

2018 Legacy Land Conservation Commission Minutes, Meeting 62
State of Hawai'i Department of Land & Natural Resources, Division of Forestry & Wildlife

DATE: December 10, 2018
TIME: 9:30 AM
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)
Leah Laramee (Native Ecosystems Protection and Management)
Casey Ching (RCUH)
Lissette Yamase (KUPU)

Malia Nanbara (Forestry, as applicant)
Tanya Rubenstein (Forestry, as applicant)

Julie China Department of the Attorney General, Land Transportation Division
Malama Minn Department of Land and Natural Resources, Land Division

PUBLIC:

Tawn Speetjens (Haloa 'Āina)
Lea Hong (The Trust for Public Land)
Laura Kaakua (The Trust for Public Land)
William Kucharski (County of Hawai'i – Department of Environmental Management)
Michelle Sorenson (County of Hawai'i – Brown & Caldwell)
Kamaile Rafaelovich (Ho'omau Ranch)
Wade C. Lee (Haloa 'Āina)
Justin B. Lee (Haloa 'Āina)
Fred Cachola (Kohala Lihikai)
Toni Withington (Kohala Lihikai)
Beth Robinson (Hawaii Life Real Estate)
Scott Crawford (Ke Ao Hali'i)

Robin Rayner (Ke Ao Hali'i)
Kawika Burgess (Hawaiian Islands Land Trust)
Irish O'Hara (Ke Ao Hali'i)
Loretta O'Hara (Ke Ao Hali'i)
Keoni Fox (Ala Kahakai Trail Association)

MINUTES:

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

Chair Menard called the meeting to order with the sounding of the pū and acknowledged that Vice-Chair Abbott is not present but will be joining late. Chair Menard recognized Mr. David Penn who stated that the meeting was properly noticed and quorum was present. Mr. Penn announced the vacancies that will exist on the commission following Chair Menard's departure. Commissioners introduced themselves, followed by program staff and the public present.

ITEM 2. LLCP 17-01 Waikapuna, Hawai'i, Tax Map Key Number (3) 9-5-007:016. Recommendation to approve amendments to the grant application from Ala Kahakai Trail Association (reduce the area covered by a conservation easement) and to the grant agreement with Ala Kahakai Trail Association (add revenue sharing provisions specific to condemnation scenarios) that will facilitate a contribution of matching funds from the County of Hawai'i.

Ms. Laura Ka'akua, Mr. Keoni Fox, Mr. William "Bill" Kucharski, and Ms. Michelle Sorenson introduced themselves before speaking about plans for a wastewater treatment plant to be built on the Waikapuna property that the commission recommended to BLNR to receive funding last year. Ms. Ka'akua stated they were aware the county was looking at potential sites for a Na'alehu wastewater treatment facility and addressed it in the application but did not think it would be on their property when they applied for funding. Two other locations received push-back from the community due to having culturally sensitive sites or being near a school. The county is now looking at the most mauka portion of the Waikapuna property, previously disturbed by ranching and other activities, to build the plant.

Mr. Fox mentioned being aware of the county's situation and shared the passionate community response to the other locations being considered, one of which were Makahiki grounds. Mr. Fox spoke of the community's willingness to consider how to accommodate to the wastewater treatment facility without compromising protection of resources and believed it could work due to their knowledge of natural and cultural resources in Waikapuna. The community currently uses large capacity cesspools so a wastewater treatment plant benefits the overall health of the community and natural systems.

Ms. Ka'akua stated they are targeting the end of February to close the purchase allowing land to be owned and stewarded by Ala Kahakai Trail Association with State Legacy Land deed restrictions. The original application had the County of Hawai'i hold the conservation easement of the entire TMK but that does not allow the County to pursue this location for the Na'alehu wastewater treatment. They want to exclude 30 acres from the County conservation easement to allow the Department of Environmental Management, another County branch, to continue

exploring whether Waikapuna is suitable for a wastewater treatment facility. The underlying land will still have Legacy Land restrictions and the County will be providing remaining funds needed for purchase and the conservation easement.

