the Big Island and worked with the AKTA. Initially he had been a public process facilitator and had later joined as a board member. He stated that project is part of a larger effort that has been going for quite a while, and dovetails with the NPS mission and is community-based and widely-accepted by all of the adjacent communities. There is much interest in getting onto the land, especially in regard to the trail. It is a 172-mile system, of which we've opened up the 14 miles from Kawaihae down. We left the Kohala region out of the early phase because of the rich archeological presence, did not want traffic until the preservation was figured out. He stated that there were difficult challenges with long-term stewardship and the coordination of many organizations and agencies. The project will help with the view plane preservation, cultural context, educational capacity. They're interested in nature studies and

ecosystem services to youth throughout the State. Mr. Souza is involved in these movements nationally. The goal would be to have the students themselves manage restoration and reintroductions. He was also a bioneer, and had taught permaculture and agroforestry in Europe. Much of the lessons came from his grandfather on Maui. The capacity to take this dryland and reinvigorate the system has potential for modeling across the nation, and had support from NOAA and Pacific Services Center and was being looked at by the Pacific Risk Management Ohana about how we might model the buffer zone, coastal protection, restoration, while we're creating the social mechanisms to create long-range community support and community healing. The most important thing about Kaiholena is not readily evident... as someone who has been in multi-stakeholder mediation processes, he could see the political and economic gaps. The idea is to create parity for access as well as to bring the community together. AKTA is transparent and serves the community. AKTA has secured some project funding and is still securing other match, it has good private funding on the Big Island. A nod from Legacy Land would go a long way in helping them leverage. AKTA has fundraising expertise and would do an active campaign. Tom Baldwin is there as a reference as to how to raise food on low annual rainfall. This is the first time in a long time where the idea of viewing land as connected has come back, and it will shape national policy. He had come today to make sure that the Commission knew how important how important he thought this project and Legacy Land funding is. He works with NOAA and DOI as a community outreach specialist and social justice mediator, he is trained to look at the capacity component – will the community be involved, is there long-term stewardship capacity, etc. He would not be here if he didn't think so. The project has capacity to be a national model for a systemic look at natural resources and community. He added that he was personally dedicated to this project until the end of his life. This project is more about the means of involving community than the end goal of land management. AKTA was also looking at building capacity for small community groups to sustain themselves. He named some large foundations that would be interested in the community health aspects of the project. He read through the management timeline listed on a visual, commenting on current progress and future plans. He stated that AKTA was aware of different liability issues. He mentioned the archeological jewels in the Kaiholena area. He asked if there were any questions.

Member Young asked if AKTA had its IRS determination letter. Ms. Schmidt stated it had been sent.

Chair Bonar stated that AKTA was taking on a \$2 million property and a lot of responsibility and he did not see the dollars.

Mr. Arakaki stated that he was there to reiterate NPS support for the Kaiholena project. He mentioned that numerous consultations had occurred with community groups. He added that archeologists, scientists, biologists had participated.

Rick Gmirkin, NPS archeologist, stated that he wanted to talk about archeological features on the site. He stated that the sites were difficult to access. This site did not have sites typical of Kaiholena, rather, it had alaloo, two mauka-makai trails, a structure at the base of the pali affiliated with a four compartment canoe halau, a high-status dwelling... the sites were visible from Google Earth. These first structures were not marked for protection within the preservation plan... and the last structure mentioned is only preserved conditionally, meaning it can go away after further study. Only one probably burial has been noted on this parcel – additional burials that were likely to be present were not noted in the plan. The sites on this parcel are beyond what is noted in the reports. He asked the Commission to consider the project for funding.

Mr. Arakaki talked about the community cooperation that had recently taken place, including federal and State, as well as landowner and developer. He added that this level of cooperation was a model. AKTA had an agreement with State and county for implementation.

Mr. Gmirkin stated that they worked with North Kohala closely ... everything done is an educational experience for kids. The AKTA had been a huge part of bringing the groups together, DOI had merely provided technical expertise. Mr. Arakaki listed some supporting groups.

