

2018 Legacy Land Conservation Commission Draft Minutes, Meeting 63
State of Hawai'i Department of Land & Natural Resources, Division of Forestry & Wildlife

DATE: December 10-11, 2018
PLACE: KAMA 207
KAMAKŪOKALANI Center for Hawaiian Studies, University of Hawaii
2465 Dole Street
Honolulu, Hawai'i 96822

COMMISSIONERS PRESENT:

Ms. Theresa Menard (Chairperson)
Mr. Thorne Abbott (Vice Chairperson)
Mr. Frederick Warshauer
Ms. Wendy Wiltse
Mr. William "Butch" Haase
Mr. Jacob Tavares
Ms. Kanoe Wilson
Ms. Angela Hi'ilei Kawelo

STAFF:

Department of Land and Natural Resources, Division of Forestry and Wildlife

David Penn (Program Specialist, Legacy Land Conservation Program)
Casey Ching (RCUH)
Lissette Yamase (KUPU)
Malia Nanbara (Forestry)
Tanya Rubenstein (Forestry)
Julie China (Deputy of the Attorney General)
Malama Minn (Land Division)

PUBLIC:

Courtney O'Connor (Hawaiian Islands Land Trust)
Kawika Burgess (Hawaiian Islands Land Trust)
Fred Cachola (Kohala Lihikai)
Hamana Ventura (County of Hawai'i)
Kehau Abad (Kāko'o of Kohala Lihikai)
Robin Rayna (Ke Ao Hali'i)
Scott Crawford (Ke Ao Hali'i)
Irish O'Hara (Ke Ao Hali'i)
Loretta O'Hara (Ke Ao Hali'i)
Wade C. Lee (Haloa 'Āina)
Justin B. Lee (Haloa 'Āina)
Tawn Speetjens (Haloa 'Āina)
Leslie Uptain (The Trust for Public Land)
Raeanne Cobb-Adams (The Trust for Public Land)
Toni Willington (Kohala Lihikai)
Beth Robinson (Hawaii Life Real Estate)

Mahealani Cypher	(Ko‘olau Foundation)
Leialoha “Rocky” Kaluhiwa	(Ko‘olaupoko Hawaiian Civic Club)
Kamaile Rafaelovich	(Ho‘omau Ranch)
Mark Fox	(The Nature Conservancy)
Katarina Ruiz	(Isle Interpret CAN)
Christy Sumida	(Isle Interpret CAN)
Lea Hong	(The Trust for Public Land)
Carol Wilcox	(The Trust for Public Land)
Laura Ka‘akua	(The Trust for Public Land)
Stacy Sproat-Beck	(Waipā Foundation)
Mark Paikuli Stride	(Luluku Farms)
Ned Bush	(Kāne‘ohe Business Group)
Herb Lee	(Pacific American Foundation)
David Krupp	(Windward Community College)
Floyd McCoy	(University of Hawaii)
Kevin Chang	(KUA – Kua ‘Āina Ulu ‘Auamo)
Brenda Asuncion	(KUA – Kua ‘Āina Ulu ‘Auamo)
Billy Keeny	

DATE: December 10, 2018

TIME: 12:45 PM

MINUTES: pages 1-16

ITEM 1. Call to order

Chair Menard called the meeting to order with the sounding of the pū. Chair Menard recognized Mr. David Penn who stated that the meeting was properly noticed and board packet is available. Mr. Penn acknowledged that quorum was present.

ITEM 2. Announcements

Mr. Penn announced the vacancies on the commission for a person representing an environmental organization, a person from Kaua‘i following the departure of Chair Menard in January, and another following the departure of Vice-Chair Abbott in July.

ITEM 3. Move-up Items

The Commission decided to keep the current order of presentations.

ITEM 4. Applicant presentations, plus discussion of application, field visit report, supplementary materials, and related information for each application for a land acquisition grant.

Mr. Penn passed out the summary sheet of the current applications and materials and informed that adjustments can be made for these materials until the end of presentations, but that is the last opportunity before proceeding to the ranking and decision making.

Presentation 4.A. County of Hawai'i - Kapanāia

Staff notes presented by Mr. Penn:

- 2 parcels of 83.1 acres total. Application included an appraisal report, a title report, and other background documents including an archaeological inventory survey - unsure of status of survey report.
- There was a mismatch between supplemental materials online and in the paper application but all are available now in supplemental binder. Materials that were not posted online are now available to the commission.
- Consulted agencies DLNR and Agribusiness Development Corporation (ADC) did not object and advised proposed exemption from environmental review process is proper. Department of Agriculture did not wish to comment or provide an opinion.
- Inconsistencies in the application include Form 2 which indicates an unencumbered fee purchase though there is a current encumbrance of public access easement. The amount requested is different between Form 2, Form 3 and 4, and Form 5. Double entries on matching funds are on Form 4. There are inconsistencies about fee title versus conservation easement. Ultimately, will use numbers of Form 3 and 4 when Legacy Land goes to BLNR.

Mr. Hamana Ventura of the County of Hawai'i presented on Kapanāia as the property manager.

- Kapanāia has a large significance to the State in representing Kamehameha and his reign.
- The guidelines for purchases and conservation easements using County funds are recreation, preservation, protection, watersheds, etc. The process is time-consuming going through applications, review, County councils, and resolutions.
- Past purchases of the County of Hawaii include Kaiholena, Pa'ō'ō (almost became a subdivision), and Hale o Ka'ili (part of the cultural area they are trying to protect with Kapanāia).
- The community, partners, and County of Hawaii are committed to preserving and protecting an entire cultural quarter, of which Kapanāia is part of, to pass on to the next generations.
- The general outline of grant of easement includes parking and a trailhead for general public.
- They have a maintenance fund which indicates an ability to manage what they own and partners willing to steward the landscape.

Mr. Fred Cachola of Kohala Lihikai voiced his support for Kapanāia based on its rich cultural significance and his personal experience within the area.

- Mr. Cachola was born and raised in Kohala, pursued a career in history and education, and has an interest in knowing the mo'olelo of Kohala and its ali'i.
- The historical quarter is more closely associated with Kamehameha than any other place and it's important to protect it for reverence and respect of the greatest Hawaiian ever lived. Kamehameha gave Hawaiians the opportunity to call themselves Hawaiians because he united them as a kingdom. His mana, his power, his spirit, is from Kohala.
- Kohala is where the community most intimately associates with Kamehameha. The community surfs, fishes, and walks the landscape, the way Kamehameha did.
- Kapanāia is one of the most beloved places and the people of Kohala consider it to be public. The State of Hawaii has the opportunity to make it that way officially in perpetuity.

Dr. Kehau Abad of Kohala Lihikai spoke her support due to Kapanāia's cultural history and the life lessons it represents to young Hawaiians today.

- Dr. Abad was taught in and of this place and became a teacher thinking about the promise of this 'āina for teaching young people.
- This place had a significant role in Kamehameha's journey from a child to a mature adult and the stories associated with the landscape represent the same decisions young people face every day.

- The place provides a tangible view of mo‘olelo, which impacts na‘au and is inspirational to haumana (students, young people).
- Haumana can visualize what it was like to have the ‘āina nurture them with the integrity of the ‘āina that is maintained at Kapanāia.
- Dr. Abad recalls a historical account of how Kamehameha rose up into leadership by means of kuleana and how he underwent meaningful transformations while he was there.

Toni Willington of Kohala Lihikai shared about her involvement with community groups of the area.

- Ms. Willington lived in Kohala for 48 years and worked on coastal preservation.
- Kupuna informed Ms. Willington that the community should always have access to the oceans and coastlines.
- Kapanāia is key because it is in the middle and important to the community’s cultural and recreational use. The community uses it for gathering of limu kohu, fishing, tidepools, etc.
- The community development plan encourages the County to purchase coastal land for public access because it was identified as being of paramount importance to the people.

Beth Robinson of Hawaii Life Real Estate enlightened commissioners about the property and acquisition process.

- All lands were part of the sugar cane plantation and then sold to Japanese buyers, but certain parcels were kept for themselves, one being Kapanāia. It is speculated that this was because of its cultural significance and the desire for it to remain protected. At some point however, things went to public purchase.
- Ms. Robinson was directed to go through this process with the County, agencies, and communities to ensure the parcel remains protected.
- The appraisers report indicated that the highest and best use for Kapanāia is preservation.

Chair Menard opened up the floor for questions from commissioners and commended the county on having the match.

Chair Menard inquired if the County money needs to be matched and Mr. Ventura replied that it is required that they seek leverage funds if there is an opportunity. Commissioner Haase noted that during the site visit, they saw development within close proximity and believed it to be an imminent threat. Commissioner Wilson asked if there is an alternative source of funding and Mr. Ventura responded that Legacy Land funds are currently the only source they are looking at.

Commissioner Wilson asked presenters how they envision the community groups coming together for this project. Ms. Willington responded that 5 community groups have been working together since 2006 and are currently working on other stewardships projects together. Mr. Cachola added that he has been in Kohala since 1960 and only in the past decade did he see the groups and community come together, Kohala ulu pa‘a. The diverse groups took resources made available by the County and pushed forward with preservation and protection of those resources working together with the community.

Vice-Chair Abbott praised the advocacy and engagement of the community and County in Kohala and inquired about “upzoning” which would expand the conservation/research subzone to make the area more restrictive. The County responded that they are 2 years into a new administration but have no indication of how planning will change at this time. Vice-Chair Abbott followed up about the subdivision nearby and how it was accrued. Ms. Robinson replied that the subdivision occurred in private hands, but would not impact access to the site from the public. Ms. Willington added that the original owner was understanding of what was there, but following his death others with an interest have monetized on it. A

Hawaiian group gained vehicular public access through court and received pedestrian public access as part of the subdivision approval.

Chair Menard asked if there are any encumbrances in title that would prevent the project from occurring and Ms. Wellington assured that the project is ready to go with the community, County, and land owner in favor. The archaeological survey and preservation plan were approved. Ralph Galan is in the process of doing restoration of Kapalama and the rest of the projects are put off until there is public ownership.

Chair Menard asked if there was any public testimony.

Mr. Kawika Burgess testified on behalf of the Hawaiian Islands Land Trust (HILT) in support of the Kapanāia applicant.

- HILT worked with the North Kohala community for many years to protect the coastline and partnered with them on one other acquisition.
- HILT developed a strategic conservation plan mapping the six conservation values they seek to protect and the corridor of North Kohala ranked highly due to its historic, cultural, scenic, and recreational value.
- The community of Kohala worked with Ala Kahakai Trail Association, The Trust for Public Land, and HILT and achieved great success through many partnerships.

Presentation 4.B. DLNR Division of Forestry and Wildlife – Haloa ‘Āina: Royal Hawaiian Sandalwood Conservation Easement

Staff notes presented by Mr. Penn:

- 3 parcels encompass 2,780 acres for a conservation easement. Application included appraisal report, title report, and other background documents including the sandalwood inventory, management update, and the forest service grant information.
- Supplemental materials include letters of support, a management update, forest service grant information and form 5C from the ADC (not originally uploaded online).
- Consulted agencies DLNR and Agribusiness Development Corporation (ADC) did not object and advised proposed exemption from environmental review process is proper. Department of Agriculture had no response to agency consultation.
- Form 3 did not include costs for escrow fees and attorney fees in budget. Forms 3, 4, 5 indicated total estimated transaction costs at \$4,335,650; inconsistent across forms but will proceed with Form 3 and 4 numbers. Operational budget is not included in online application, but may be a glitch because almost each application indicated operation budget not included.

Ms. Malia Nanbara of Division of Forestry and Wildlife presented on the Haloa ‘Āina application.

