

Minutes of the December 3, 2013, Legacy Land Conservation Commission Meeting

Date: December 3, 2013

Time: 8:30 a.m. to 11:30 a.m.

Place: Room 325, Kalanimoku Bldg., Punchbowl St., Honolulu, Hawaii

COMMISSION MEMBERS 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

PUBLIC:

Noa Ching

Lea Hong

Laura Kaakua

Brutus Labenz

Ikaika Nakahashi

David Smith

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. 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 FY14 projects.

ITEM 3. 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.

Ms. Schmidt explained 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. It was explained that the Commission would utilize criteria from The Legacy Land Conservation Program Administrative Rules Chapter 13-140 to rank the projects from 1 to 5 (the forms utilized to rank the projects are on public record and can be found in the Commission record). Ms. Schmidt explained that Staff would tally the scores and produce the averages to provide the project ranks. The Commission's recommendations would be forwarded to the Board of Land and Natural Resources for project funding in the order listed to the extent that funds were available. There were no further questions from the Commission members.

Chair Kaiwi stated the total ask from Legacy Land for FY14 was \$7.58 million, he asked staff to confirm the FY14 grant budget. Ms. Schmidt said the budget was \$4.5-\$4.6 million, Chair Kaiwi suggested the Commission assume a \$4.5 million budget.

Chair Kaiwi discussed the option of partial funding for projects. Ms. Schmidt explained that a request of partial funding after the projects were already ranked came down to an issue of fairness. It was mentioned that the Commission's criteria to rank projects included a consideration of the project funds requested.

Chair Kaiwi asked which projects were ranked in the top five for Clean Water and Natural Lands (City and County) funds. Member Canfield stated that Aina Haina Nature Preserve was ranked number one, Hakipuu Loi Kalo was ranked number two, and Hooulu Ola was ranked number four.

There was another discussion about partial funding. Ms. Schmidt explained partial funding was awarded once in the case where two projects were tied for the last ranking in Fiscal Year 2009.

Lea Hong asked staff what would happen to the money if any previous projects died. Ms. Schmidt explained that funds were encumbered specific to the project for past fiscal years and funding could not be rededicated to another fiscal year. It was mentioned that the money would go back into the Land Conservation Fund and be distributed in a future years grant cycle.

Member Sinton discussed the issue of the Commission encountering projects bigger than the Legacy Land Conservation Program, he asked if there was a mechanism in the State to handle these sorts of projects. Ms. Schmidt explained that project applicants, such as Trust for Public Lands, often recognized this issue and sought funding from other organizations. Member Shallenberger explained that this year, the Kuamoo project, was seeking majority of the Legacy Land funds and seemed to fit the category Member Sinton discussed. Member Shallenberger asked if the Commission could look to the State when there were insufficient funds. Member Abbott suggested the Commission write to the Legislature in support of projects which they were unable to fund. Chair Kaiwi explained that the Commission's kuleana was to merit the projects they had in front of them based on their expertise in order to submit them to the DLNR for a request of full funding.

ITEM 4. Discussion by members of the Commission of the FY14 project applications and supplementary materials and recommendations to the Department and Board of Land and Natural Resources regarding funding for FY14 project applicants (please see the list of applicants attached to the agenda).

The Commission decided to hold the discussions by project.

Members began with a discussion on Kuamoo. Member Canfield stated that it was such an important place she did not see how the Commission could not do right by it. The project seemed urgent. Member Richards asked what the ask was for the project. Chair Kaiwi confirmed the acreage was 47, the match funds were listed as \$1,047,000, and the ask from Legacy Land was \$3 million.

Member Shallenberger explained the potential damage, historically and culturally, that would occur if Kuamoo was developed. There was a question of why the land had not been designated as a National Park. Lea Hong explained that the landowner did not feel comfortable with the work that the National Park Services did, therefore, the landowner declined to sell it to them several times.

Member Abbott stated his opinion on the Kuamoo project, he mentioned that he wanted to honor the past but respect the living and the future. The testimony by Jonah Nainoa Reyes for Hooulu Ola from the previous Legacy Land meeting was addressed; Member Abbott felt that his testimony alone demonstrated a land worth conserving. It was explained that the Kuamoo land was designated as a Special Management Area (SMA) and therefore, would be difficult to subdivide. Member Abbott was in support of the project but wanted to see more matching funds. Member Shallenberger explained that there were SMA lands next to Kuamoo that had already been subdivided which demonstrated the risk of development. Member Canfield mentioned the Beamer Foundation's vision for the center at Kuamoo and how it would positively affect the lives of community members.

Member Sinton stated that Kuamoo seemed to be the most important historical site in the State that was not already protected. Member Shallenberger mentioned that the match funds should have been higher due to the importance of the Kuamoo site. Chair Kaiwi agreed that the ask for Kuamoo was high, he asked Lea Hong if the recipients planned to approach other organizations in support of the project to provide match funding. Lea Hong explained that Trust for Public Lands and the Beamer Foundation thought it would be difficult to raise over \$1 million in match funds for the Kuamoo project because there were not many funding opportunities out there for the preservation of historical sites.