Ms. Sorenson shared her involvement with the community aspects of the project including interactions with Mr. Fox, Ala Kahakai Trail Association, and other community members of Na‘alehu. She explained that historically, houses were turned over to the community by the sugar industry including their large cesspools so wastewater flows into the ground untreated and the County is mandated to close these cesspools. The County looked at 32 sites and went through extensive siting analysis to address social, environmental, and cultural concerns along with suitability for a wastewater treatment plant. After cultural studies were performed in April and possible locations were met with opposition, the site analysis deemed the mauka portion of Waikapuna the most suitable for the Na‘alehu wastewater treatment plant.

Mr. Kucharski backed up this site selection by informing that soil conditions are only suitable for tree growth in this area, which is needed to take up nutrients from the waste water. In addition, the layout of the treatment facility will include aerobic ponds, engineered wetlands, and trees that will take up water and nutrients. They aim to utilize as many local/native plants and trees as possible. Engineered wetlands of similar treatment plants attracted endangered birds such as the stilt, coot, and Hawaiian tern. The exclusion area is about 30 acres to allow for some movement, but they plan to turn the leftover land back over. The County emphasized that it is only a proposed site and they still need to undergo the HRS 343 process and conduct an EA (environmental assessment). Mr. Kucharski then highlighted that it is rare for a conservation group, property owner, and the County to be on the same page and commended everyone involved for being willing to think outside of the box on the issue and requested the board’s approval for this project.

Chair Menard opened the floor up for questions and asked Ms. Ka‘akua to clarify that Ala Kahakai would continue to be landowner of the entire TMK but 30 acres would be carved from the conservation easement and Ms. Ka‘akua confirmed. Chair Menard inquired how the new project might impact the resource use previously proposed and Ms. Ka‘akua responded that resources in this area are not culturally significant or of significant habitat value due to many years of disturbance from ranching use. She also reassured that the community and Ala Kahakai would have input in the planning process so no cultural resources are harmed and that most are along the coastline near the fishing village. Ms. Sorenson added that a preliminary map of cultural sites in the area was available and all known cultural sites were considered and avoided during the preliminary planning process.

Chair Menard questioned who would be responsible if a habitat conservation plan would need to be developed and Mr. Kucharski spoke of an example in Kealakehe where the County has an agreement with Fish and Wildlife Service under a predator control contract protecting endangered bird species and a similar situation may happen in Waikapuna. Chair Menard clarified that it would be the County’s responsibility to work with Fish and Wildlife.

Commissioner Wilson asked how Waikapuna ranked on their analysis of 32 sites and Ms. Sorenson replied that it was the top choice after honing in on the conditions of the soil which allow disposal of the water with tree groves.

Commissioner Wiltse commended the County for this project and questioned if it's a secondary treatment site and if there would be an injection well for back up disposal. Mr. Kucharski confirmed it would be a secondary treatment plant and though there are no plans for a back-up disposal, the way the site will be designed should allow plants and trees to exist under very wet conditions with the issue being how they handle additional rainfall, drainage, etc. Ms. Sorenson added that drainage issues will be incorporated after the time of design with no flow offsite, but onsite and offsite drainage designed storm events not less than the 100-year flood.

Commissioner Wiltse asked if the individual homes not using large capacity cesspools also have access to the new plant to which Mr. Kucharski explained that the plant will be able to sewer all existing community, homes, and commercial properties with room for more.

Commissioner Wiltse expressed support for the project but concern with how the Legacy Land funds will be used and Ms. Ka'akua responded that Legacy Land funds would be used to contribute 2 of the 6 million dollar purchase with the County providing remaining funds through purchase of a conservation easement. If the environmental review process deems Waikapuna the best choice, the County will subdivide the purchase of the specific area, pay the appraisal value, and the portion that State Legacy Land contributed to the overall purchase would be returned to Legacy Land. Thereby, Legacy Land funds will not be used to purchase land for the County's wastewater treatment facility.