Mr. Gmirkin asked Mr. Jean Rasor to explain the significance of parcel. Chair Bonar encouraged the testifiers to respect the limited timeframe.

Member Young asked about the bylaws that would allow flexibility in the organization's structure. Ms. Kaleo Paik stated that this was to allow room for changes in a new organization. Current board members are selected for genealogical ties to the trail.

Member Canfield asked about match status. Ms. Paik went through the funding status according to the most recently submitted documentation; Mr. Souza added that there was a private donor that did not want to be named. AKTA was committed to raising the \$153,000.

Chair Bonar asked why they hadn't gone to the county. Ms. Byrne and Ms. Paik replied: the land had been resolute, however, the county had sunk so much money into the southern parcels that other projects had been backburnered for a few years, and now the county had to get to these other parcels. The community had approached AKTA. AKTA had the management and legal capacity to hold the land and there was urgency for the acquisition. We are fortunate to have a landowner that will work with us. A previous owner had wanted to build a house, the only reason that there isn't a house there today is because of the community.

Member Shallenberger stated that he had spent much of his career managing lands with multiple players. He had never a more convoluted and multi-stakeholder project... he thought it would be a big challenge. He hadn't seen a structure or plan for how it would work. The good news and the bad news was the same: there were a lot of people that wanted to see this happen. Chair Bonar agreed and stated that there was a lot of talk.

Ms. Byrne stated that the community had been, in practice, managing county lands for a long time. Mr. Arakaki stated that they were looking at the old models as well as the new models and taking it one step at a time.

Chair Bonar emphasized that AKTA ought to have a business plan. Mr. Arakaki responded that they were developing a model. Mr. Souza stated that AKTA was not blind to these challenges, he had this experience, and that he was happy to now be facing them in his place of birth.

Member Berg asked about the total price and asked AKTA to clarify the exact status of matching funds. Ms. Byrne commented that they had \$501,000 committed, the ask was \$1.4 million, the pending amount was \$153,000. If Legacy Land funds this, the group should be able to close within the year. The landowner wants to move on. Chair Bonar commented that this ask was one-third of the money available for Legacy Land grants. He wished that the applicant had submitted some other funding applications for other sources.

Toni Withington from Maika‘i Kamakani ‘O Kohala stated that she was working with the community development plan in the North Kohala community. She wanted to talk about continuity... the continuity is the Kohala community, the rest are mere players to set the stage. The community went to Ala Kahakai and told them they were not interested in that section of trail unless the project is community-led. We have people within the community that are doing the things that need to be done on a broader scale. We have kupuna that are working with old maps and ancient genealogies, people who are scientists teaching kids to do GPS, recreational groups and cultural groups that are teaching kids how to work with resources, MKK has done fundraising within the community for these things. Kohala Lihi Kai, a separate group is doing the legal groundwork and fundraising. We are an independent and strong-minded community, and we are the continuity that the Commission is talking about.

Member Young asked about the sale price stated in a letter – is it now a revised figure? Member Canfield stated that the applicant had changed how much match was needed [insert: from LLC], but not how much was needed in total.

Chair Bonar asked for other testimony. He asked if the applicant were to only get half, if they’d be able to do their work.

Ms. Byrne stated that the more they were able to get, the more likely the project would be to succeed.

Mr. Souza stated that he had worked a lot with the North Kohala community in the last few years and believed in their process and cooperation. He added that he sympathized with the Commission, he knew it was difficult to have this amount of funding requested.

Chair Bonar stated that his experience with a nonprofit had informed his line of questioning. Ms. Withington added that the important point was that the community would be there and that passively managing the property would be appropriate as other details get worked out.

Chair Bonar asked if there were any further questions, and called the Kaena Point project.

