

## **Minutes of the December 2, 2013 Legacy Land Conservation Commission Meeting**

Date: December 2, 2013

Time: 9:00 a.m. to 4:00 p.m.

Place: Room 132, Kalanimoku Bldg., 1151 Punchbowl St., Honolulu, Hawaii

### **COMMISSION MEMEBERS PRESENT:**

Mr. Thorne Abbott

Ms. Lori Buchanan

Dr. Joan E. Canfield

Mr. Kaiwi Nui

Mr. Herbert (“Monty”) Richards

Dr. Robert J. Shallenberger

Dr. John Sinton

### **STAFF:**

Carli Gardner, DLNR, DOFAW

Molly Schmidt, DLNR, DOFAW

Ian Hirokawa, DLNR, Land Division

### **PUBLIC:**

Pua Auyong

Cyndy Aylett

Kamana Beamer

Keola Beamer

Marcos Bendana

Ann Bosted

Peter Bosted

Noa Ching

Londa Mae Fukumitsu

Jessica Higgins

Regina K. Hilo

Kala Ho

Lea Hong

Casey Jackson

Puni Jackson

Pono Jones

Laura Kaakua

Danny Loui

Kaohua Lucas

Kehaulani Lum

Ikaika Nakahashi

Teresa Mankuakane-Drechsel

Kylie Mar

Ann Mar Kirk

Duane Medeiros

Dawn Mohi

Kanoa O'Connor  
Dennis O'Connor Jr.  
Jeanne Ohta  
Catherine Osthem  
Dan Purcell  
Elizabeth Reilly  
Jonah Nainoa Reyes  
Marie Riley  
Ed Sniffen  
Marigold Zoll

MINUTES:

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

Legacy Land Conservation Commission ("Commission") members, staff, and members of the public introduce themselves.

ITEM 2. Approval of Legacy Land Conservation Commission meeting minutes from the October 14, 2013, meeting.

Chair Kaiwi motioned to approve the October 14, 2013 meeting minutes. Member Canfield seconded the motion. All were in favor.

ITEM 3. Disclosure by members of the Commission of any potential conflicts of interest involving Fiscal Year 2014 (FY14) projects (please see the list of applicants attached to the agenda).

There were no potential conflicts of interest involving Fiscal Year 2014 (FY14) projects.

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 FY14 project funding.

Chair Kaiwi asked Staff for an update. Ms. Schmidt covered the process and method by which the Commission followed to form recommendations to the Department and Board of Land and Natural Resources regarding FY14 project funding.

The Commission received applications in September and Commission members conducted site visits in November using task forces, or permitted interaction groups. Then, it was explained that this meeting was for applicant presentations and testimony from members of the public. Following the meeting, the Commission would use criteria from The Legacy Land Conservation Program Administrative Rules Chapter 13-140 to rank the projects from 1 to 5. Their recommendations would be forwarded to the Board of Land and Natural Resources for project funding in the order listed to the extent that funds are available. Ms. Schmidt explained that the budget for grant funding was roughly \$4.5 million.

Staff discussed the process following the submittal of the Commission's list for recommended funding. Ms. Schmidt mentioned that the Department and Commission Chair consult with the Senate President and House Speaker on the list of projects recommended by the Commission. It was explained that the Senate President and House Speaker consultation along with the Commission's recommendations would be given to the Board of Land and Natural Resources at a scheduled, public meeting. Then, after the Governor signs off, project funds will be awarded, usually between the months of April and May.

Chair Kaiwi asked if there were any questions regarding the process and method, there were none.

Chair Kaiwi discussed the order of applicant presentations, Ms. Schmidt mentioned Hooulu Ola had requested an afternoon presentation to accommodate for a group of public testifiers. Laura Kaakua, with the Trust for Public Lands, confirmed. Chair Kaiwi mentioned there was a request from Kuamoo to conduct their presentation early. Member Canfield motioned to move the Kuamoo presentation up in the agenda, Member Richards second the motion. All were in favor. Chair Kaiwi listed the order of presentations as 1) Kuamoo, 2) Aina Haina Nature Preserve, 3) Helemano, 4) Pupukea Mauka, 5) Manu Lani Lava Tube, 6) Hakipuu Loi Kalo, and then 7) Hooulu Ola.