Commissioner Haase asked about the possibility of the County condemning the property and how that may affect the disposition of interest and Legacy Land grant agreement payback. Ms. Ka'akua expressed that they are unsure of the process but hope to have an agreement in place to assure that payback would occur in the event of condemnation. They are confident Trust for Public Land and Ala Kahakai would sign such agreement. Commission Haase noted that it would be good for the program to work through this so they can be covered for future situations, but agrees with their current plan to proceed.

Commissioner Haase inquired about possibilities for the water to be repurposed for other restoration activities. Ms. Sorenson replied that it is possible with current technologies but the current engineering report does not plan for that. Mr. Kucharski added that it is much more expensive to do so but they are planning the system to allow for that possibility in the future.

Mr. Penn informed the group that condemnation is not explicitly covered in the statute so a side agreement with the County is needed unless it's a friendly purchase and sale wherein usual disposition requirements would kick in and have to be approved by BLNR with normal revenue sharing being applied.

Ms. Ka'akua shared a potential solution for the future, from Commissioner Warshauer, that the County also purchase an entire adjacent parcel, mauka of the Waikapuna parcel, that includes portions of the Ka'ū Field System. Originally, the County was planning on purchasing just a portion of this parcel for the wastewater treatment facility. However, acquiring the entire parcel

would be a way to conserve more of the cultural landscape of the area while giving up the disturbed landscape.

Commissioner Warshauer moved to recommend approval of the amendments to the grant application and grant agreement with Ala Kahakai Trail Association. Commissioner Wilson seconded. All were in favor.

Mr. Penn noted that the Chairperson of the Board of Land and Natural Resources will be delegated the authority to do what is necessary such as making agreements with the County.

ITEM 3. Review the process, priorities, and criteria for forming recommendations to the Board of Land and Natural Resources regarding applications for funding (HRS 173A-2.6 and 343-5(a); HAR Sections 13-140-22, -37, -38, and -39, and 11-200-8(a)(1), (b), and (d); DLNR Exemption Classes 1.45 and 1.49).

Chair Menard recognized Mr. David Penn to go through the process of forming recommendations to BLNR with the Commissioners based on the applications for funding.

This included:

- Items in the commissioner's packets including a worksheet with the components of the governing statute and governing administrative rules for the Commission to follow regarding process, priorities, and criteria for forming recommendations.
- The ranking process and form used, including how to rank Ho'omaui which was presented on two applications.
- The availability of 4 million dollars for fiscal year 2019 to be encumbered for Legacy Land grant awards.
- The standard operating procedure of recommending that grant funds be awarded in the order ranked for full funding as funds are available in lieu of partial funding.
- Chair Menard questioned the ranking restriction of only putting one application at a "5" on the ranking form and Mr. Penn proposed other options such as stating "We absolutely do not recommend funding for these applications."
- Commissioner Warshauer inquired about allowing partial recommendations and Mr. Penn responded that it might appear unfair to the ranking process and that BLNR may be concerned. Commissioner Haase added that it might appear as spreading out the State's investment to increase leverage from additional partners and the amount of acreage affected by awards. Commissioners discussed the possibility of changing these guidelines to their decision process and Mr. Penn closed the discussion by saying if changes are to be made, the Chair should be present to explain the circumstances to BLNR.

ITEM 4. Field Visit Reports from Permitted Interaction Groups. Pursuant to subsection 92-2.5(b), HRS, paragraph (1), each Permitted Interaction Group will present its findings and recommendations on the application that it investigated. Commission deliberation and decision-making on each application investigated will not occur until Meeting 63 of the Commission, scheduled and noticed for 12:45 PM on

December 11, 2018. The Commission requests that public testimony about each application be submitted/presented for Meeting 63, Item 4, rather than for this item.