Emma Yuen with the Natural Area Reserve System (NARS) introduced herself and David Smith, Oahu Branch Manager for the Division of Forestry and Wildlife, Dept. of Land and Natural Resources. She showed photos of the project site, commenting on the area’s history of abuse from off-road vehicles. After the off-roading had been blocked off with a boulder barricade, much of the native vegetation and wildlife had come back to the area (ohai, laysan albatross, shearwaters, monk seals) and this year the NARS had put in a predator-proof fence and seen further improvement. It was also a very informative wildlife education area for the public. The subject parcel was bordered by State Park and Ka’ena NARS and had been approved by the NARS Commission for addition. A public hearing would be required prior to adding the parcel to the NAR. The parcel was outside of the fence and the existing boulder barricade. The rest of the area had been protected since 1988 and had seen dramatic recovery. This parcel was a strategic “pinch point” for expanding the protected area. The area included a documented historic fishing village and may also contain cultural sites. Additionally, the old railroad tracks went through this area. Extensive archeological and historic surveys had been done and several sites were known. This site could be used to protect a much larger area. She pointed out photos of the cove, the current landowners, and the coastal dune ecosystem. The NARS statute prevents vehicular use at Kaena Point, acquisition of this parcel would help the NARS enforce this law. The fenced area is open to the public for hiking, fishing, etc. She added that

a conservation easement may not be appropriate because the main goal was to enable management by the State.

Dave Smith and Randy Kennedy reiterated the value of the parcel for strategic blockage of vehicles.

Ms. Yuen stated that the barricade preventing access would most likely be boulders, not a fence. Member Berg asked what the sea level was, and whether it would be under water at any point. Ms. Yuen indicated a point about seven feet above sea level. Mr. Smith discussed the merits of the predator-proof fence. Ms. Young asked if the appraisal had been finalized, Ms. Yuen replied it was not. Chair Bonar commented that the piece was unbuildable. Ms. Canfield asked about the title report, Ms. Yuen replied that it was not final. Member Shallenberger asked about another inholding on the map, Mr. Kennedy stated that NARS had looked into acquisition; however, the sellers' circumstances did not make it feasible. Ms. Yuen replied to a question from Member Kaiwi, and stated that the Aha Kiole Council had been consulted when the predator-proof fence was installed. She said that the NARS Commission approves the addition of a parcel at a public meeting, and the list of public interested in NARS matters receive notification.

Member Kaiwi asked what NARS was doing to protect cultural resources for the community, especially given the community's sacrifice in 1988? Ms. Yuen replied that protecting dunes and natural resources from off-road vehicle access also seemed to protect important cultural resources. She added that one of the largest conservation outreach initiatives had been done to inform the community regarding the predator-proof fence. Chair Bonar asked what process was necessary to erect a larger boulder barricade. Ms. Yuen stated that a public hearing may not be legally required, however, management planning items usually went before the Board of Land and Natural Resources and the NARS Commission at public meetings, which provided an opportunity for public input. She added that there were many community groups in the area that were regularly consulted.

Mr. Kennedy stated that the Ka'ena Point advisory group was consulted on any State actions in the area.

Member Kaiwi asked what DLNR's commitment was to managing cultural resources for the community in the future. Mr. Kennedy replied that the cultural resources were one of the top priorities for management of the area. Ms. Yuen stated that NARS had the structure to work with the Ka'ena Point advisory group and many other users and community groups to consult on its future actions.

Member Young stated that she had never seen it so clean and beautiful as it as of late. She hadn't wanted the fence, and the artificial structure, however, it is necessary. Chair Bonar asked for further comments or testimony.

Chair Bonar called presenters for the Kahuku Mauka project.

Lea Hong, Trust for Public Land (TPL) stated that the North Shore Community Land Trust (NSCLT) is the intended holder of the project, and TPL was assisting. She provided background information on TPL's work in Hawaii. Doug Cole, NSCLT, provided background on NSCLT and its Hawaii projects. He added that the Turtle Bay project that had been funded in the last grant cycle was adjacent to this project. Ms. Hong pointed out that NSCLT had raised over a million dollars for management of the Pupukea-Paumalu area. Mr. Cole stated that NSCLT's approach was heavy on