- The project is requesting \$1,000,000 from Legacy Land and applying for \$1,000,000 from CIP.
- The area is 25-60% forest canopy of mamane, ‘ohi‘a, and koa and the main focus of the project is restoration of the dry forest using koa and sandalwood. Dry forest is rare and threatened.
- DOFAW supports other conservation easements nearby.
- Haloa ‘Āina harvests dead/dying sandalwood trees and manages regrowth. They do planting in pairs to support regrowth of sandalwood and to build-up native forest. No active harvesting is currently done on the proposed parcel, only restorative management.
- Sandalwood can be \$10,000 – \$15,000 per tree from the oil quality. The species found at Haloa ‘Āina is ranked in the top 3 in terms of oil quality.
- Haloa ‘Āina invested \$15 million in local companies and created 22 jobs in the community. With a conservation easement, they can redirect \$40,000 a year to forest management estimating about 12 new jobs. The State GET revenue for this project is about \$125,000 annually.

- Haloa ‘Āina hosts outreach events and volunteer days for community members, students, and hula halau that value the place to reconnect with the land.
- Haloa ‘Āina is a local native Hawaiian company doing native forest production on land where the community has ancestral ties.
- The Forest Legacy Program promotes sustainable working forests for acquisition and conservation easements. Haloa ‘Āina is also looking to gain funding from the forest stewardship program.
- The threat is demonstrated by a nearby parcel that was subdivided into 38 with only two left unsold. The property is agriculturally zoned and could be subdivided into 140 20 acre lots. The current landowner is supportive but the property is inheritable so it is timely to protect the land before it gets broken up.
- They received 1.5 million from the Forest Legacy Program in 2018 (½ of what was requested) and are resubmitted for the 2020 cycle and hope to find out if they receive that funding sometime in February. They request 25% which is required for the forest legacy program and are hoping to get 75% fully matched on the federal side.

Mr. Tawn Speetjens spoke about his experience with Haloa ‘Āina.

- The land was purchased from the Hawaiian monarchy by the Greenwell family and cattle ranches occupied it for over 150 years making it severely degraded. This was the first year they succeeded in removing cattle from the entire property. Following removal, forest regeneration occurred.
- Uncle Wade, the manager and owner of Haloa ‘Āina, represents significant efforts of a private land owner to practice responsible land management for the betterment of the environment.
- There is a strong commitment of landowner and community members in Kealakekua to support and restore the watershed value of the forest.
- Inventory studies done on the land show the positive effects of the harvesting management strategy. Haloa ‘Āina only takes trees that are completely dead or has less than 50% of its canopy present. Once dying, managers observed that trees rarely recover, but once trees are taken out, there is large regeneration.
- They started with 10,000 good-quality sandalwood trees and removed 75% through harvest treatment. The 2014 inventory reported 90,000 regenerating sandalwood trees on the property, meaning the number of trees increased 9x.
- Additional management activities like fencing and fire management are present.
- The project provides many resources such as water to fire-fighting efforts nearby, increased watershed value, and knowledge about cultivating sandalwood to neighbors.
- Sandalwood was the first export of Hawai‘i, and the project provides insight into the sandalwood market and possibilities for a new agricultural product of Hawai‘i.

Mr. Justin Lee shared background on the Haloa ‘Āina project.

- The name of the project is derived from a familial relationship between man and ‘āina; the land as our brother needing our protection so it may protect us.
- The 3,000 acres of Haloa ‘Āina are an integral part to a continuous native dryland forest.
- The economic value from jobs, education, and access to the lands for the people is better than its role for cattle ranching. Haloa ‘Āina can be the blueprint for this.

Mr. Wade Lee gave additional background on the property and project as the manager of the property.

- He currently has a mortgage of \$106,000 per month, but to switch the designation from Ag 20 back to Ag 1000 would give up the right to subdivide and save is 50K per month.
- Haloa ‘Āina aims to establish economic sustainability with native Hawaiian products such as kalo, noni, sandalwood, and whatever was grown there originally.

- The land is the family's kuleana. They pooled money to buy it back for \$9 million. In order to sustain this model, they need to be environmentally, culturally, and financially sustainable. The Legacy Land funds will help meet goals of being economically sustainable.
- A lot of issues arise with this type of management but the type of knowledge they gain is valuable and can be applied across the islands. Haloa 'Āina is in contact with other islands working to grow sandalwood, which may be possible for at least 1/3 of Hawai'i Island.
- Haloa 'Āina works closely with universities and PhD students for publications on sandalwood.

Chair Menard opened up the floor to questions from commissioners.

Commissioner Tavares recalled their visit to the site and asked about non-commercial conservation efforts. Mr. Speetjens spoke about how 40% of the forest canopy was naio until 98- 99% of naio were killed by thrip until they noticed 20 resistant individuals through exploring and vegetative surveys. They've collected seeds from these individuals and cultivated them through an extensive process to test their resistance, ultimately planting them in a seed garden which is now 2 acres of healthy, resistant, naio. These restoration activities prove Haloa 'Āina's long-term goals to reinforce the entire plant community, not just sandalwood. Sandalwood is a hemi-parasitic root requiring a host to achieve maturation, so supportive nitrogen-fixing native plants such as koa and mamane are also planted as restoration host species. A single hō'awa tree has rendered 300 seedlings from collected seeds, but they now want to source alternate genetics from the State tree nurseries to expand the gene pool. Haloa 'Āina constantly assesses the plants available and collects seeds from each species found in efforts to restore the nonexistent understory.

Chair Menard questioned if there are changes in the application from the previous year to which Ms. Nanbara informed they are generally the same except for an increase in the matching funds (\$1.5 million committed from forest service). DLNR's ranking of their priority projects put this first. Commissioner Tavares shared that the amount of ungulate removal and fencing that occurred is the biggest difference for him from last year's application. Mr. Speetjens added that fence and ungulae removal allows for another phase of active restoration and more intensive outplanting. Mr. Wade Lee mentioned that there are not sheep, the ungulates being referred to are llamas, buffalo, cattle, and horses due to the subdivision cutting off water sources causing them to move mauka. The property was bought with 5 neighbors and now there are 42. However, many landowners are looking to pursue conservation efforts with their land so Haloa 'Āina is the only one left to consolidate 30,000 acres of the forest and ensure it will be preserved. The property currently has ae'ō, pueo, apapane, 'i'iwi, and hoary bats.

Commissioner Kawelo shared an email from one of her good friends, Namaka Whitehead, from the KS conservation program, knowing that Haloa 'Āina is leasing 1000 acres from Kamehameha Schools. The email demonstrates support for Haloa 'Āina's application and the positive outcomes associated with their management efforts

Chair Menard inquired if Haloa 'Āina used to harvest trees on this parcel and Mr. Lee answered that it recently stopped in the past 3 years. Chair Menard then asked how old the trees need to be for harvesting and Mr. Lee shared that a researcher determined the average dead/dying tree is 60 years old, but the numbers are only estimates, which is why they have yet to complete the forest management plan. The KS property generates enough funds from harvest to manage both properties. Sandalwood trees that have been on the ground 40 years can be salvaged due to resistance to mold, fungus, bacteria, insects, etc. The 'āina blessed these trees but this mindset needs to expand to other landowners because they cannot sustain cattle that damage the trees and harm the overall watershed cycle.

Commissioner Menard asked presenters to show how it will be a sustainable effort. Mr. Lee replied that they can only share what they've accomplished in the past 9 years, but it will take 100. The property is the family's ahupua'a and as such, their kuleana and they have the opportunity to manage it better than it has been in the past 200 years. They do not have an extensive record like sandalwood plantations elsewhere because they are trying to grow a native, natural forest, not a plantation.

Commissioner Warshauer questioned how old the trees have to be to extract oil and Mr. Lee replied that histories say 15 years, but their management plan may call for 60 as they only harvest when the tree is dying. They know when sandalwood is dying because it will kill their hosts and secede back into itself. Research shows they can be harvested in 15 years commercially.

Commissioner Warshauer asked about how much of the forest needs to be native for the Forest Legacy program and Ms. Nanbara replied that 75% must be forested of whatever is committed in the application. For this property, 75% native dry forest is committed.

Commissioner Warshauer clarified a rule across properties in the Forest Legacy program and noted that subdivision has many requirements and many do not come to fruition so the sentiment that it could subdivide at any point seems disingenuous. Ms. Nanbara responded that within the last 3 years, they have seen subdivision and selling of adjacent lands. Mr. Lee contributed that just because a landowner has the right to subdivide, does not mean it is possible, but the community association is talking about paving the road and bringing utilities in. Mr. Lee wants to prevent someone many years from now from subdividing the land to keep it as a continuous forest. Ms. Nanbara clarified that a conservation easement would be taking away that developmental right of being able to subdivide to Ag 20. Commissioner Warshauer agreed that an easement needs to be present and the ultimate goal is to keep the continuous forest, but subdivision cannot always be done.

Presentation 4.C. DLNR Division of Forestry and Wildlife – Kāne'ōhe Pali to Lo'i

Staff notes presented by Mr. Penn:

- The funding request is for \$700,000 for 4 parcels totaling 948 acres.
- Applicant (the State) did not request an easement exemption.
- Consulted agencies DLNR and Agribusiness Development Corporation (ADC) did not object and advised proposed exemption is proper from environmental review process. Department of Agriculture did not wish to comment or provide an opinion.
- Disconnect between Form 2 where listed amount requested was \$500,000 but Form 4 and everywhere else indicated \$700,000. Form 3 did not include costs for land survey, title insurance, environmental inspection, and baseline documentation or indicate source of funding for those costs.

Commissioner Haase wanted to clarify that proper protections are in place so the parcel cannot be used for a land-swap in the future, if they receive funds. Mr. Penn informed that if DLNR acquired the property and wanted to use it for a land-swap, Legacy Land statutes would hold including the deed restrictions and language. DLNR would also have to approve it and may require a conservation easement. Because applicant did not request an exemption, they are looking at another agency to hold a conservation easement on this

Ms. Laura Ka'akua from Trust for Public Land presented on the Kāne'ōhe Pali to Lo'i Project.

- The team representing the applicant introduced themselves including Marigold Zoll from DLNR DOFAW, Mahealani Cypher from the Koolau Foundation, Rocky Kaluhiwa from the Koolaupoko Hawaiian Civic Club, and Mark Paikuli Stride from Luluku Farms.
- Land spans the Pali lookout, the peaks of Lanihuli, Kahuauli, and Keahiakahoe down to the historic lo'i of many 'ili forming the Kāne'ōhe ahupua'a. The project aims to heal the land and the people.
- The two Kāne'ōhe applicants are intertwined. TPL started working with Mark Stride 5 years back and visited the land with Herb Lee from Waikalua Loko because mauka and makai lands work together and the Pali lands are the source of water and life for Kāne'ōhe.
- Waterfalls that feed the ahupua'a create ponds and streams that kupuna historically made into auwai, swimming holes, or areas specific for native species.
- A section of Kekele trail runs the length of the property and is named for a benevolent chiefess. The name is associated with famous hala growth in the area and new generations of this hala may still be on these lands.
- Mauka lo'i that were once cleared and have been cleared over the years by different people including Mr. Stride.
- A photo from 1910 shows former lo'i fields converted to rice fields. 10 years later, unsuccessful pineapple cultivation occurred across large areas in Kāne'ōhe. Thereafter, Likelike highway and H3 were built right through these lands, during which Ms. Kaluhiwa and Ms. Cypher protested in attempts to protect the cultural sites. The effects on the physical landscape and hurt in the community is still present.
- Development is a current threat. A subdivision plan for the area was met with community opposition, but the landowner signed the letter of intent to purchase today.
- To set a course of history for these lands, TPL signed letter of intent for purchase of all 6 parcels, even though the application is only for 4, there is intent to purchase all 6.

Ms. Marigold Zoll from DLNR DOFAW shared the State's perspectives on why the land should be protected.