4.A. Chair Menard recognized Commissioner Kawelo to report for the permitted interaction group that investigated Kapanāia at Kohala, Hawai‘i, with the County of Hawai‘i, applicant:

- Total acreage is 83.096 acres including 2 parcels, (3) 5-2-007:004 and :027. The larger parcel is 74.7 acres and smaller is 8.4 acres along the shoreline. The acquisition type is fee purchase and the applicant requested \$1,452,000 with the estimated land value being \$2.9 million.
- Commissioner Kawelo led the field visit on December 3, 2018, with commissioners Tavares, Abbott, and Haase.
- Commissioners met Ms. Maxine Cutler, County of Hawai‘i Finance Department, and members of the community including Mr. Fred Cachola, Ms. Toni Withington, and Ms. Beth Robinson. They traveled to Kapanāia and listened to the stories and history of Kamehameha I’s ‘āina hanau (place of birth) as they drove on a dirt road along the coastline, formerly a railroad track.
- Cultural sites such as Kapalama Heiau are present. Commissioner Kawelo noticed some waterborne rocks through the tall grass and a slightly elevated face of the heiau. The heiau measures 347 ft by 314 ft and is known to be largest of 26 documented archaeological sites on the property.
- There is a beautiful view of the Kohala coast from Kaheo Point. Nearby, native plants such as ‘ākulikuli, kīpūkai, and ‘ilima were seen. On the shores of Kapanāia Bay is the stream mouth of ‘A‘amakāō gulch. The streams of ‘A‘amakāō and Wiliwai provide important estuarine habitat for native ‘o‘opu. Further up the gulch are remnants of old lo‘i terraces.
- Many Kohala natives value the resource and learned to surf at Kapanāia Bay. Kamehameha the 1st spent formative, learning years at Kapanāia and Kapalama. Many community groups, working together, are committed to protecting the Kohala coast, a historical corridor and landscape to preserve the story of Kamehameha I. The community also has plans to build a center on the property honoring the ‘āina hanau of Kamehameha I.

4.B. Chair Menard recognized Commissioner Tavares to report for the permitted interaction group that investigated Haloa ‘Āina: Royal Hawaiian Sandalwood Conservation Easement at Kona, Hawai‘i, with the DLNR Division of Forestry and Wildlife, applicant:

- Haloa ‘Āina applied in the past. Total acreage is 2,780 acres for 3 parcels and the acquisition type is conservation easement. The estimated land value is \$8,450,000 with an estimated total project cost of \$4,250,000. The funding request from Legacy Land is \$1,000,000 and the estimated funding match is \$3,250,000.
- The commissioners visited on November 21, 2018, hosted by Mr. Justin Lee and Mr. Tawn Speetjens of Haloa ‘Āina. Commissioners present were Commissioner Wiltse, Commissioner Kawelo, and Commissioner Tavares as lead with Ms. Tanya Rubenstein of DOFAW.
- The group toured the greenhouse with Mr. Speetjens, who oversees the conservation replanting operations. They discussed work being done in nursery—including developing koa, sandalwood, naio, and māmane—and insect difficulties such as thrips.

Thrip resistant varieties of native plants were discovered and are actively being spread. A symbiotic relationship between koa and sandalwood inspired a method to establish both, supporting healthy growth of sandalwood.

- Few sandalwood/koa outplantings survive due to damage by ungulates such as feral cattle, sheep, and pigs. Fencing is now complete with ungulates removed so the forest management plan of 5,000 outplantings per year will be more efficient.
- Haloa ‘Āina leases over 1,000 acres from Kamehameha Schools properties nearby, where Haloa ‘Āina also conducts conservation activities including fencing and ungulate removal. Through advanced technical work, they only harvest from dead/dying sandalwood trees, which are only found on the leased lands. Extractions of oils and other products are Haloa ‘Āina’s only source of revenue which they use to regenerate sandalwood populations and other native trees. Without funding for debt servicing, lack of dead/dying trees on owned and leased property will force the sandalwood extraction revenues to cease. To debt service this would be to ensure that Haloa ‘Āina can continue to do conservation work of replanting of sandalwood, and māmane, koa, and other varieties.
- Commissioner Wiltse emphasized the regeneration of sandalwood from cut trees.