community involvement, however, there has not been an extensive outreach effort yet on the Kahuku Mauka project. Ms. Hong displayed some visuals and provided the background on the project, commenting on the location of the pu‘u, the view from the top of the highest vantage point, and stating that most of it is active agriculture. She said that she would clarify some points raised on the site visit. The current water use was provided by a well makai of the highway that can issue about 28 to 30 thousand gallons per day, using about 14,000 gallons per day. Mr. Cole provided some additional figures and added that there was an additional well that could provide 120 thousand gallons per day. The conservation easement for Turtle Bay provided that a change in water use would have to be passed by NSCLT. Ms. Hong stated that the county’s commission members had asked about soil types: Ms. Hong showed a soils map and stated that they were suitable for agriculture. She reviewed the funding status: the ACUB funds would be secured, the county funds had received the recommendation of the county commission, NSCLT and TPL were asking for about 25% of the purchase price. Outreach had been done in regard to the NSCLT Greenprint, a planning and prioritization process for the protection of lands and resources. For the Greenprint, the first step was community outreach and input on priorities. A forty-person steering committee was arranged along with a series of input opportunities. Seven conservation values arose from that process, NSCLT then gathered GPS information to see where these values were present on the land and overlapped. The Greenprint provided guidance to ensure that project selection is guided by community input. The final phase is the action plan, which NSCLT is putting together right now.

Mr. Cole explained the Greenprint map and pointed out where the Kahuku Mauka project fit in. He stated that NSCLT was in the final process of reaching an agreement with the landowner. NSCLT did not want to build up community expectations until an agreement was reached, however, it needed the commitment of funding from Legacy Land in order to demonstrate viability to the landowner. There will be community support for the project.

Ms. Hong stated that she did not know whether the Commission had the handouts she had sent. Ms. Schmidt stated that she had distributed them that morning. Ms. Hong explained that there was a very good process for the Greenprint and a lot of community input had been generated. Mr. Cole echoed the statement. Ms. Hong discussed the farmers’ support for the project, as well as local businesses. Mr. Cole added that the goal would be to create a more affordable, stable, and long-term system for the existing farmers, and also increase capacity for more agricultural production.

Mr. Cole stated that an agricultural conservation easement holder can keep land in ag but can’t necessarily control and manage the type of agriculture and management. The Kahuku Mauka project offered the opportunity to take ownership and create solutions to some of the ag challenges. In Hawaii, regulations and incentives had been implemented to protect and encourage agriculture, however, the bottom line is that landowners have control over their lands. Taking ownership is a solution that recognizes that.

Ms. Hong added that there would also be the opportunity to properly seek guidance and protect cultural resources on the property. Mr. Cole talked about NSCLT’s intention for involving the community and stated that awareness of the resources is a big step in protection of these and other resources.

Mr. Cole stated that there were many good projects in front of the Commission, and that he appreciated the challenge that the Commission faced in ranking projects.

Member Berg asked what percentage of the property was suitable for ag. Mr. Cole stated that one estimate had been 80 acres. Ms. Hong stated that portions of the property may be suitable for orchard or grazing. Member Berg stated that, in looking at the soil types, it looked like \$4 million for a 50 or 60 acre lot. Mr. Cole stated that the remaining land was used by a rancher. Member Berg asked Member Richards whether that was an effective use of the property. Member Richards stated that it was not the nice flat farmland some would expect, but there are effective ag uses if done right, especially given the nearby markets.

Member Berg asked whether the property would generate enough revenue to allow management of the land. Member Richards added that he was not sure about that with only agricultural uses. Mr. Cole indicated some areas where grazing or other uses may be feasible.

Mr. Cole stated that NSCLT did not have a track record of agricultural land management, however, it had gone through rigorous community outreach and input with the Greenprint project, and it was clear that NSCLT needed to serve the community by protecting ag lands through assuming management responsibilities, and by prioritizing sustainable agricultural production in the community in planning for managing this land.

Chair Bonar stated that the feasibility of the financial aspects of managing ag lands sustainably was a huge challenge.

Ms. Hong stated that funding for management would initially come from a donation by the landowner after the purchase. After that there would be lease rents, supplementary fundraising efforts, and potential for wind power.