- From a watershed perspective, Kāne'ōhe is a large watershed and a priority area of protection for DOFAW. Some of the reasons to protect this place are that the cliffs have watershed value, a historic trail runs through the lower grounds that could be opened up to the public, and it could be a rare and legitimate hunting opportunity on the Windward side.
- There is an under-surveyed native forest in the upper sections of the cliffs. In the past, many endangered species have been found in under-surveyed areas. 58 species are known to have critical habitat in the area. Susan Ching, the Oahu district botanist, says there are likely 26 of those species currently on the property - 3 damselflies, 6 snails (5 in captive propagation), elepaio critical habitat, bats, and possibly endangered seabirds such as shearwaters and petrels.
- The State could partner with the community to meet community needs for agroforestry products such as olona and mamake. Many cultural sites could be reactivated and actively used.

Ms. Mahealani Cypher testified on behalf of the Ko'olau Foundation in support for this project.

- Ms. Cypher was born and raised in Kāne'ōhe and the ahupua'a is of deep concern to her 'ohana and the Ko'olau foundation. They were unaware the land was not in public hands.
- The community fought efforts of the landowner to develop the land. A private land owner has been trying for many years to obtain land use approvals to develop parcels 1-4 to farm lots and urban subdivisions, but there is also concern for parcels 5 and 6 including a portion of the Luluku archaeological district.
- The lands are important for watershed and conservation, but also for cultural sites and agricultural lands. For example, Kukuio Kane Heiau is on parcel 1 and 2 and partially on parcel 3. It is the

largest Heiau in Kāneʻohe and the damage to it is why the pineapple industry failed in the area according to Hawaiian manaʻo.

- The Bishop Museum discovered largest and most extensive taro irrigation system in the State with carbon dating back to the 5th century. Parcels 5 and 6 are part of an ancient taro system now being farmed by Mark and other community members.
- Ms. Cypher puts on the record it is critical to consider adjusting the acquisition to include parcels 5 and 6 if not for this year, for next year.

Ms. Rocky Kaluhiwa testified on behalf of Koʻolaupoko Hawaiian Civic Club in support of the project.

- Ms. Kaluhiwa also represents the Aha Moku Council for Oʻahu, as does Ms. Cypher represent the Aha Moku for Kāneʻohe.
- This project encompasses precious watershed and farmlands that should not be sold to construction or development as proposed by the land owner and it is critical that lands are protected for watershed and agriculture uses.
- Ms. Kaluhiwa strongly supports the acquisition of the two additional parcels adjacent to Keāpuka and Hoʻomaluhia where agricultural and archaeological lands have greater threat of being lost to the development of 300 homes.
- These parcels hold important cultural and agricultural resources in the community. Luluku agricultural and archaeological district holds a preeminent place in ancient Hawaiian history and its loss would be tragic.

Mr. Mark Paikuli Stride testified on behalf of Luluku farms.

- Mr. Stride lives in Kāneʻohe with his family and farms in Luluku as the last farmers to make it past the eviction 8 or 9 years ago when the landowner declared he would make \$32 million from the parcel.
- The last kupuna passed away this Friday, but he aims to follow in the footsteps of kupuna and acquisition of this land would be the healing opportunity for the community they've been wanting for a long time.
- Ms. Zoll showed Mr. Stride a list of the reasons why DOFAW is interested in the land including preservation of certain things (culture, trails, hunting) and he sees it as a list of healing opportunities.
- When he met Mr. Burgess and Ms. Kaʻakua, it presented an opportunity to connect it all back together.
- This project involves not one family and not one organization, but takes a whole community and they need the land and water and resources to do this.

Ms. Kaʻakua noted that the parcel is in its 2nd phase of purchase. However, there is a strong Kāneʻohe community encompassing multiple organizations, some of which worked with Mr. Stride to reopen the loʻi. With this project, DOFAW is welcoming people in with cultural access to plant crops they need to continue cultural practices. With DOFAW by their side, the community has the capacity to bring healing to this land and create ʻāina momona.

Mr. Herb Lee from Waikalua Loko Fishpond Preservation Society and the Pacific American Foundation testified in support of Mr. Mark Stride, his family, Luluku Farms, the Koʻolau Foundation and Koʻolaupoko Hawaiian Civic Club.

- Waikalua Loko Ia is on the receiving end of the mauka area, so they see the consequence of what happens in the mountains.
- Waikalua Loko hosts an educational component side by side with its restoration and has worked alongside Mr. Stride and his family in these efforts. They have collaborated to create many meaningful experiences for a wide spectrum of students. Together, they provide more

opportunities to get kids out of the classroom and to understand concepts of aloha ‘āina and mālama ‘āina/

- Non-landowners have to fight and strive and persevere in order to put more assurance on property so it can stay and be preserved in perpetuity.

Chair Menard opened up the floor to questions from commissioners.

Commissioner Haase questioned Ms. Zoll about who the State is looking at to hold the conservation easement and Ms. Zoll responded that they'd like to amend their application to be exempt from the conservation easement requirement. Ms. Kaakua added that they didn't explicitly request an exemption, but that it would make sense to move forward because the matching funds may lead to conservation easement as condition of funding. If they apply for the City Clean Water and Natural Lands fund, the city would want to hold a conservation easement over the land. If federal funding, they would proceed with a federal easement. Ms. Zoll said that if US Fish and Wildlife Service lends funding, there may be a deed restriction dictating certain uses of the land for certain purposes providing certain protections. Commissioner Haase shared his concern regarding increasing development pressures on Oahu and a desire to ensure there are many protections in place for places like these.

Mr. Penn clarified that when going to the board for the approvals, they need to explain to BLNR if the exemption is the back-up position.

Commissioner Tavares addressed Mr. Stride directly and inquired about the reasons for eviction and agricultural aspects of the land to which Mr. Stride responded that it was solely for development and to make money. He said they continued farming and prayed for an opportunity like this, but since the last remaining tenants were evicted and the beginning of the H3, farming was done. The farmers went from the number 1 producer of banana to having zero production, but the agricultural history of Kāne‘ohe speaks a loud message as to its potential for productivity. The lands are meant to feed people and produce products and Mr. Stride is confident in the potential to restore and utilize these areas to sustain communities in today's modern world. Commissioner Tavares followed up with a question regarding community interest and Mr. Stride replied that schools, universities, families, and other organizations are ready. They just need the tools and the opportunity, but interest is definitely present and increasing.

Vice-Chair Abbott asked Ms. Ka‘akua to point out various subzone designations and questioned about potential risk of development given their land use designations. Ms. Ka‘akua replied that the plans of landowners give a good indication of development threat. Some proposals include agriculture such as large personal estate ag which doesn't utilize the full potential of land. The makai parcel has number of proposals to allow development while still doing conservation and agriculture. The landowner is in transition of handing the business over to next generation but there is increased development pressure which will make a sale for conservation more difficult. The parcel has the last 4 remaining farms that go back to the banana farmers association. It is surrounded by archaeological sites and agricultural field systems associated with those sites. On the landowner's map, they had drawn lines on top of an ancient irrigation system. Presently farming is down there and the ancient irrigation system is activated.

Vice-Chair Abbott questioned if there are any remnant buildings remaining to which Mr. Stride replied that there are only farm sheds without stone foundations so no footprint is present. Ms. Cypher added that any structures are remnants of the irrigation system dating back to the 5th century.

Ms. Cypher shared that parcels 5 and 6 are most at risk for development because they are adjacent to an already developed subdivision. Vice-Chair Abbott clarified that those parcels are not part of the application. Ms. Ka‘akua confirmed that they were only included to demonstrate the bigger effort to ultimately purchase all six parcels. Commissioner Wilson asked why parcels 5 and 6 are in phase 2 and

Ms. Ka'akua answered that they need more time to work with the community partners to determine appropriate ownership/stewardship models for these parcels. Parcels 5 and 6 only have lo'i which makes them less appropriate for a forest reserve and more likely to be owned and stewarded by community groups conducting active farming and community use.

Commissioner Wilson asked Ms. Zoll when they plan to secure the USFWS funding and Ms. Zoll replied that they are discussing it further this week.

Commissioner Wilson inquired if there are state historic sites on the property and if any archaeological surveys were performed. Ms. Ka'akua confirmed that there are state historic sites and it is believed there are more that have not yet been surveyed. Ms. Cypher added that the Bishop Museum surveyed 5 parcels in the 1990's.

Commissioner Warshauer asked Mr. Stride how many lo'i remain and Mr. Stride replied that it was the largest agricultural lo'i system still remaining with 100 lo'i. It is now cut by the freeway, but the steep slope required stone walls to be built for the cultural practice.

Commissioner Wiltse asked Mr. Stride to clarify what he refers to regarding expanding agriculture. Mr. Stride responded that there is potential to create food from existing taro production, but also the diversity of food products that can grow in the entire agricultural field system. The whole area includes religious sites, habitation sites, etc. but they are all included in this greater system. Commissioner Wiltse followed up by expressing concerns regarding farming expansion due to erosion. Mr. Stride informed that there is no evidence of large populations of people living on the mauka lands, just the families stewarding the area. There is science in all cultural activities taking into account things like soil erosion, but they work hand in hand and Luluku aims to build that bridge.

Chair Menard asked if there was any public testimony.

Mr. Burgess with Hawaiian Islands Land Trust testified in support of the Kāne'ohē Pali to Lo'i Project. Mr. Burgess voiced that he has worked with Mr. Stride for over 10 years and they are significant culturally and agriculturally and the stars are now aligning because they have a willing landowner. There are certain ahupua'a on each island known to be the seats of power for high chiefs and Kailua and Kāne'ohē are known to have been two of these ahupua'a. These parcels are very significant lands culturally remaining because remnants have been destroyed through wars, urbanization, etc. The pieces left of that kingdom remaining are worth preserving.

Presentation 4.D. Hawaiian islands Land Trust – Waikalua Loko I'a Conservation Easement

Staff notes presented by Mr. Penn:

- 17 acre parcel purchased by conservation easement. Application includes appraisal report and other background documents including purchase and sale agreement for property with Pacific American Foundation, a 1995 fishpond preservation plan, no title report. Received revised form for matching funds work sheet in supplemental materials.
- Consulted agencies DLNR and Agribusiness Development Corporation (ADC) did not object and advised proposed exemption is proper from environmental review process. Department of Agriculture did not wish to comment or provide an opinion.
- On Form 3, no dollar amounts were listed for land survey, environmental inspection, environmental site assessment, baseline documentation, and source of funding for costs that are included is not clear. Form 4, now revised is okay. Form 5 indicated discrepancies in total costs.

Mr. Kawika Burgess with Hawaiian Islands Land Trust presented on the Waikalua Loko I‘a Conservation Easement.

- HILT is looking to acquire a conservation easement from PAF, pending the final subdivision. Land holder would be HILT with a total of 17.1 acres at a 1.8 million is purchase price. They seek \$900,000 from Legacy Land and have matching funds from Honolulu Clean Water and Natural Land funds.
- Waikalua loko ia is a unique aesthetic resource. It is special historically, culturally, and as a resource. It’s cultural and archaeological significance is high as one of the few remaining traditional Hawaiian fishponds on the island of O‘ahu being actively restored. It is a living place where cultural practices continue in real time.
- It provides habitat for threatened and endangered species including native waterbirds. Native limus and fish are present on the property.
- There is danger of being developed because a portion of property is in an urban land use district though the fishpond is in a conservation district. Residential buildings and remnants still remain, so it could be sold for residential/private use.
- PAF has cared for and stewarded the property for over 15 years and tried over 6 different landowners to acquire the property. They just secured a purchase and option agreement and final steps for this subdivision are lining up so the acquisition can occur. Land owners change, policies change, and only a perpetual conservation easement can ensure all that has gone into this fishpond and continues today will be protected and perpetuated into the future.
- Waikalua Loko consists of unique and protected agricultural lands, which are not farmed now but lots of science and experimentation is occurring to try make it productive. Mr. Lee mentioned that they cannot eat fish today, but maybe generations from now they will. The pond serves as a community, cultural, and educational resource actively partnering with many schools and community organizations. The easement would ensure these uses remain for future generations.