4.C. Chair Menard recognized Commissioner Wiltse to report for the permitted interaction group that investigated Kāne‘ohe Pali to Lo‘i at Ko‘olaupoko, O‘ahu, with DLNR-DOFAW, applicant:

- The area is privately owned by Koolau Land Partners. DLNR-DOFAW wants to acquire the land which spans from the Pali to the H3, above Ho‘omaluhia Botanical Garden. The total acreage is 948 acres and acquisition type is fee simple. The total project cost is \$945,000 plus \$33,000 in administrative costs. The Legacy Land request is \$500,000 with a pending match from U.S. Fish and Wildlife Service. Commissioner Wiltse led the field visit with Chair Menard, Commissioner Warshauer, Ms. Marigold Zoll from DLNR-DOFAW, and Ms. Laura Ka‘akua from Trust for Public Land.
- The group started at Ho‘omaluhia looking up at the Pali, then walked into the forest to see historical lo‘i and ‘auwai, then went to the Pali look out and viewed the parcel from that area.
- The land is valued in many ways. It is habitat for native and endangered species (endangered species survey was not conducted in the area but the potential for endangered plant and animal presence is high). The area serves important watershed functions including infiltration of rainwater and recharging aquifers for water supply. There is cultural value due to cultural and archaeological sites throughout the area, including several streams coming down the Pali with historic systems. There is recreational value due to unique aesthetics that millions of tourists go to Pali lookout to see.
- Imminent threats are the owner’s plans to develop a subdivision much like the lower parts of the land. Mr. Mark Stride is a farmer who lent stories of the area’s history and his family’s many generations of experience on the land to commissioners. There is a lot of cultural history but lack of protection and management.
- Commissioner Warshauer added that waters coming out of the northern third are particularly valuable because they feed water to a sloped area with the potential to establish lo‘i that historically provided a lot of resources for people living there. Though

the lo'i are left idle, there is stone remaining and they can be opened up and with community involvement progressively over time. For this, community interest is strong.

- Commissioner Wiltse emphasized that in the past she assumed the Pali were State lands never realizing they were privately owned and would like to see them protected under state leadership.

4.D. Commissioner Wiltse continued to report for the permitted interaction group that investigated Waikalua Loko I'a Conservation Easement at Ko'olaupoko, O'ahu, with the Hawaiian Islands Land Trust, applicant.

- Waikalua Loko fishpond seeks a conservation easement with the applicant, Hawaiian Islands Land Trust for the Pacific American Foundation. The asking price is \$1.8 million and the Legacy Land fund request is \$900,000 with a match of \$925,000 they hope to obtain from the City and County of Honolulu Clean Water and Natural Lands fund.
- Commissioners present were Chair Menard, Commissioner Warshauer, and Commissioner Kawelo. Mr. Kawika Burgess with the Hawaiian Islands Land Trust and Mr. Herb Lee, Mr. Louis Perez, and Ms. Roz Concepcion with the Pacific American Foundation. The property is adjacent to heavily developed areas including a sewage treatment plant and a golf course. Historically the fishpond was much larger and drainage was from Kāne'ohē and Kawa stream.
- The property is currently in the process of being purchased by the Windward Church of the Nazarene, but the Pacific American Foundation (PAF) with Waikalua Loko has a long-term lease and purchase agreement of subdivision of parcel which takes place. Thereby, the church has one part and PAF has the other part with the fishpond. Commissioners are unsure of status of purchase.
- Valuable aspects of fishpond are the cultural practices and educational programs by PAF, the aesthetics of a beautiful view of Kāne'ohē looking back to Pali, the open space and shoreline access, and the important watershed functions it provides such as serving as a sediment retention area and buffer for Kāne'ohē Bay. It is a designated state historic site dating back to around 1650 and is a frequented habitat for native waterbirds such as the Hawaiian stilt. PAF has plans for future aquaculture production. Signage around the site provide educational information about the architecture and history of fishpond, and native and introduced plants. The fishpond struggles with invasive species such as mangrove.
- The purchase is underway, but the conservation easement will ensure the area continues to be used for cultural/education purposes into the future. PAF plans for protection for a 400-year period against development pressure on this valuable waterfront property in Kāne'ohē Bay.