Chair Bonar asked if NSCLT had calculated what it would cost annually to manage the land. Mr. Cole stated that the irrigation would be an expense. The farmers currently pay the tax and water. NSCLT's approach would be to make it as affordable as possible for the farmers while making it a workable operation. It had not done a pro forma to calculate the costs. NSCLT had been trying to increase its network of agricultural experts as well. NSCLT's goal would be to break even. The county's commission had questioned NSCLT on its agricultural experience as well. It is true that NSCLT does not have a track record, however, it is also clear that the current approach of forcing agriculture through regulation is not working. State agencies and nonprofits need to start taking on this challenge. Ms. Hong added that NSCLT would have access to Natural Resource Conservation Service staff and would be working with them to create a conservation plan. It might be premature to have calculated the costs at this point.

Member Berg asked whether the county funds had been secured. Ms. Hong replied that it had received a recommendation from the county commission and that enough funds were available. Member Shallenberger asked why the former ag lands were not in production. Ms. Hong stated that the lands were actually leased, the lease rates were low, and that some leaseholders preferred to leave the lands as is.

Member Shallenberger asked whether this nonproduction was a problem. Member Canfield stated that she had thought the issue was that month-to-month leases do not allow the farmers to access loans. Ms. Hong confirmed – there is uncertainty. They had talked to Ho Farms, they would like to be in a situation like this because they face the same problems – they can't sell to Costco anymore,

new regulations and standards would require a new structure. Mr. Cole stated that there were a lot of farmers holding leases that did not want to grow.

Chair Bonar asked where the discussion with the landowner was at. Ms. Hong stated that they were still trying to get to a final agreement on the price. There had not been an appraisal aside from a bank appraisal to do a refinance. She didn't feel that this was the best appraisal to put forward due to the comparables used. Chair Bonar asked about other potential partners and their expertise (Pacific Gateway). Ms. Hong stated that they could help TPL and NSCLT as well as the individual farmers. Chair Bonar encouraged them to pursue that.

Member Shallenberger asked about the source of water at a point in the property. Mr. Cole stated he thought it was runoff water, Ms. Hong added that there were remnants of an old irrigation system on the property, but this appeared to be runoff now. Member Richards asked if it would be classified as a swamp, Ms. Hong stated it was a pond.

Member Young asked what would happen if NSCLT received Legacy Land funds and the seller wouldn't budge to a lower price. Ms. Hong stated that, depending on where the appraisal came out, they would seek other sources of funding. Member Young expressed concern over the sale being fair market value, Ms. Hong stated that TPL and NSCLT would be working with the fair market value. Mr. Cole added that, regardless of Legacy Land policies, NSCLT would not use public fund to purchase land at a price above fair market value anyway. Mr. Cole mentioned that funding may be available through NRCS programs.

Chair Bonar asked if there were further comments. He then called the applicant for final project, Kalauao Valley, to provide any updates.

Leah Laramee, Division of Forestry and Wildlife, supplied some visuals and stated that she would provide some additional information for the Commission. She pointed out the location of the proposed parcel and adjacent lands and a State trail (Aiea Loop). She stated the acreage, elevation range, and appraised value of the land and stated that the plan for management was perpetual protection and management under DOFAW as a Natural Area Reserve or Forest Reserve. It had recently been ranked the number one project of Oahu's Clean Water and Natural Lands Commission (CWNLC). The land value is \$760,000, estimated additional costs \$11,000, total project cost \$771,000. Per acre, the project cost was about \$1,200. They'd requested 75% from CWNLC and were requesting 25% from Legacy Land. They were protecting critical habitat for the 'elepaio, almost the entire parcel was critical habitat. Eric Vanderwerf had done surveys along the Kalauao Stream and discovered 44 territories, 70 birds in total, which was the highest density of 'elepaio on the island, and therefore, the highest density in the world. This was the count prior to any rodent control efforts; management could yield even better results. 'Apapane and 'amakihi are also present on the property. The Oahu creeper, if still in existence, would most likely be found on this parcel. There have not been extensive surveys on the land, so the possibility of what could be discovered yet is another exciting aspect of the project. There are a number of ecologically-important invertebrates as well: native damselfly, the native plant bug and the giant native damselfly. Surveys had been done along the lower portions of the stream, native oopu and crustaceans were found, which gives the impression there may be more in the upper reaches of the stream. She indicated on the visuals the 'Oahu lobelia and 'Oahu violet and other rare and endangered species present on the property. Kalauao had been classified as sensitive watershed since the early 1900s and was within the Ko'olau Mountains Watershed Partnership Management Area. She covered facts on the stream, annual rainfall, and