Mr. Herb Lee presented about his personal experiences working at Waikalua Loko Fishpond.

- Mr. Lee was present when Bayview golf course was bought by Japanese in the 1990’s and fought against their plans to put a golf course in the middle of Waikalua Loko. In response, the Waikalua Loko nonprofit was created in 1995 made of community members and they spent 19 years restoring the pond without any opportunities for ownership.
- In 2011, an article in Honolulu magazine listed the fishpond as one of the most endangered historic sites in Hawai‘i which facilitated connections until the Windward Church of the Nazarine bought the golf course with the intent of using it as a community resource allowing PAF to sell below market value. The Board of Water Supply granted final subdivision approval this week to subdivide from the golf course.
- Waikalua Loko Ia is used as a classroom and creates bridges between the community, kupuna, artists, practitioners, and students to create an award-winning legacy of a curriculum. Over 100,000 community members come to restore the pond and understand concepts of aloha ‘āina. They tether preservation of the pond with educating the next generation.
- They are actively involved in Hui Mālama o Loko Ia, which allows knowledge sharing across islands between those who work on Hawaiian fishponds.
- It’s the kuleana of Waikalua Loko to make decisions available right now that preserve the opportunity to use this fishpond for the next 400 years. It is the hope that loko ia someday will reach the point of food sustainability.

Mr. Ned Bush with the Kāne‘ohe Business Group and Rotary club of Kāne‘ohe testified in support of the Waikalua Loko Ia conservation easement.

- Mr. Bush states that both organizations are supporters of the fishpond and have been involved in its restoration.

- As a major cultural landmark in Kāneʻohe, this conservation easement would allow it to remain such regardless of land ownership or uncertain use of the landscape. Both are supporters and have been involved in restoration of fishpond. Major cultural landmark in Kaneohe. Conservation easement would allow it to remain as such.
- It is important that the fishpond remains in place for cultural and educational reasons. Mr. Bush then shared a positive quote from another volunteer regarding the necessity of preservation of Waikalua Loko.

Mr. Dave Krupp with Windward Community College testified in support of the Waikalua Loko conservation easement.

- Mr. Krupp's involvement with the fishpond began 15 years ago when he served as replacement for one of the other board members for the Waikalua Loko Fishpond Preservation Society.
- It's a valuable resource for the students. It's a living laboratory where they can have hands on experience in learning methods, procedures, tools, water quality assessments, GIS, sediment studies, etc. Students are in the mangrove or looking at invasive species and they get into it.
- The fishpond connects traditional knowledge and traditional resource management practices with how important the place is. Each summer, Mr. Krupp takes students to Waikalua Loko as one of the field sites to carry out research-driven group projects.
- It's a valuable community resource, known as the piko of the ahupua'a. It serves as a gathering place, but they need a whole community to first build, maintain, and keep it going. It takes using resources to learn but the visitors give back by carrying out stewardship such as removing trash or seaweed.

Mr. Floyd McCoy with University of Hawai'i testified in support of the Waikalua Loko conservation easement.

- Waikalua Loko is an outdoor laboratory for the universities and is a jewel for everything done in the science community. In Hilo, fishponds were replaced by hotels, so Mr. McCoy wants to see that it's preserved for the future.

Chair Menard asked if there was any public testimony.

Mr. Keale who works with the Pacific American Foundation testified in support of the application for the Waikalua Loko conservation easement.

- He served as an educator for almost 30 years but came home 17 years ago to learn how to cause other people to learn, instead of just teaching. He talked to kupuna every day to learn how to talk to kids and learned whole different way of teaching children.
- He spent 15 years at the fishpond teaching kids and causing kids to learn outside of the classroom. Education is how people come to learn, come to know who they are, and how to fit into this place we call home. He can't imagine not having access to the fishpond as a classroom. No child left inside.

Mr. Kevin Chang with Kua 'Āina Ulu 'Auamo testified in support for the Waikalua Loko conservation easement.

- KUA means backbone, and aims to serve as a backbone for community-based natural resource management networks and mālama 'āina groups to build their own sense of governance and capacity.
- As a graduate and former football coach at Castle High School, all of Mr. Chang's players have put their feet in the ponds of Waikalua Loko and all are different because of it.
- Mr. Chang will not be able to attend tomorrow's session, but voiced support for the Waipā Foundation and Ke Ao Hali'i applicants as well.

Ms. Brenda Asuncion with Kua 'Āina Ulu 'Auamo testified in support for the Waikalua Loko conservation easement.

- Ms. Asuncion's experience with fishponds started in He'eia, close to Waikalua Loko Ia.
- Waikalua is part of a network of loko ia called Hui Mālama o Loko Ia. As a hui, they understand what it means to share and lift each other up. Waikalua Loko contributed to the network by raising money to look into limu cultivation (in tanks and inside fishponds) and built into these projects workshops to share what they learned with other limu practitioners at the end of 2 years. Additionally, they set aside money to bring people over and provide travel to help people of other places. These actions demonstrate the ethic and value they bring in caring for this place. It teaches people of other places to invest in small places like this and that they can have an impact throughout Hawaii.
- Waipā is similar. A few years ago, they served as a host site for this annual gathering. It is important to have these spaces for community gathering and for people to have dialogue on what it means to govern places like this. Loko ia provide a lot of those spaces and context for our work today. We should look forward to having a lot of places like this be available and a big part of our lives in generations coming up.

Chair Menard opened up the floor to questions from commissioners.

Commissioner Wiltse asked if the subdivision was just approved. Mr. Lee confirmed they received tentative approval from the Department of Planning and Permitting a year ago, but needed the Board of Water Supply to be okay with not having a fire hydrant on the property. A conveyance of division was just approved and a letter was just sent to DPP for approval, then they can record with the bureau. Remaining money for the church in escrow will be given once Waikalua Loko receives the fee title. They expect a clear title to go through in December. Mr. Burgess noted that they are waiting for the final subdivision so they can provide the commission with the current title report.

Commissioner Wilson inquired about the history of Waikalua Loko I'a and its ownership throughout the years. Mr. Lee informed that course sampling done in 1995 revealed that the pond was built around 1650, around 400 years after the first pond built 800 years ago. Following the Great Māhele, Queen Kalama kept the Windward lands considered to be 'āina momona before they were transferred to Abner Paki. Eventually, they were sold to an advisor to Kamehameha and then ended up in the hands of Pacific Atlas, the Japanese investor of the golf course, in 2014. This history of the pond has been revealed in many forms, not just within literature.

Commissioner Kawelo asked if there are any other known fishponds with a conservation easement and Mr. Burgess replied that a fraction of the remaining fishponds are being actively restored with no permanent protection. Mr. Lee added that he has visited almost each pond on each island and does not know if any hold conservation easements.

Commissioner Wiltse inquired about Waikalua Loko I'a's plans for sea level rise. Mr. Lee explained that past events like the king tides led them to realize they needed to adjust their systems. The original kuapa (sea walls) were 1400 ft, but their structure now is only 750 ft. In 2016, the temperature of the ocean increased causing a small extinction of gorilla ogo and king tides in the years following put the entire kuapa under water, including the bridges. They raised the bridge by 3ft and started to build the wall up 3ft higher with DLNR's permittance. Flooding changes the biology and chemistry of the pond, which causes disruptions in native limu rejuvenation and fish propogation. Waikalua Loko now conducts constant and remote monitoring to understand changes in water levels, water quality, and sediment so native species can propogate and thrive. With most of the restoration done, such as mangrove removal,

they are collaborating with partners to contribute to nearshore vitality of not just the bay, but all of Hawai‘i.

Commissioner Wilson questioned about how Waikalua Loko imagines the next few generations will continue to sustain the fishpond. Mr. Lee shared that their education programs reveal some passionate millennials. The fishpond provides opportunities to train young adults to take on leadership roles and understand the importance of conservation and preservation of the resource. Mr. Lee makes it a priority to stay connected to the University to ensure their cumulated knowledge can be put to good use for next generations. They partner with the Smithsonian and other organizations on world-wide impacts such as climate, sea level rise, etc. They look at mālama honua. Commissioner Wilson followed up asking how many students and community members visit the fishpond to which Mr. Lee responded that they average 3,000-5,000 each year for 20 years. They are meeting with the City to discuss adaptive reuse of the sewage treatment facility for successful freshwater aquaculture. With this may come another layer of people and partnerships.

Chair Menard adjourned the meeting at 5:00pm to be reconvened on December 11, 2018 at 8:00am.

DATE: December 11, 2018
TIME: 12:45 PM
MINUTES: pages 16-35

Chair Menard reconvened the meeting at 8:00am on December 11, 2018.

Presentation 4.E. The Nature Conservancy and DLNR Division of Forestry and Wildlife – Ho‘ouma Forest and Ranch (Two Conservation Easements)

Staff notes presented by Mr. Penn:

- Supplemental materials for the applicant were received. The applicant is a unique situation with the US Forest Service Legacy Grant causing them to couple the projects together.
- Commissioner Wiltse asked how it ranked the previous year. Mr. Penn replied that there was a tie for 1st meaning Ho‘ouma came in 4th, which was 3rd counting the tie. DLNR approved it for contingency funding in case others fell apart.

Ms. Tanya Rubenstein with DLNR DOFAW presented on the Ho‘ouma Forest and Ranch Applicant.

- The applicant requests an easement for 3 parcels to DOFAW with one easement held by The Nature Conservancy (TNC).
- The parcels are part of a key landscape below Kona Hema preserve owned by TNC. The protected lands in South Kona such as Kipahoehoe and Kona Forest reserve are separated due to private land holdings and these Ho‘ouma parcels would allow the protected landscape to connect.
- Like Haloa ‘Āina, DOFAW is focusing conservation attention to projects within South Kona that are agriculturally zoned to prevent logging, grazing, and fragmentation threats.
- The parcels hold ecological significance such as watershed protection, presence of rare plants and wildlife, open space benefits, and healthy native forest. Commissioner Warshauer added its presence of diverse mixed forest and unique mix of species. It contains younger lava flows with deep soils and very rare species including the meheamehe tree and loulou palm.
- Commissioner Warshauer noted that the higher elevations have healthy ohia forest and though common, are a critical component of the project despite its lack of rare species. He emphasized the importance of needing this forest for common species like apapane, amakihi, and bats and does not want it to be overlooked with focus on rare species .

- DOFAW ranks this project second among DOFAW's priority projects. It has \$2,000,000 in federal Forest Legacy Funds and need a state or private match. Forest Legacy Program requires 75% naïve forest, no subdivision, limited development, restrictions on use, management plan, and annual monitoring.
- The 3 parcels to be acquired contain 764 acres to be acquired by DOFAW and one parcel conservation easement held by TNC (229 acres). All parcels are within an agricultural district.
- The easement will be a first step to increased management and to restore damage from current ungulate and weed threats. It will ensure long term security and protection of the forest. Subdivision, development, and natural resource threats will be dealt with if an easement is present.

Mr. Mark Fox with The Nature Conservancy added to Ms. Rubenstein's presentation on the applicant.

- There is high ecological value along a belt of properties in South Kona but they have agricultural land use designations so much was subdivided, logged, and pastured reducing native forest.
- The reasons they chose to protect this forest was to do a forest conservation for native forest preservation and restoration and to demonstrate to other private land owners potential for restoration or very limited commercial uses, such as selective harvesting.
- The project performed forest thinning trials (not harvesting) and hopes to do a forest carbon sequestration pilot. The whole property is currently fenced so they are planting koa on pastured areas for additional growth carbon sequestration and they hope this will set an example for other landowners.
- The parcels provide more linkage to protection of the area, including Hawai'i Volcanoes National Park and other donations they've received or anticipate from supporters.

Ms. Kamaile Rafaelovich with the Ho'omau Ranch Conservatory shared her personal experiences managing Ho'omau.