Chair Kaiwi expressed his feelings about the project, he stated that he could not put a dollar value on a known burial site of Iwi Kupuna. Chair Kaiwi mentioned that the Commission had not funded a project with as much testament to culture as the Kuamoo project.

Member Buchanan agreed with Member Abbott about Kuamoo being protected from development; however, she stated that it was beside the point; she mentioned that this project was unlike many of the others where access was the main concern.

Chair Kaiwi commented on the Beamer Foundation and the positive impact they have had on the lives of many people of Hawaii.

Member Richards discussed on the potential for development and the preservation of Hawaiian history at the Kuamoo site.

There were no further comments on Kuamoo, Members moved on to the Aina Haina Nature Preserve project.

The Commission Members asked Laura Kaakua to elaborate on the Aina Haina community and their feelings toward the City and County. Ms. Kaakua expressed the community frustration toward the City and County regarding Wailupe Valley.

Members Shallenberger and Canfield brought up the issue of management and the lack of a management plan for the area. Ms. Kaakua explained that DLNR was willing to continue maintaining the trail with or without a formal agreement.

Member Sinton stated that the land seemed inflated in price and he did not see a high threat to the project. Member Abbott elaborated on the landscape and the potential development of the proposed parcel, he discussed the appraised value of the lot and mentioned that development was an immanent threat to the valley.

Member Buchanan discussed management of the Wailupe Valley trail with regards to access for the nearby DLNR Elepaio enclosure. Member Abbott noted there was little need for trail maintenance due to the high foot traffic on the trail.

There was no further discussion on the Aina Haina Nature Preserve project.

The Commission moved on to discuss Helemano. Member Sinton explained that the State would be foolish to pass up this opportunity of 1600 acres with a 9 to 1 match, he noted that there was a high threat to the area. Member Shallenberger agreed. It was mentioned that Helemano needed to be addressed alongside the Pupukea Mauka project. Member Sinton ranked Helemano higher than Pupukea Mauka due to the threat.

Member Buchanan discussed the proposed land-use management of the Helemano parcel, she was happy to see the portions of community use included and therefore, was in support of the project. Chair Kaiwi discussed the pristine native forests of upper Helemano and the military support of the Poamoho Natural Area Reserve above Helemano. There was a discussion about potential military funding for the project.

Chair Kaiwi discussed the Pupukea Mauka parcel and addressed the advantage of capturing an entire ahupuaa with that land acquisition. Member Sinton stated that Pupukea Mauka was a bargain price for 3700 acres.

There were no other thoughts on the Helemano or Pupukea Mauka projects.

The Commission transitioned to Manu Nui Lava Tube and the Cave Conservancy Project.

Member Sinton mentioned that geology was not listed as a priority for the Legacy Land Conservation Program, he wanted to see it added to the list of priorities. It was stated that there was unique geology in the Manu Nui Lava Tube; however, Member Sinton explained that he did not observe a particular threat to the lava tube itself.

Member Shallenberger discussed the forest above the lava tube, he mentioned the potential research successes the lava tube would provide. Member Canfield asked if the conservation easement would be an issue for the Cave Conservancy, Member Shallenberger did not think it would be.

Member Richards discussed the potential threats to caves and explained that there are many undiscovered caves on the Island of Hawaii.

Member Canfield explained that she wanted to see more match funding for the project. Chair Kaiwi expressed his opinions on the Manu Nui project, he explained the Native Hawaiian cultural customs regarding cave systems and mentioned that caves are sacred burial sites. Chair Kaiwi pointed out that during their presentation, the Cave Conservancy defined a cave system and had skipped over the section noting "Native Hawaiian burials." It was stated that the Cave Conservancy lacked a sense of place and community engagement in their project proposal that projects such as Hooulu Ola and Hakipuu Loi Kalo clearly demonstrated. Chair Kaiwi commented on the beauty of the Manu Nui Lava Tube and mentioned that the threat was publicizing it. There was disappointment in the Cave Conservancy's lack of cultural sensitivity; Member Shallenberger agreed, he explained that the proposal did not reflect any sensitivity to the cultural issues and wanted to see more effort in the application.

Member Buchanan stated her opinion; she thought Manu Nui Lava Tube should be protected from human use because it was already well documented and photographed. Member Buchanan stated her appreciation to the Cave Conservancy for providing their rules and regulations under the State, she believed the Cave Conservancy had good intention to protect the Manu Nui Lava Tube; however, there was still an issue of cultural protocol.

There was no further discussion on the Manu Nui Lava Tube project.

Commission members discussed Hakipuu Loi Kalo. Member Sinton was in full support of the project. Chair Kaiwi asked Ms. Kaakua if John Morgan was in support of the project. Ms. Kaakua explained that the Kahaluu Neighborhood Board, John Morgan, and Kualoa Ranch were all in support of the project.

Member Shallenberger mentioned that he was confident the project would extend outside of the Hakipuu Learning Center to connect the outer communities. Chair Kaiwi and Member Canfield agreed.