4.E. Chair Menard recognized Commissioner Warshauer to report for the permitted interaction group that investigated the Ho'omaui Forest and Ranch Conservation Easements at Kona, Hawai'i, with the Nature Conservancy and DLNR-DOFAW, applicants.

- Commissioner Warshauer led the field visit on November 8, 2018 with Commissioner Haase, Vice-Chair Abbot, the landowner, Ms. Kamaile Rafaelovich (landowner), Mr. Greg Henderson, Ms. Janet Britt, and Ms. Marissa Chee with DOFAW, and from TNC Shalan Crysdale and Mel Johansen.
- The two conservation easement applications are tied into , one will be with The Nature Conservancy (TNC) and one will be with DLNR-DOFAW's Forest Legacy program.

Funding of \$500,000 is requested from Legacy Land (\$400,000 will go to TNC and \$100,000 will go to DLNR DOFAW) with a match from the federal program.

- Ho‘omau Forest and Ranch is the best and last remaining mesic forest at this elevation. Most mesic forests were converted to pasture land. This area has deep nutrient-rich soil for tree growth.
- The purpose of these easements is to promote active conservation management. The region includes a highly endangered tree, mēhamehame, of which there are two individuals on the property. Genetic material from both trees contributed to the small remaining pool across the islands.
- Within the lowland areas, 10 endangered palms belonging to the tallest species of loulu remain, representing 10/12 of the last wild trees of that species remaining. The tallest on the property is over 100 ft. tall and there are footsteps carved into some of the trunks that were clearly done with stone axes and not steel tools. The only juveniles are a few that have sprouted at the base in the last few years. Active conservation management for these trees is needed.
- The impacts of invasive trees on the landscape are severe on the makai parts of the property. Former cattle pasture at higher elevations have been repopulated by native species, such as ‘ōhi‘a, but the makai parts remain heavily infiltrated by strawberry guava and other invasives. The forest needs active conservation measures or the lowlands, then the forest, will be lost.
- Commissioner Haase added that the mēhamehame forest type is unique and the forest restoration and overall forest system is unlike most in Hawai‘i. Commissioner Warshauer emphasized the uniqueness of the forest as well. Both commissioners spoke about the vastness, diversity (19-20 native tree species), and overall size of the trees in the area.
- Commissioner Haase commented that the adjacent parcel on the **lowline** where the enclosure is present has natural recruitment occurring under the paired trees as a result of excluding the ungulates. The greater site could provide potential habitat for the expansion of the native species.

4.F. Chair Menard recognized Vice-Chair Abbott to report present for the permitted interaction group that investigated the Pia Valley Natural Area Reserve at Kona, O‘ahu, with DLNR-DOFAW, the applicant.

- Vice-Chair Abbott described the access to the property by a gated community and the steep hike to the very top of the property where there’s a great view of the Ko‘olau.
- Vice-Chair Abbott, Commissioner Warshauer, Commissioner Haase, Ms. Emma Yuen from DLNR DOFAW and one community member were present for the visit.
- Commissioner Warshauer described the current state of the property including a variety of plants and quality of habitat on the upper 2/3 of the property with very little invasive species and 18-20 native trees and shrubs, some very rare. There’s a native snail present. The native habitat is intact despite a trail through the property that undergoes a lot of recreational use by the public. Elepaio were heard near the upper regions. Commissioners also witnessed people working on predator control for ‘elepaio.
- Lower parts of the property were previously overrun by cattle and colonized by invasive species such as strawberry guava shortly thereafter. Archaeological features such as stone walls still remain in these areas.

- Vice-Chair Abbott shared additional background on the property. It is currently a Natural Area Reserve and part of DOFAW's snail extinction program. It is a critical habitat for 17 species and is designated P1 for the State's Forest initiative and preservation 1 by the City and County of Honolulu Conservation District.
- The parcel meets criteria due to its beautiful aesthetic views of native forest down to the coastline, critical habitat for endangered species, watershed priority, and NARs designation. Commissioners were impressed by the public access. Rough estimates of the car usage noted by the guards of the gated community indicate roughly 6,000 visitors use the site per year. Vice-Chair Abbott did not believe the development threat was real unless owned as a private land and closed off.