- Ms. Rafaelovich emphasized the potential extinction of two species, loulou and mehamehame in addition to the extinction of a rare forest type.
- Ho'omau worked with TNC, DOFAW, and PEP for the Forest Stewardship Management plan and have plans to remove the remaining ungulates and obtain NRCS funding for management activities. The area is already fenced and Ho'omau is reinforcing protection of trees with seed collection. A fire survey was completed so they may better understand and evaluate fire management.
- The price of the property has more than tripled since it was purchased. Ms. Rafaelovich herself has contributed \$100,000 to Ho'omau's conservation efforts.

Chair Menard opened up the floor for public testimony.

Chair Menard asked for questions from the Commission.

Commissioner Warshauer questioned about plans for DOFAW and TNC to commit to this effort given the need for intense management and critical timing for Ho'omau. Ms. Rubenstein replied that they will continue to assist the landowner with a Forest Stewardship Plan until it is finalized and may enter a cost-share land management option, which would mean the landowner has to come back up with resources to match state funds. The Forest Stewardship Agreement is a 10 years contract, which would provide time for ongoing management, but for the draft plan the focus is on the TNC easement so resources would most likely be drawn from that area. However, things do take time.

Commissioner Haase inquired about the Forest Stewardship Plan, its shift of management activities from DOFAW to the landowner, and whether there are plans for the state to invest funds in helping with management activities. Ms. Rubenstein assured that it is a shared investment, but this is private land and

DOFAW lands need intensive management everywhere. There are more options for private land owners to gain different types of funds than there are for state lands. Mr. Fox added that TNC did not commit any funds to management activities in Ho‘omau but are working with Ms. Rafaelovich to provide guidance, support neighboring landowners, and advise on conservation work. They will monitor the easement annually as required by law. Ms. Rafaelovich added that they have formed a nonprofit and hired someone to work with them on the farm bill and NRCS on funding opportunities. Ho‘omau will also work with other nonprofits to strengthen and secure its protection. Ms. Rafaelovich understands the need for intense management and is working to gather funds to support it. Commissioner Wilson requested that Mr. Fox explain monitoring of the easement and Mr. Fox explained that TNC annually assesses the condition of the properties they hold conservation easements over. Depending on access, they fly, hike, check fencelines, etc. to make sure activities that aren’t allowed under easement terms are not happening.

Commissioner Wilson asked if Ho‘omau offered educational opportunities for local schools and Ms. Rafaelovich responded that they are currently focusing on management activities such as fencing but it is in their plans to align restoration activities like outplanting with educational programs.

Commissioner Kawela asked how the fence was originally built and Ms. Rafaelovich replied that NRCS funding contributed to it and she paid a portion out of pocket. TNC built the road around it.

Commissioner Tavares inquired about how cattle management has changed from last year. Ms. Rafaelovich informed that the main paddock adjacent to the martine paddock was cross-fenced, but within the 3 parcels the fences are in disrepair and some cattle are still there. Ho‘omau plans to use small herds to implement controlled grazing for fire mitigation and weed control across 700+ acres. The Forest Stewardship Plan will encompass fencing and determine areas for grazing and areas for forest protection. Commissioner Haase asked if Ho‘omau plans to eradicate within the focused fence area. Ms. Rafaelovich shared that some were removed and she is interviewing hunting groups to continue the effort. Mr. Fox added that TNC is connecting Ms. Rafaelovich to professional organizations that can sweep the paddock.

Commissioner Warshauer asked about the baseline estimate of 75% native canopy cover that Ho‘omau needs to commit to for funding. Ms. Rubenstein confirmed that a baseline is established through methods such as vegetation mapping once the conservation easement is finalized and forest uses are decided. DOFAW monitors the landowner and the Forest Service will monitor DOFAW to ensure the program is compliant.

Commissioner Warshauer inquired if it was possible to rearrange the pattern of parcels by way of a consolidation re-subdivision for better management purposes. This would result in the same number of lots, but change the internal values to separate the land by, for example, rare species to target specific restoration activities. Mr. Fox replied that they generally prohibit subdivision as standard easement terms, but that if there is some conservation reason for rearrangement, it could be discussed and possibly renegotiated if the situation required it. Commissioner Warshauer, Mr. Fox, and Ms. Rubenstein continue discussing this rearrangement of parcels but it is unclear how it would be executed.

Commissioner Haase asked if there is selective harvesting of forest products planned for this easement to which Ms. Rubenstein replied that it is allowed due to the Forest Legacy Program’s definition of Ho‘omau as a working forest program. This property intends to clear invasive trees and do some intense management with koa and sandalwood plantings with eventual harvest in mind. They do not intend to harvest standing resources such as ohi‘a.

Commissioner Haase inquired about biosecurity measures and protocols they plan to take with selective harvesting to prevent issues like Rapid Ohi‘a Death. Ms. Rubenstein responded that she would like to see

separated management activities on the property. Grazing and ungulate damage is linked to ROD, so timber harvest, existing ungulates, fixing fences, and ensuring containment of ungulates are all things they are currently working to balance.

Commissioner Warshauer asked if the easement would allow planting of alien trees and Ms. Rubenstein replied that it is allowed but must be negotiated and approved by the Forest Service and DOFAW.

Commissioner Tavares questioned if Ho‘omau is looking to generate revenue in other ways besides grants and how they plan to proceed with long-term conservation. Ms. Rafaelovich shared that Ho‘omau is building educational and controlled tours in to their plans to help generate revenue for the property. In addition, Ho‘omau are planning to generate funds from agricultural operations, macadamia nuts, cattle, and ecotourism.

Courtney O’Connor testified on behalf of the Hawaiian Islands Land Trust in support of the Ho‘omau applicant.

- Ms. O’Connor shares that Kona Hema was her first site visit and believes in the conservation of this landscape.
- There are no ungulates in Kona Hema, so Ho‘omau has an expert team next door to advise them on how to manage the land. Vital resources are within the parcels such as water resources, bird and hoary bat habitat, and carbon capture areas.
- O‘ahu is a net carbon sink, so it’s important that these areas grow more trees and Sandalwood can support agricultural components of conservation easements.
- The area has many sources of support from organizations nearby including communities and partnerships across the landscape.
- ROD is present in the area, but not ubiquitous without. It is a baseline for resilience against invaded areas.
- Ho‘omau means steadfast moving forward.

Presentation 4.F. DLNR Division of Forestry and Wildlife – Pia Valley Natural Area Reserve

Staff notes presented by Mr. Penn:

- DLNR proposal for Pia Valley to become a NAR. Presented by Emma Yuen, supervisor of Mr. Penn. The application includes a title report and other background documents, no appraisal report. Application includes operating budget for Native Ecosystems Protection and Management program and NARs system management.
- DLNR DOFAW did not request an easement exemption but does not identify willing holder for conservation easement.
- Request is to use Legacy Land funds for due diligence costs. Land value donation from the current landowner is proposed as match.

Ms. Emma Yuen with DLNR DOFAW presented for the Pia Valley application.

- The property originally was owned by Jimmy Pflueger who did not pay taxes on it so it was auctioned off by the city and bought by Patricia Godfrey, mother of Ms. Leah Laramee who works at DLNR DOFAW. Upon consultation with the ethics committee, it was okay to apply for this but advised Ms. Laramee not be involved.
- If taxes are not paid within a year, by May, land will go to Ms. Godfrey. A title report was done in 2015 along with phase 1 environmental site investigation. The AG confirmed a quick clean deed would be okay for the property. The application asks for funds to update the title report.
- Pia Valley is offered at a low price, \$22,000 for 300 acres.

- It has high recreational value due to the Hawaii Loa Ridge trail that goes to the summit and connects to many ridge trails at the top. The Na Ala Hele trail brings roughly 12K hikers each year.
- The geological features are unique consisting of low waterfalls keeping pigs out and the area more intact than neighboring parcels. The adjacent land is State land and forest reserve allowing for connectivity among managed areas. The project would add to what is currently protected in the leeward Ko'olaus and represent a different type of ecosystem (hanging valley of wet mesic forest with breaks of different ecosystems and plants) than what is currently fenced.
- Native forest quickly emerges at higher elevations out of thick strawberry guava in lower regions. There are 20 federally listed rare plants within the area, some of which are only found in Pia Valley. There is a rare snail population, achatinella, in a crisis situation to stop extinction. Rare plants that were last found in PIA are being cultivated and planned for reintroduction back into the area. It is habitat for the endangered elepaio and other native insects are being monitored.
- DOFAW spent the last 15 years working with the landowner to work, conserve, monitor species and maintain and manage land. They would like to put fences and manpower into the area to protect investments already made.
- Serious threats include invasive pigs, rats, incipient weeds, and patches of strawberry guava that damage rare plants and forest health. It was brought to the NARS commission in 2015 to establish as a Natural Area Reserve (highest level of protection of state lands).
- If ranked high enough to receive Legacy Land funds:
 - Update the title report in May, conduct appraisal (even though purchase price is much lower than worth), then DOFAW will acquire the property.
 - Designate the area as a Natural Area reserve.
 - Fence to protect the whole area from pigs and install a predator proof fence in smaller areas to reintroduce rare native snails.
 - Work with Ko'olau Mountain Watershed Partnership for weed control and outplanting of rare plants to implement recovery for many species.

Ms. Courtney O'Connor from Hawaiian Islands Land Trust testified in support of the Pia Valley application.

- Ms. O'connor recently went on the hike and was excited by the diversity of the landscape and amount of native forest that can be seen on O'ahu. She is not a biologist, but noticed that it definitely looked native-dominant. She supports this for biological, biodiversity, recreational use, and learning opportunities and supports the efforts at this location for recreation and conservation.

Chair Menard opened up the floor to questions from Commissioners.

Commissioner Warshauer shared that it is the nicest forest he has seen on O'ahu with high diversity and large sections of stonewall up the valley that could indicate interesting architectural or archaeological features.

Commissioner Wilson wanted the NARs designation clarified regarding ownership. Ms. Yuen confirmed that the recommendation for a NAR can only come into effect if the state owns the property because it is a state land designation for NEPM. Current protection is due to isolation and it being in a conservation district, but there is no protection for native ecosystems.

Chair Menard asked about the Na Ala Hele trail on private land and Ms. Yuen shared that DOFAW's Na Ala Hele program will manage and maintain the trails with that designation. Some are in and out of private lands and the program keeps agreements with the landowners to allow public access. Chair Menard inquired about right of entry agreements with landowners and Ms. Yuen shared that the Na Ala

Hele program assumes the landowner doesn't know the trail is on their land so it is not necessary to set a MOU or access agreement unless they need to fight a landowner blocking public access. Commissioner Wilson inquired about educational activities to teach the many hikers that access the area each year. Ms. Yuen replied that it would be great to put up signs and lead hikes or volunteer trips and that volunteer coordinators within DOFAW would love to take groups on a regular basis like they do with many other places they manage.

Commissioner Kawelo shared that she surveyed elepaio during her internship with DOFAW and Pia had the largest population of elepaio despite being easily susceptible to diseases. She emphasized that it was nice to hear them during the site visit.

Chair Menard clarified with Ms. Yuen that she intends to modify the existing application to request a conservation easement exemption.

Commissioner Haase brought up a community member on the site visit that had concerns about unrecorded interests and Ms. Yuen responded that the AG gave her approval for a quick claim deed from Ms. Godfrey after reviewing the title report. Mr. Penn added that this came up last year with BLNR and the process first goes through the Office of Hawaiian Affairs for comments or concerns along those lines.

Commissioner Wiltse commented on how great of a deal the project is and requested that Ms. Yuen share what they plan to do if they do not receive funding. Ms. Yuen explained that if there is no funding for the State to buy, the landowner may stop paying taxes and it would go back to auction. Ms. Godfrey could also sell and make a decent amount of money. The worst case scenario is it falling into the hands of a landowner not willing to cooperate with the state and all the money and hard work invested into the property so far going to waste. Ms. Yuen also notes that it's a good use of state funds and because its such a small amount, it doesn't bump other projects down too much.