history of the property's use. Native wet and mesic forest, predominantly 'ohia and koa. She indicated trails on a map and stated that they were close to the urban core. She added that a GIS layer did not exist for the trails, so she had hiked while taking GIS points. Historically, there was not a lot of information; it was close to Keaiwa Heiau, a healing heiau, so a likely use may have been gathering site for medicinal plants. It is adjacent to Hālawā Valley, where important archeological and cultural sites were discovered. Kamehameha Schools manages both sides of the parcel and State Parks manages access through the trail. She showed more visuals relating to vegetation and erosive properties of the land. One of the threats was feral pigs, which could destroy native plants and allow invasive strawberry guava to take over. Proximity to residential developments means heavy risk of invasion from ornamentals.

She added that the property would be kept in the watershed partnership and managed by experienced State staff. Existing pig hunting would be allowed to continue. Na Ala Hele was discussing increasing its scope to include management of the Aiea Ridge Trail. The project had the support of Bishop Museum, the CWNLC members, and the Hawaiian Islands Land Trust. Kamehameha Schools was in support of coordinating management of the parcel as well.

Ms. Laramee asked if there were questions. Member Shallenberger asked about the ownership of a parcel one valley over. Ms. Laramee said she did not know but would follow up. Member Young asked about county funding status. Ms. Laramee replied that the CWNLC had ranked the project at first, however, it would have to pass through the City Council prior to receiving funds. Member Canfield asked if the title report had been submitted. Ms. Laramee said that it had just come in – there were no surprises or red flags visible. Member Shallenberger asked what kind of public access the land would be managed for. Ms. Laramee stated that the trail would be maintained as an access point, she was not sure what the exact access would be for public hunting. Member Shallenberger asked what DOFAW needed to know prior to designating the parcel as either NAR or Forest Reserve. Mr. David Smith replied that it would be nominated as a NAR for ecosystem protection, and would have to pass through the process of qualifying for a NAR, e.g., going through the NARS Commission for review. Legally speaking, NARS was a higher form of protection; however, they could still achieve protection through Forest Reserve if NARS was unobtainable.

Ms. Hong explained some details on the legal difference between NARS and Forest Reserve. Mr. Smith stated he would have to refer back to the administrative rules for specific details on the protections, however, the major difference in effect is probably the role of the NARS Commission.

Chair Bonar asked if there was further testimony. He stated that there was not time left (five minutes) for additional discussion. Tomorrow the Commission would go through the ranking method again, it could have more discussion then. He encouraged the Commission to get through all supplementary materials and letters.

Chair Bonar asked Ms. Schmidt if there had been a rationale for pulling the Paukukalo project. Ms. Schmidt stated that TPL had submitted the letter that was distributed, Ms. Ka'akua had also said that TPL was seeking other funding.

**ITEM 7. Discussion by members of the Commission of the FY12 project applications and supplementary materials (please see the list of applicants attached to this agenda).**

(See previous item.)

**ITEM 8. Announcements.**

Ms. Schmidt reviewed the forms -- stated that the interim evaluation form was used by Commission members to review projects individually, the one-page ranking forms were used at the meeting. She asked if anyone needed extra copies. Chair Bonar asked for copies for each member.

Ms. Schmidt stated that the ranking forms became public record and were kept with the meeting file. She added that, per the past advice of the AG's office, anything brought to the meeting and referenced as part of discussion may also become public record.

**ITEM 9. Adjournment.**

Chair Bonar adjourned the meeting.