ITEM 5. Reports by Commission members and Commission member task forces regarding visits to FY14 project sites; discussion of site visits to the FY14 project sites by Commission members.

The Commission Taskforce leaders presented their reports on the site visits.

Member Shallenberger discussed the Kuamoo site visit. It was mentioned that the trip to Kuamoo was in two parts, one along the coast to view the site from the shoreline and one on the property itself. The primary purpose of the Kuamoo project was to protect the cultural resources associated with the battle of Kuamoo and the burial sites on the property. It was mentioned that the main threat to the area was urban development. During the site visit an archeologist gave the Commission members a briefing on the archeological survey that was conducted. Member Buchanan discussed the importance of protecting the burial sites on the property. Members Shallenberger and Buchanan explained that the community seemed very supportive of the project. Member Buchanan asked Lea Hong, with the Trust for Public Land, to elaborate on the December 1, 2013 revision of the existing application during the Kuamoo presentation.

Member Abbott discussed his report on the Aina Haina Nature Preserve project site. It was explained that the Aina Haina site was primarily an issue of access. Member Abbott explained that the current landowner was a developer and planned to subdivide the property which caused conflict within the community. Member Sinton agreed that the main issue was access, he also mentioned the cultural aspects and archeology on the site stating that a proper archeological survey would have been informative. Chair Kaiwi addressed the application and mentioned that cultural practitioners described this area as Waolani, where one steps into a higher realm. Member Abbott explained that the Aina Haina property had the most development pressure of all the sites on Oahu. Chair Kaiwi asked Member Abbott if the developer did any cultural impact assessment of the property, Member Abbott said the developer had not. Chair Kaiwi asked if any

rock-fall mitigation on the property would be necessary, Member Sinton stated that the formations they saw were all alluvial deposits, redistributed by stream processes in the past. Member Buchannan asked Member Abbott if there was any pressure for stream protection since Wailupe Stream was listed in the application as supporting native fauna, Member Abbott said there was no push for stream protection that he knew of. Committee Members moved on to discuss Helemano.

Member Abbott discussed the Helemano site visit mentioning the main issue of access. The site was owned by Dole and was offered to the Division of Forestry and Wildlife (DOFAW) for purchase. Member Abbott mentioned DOFAW would utilize this land for access to the Poamoho Forest Reserve and also as a recreational area for the public. Member Canfield discussed the potential of recreational use on the property. Member Buchannan mentioned that multiple Legacy Land applications for 2014 were access related. It was mentioned that there was a military base located in the center of the Helemano property, Member Buchannan stated that the lowlands were fairly degraded.

Member Abbott discussed the large amount of acreage for both Helemano and Pupukea Mauka properties. Pupukea Mauka was discussed as a pristine native forest and a habitat for native bats. The U.S. Military "Drum Road" was mentioned as the only means of access for both the Helemano and Pupukea Mauka properties. Member Abbott mentioned that there was no current development pressure for Pupukea Mauka but the property cost was a great deal for the large amount of acreage. There were no further comments about the property, Members moved on to discuss the next site visit.

Member Shallenberger discussed the Manu Lani Lava Tube site visit. The development pressure of the property was mentioned as well as the steep topography of the unique cave. Member Shallenberger explained the color variations and the rock formations within the cave, he stated the potential for research and educational use of the lava tube. Member Buchannan explained that her main concern was the cultural aspect of the cave and caves in general; she stated that lower portions of lava tubes were used for iwi and kupuna burial sites. Member Buchannan had asked the applicant, the Cave Conservancy, to address her concerns of cultural protocol in their presentation.

Member Canfield discussed the Hakipuu Loi Kalo site visit. It was mentioned that the property would be used for Hakipuu Learning Center as an educational ground for land-based instruction. Member Abbott explained that this application covered much of the basis for the mission of the Legacy Land Conservation Commission, and stated that it was a keystone parcel. Member Richards asked if Kualoa Ranch had any interest in purchasing the land, Member Canfield asked the applicants to address that during their presentation. Member Abbott mentioned that Kualoa Ranch owns a portion of the land adjacent to the fishpond, between the property and the water.