Commissioner Haase questions the ranking of this project on DOFAW's priority list to which Ms. Yuen responds that it was 3rd. The commissioners and Ms. Yuen exchange comments regarding the surprisingly low ranking of this project in DOFAW's priorities despite it being a strong applicant.

Commissioner Wilson asked if DOFAW has a contingency plan if Pflueger does end up paying their taxes. Ms. Yuen replied that the project would be dropped due to no longer having a willing seller and they would try to re-establish relationships with Pflueger's representatives. Chair Menard commented that it might be a big risk and Ms. Yuen responded that they haven't paid taxes in a long time and knowing their land is up for auction, it would be a continuation of the trend. The tax burden would be the 22K that Ms. Godfrey paid.

Chair Menard asked if there was any public testimony.

Mr. Burgess testified on behalf of the Hawaiian Islands Land Trust in support of the Pia Valley application.

- The HILT strategic conservation plan has this parcel as the darkest in all of East O'ahu with high rankings for recreational, watershed, wildlife habitat, and all factors they look at.
- Discussions with the landowner that bought the property directly below this one indicate interest in conservation options, so it could create a continuous stretch of managed land from the subdivision up mauka.

Presentation 4.F. Ke Ao Hali'i (Save the Hana Coast) – Mokae and Maka'ala'e Lands

Staff notes presented by Mr. Penn:

- Application for Maui with a number of supplemental materials.
- Availability of materials to make sure we have the right information to pass to BLNR.

A video presentation was shown of the property with a song in the background by an artist from that area.

Robin Rayna of Ke Ao Hali‘i presented for the Mokae to Maka‘alae Lands application.

- Hana had a purchase and sale agreement of the Maka‘alae Lands but the buyer backed out after a public meeting with the community. In response, Ke Ao Hali‘i was formed in June 2018 as a 503C organization dedicated to preserving Hana.
- Hana is currently threatened by development and owners interest in selling 400 acres. These lands sever 5 ahupua‘a from their original ocean connections. The coast consists of 3.2 miles of undeveloped coastland including 29 lots of 8-81 acres. 4 parcels were sold to date. Landowner is actively trying to sell.
- Ke Ao Hali‘i requests LLC grants to purchase a 27 acre parcel. Matching funds are 13 parcels encompassing 91 acres in the Maka ‘alae lands. 8 of the parcels are already in a conservation easement and the seller is willing to donate some lands if some are purchased. They are working to get support from Maui County Open Space Funds.
- The cultural significance of Hana is important due to being one of Maui’s 12 districts in the 15th century. Many places that hold cultural significance or mo‘olelo that are located in the area such as Pu‘u Ka Iwi O Pele, Alua island, and Mokae’s Pu‘u Hele, known to be a launching place for spirits.
- 3 heiau (Hale Olono Heiau, Kaluanui Heiau, Pakiokio Heiau) are in the adjacent area in various stages of disrepair from ranchers or others who have carried stones away.
- 8 archaeological surveys were performed since 1931, but they have plans for more investigative works. Burial sites and rock settlement areas are still evident dated back to 1400-1600 according to archaeologists. An eroded wall by the sea frequently changes and tells an archaeological story as bones are starting to emerge from the burial grounds underneath.
- It was an important population and political center due to the richness and abundance of the land. Fertile volcanic soils and an abundance of rain added to the productivity of the landscape while fishponds enhanced ocean productivity and nourished the people.
- Agriculture in Hana shifted from subsistence farmers with sweet potatoes, dryland taro, and bananas to a sugar plantation, to cattle ranching and today the Hana Ranch owns 3,600 acres mauka of the highway and leases land to run cattle, which keeps the land in pasture and invasives down. 2 centuries of ranching and sugar haven’t left much native vegetation left.
- Recreational value is high due to family gatherings and camping within the area. Here they teach and share traditional and customary practices of Hawaiians to strengthen their culture.
- There are many opportunities to fish with lines, spears, and throw-net and to gather crab, opihi, and limu. Some freshwater streams flow into this area to increase productivity.
- The overall geology of the coast includes 3,000 linear feet of Windward shoreline in Mokae, 2 outcroppings for fishing, 3 pebble beaches, and outer rock terraces for gathering crustaceans.
- The property is impacted by flooding, erosion, and ocean brown plumes that cause reef damage. Seasonal streams focus water, but occasionally rain will flood the entire area. The rain retains stunning views of lush green vegetation and pastures next to the ocean.
- Mokae lands were ideal for seabird expansion and were recommended as a prime area for native seabirds to be rehabilitated with a predator proof fence as part of the Maui Nui Seabird Recovery Project. There are currently limited seabirds due to feral cats, mongoose, and rats.
- The property provides value open space and scenic resources due to its 3.2 miles of serene coastal pastureland as the view plane from Hana highway.
- Stewardship of the land will fall upon the Ke Ao Hali‘i to preserve and manage the coastline along with its cultural history, resources, and knowledge for future generations. They want to

place all lands in a conservation easement under HILT. Pastureland will be maintained with Hana Ranch lease agreement (ranch owners are willing to work to control invasive species). Taxes on the land are \$400/year and ranches pay \$1/year for lands to remain controlled. Ke Ao Hali'i will talk with the community to gain support and input in regards to future planning.

- In unable to acquire lands, they will go into private ownership and place expensive low-frequented homes on the land. They will not have a chance to acquire them back.

Mr. Irish O'Hara shared about his personal experience living within the Maka'alaie and Mokae lands.

- Mr. O'Hara lives in Maka'alaie, but also has Mokae family. They are all unique, close, related in some way or somehow. He represents Ke Ao Hali'i, his family, the native Hawaiian families, and the community.
- Previously, the land was turned over as a ranch package so there weren't many buyers. Currently, landowners have subdivided properties to build estates, which demonstrates the urgency for funds to purchase these lands.
- Mr. O'Hara and those presenting about Hana came to learn, observe, and see how the project falls among other projects. He emphasized an uncertainty about what the commissioners see compared to what the community sees in these lands in regards to history, culture, and genealogy. "There is nothing to see, but when we walk the land, we know and feel something here. Our hana is here."
- They host organizational workshops to plan what they want for the lands in the future such as community farming that lets people work the land on a small scale.
- Mr. O'Hara's mission with this project is to grow Hawaiians that understand customs, traditions, and history of the people as time moves on. This land gives the community the opportunity to do so. Regardless of who owns the land, Hawaiians will find their way to the ocean, but as it gets harder over time to access, future generations may get blocked.
- Mr. O'Hara questions how the Hawaiian person compares to native species such as the ohi'a tree or native birds and emphasizes that in this case, the endangered species is the Hawaiian person. If Hawaiians are not connected to the land and ocean, lots of things will be lost.
- The amount of 2.9 million is large, but a cheap investment to maintain history and culture of the Hawaiian community.

Chair Menard opened up the floor for questions from the commission.

Commissioner Haase asked for clarification regarding the fair market value and realtor's estimate and whether they had a preliminary appraisal. Mr. Scott Crawford replied that a full appraisal was done and the last one came in at \$2.8 million which is a large change in value. The seller agreed to sell lands for fair market value.

Commissioner Haase requested a statement by HILT demonstrating their commitment to the easement. Mr. Burgess shared that Hana ranks highly on their strategic conservation plan. HILT met and worked with the community on strategic priorities and already own conservation easements on the portion of the property for sale, so they are interested in partnering to hold additional easements on the land. Seven parcels are held in conservation easements by HILT and several others are being pursued as well.

Commissioner Haase inquired about easement requirements to maintain the view plane and who is responsible for this management. Mr. Burgess replied that the landowner is typically responsible and the easement holder monitors the property annually, but he is unsure of the specifics of that particular easement. Ms. Rayna added that Hana ranch knows the land is for sale and are not concerned about maintaining view planes and controlling invasives until Ke Ao Hali'i acquires the land.

Commissioner Haase questioned about possible risks regarding parcels purchased with the County Open Space Funds that leverage with donated parcels held by easements. Mr. Crawford explained that they were advised to have sources of funding separate for different parcel instead of having County Open Space funds and Legacy Land funds be the matching funds in the same property. They are confident they can gain Open Space funds to complete the transaction and the administration and council members are supportive. Ms. Rayna mentions that they are meeting with the Maui County Council later that day.

Chair Menard shared concern with getting the land deal organized and complete, noted that the application indicates transaction costs to be \$5,935,000, and asked how they came up with this amount. Mr. Crawford replied that he took the TMKs and county tax records as value of these lands, which was greater than the amount given. For matching funds, they mixed and matched gifted lands and some purchased using the Open Space Fund. The actual value of the land is greater than the listed \$3 million.

Chair Menard informed the need for a 25% match on the \$2.9 million total estimated cost and that the bottom lines are inconsistent within the application. Mr. Penn clarified that the minimum matching requirement is 25%, but there is no maximum, the percentage that comes out of the application process is what they expect when Legacy Land funds are granted. However, the commission and applicant will need to discuss where the match is coming from and what percentage of the match the applicant is promising because many parcels can be match as different values. Chair Menard voiced that it was unclear to her how another parcel could be used to match.

Mr. Penn asked Mr. Crawford if money going into escrow at the close of the transaction is coming from another parcel as a land value donation. Mr. Crawford replied that they could receive 75% partial funding from Legacy Land and receive the other 25% from the Open Space funds for this parcel. They thought it would be easier to do individual sources of funding for separate parcels, but would change that for the commission.

Commissioner Haase inquired about who would own the other parcels and if there are other matching requirements. Mr. Crawford clarified that the county would rather grant Ke Ao Hali'i funds to purchase and do not have a matching requirement, but it makes a stronger case if they have received funds from Legacy Land. Ms. Rayna adds that the County does not want ownership or responsibility and explained that her intention was to keep the process flexible by naming all possible matches for the land. Mr. Crawford noted a small parcel intended to be a parking lot before iwi kupuna were found. Landowners would donate another parcel if Ke Ao Hali'i acquired one, though it would not serve as match.

Chair Menard remained unsure of the use of another parcel as a match. Ms. Rayna shared that a lot of TMKs are there, but they see one large parcel and want to acquire all of the lands as one parcel. Mr. Crawford noted that sellers also want to work on the entire package, but owners want to liquidate lands such as the previous owner of Hana Ranch who sold mauka lands to biological capital and kept makai lands as investment properties to sell. They would like to sell to conservation, but are now a complex group of shareholders that want to liquidate lands.

Mr. Penn informed that lands being donated as matching funds are subject to the same requirements and restrictions as lands being acquired with grant funds. Mr. Penn did not know if this was applied in a transaction before, but it seems like a gray area subject to interpretation.

Commissioners questioned the parcel purchase possibly triggering other land donations and the security of this agreement. Mr. Crawford responded that it would trigger the donations because the seller doesn't have income to take tax credits against donations so they would have income from sale of some lands and donate lands to take tax benefits. Mr. Crawford shared that a Letter of Intent including the whole deal and all agencies involved was written, but that he could talk with the organizations about increasing it to a

Letter of Agreement. Mr. Crawford confirmed that language for a donation if other lands are purchased is written.

Commissioner Wilson confirmed that Ke Ao Hali'i is a 501C3 received in June 2018 and asked if they are actively doing other projects of land management or stewardship. Mr. Crawford shared that they are looking at a few parcels from other sellers, but because they are a relatively new organization founded in response to an imminent threat, they kept their focus on trying to find a way to preserve these lands. They now have established communication with owners through this parcel and have meetings for various people with various skills and knowledge in land management to come together to make this happen. They are working with TNC to develop a community action plan. Their energy is focused on acquiring and protecting these properties, the next step is developing a plan for management.