4.G. Chair Menard recognized Commissioner Haase to report for the permitted interaction group that investigated Mokae and Maka'alaie Lands at Hana, Maui (Ke A'o Hali'i-Save the Hana Coast, applicant):

- Commissioner Haase, Vice-chair Abbott, and Ms. Malama Minn (Legacy Land Conservation Program) visited the area on November 15, 2018. Mr. Scott Crawford and Ms. Robin Rayner from Ke A'o Hali'i (Save the Hana Coast) greeted the group, along with many community members, including State Senator Kalani English, a big supporter. Commissioners were impressed by the community support for the project, including kūpuna with long legacies of families who could share the cultural history of the place, and students apprenticing with local fishermen and in traditional practices.
- The Hāmoa beach area is a popular access point for community and visitors. The purchase is part of a complex acquisition that ties in 12 parcels encompassing 90 acres. The acquisition relies on Maui County open space funds to purchase a set of parcels that will trigger Hana ranch to donate another set of parcels, together acting as a match to purchase this parcel proposed in the Legacy Land application.
- The parcel starts on the pu'u (peak) and drops down the coastline of Hāmoa, which is currently grazed like adjacent parcels. There is native coastal vegetation along the shoreline and habitat for shorebirds. The small offshore island has a large colony of 'iwa (frigate birds) that roost on it.
- To the east of the parcel are the other parcels being leveraged. Several of the other parcels are encumbered by conservation easements held by Hawaiian Islands Land Trust.
- On the eastern boundary of the subject parcel, a stream that runs through Hana created a massive low-bank open space with that waterfront area. The topography and the fact that it is in Hana means there is a high risk of development pressure.
- The area is used a lot for recreation (fishing, surfing, gathering, etc.)
- On the bank itself are indications of human remains ('iwi) so it was used as an early Hawaiian burial ground. Past the property line on the other leverage parcels, cultural sites are also present.
- Commissioner Abbott added that there was a lot of community support but despite being a Special Management Area, there is threat from builders that may socially impact the community. Commissioner Haase agreed that one lot with a house imposed on the overall open space characteristics. The community desires to protect its open access and use characteristics.

4.H. Chair Menard reported for the permitted interaction group that investigated Halulu at Halele‘a, Kaua‘i (Waipā Foundation, applicant):

- Chair Menard and commissioners Kawelo, Wiltse, and Warshauer; Mr. David Penn from the Legacy Land Conservation Program, Ms. Lea Hong from the Trust for Public Land, and Ms. Stacy Sproat-Beck from the Waipā Foundation visited Halulu fishpond access parcel on the north shore of Kaua‘i on December 3, 2018. The funding request is \$650,000 for fee acquisition, plus a conservation easement, spanning ¼ of an acre for the Waipā Foundation. This parcel is adjacent to two other parcels, the larger is leased from Kamehameha Schools and the other is a previous Legacy Land project. The parcel is zoned as agricultural.
- The parcel provides connectivity to the land and the fishpond. They have poi production on site, a kitchen to provide food and serve to the community, meeting spaces, and extensive community garden. They used to have a farmers market but due to flooding and reduced access to the community, they now have a food fridge where they advertise what is available and continue providing to the community and generating revenue. They raise pigs and have an imu onsite to teach keiki where food comes from. They have a greenhouse for restoration work for their mauka areas.
- It’s a small fishpond fed by Waioli stream, but there are native species present. However, waves washed driftwood onshore and sands eroded after the last few storms. A 3.2 ft sea level rise scenario indicates that the parcel is secure from sea level rise threats.
- It is a valued community space where many youth groups are hosted and music and festivals are held.
- Houses take up large areas of the neighboring parcels, so imminent danger of development is present. There is also utility access and the landowner is looking to sell quickly.
- The application was thorough and the title is quieted. The match is still pending but likely to be provided from the County of Kaua‘i open space fund. The parcel provides access to the coast, is under threat, and would add Kaua‘i representation to the Legacy Land Conservation network.

The Commission adjourned the meeting at 12:20 PM.