Member Abbott discussed the last site visit, Hooulu Ola. The applicant, Kokua Kalihi Valley Comprehensive Services, and the success of their previous work was discussed. It was mentioned that there was a large amount of community support for the project. The development potential was addressed. Member Sinton emphasized the good work Kokua Kalihi Valley has

done previously and was confident they would carry through a good management plan for this property.

Chair Kaiwi commented on the Native Hawaiian cultural aspects of the applications stating his appreciation. Chair Kaiwi discussed the importance of place-based knowledge and recognized the applicants who dedicated their time to represent the cultural history of the place they hoped to acquire.

Members adjourned for a ten minute break.

ITEM 6. Optional presentations by applicants of new information or clarification of information concerning their proposals.

There were technical difficulties with the Kuamoo presentation. Aina Haina Nature Preserve carried on with their presentation. Presenters, Laura Kaakua with the Trust for Public Lands, Ed Sniffen represented the City and County of Honolulu with the Mayor's Office, Marie Riley spoke on behalf of the friends and neighbors of Wailupe Valley, Danny Loui represented the Wailupe Ohana Council.

Marie Riley presented some of the history of Wailupe Valley. Laura Kaakua elaborated further on the cultural history of the area.

Danny Loui presented the various archeological sites on the property and explained the cultural interpretation of the rock forms. Ms. Kaakua mentioned there was heavy recreational use on the trail for hiking and hunting purposes. It was mentioned that the City and County also required the trail to access certain city facilities and would be providing match funds for the project.

Member Canfield asked about a management plan. Ed Sniffen explained that there were no operational costs for the City and County to manage that parcel of land. It was stated that the City works with the community to manage the land and that the City and County fully supports the project. To further answer Member Canfield's question, Ms. Kaakua explained that the City had no operational costs because DLNR managed the trail in order to access their property further inland. It was mentioned that the project application was extremely time sensitive. Member Abbott explained his concern with the appraisal of the property and the high cost of the lot.

Chair Kaiwi asked staff if it was within Commission authority to ask DLNR to review or verify sites they recommend for funding. Ms. Schmidt explained that it is not within Commission authority, it would have to be addressed by the Chair of DLNR.

Duane Medeiros, a descendant to Hewahewa, presented his testimony for the Aina Haina Nature Preserve project.

Jeanne Ohta provided the Commission with a petition signed by 1,927 Aina Haina community members against the development of Wailupe Valley.

Chair Kaiwi thanked the presenters and carried on to the Kuamoo Presentation.

Kamana Beamer and Keola Beamer presented with Trust for Public Lands representative, Lea Hong on the Kuamoo project. The presenters played a short video of Kamana Beamer's grandmother discussing the battle of Kuamoo in 1819 after the death of Kamehameha I. Lea Hong explained the revised budget breakdown of the property costs, the request was \$3 million from Legacy Land. Keola Beamer explained that their goal was carry on the tradition of

aloha while protecting and preserving the historical land of Kuamoo. Chair Kaiwi spoke about the powerful moolelo of the battle of Kuamoo as a pivotal point in Hawaiian history. Member Shallenberger discussed the high threat of development in the area. Kamana Beamer discussed the time sensitivity of the project in accordance with the current landowners. Member Abbott asked Ms. Hong about the property appraisal, it was stated that the land could be subdivided into 18, 5-acre lots.

Chair Kaiwi thanked the Kuamoo presenters.

Commission members adjourned at 12:30pm for a 30 minute lunch break.

Meeting reconvened with two additional testimonies for the Aina Haina Nature Preserve project from Elizabeth Reilly and archeologist, Regina Hilo.

Marigold Zoll with DLNR Division of Forestry and Wildlife had a combined presentation for acquisition requests of both Helemano and Pupukeya Mauka. It was stated that both project sites were being sold by Dole Food Company. Ms. Zoll explained that access to current DOFAW land, particularly Poamoho Forest Reserve would be cut off if DLNR did not acquire Helemano. DOFAW requested \$1 million from Legacy Land for the Pupukeya Mauka parcel, Dole was selling the 3,716 acres for \$6 million total. Ms. Zoll explained the urgency of the Helemano parcel for means of access, she discussed the project plans for public recreational use on the parcel. Member Shallenberger asked Ms. Zoll which of the following projects she would rank higher, she mentioned it was difficult decision but ranked Helemano higher due to the at-risk access issue.