Commissioner Wiltse inquired whether existing and future easements prohibit development and Mr. Crawford replied that they do, but may build where the view plane is obstructed.

Commissioner Wiltse and Commissioner Kawelo asked about plans to maintain access for the public and community. Mr. Crawford assured that they would not restrict pedestrian access but may manage vehicular access. Mr. O'Hara added that there is not much private ownership because the community established rights to have access to burial sites on the property so most owners allow locals to have access if not by vehicle, by walking. The vehicle access has gates and Hana Ranch has the key, but people can request the key for access. However, it is a subjective system they want to better manage.

Commissioner Wilson addressed the iwi kupuna and asked about a burial treatment plan. Mr. O'Hara replied that there is one for Homoa due to previous desiccation. However, iwi from Mokae are currently stored in SHPD and it is planned to put them back where they belong once Ke Ao Hali'i has the land.

Commissioner Abbott added that he came across the past mayor at the airport who commented that the project was well-received and well-supported by the administration.

Mr. Penn asked for clarification regarding the match and its sources. Mr. Crawford shared that they could commit to a 1 to 1 match. Ms. Rayna elaborated that all lands together are a tax value over \$6 million. They could offer something equivalent to just under \$3 million, less than half the actual value of the properties being discussed. Because these are tax evaluations, not actual value, the appraisals will show higher values than that. Commissioners Kawelo and Haase requested clarification regarding the need to identify whichever parcel and percentage is used and what the appraised value is. Mr. Penn provided additional background on the appraisal process before moving forward with what is put forward as a match for land value. Ms. Rayna responded that she will select as matching funds whichever property fits the number promised to Legacy Land and conduct the appropriate appraisals and everything required for that arrangement.

Chair Menard expressed that it would be cleaner to keep one parcel and have the Open Space Funds match be \$70,000 to not worry about the donated land values of other parcels even if it would increase match. Mr. Scott responded that it would work, but would be asking for funding for this parcel from two sources of funds. Commissioner Haase agreed with Chair Menard that it would be much easier to get 25% match for this single transaction. Mr. Crawford, Ms. Rayna, and commissioners discuss how the application could be adjusted and made the decision to adjust total estimated from Legacy Land funds to 75% with 25% total estimated matching funds.

Mr. Penn and commissioners clarified that 75% request by Legacy Land is \$2,225,625 and the 25% match of Open Space is \$741,875.

Presentation 4.G. Waipā Foundation – Halulu

Ms. Ka‘akua from the Trust for Public Land presented on the Halulu application.

- Two parcels owned by the same not-for-profit landowner planned to sell Kaluanono in the heart of Waipā agricultural operations to the Waipā Foundation (from Legacy Land funds) and the Halulu fishpond access to Kamehameha Schools. However, the purchase to KS did not go through so the Waipā Foundation is interested in purchasing this parcel as well.
- Ms. Asuncion and Mr. Chang of KUA host the Hui Mālama Loko I‘a of fishpond practitioners at Waipā.
- Countless groups, teachers, students, and partners shared that when they first started thinking about community stewardship and community land management, this is where they came and camped and had space to be with one another that was welcoming but still protected.
- Waipā provides a cherished balance of access, community managed but given space by the Waipā Foundation for intimate discussions.

Ms. Stacy Sproat-Beck with the Waipā Foundation presented on the importance of Halulu fishpond access to the community of Waipā.

- Over the last 30 years, they’ve restored the valley as a living learning center in the vision of their founders and community through community support, foundations, and partnerships allowing them to bring back the health and viberance of the land.
- Mauka areas were degraded from logging, fires, and ranching for 40 years. They currently host groups that reforest with natives and food plants including koa and ulu. Stream restoration project cleared 20+ acres of hau from the lower valley that blocked the stream which prevented flood damage in the subsequent events. The stream is also a site for flow and biological monitoring.
- All areas are linked to restoring and learning sites where 4,000 learners come through each year. They understand the value of having learning spaces and the facilities for indoor meeting spaces.
- Waipā delivers an important message that to share and connect everyone to resources is to remember that our Hawaiian value in relation to ‘āina is that which feeds. They manage lo‘i, gardens, and farms to feed everyone that comes. It reminds communities that the way we connect and feed the land takes care of us. They made poi for 30 years, making and distributing 700-800 pounds each week. They raised almost \$2 million for the Hale Imu commercial kitchen onsite.
- Waipā is entering the the second planning process for employee housing and other facilities needed and have the potential for.
- Halulu is significant access for use of the area. Across the pond from the property is a festival site used for camping, meeting, and gathering of 2,000 people twice a year. Both festivals were cancelled last year due to floods and erosion, but generally many family groups use the space; community funerals are held there, and people celebrate with their ‘ohana in the space as well.
- Waipā is the ultimate outdoor classroom.

Ms. Ka‘akua noted that the eastern corner includes a portion of the fishpond so Waipā Foundation needs full control as a land steward and manager of the access to push restoration. If the property is sold to a private owner, private property rights are respected in fishponds which make it difficult for Waipā to continue managing. The community access path goes through the property and the area is critical in achieving space for community and cultural practice.

Commissioner Haase asked whether the path is a vehicle access as well and Ms. Sproat-beck confirmed that it is a vehicular road, but mostly a walking path for visiting and learning groups and festivals. Another path could be used, but it is much longer and meandering. The fishpond is also adjacent to a

house demonstrated the true threat because a house on the property would change the entire feel of the area. A house overlooking the area would threaten quiet, protected, community space.

Ms. Sproat-beck mentioned that a support letter from Limahuli Gardens states that it is where their keiki learned to fish.

Ms. Ka'akua shared that a master site plan is updated, but a question mark is over Halulu fishpond access kuleana lot. They hope to fill it with community plans as a nurturing space where everyone is welcome.

Mr. Billy Kinny from Hanalei testified on behalf of the Halulu application.

- Mr. Kinney grew up in Hanalei, but Waipā is the piko (center). He participated in the kids program where he learned about moon phases, tidal gauges, and was introduced to fishponds. All of his experiences in Halulu culminated in his being a KS summer enrichment employee. He teaches hula at Halulu, which cannot be done with a house there. Waipā hosts multiple halau of international visitors to share their own traditional practices. He experienced many funerals there and value its use for community gatherings and festivals. He is grateful for the sanctuary of Halulu and Waipā.

Chair Menard opened up the floor to questions for commissioners.

Commissioner Kawelo asked why Kamehameha Schools did not want to purchase the land. Ms. Sproat-beck replied that it was too much for them to pay for a small property.

Commissioner Wilson voiced support of the project and its urgency with the risk of a septic system leaching into the fishpond upon building of a house.

Vice-Chair Abbott inquired how the purchase price was established and Ms. Ka'akua informed that the appraisal is included in the proposal and they would be purchasing the whole property at appraised market value. The seller supports Waipā's mission and has agreed to this. Vice-Chair Abbott asked about the widest part of the parcel to put a house. Ms. Ka'akua noted that the pond is on the property, but there is not a clear image of the pond showing where it is, but they were told a house could be built.

Commissioner Wilson asked about their timeline for the Kauai County Open Space funds. Ms. Ka'akua shared that the County decided to pursue another project and the leftover funds were not enough to be their sole source of funding. Therefore, they decided to pursue Legacy Land funds in the hopes that whatever is left will be low enough to be covered by the County. With support from the new administration and council, they will go back before the council after the Open Space commission to approve a resolution supporting a conservation easement over both properties. Vice-Chair Abbott agreed it would be easier to do an easement for both properties simultaneously. Ms. Ka'akua noted the agreement with the landowner is for the purchase of both properties and the County administration and council would want to streamline the required process between both properties.

Chair Menard inquired about the current property owner and Ms. Ka'akua shared that the owner is currently the Waioli Corporation. They are a nonprofit with a historic preservation mission and would like to see Waipā own and keep these properties after witnessing what Waipā has accomplished. They need funds from this sale to fund their other works, but they waited patiently through the funding processes for four years and are very workable.

ITEM 5. Staff Report, Chair's Report, and Appreciate and Farewell to outgoing Chairperson Theresa Menard

Staff Report presented by Mr. David Penn

- **\$4.5 million** is in the budget after paying off residual projects including:
 - \$12,000 in a contract with RCUH to pay for Casey Ching's time (1 day/week)
 - \$600,000 to complete the Greenwell acquisition from last year
 - \$1.5 million for Turtle Bay Debt service
- Central service fees on revenue no longer exist (5% savings on revenue cost)
- Revenue from conveyance task is about \$3.3 million

Chair's Report presented by Chairperson Theresa Menard

It has been a joy to have the opportunity of community service and to hear the heartfelt testimony of the people that come. She appreciates the knowledge being shared and learned so much. She tanks the commission.

ITEM 6. Final discussion and rank applications

Mr. Penn went over changes to summary sheet before deliberation began.

- Number 4C Kaneohe Pali to Lo'i—just fee not easement.
- Number 4F-2nd page, Pia Valley NAR—fee stays as is.
- 4G- Changes in financial columns. 741, 875-25% is match. 2,256,250 LLCP request. 2,967,500 total dollars > with matching funds of Maui County Open Space Fund.

Commissioner Haase asked if they come to consensus together or individually.

Mr. Penn explained the ranking process and how they produce the final decision. Chair Menard asked about how to settle a tie and Mr. Penn responded that there is no rule and it is up to the commission.

Malama Minn with DLNR Land Division shared some barriers once projects are ranked and approved:

1. Landowners understanding (or not) that we have to do due diligence required by law. It will take at least a year to close. Due dilligence documents, title reports, appraisals, phase 1 environmental survey and if it triggers phase 2, must do phase 2. If land contaminated, it is up to AG if it will continue.
2. Deed- AG and state require warranty deed or limited warranty deed. Some are held in quick claim deeds, which can be an issue for the AG. Warranty deed-person who sold the land agrees to defend that title should someone else come and say they have a claim to that land, so a warranty deed is required with some exception.
3. Hazardous materials found to be on property during due dilligence, could mean we don't pursue the acquisition.

Chair Menard stated that they will go project by project and weigh the pros and cons.

Kapanaia

Commissioner Kawelo believed this project is ready to go because it has matching funds secured, the area has historical value, it is a beautiful coastline property, and the threat of development is present. She would not say where she ranked this application, but wanted to be fair across the pae 'āina in regards to who receives funding this year and who has received in the past years.

Commissioner Wiltse shared that the imminent threat to coastal properties is more pressing than forest properties due to being optimal for wealthy owners to sweep in, develop, and close it off. She ranked this project in her top half.

Vice-Chair Abbott commented that all projects have merits and shortcomings and encouraged requesters to keep trying if their project does not receive funding. He did not see vast distinctions among each project, but only shades of differences. He later mentioned the community engagement was impressive to him, in addition to it being a significant cultural landscape.

Commissioner Tavares stated that Kapanāia is a strong application with a lot of history and from his visit, he could tell it was a special place that deserved preservation. He mentioned that it has a unique coastline and area, much like Hana, and keeping places in the same state as they are is important. He spoke of the significance of the heiau and the walk with community members and that a threat of development is there and is being taken into consideration.

Commissioner Warshauer shared that he typically looks for biological resources, of which Kapanāia does not have. However, he was impacted by the community members that came out and explained the importance of the place which was more than he would have noticed just walking past it. He appreciates the heritage being carried on with the land. He also mentioned seeing the value of Hana and other places.

Commissioner Haase mentioned the main factor for him was the coastal area, similar to Hana, but that the threat of development is there despite its cultural legacy. He ranked this project high.

Commissioner Wilson emphasized a unique cultural landscape not similar to anywhere else where kupuna and Kamehameha himself walked the lands and constructed heiau and other structures. She mentioned that it is a coastline so it will always be threatened, especially with farms and development. She asserted that having the chance to continue mo'olelo and see the places first hand is what Legacy Land is all about and Kapanāia is a crown jewel for the Hawaiian islands. She ranked this project high.