Member Buchanan discussed the previous legal issues with the property, Ms. Kaakua explained that the water rights have been secured and there are no remaining legal issues with the property.

Chair Kaiwi discussed the generational battle associated with the Hakipuu Loi Kalo project, he explained that this project would be a success for multiple families.

The discussion moved on to Kokua Kalihi Valley and their Hooulu Ola project.

Member Shallenberger demonstrated his support of Kokua Kalihi Valley and their previous work but he would like to have seen a request for a better parcel of land. Member Canfield stated that this land was not a current need for Kokua Kalihi Valley due to their current lease with DLNR. Member Abbott explained that acquiring this land, fee simple, could provide leverage for the organization. Member Sinton complimented Kokua Kalihi Valley and their successes; however, he felt Legacy Land was not the way to award them. Member Shallenberger addressed the issue of capacity, it was stated that the organization had a tremendous capacity to manage the land. Member Abbott agreed.

LLCC	Project title	Agency/ org:	LL Request (\$)
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Chair Kaiwi discussed the public testimony from the prior meeting and commented on the legacy that Kokua Kalihi Valley is providing for the Kalihi community.

Member Canfield asked about the urgency of the project. Ms. Kaakua explained the threat was status quo, land transformation of the Hooulu Ola parcel was urgent to the members of the community.

Chair Kaiwi explained management was not an issue with the Hooulu Ola project. There was no further discussion on the Hooulu Ola project.

Commission members used the forms to rank all projects 1-5.

While staff tallied the scores there was a discussion on the City and County's Clean Water and Natural Lands funds.

The overall project rank was 1) Kuamoo, 2) a tie between Hooulu Ola and Hakipuu Loi Kalo, 4) Helemano, 5) Aina Haina, 6) tie between Pupukea Mauka and Manu Nui Lava Tube.

Member Canfield discussed the total dollars, Kuamoo was \$3 million then, including the two projects tied for second the total funds granted were \$4.25 million which would leave fourth ranking Helemano with partial funding of \$250,000 to meet the Legacy Land budget of \$4.5 million.

Rank			
1	Kuamo‘o	TPL & Mohala Hou Foundation	3,000,000
2 and 3 (tied)	Hakipu‘u Lo‘i Kalo	TPL & Ka Huli O Haloa	350,000
2 and 3 (tied)	Ho‘oulu Ola	TPL & Kokua Kalihi Valley Comp. Family Services	900,000
4	Helemano	DLNR DOFAW	1,067,500
5	Aina Haina Nature Preserve	TPL & City and County of Honolulu	1,000,000
6 and 7 (tied)	Pupukea Mauka	DLNR DOFAW	1,000,000
6 and 7 (tied)	Manu Nui Lava Tube	Cave Conservancy of Hawai‘i	262,500

Member Canfield sparked a discussion about Kuamoo. Member Shallenberger explained that because Kuamoo was the top project, it was not fair to cut the budget. Member Canfield confirmed that Kuamoo was above all the other projects and not very close to the second and third ranked projects. Member Sinton asked if there were other messages sent to the Board of Land and Natural Resources along with the Commission’s ranking of projects; he felt Legacy Land should contribute to the project but not bite the whole bullet; he wanted to see other government organizations contribute. Member Sinton asked if this was the largest project Legacy Land has ever funded. Chair Kaiwi, Members, and Staff agreed that this \$3 million project was the highest funded by Legacy Land. Member Sinton expressed that Kuamoo deserved the funds and that this Commission might want to make that statement.

Member Shallenberger mentioned that the State of Hawaii should have contributed to the Helemano and Pupukea Mauka projects through other avenues because they involved matters of urgent access for State agencies. Marigold Zoll explained that DOFAW was pursuing all avenues for funding.

Chair Kaiwi asked Staff about funding distribution, he wanted to know what would happen to the funds if one of the top ranked projects dropped out. Ms. Schmidt explained that funds were set to a designated project and if a project with designated funds dropped out, the money could not be reallocated to another project.

Member Abbott suggested that rather than funding the Helemano project which required \$1 million, the Commission could allocate the remaining \$250,000 to nearly fully fund the Manu Nui Lava Tube, which was a \$267,000 project. Chair Kaiwi stated that he was not comfortable funding the lowest ranking project, he explained that the Commission should fund projects based on their value to the State of Hawaii, not based on the amount of remaining Legacy Land funds.

Ms. Schmidt explained the criterion of the Commission was to fund projects as ranked in the order listed to the extent that funds were available.

Ms. Schmidt asked if the Commission wanted to list any project ineligible for funding. Chair Kaiwi stated that all projects had merit and none should be bumped from the list. Members Shallenberger and Richards agreed.

Chair Kaiwi called for further comments; there were none.

Member Canfield moved to fund the projects in the order as ranked by the Commission to the extent that funds were available. Member Richards seconded the motion. All were in favor.

ITEM 5. Announcements.

Ms. Schmidt asked if the Commission wanted to have a meeting in March to prepare for the upcoming Fiscal Year. All agreed to meet in March.

ITEM 6. Adjournment.