There were no further questions for Marigold Zoll, Chair Kaiwi moved on to the presentation from the Cave Conservancy.

Ann and Peter Bosted with the Cave Conservancy presented their Manu Lani Lava Tube project. Ann Bosted stated that the land was previously cattle ranching land and prior to that there was probably little to no cultural practices going on in the cave due to the high elevation of the area. It was mentioned that there was increased pressure to develop the land. There was a discussion about the previous land owner and the cave assessment that the Conservancy did on the property. Ann and Peter Bosted both mentioned the topography of the cave and the unique lava characteristics of the Manu Lani lava tube in particular, their goal was to preserve the cave and utilize it for research and education. There were two video testimonies for the project from John Giffin and Mike Donohoe.

Chair Kaiwi asked if there were any questions or comments, Member Canfield asked if there were nearby areas utilized for forest restoration. Member Shallenberger said the area was not too degraded, however, he mentioned that caves are known habitats for rare plants.

Chair Kaiwi thanked the Cave Conservancy for their presentation.

Kala Ho with the Hakipuu Learning Center, Laura Kaakua, and Teresa Makuakane-Drechsel with Ka Huli o Haloa presented their initiative for the Hakipuu Loi Kalo site. Kala Ho presented the history of the area. Teresa Makuakane-Drechsel discussed the mission of Ka Huli o Haloa and the community outreach goals of the organization. Laura Kaakua explained the project and the background with the previous landowners, the Fukumitsu Ohana. It was mentioned that the charter school, Hakipuu Learning Center was in need of a permanent location and this property was an opportunity for that facility.

Londa Mae Fukumitsu, the previous landowner, testified in support of the Hakipuu Loi Kalo project.

Kylee Mar, Chairperson from the Hakipuu Learning Center, testified on behalf of the students in support of a new educational facility.

Chair Kaiwi asked Hakipuu Learning Center if they acquired any data on the success of place and land-based education, Kala Ho said yes, he would provide the data to the Chair. Ms. Makuakane-Drechsel explained that all the students were involved in the State's "Running-Start" program.

Kehaulani Lum and Cyndy Aylett testified in support of the project.

Member Canfield asked Teresa Makuakane-Drechsel about their management plan, it was explained that Ka Huli o Haloa received grants since 2003 for community education and they intended to continuously apply for those grants to insure future management of the area.

Dan Purcell, public attendee, commented on the lack of available opportunities for outer-island residents to participate in sunshine meetings and the legislative decision making on Oahu.

Chair Kaiwi commented on the history of the Hakipuu Loi Kalo project, he thanked the presenters and those who testified for coming to the meeting.

Commission Members adjourned for a five minute break.

Puni Jackson with Kokua Kalihi Valley and Laura Kaakua presented the Hooulu Ola project to the Commission Members. The previous success of Kokua Kalihi Valley was discussed along with the extensive community support for the project. Tamara Luthy, a Masters student at the University of Hawaii at Manoa, discussed the results of the ethnobotanical study she conducted on the property. The potential for native forest restoration was discussed and it was mentioned that Kokua Kalihi Valley had the staff and support necessary to tackle the restoration project. Puni Jackson explained that Hooulu Ola would act as a permanent home for Kokua Kalihi Valley since their current project, Hooulu Aina, is on leased land.

There was public testimony from Jonah Nainoa Reyes, Marcos Bendana, and Jessica Higgins. Mr. Reyes explained that Kokua Kalihi Valley was a positive influence for the community and had a great impact on his life. Mr. Bendana discussed the community need for a project such as Hooulu Ola. Ms. Higgins addressed the educational work Kokua Kalihi Valley did and discussed the positive impact of incorporated Native Hawaiian cultural practices.

Chair Kaiwi thanked the presenters along with the numerous community members who attended the meeting in support of the Hooulu Ola project.

ITEM 7. Discussion by members of the Commission of the FY14 project applications and supplementary materials (please see the list of applicants attached to the agenda).

(See previous item.)

ITEM 8. Announcements

ITEM 9. Adjournment.