Chair Menard said she was impressed by the match funds that are secured and the project ranked high for her.

Haloa 'Āina

Commissioner Tavares mentioned Haloa 'Āina was an applicant in the past and during that time there were concerns of fencing completion, outplanting success, forest management planning, and their greenhouse production. He shared that all of these areas were addressed which is positive and the amount of progress made in one year was the biggest factor for his ranking. He would have liked to see more successful planting, though many projects were in the pipeline and ungulates were removed.

Commissioner Warshauer agreed that he would like to see how they continue to progress because it is not ready. He does support their commitment to get Hawaiian lands back in Hawaiian hands and that Mr. Lee wants to pursue conservation easements for long-term conservation, but wants to see it mature before investing funds.

Commissioner Haase was pleased to hear Commissioner Tavares' updates on last year's concerns. He shared Commissioner Warshauer's sentiments that he would like to see more progress before funding. He mentioned his highest priority is the public benefit, and for that he sees other projects ranking higher than this one.

Commissioner Wilson abstained from ranking due to association with Kamehameha Schools.

Chair Menard addressed her concerns with sustainability over sandalwood trees and felt more confident after talking with the owner. The greatest risks are fire, ungulates, and bankruptcy, so having the bank take the trees and harvest what is available is scary and a big mortgage.

Commissioner Kawelo was skeptical of harvesting sandalwood, but was pleasantly surprised when she visited at their work.

Commissioner Wiltse liked this project and generally favors coastal projects, but visited twice over the past 3 years and noticed improvements. She likes the research they do to find ways to plant with other sto foster regeneration and was impressed with their practice. She ranked this project in the middle, but high among the forest applications.

Vice-Chair Abbott felt similar to the other opinions and that the price is large and there is a lot of land to maintain. Keeping in mind, acres protected by the program is one of the factors that need to be reported to the legislature.

Kaneohe Pali to Lo'i

Commissioner Wiltse mentioned that the request is not for much money and that it should already be state land. She addressed the imminent threat of development and willingness of landowner to sell all mauka parcels.

Vice-Chair Abbott did not believe the development threat was real because there are mechanisms to protect that. He also added that sub-zone categories on the conservation district map are 'ānot accurate reflections of what status they should be in and the status should change to reflect that and protect lands.

Commissioner Tavares ranked the project high due to the changes in the area over the years. Though the topography does not seem like it would develop, people with enough money, power, and influence find ways. He supports Mark Stride trying to farm and having his kids behind him and believes Oahu should preserve historic lo'i systems and the amount of acreage for cost is reasonable.

Commissioner Rick thought this project was a perfect match for Legacy Land criteria due to important cultural resources that are fairly intact. He noted it has excellent biological resources and that they should step in now. He ranked the project high.

Commissioner Haase shared that a large percentage of the population is familiar with the area and that the subdivision plans are concerning.

Commissioner Wilson appreciated the community engagement and sees it as a place of healing on O‘ahu. She supports the reactivation of cultural sites allowing the ‘āina to heal from the pain and sees this is a good opportunity.

Chair Menard was impressed by the biological and archaeological component, but did not see a great threat level.

Commissioner Kawelo supported this application for the money for acreage, potential for trail, foundation of lo‘i and opportunities for open hunting. She also noted the public benefit is there.

Waikalua Loko I‘a Fishpond

Commissioner Wiltse noted that the fishpond is in an urban area and has value to the community. They want to ensure cultural and public use of the fishpond, but she ranked it low due to their conservation status.

Commissioner Kawelo shared that she has a soft place in her heart for fishponds, but that they didn’t know of any who had conservation status. The walls contained are protected, but she doesn’t see it as a necessity at this time. The owners do not have to worry about someone purchasing the pond as long as PAF owns the pond.

Chair Menard said she was impressed by the management of the property and ranked it high, but was reconsidering her ranking after hearing her fellow commissioners.

Commissioner Wilson applauded the group for trailblazing and pursuing this commitment when no other ponds have easements. It may open doors for others by modeling a process. She believed the sense of urgency was present and public engagement was high and ranked it high.

Commissioner Warshauer did not see the need for conservation easements due to Hawaiian fishponds being naturally conserved. He later added that he appreciated the project and understood that they have a lot of work to be done, but are good at finding funding. He ranked this project lower due to circumstances despite liking the project.

Commissioner Haase did not see the value of \$1.8 million for developmental rights to a fishpond. He also mentions the legal question of submerged lands being already part of the state property and noted needing an appraisal value.

Commissioner Tavares thought it was a good project, but wanted to see the appraisal come through which would change the value and appraisal. For example, if they award \$1 million but the appraisal is inaccurate, someone would lose out. That was his biggest concern.

Mr. Penn clarified that if the project is discontinued, the funds come back but are not available for spending until approved by the legislature. In the past, they have awarded lower ranked projects, but it depends on the sequence of the budget cycles.

Vice-Chair Abbott liked the amount of public engagement. He thought the appraisal and value is not as buildable, but would like to see them apply again with more details to qualify a more informed decision.

Ho‘omau Forest and Ranch

Commissioner Warshauer advocated strongly for the resources and management potential. However, he noticed in the site visit that he witnessed a lack of management due to sheep and pigs in high numbers and a lack of voices for the project. He hopes for more commitment from the partners. He later added that federal funding will evaporate without a match, so it is the last change for some species since Legacy Land is a match for the feds.

Commissioner Haase also agreed he is a big advocate for biological resources and knows the TNC easement portion needs protection. He sees it being fairly affordable, but wanted to see more tangible commitment to stewardship and investment by all parties.

Commissioner Wilson agreed, although she abstained due to Kamehameha Schools affiliation. In speaking for the public good, she did not see how kids benefit from the area.

Chair Menard abstained due to affiliation with The Nature Conservancy.

Commissioner Kawelo ranked the project high because it was only \$500,000 in its second year, is easy to manage, and has a lot of habitat and biological species protection.

Commissioner Wiltse did not rank the project high due to competition.

Vice-Chair Abbott mentioned the 43K per tree and that the risk is high with endangered species. Though development pressure is high, and one parcel is dramatically different from the other, it was not urgent to him. It fits the Legacy Land criteria, but the public will never see it.

Commissioner Tavares voiced concerns with DOFAW taking on acreage without management in place due to seeing invasive species take over in other areas. He was worried due to no funds for management and wanted to hear more about that. He hopes to preserve this, but the land owner needs to have commitment.

Pia Valley

Vice-Chair Abbott said he would buy the land if he had \$20,000. It does not meet a lot of the criteria, but the hike impressed him. He did not like that it was fenced, but is highly visited. He ranked the project high. Chair Menard inquired about threats and Vice-Chair Abbott responded that not development, but misuse/overuse and mismanagement may come from the trail.

Commissioner Tavares ranked this project the highest. He supported the acreage, price, benefit, and open space on O‘ahu.

Commissioner Warshauer supported it due to public use without abuse of the trail and a lot of access to the public. He ranked this project high.

Commissioner Haase ranked this project as his top choice due to the most “bang for buck”.

Commissioner Wilson also ranked this project as her top choice due to the potential and O‘ahu being in need of open spaces like this.

Chair Menard also ranked this project the highest until she saw it ranked 3rd on another report. She was concerned about the security of the title, if Pflueger representatives show up to pay the taxes.

Commissioner Kawelo ranked this project as her top choice due to the low price tag.

Mokae to Maka‘alaie Lands

Commissioner Haase was impressed with the community involvement in protection of the coastline and believes Hana needs to be protected. He saw the only drawback being the cost and that they should look at other approaches, possibly the County taking more of the burden. It ranked important for him but is expensive.

Commissioner Warshauer said it was a special landscape for people to be and relate to culturally. The area is invaded by development, but the cost is a big portion.

Commissioner Tavares ranked this application high and despite the large ask, it doesn’t look as bad with the adjustments made. He liked the commitment residents showed which demonstrated the importance to them. He acknowledged the threat and does not want to force them to defend themselves when it can be protected and the LLC can step up to make it fit.

Vice-Chair Abbott noted that community involvement was huge. He also mentioned that the permitting process is present and should be used. He encouraged them to keep along this path.

Commissioner Wiltse ranked this as her top project due to her personal experience with these properties.

Commissioner Kawelo wanted to rank this number one, but the confusion with the matching funds changed her thinking. She was happy the request decreased to 2.2 million and is impressed by the non-profit and acknowledged that she will see them next year.

Commissioner Wilson shared that she has a soft heart for them and thinks Hana does need to be protected to see the coastline and limu be there for the next generation. She thinks the potential is amazing and is

conflicted because they are a young nonprofit and the land management demand is huge, but does see the need. She supports the efforts they are doing and hopes to see Maui take on that kuleana as well.

Chair Menard stated that their testimony moved them up and that she sees the land is worthy.

Commissioner Tavares told them to make sure Senator English hears about this today to provide more funding the Legacy Land so they can allocate more funds to projects like this.

Halulu Fishpond Access

Chair Menard spoke about her personal usage of the area and that it is the smallest acreage but important acreage and exposed to high threats.

Commissioner Wilson voiced that she loves the project and community but has to abstain due to her affiliation with Kamehameha Schools.

Commissioner Haase said it is not a top organization and has tiny acreage, so it is not a poster project. He saw it ranking, but not as high as some other projects.

Commissioner Warshauer was impressed with the foundation that has a history and interacts with the community immensely. He would like to see Legacy Land funding maintain what they do.

Commissioner Tavares ranked the project in the middle. He shared that they have great leadership, education, and agriculture, but it is unfortunate KS did not choose to purchase although he understands their reasoning. He feels they would do a good job with it and would like to fund it eventually.

Vice-Chair Abbott affirmed the organization and encouraged them to close the first funding to be a legal landowner. The ask is a lot of money for a small property, but he sees it being most ready for development.

Commissioner Wiltse also felt strongly about purchasing the property, but has too many in higher categories to meet the budget.

Commissioner Kawelo voiced that she loves the project and knows what it's like to want to manage a similar property but not have control over the parcel. She spoke that the transaction could set the stage for future acquisitions of similar situations. She ranked the project in the middle.

Commissioners filled out ranking forms and passed them to Chair Menard.

Chair Menard and Mr. Penn tallied the results.

FUNDED

4.F. PIA	1.1 MIL
4.A. KAPANAIA	1.4 MIL

4.G. MOKAE-MAKA‘ALAE	1.6 MIL
4.C KĀNE‘OHE TO PALI-LO‘ I	2.3 MIL
	\$4,444,125
4.E.I TNC HO‘OMAU	2.9 MIL
4.H. HALULU	2.9 ML
4.E.Z DLNR HO‘OMAU	3.1 MIL .
4.B. HALOA ‘ĀINA	3.7 MIL
4.D. WAIKALUA LOKO I‘A	4.0 MIL

Two rankings did not give the same for TNC and DLNR easement.

ITEM 7. Formulate recommendations to the BLNR for grant awards.

Commission must recommend that the board approves a contingency if awardee is unable to receive the funds. Who would that go to?

A motion is made to vote for Halulu to be the contingency.

Commissioner Tavares, Commissioner Wiltse, Commissioner Kawelo, and Chair Menard for. Vice-Chair Abbott opposed.

Commissioners discuss partial funding and the ranking of the two Ho‘omau applications to be joined.

Commissioner Haase moves to put Ho‘omau as the contingency in five ranking slot to use any unused funds.

Chair Menard makes the motion to use as contingency Ho‘omau as an alternate, then Halulu, then Haloa, then Waikalua Loko.

All were in favor.

Mr. Penn announced the next application period would open in January of 2019 and Legacy Land expects we will be able to accept applications for up to approximately 3.5 million dollars for fiscal year 20 and 21. Next meeting will be sometime in May. If anybody has a strong preference, let Legacy Land Staff know.

Meeting Adjourned at 4:15 PM