

September 6, 2019

Legacy Land Conservation Commission Draft Minutes, Meeting 69.3

*****DISCLAIMER*****

THE FOLLOWING IS AN UNEDITED DRAFT TRANSLATION. THIS TRANSCRIPT MAY NOT BE VERBATIM, HAS NOT BEEN PROOFREAD AND MAY CONTAIN ERRORS. PLEASE CHECK WITH THE SPEAKER(S) FOR ANY CLARIFICATION.

*****DISCLAIMER*****

>> Commissioner: Thank you all for being here. This is 69 of the Legacy Land Conservation Commission. Call coming back to order here at 8:26 on September the 6th.

We are on -- in the interest of time I'm going to move right back into our agenda and make progress on that. So we're on agenda item 4 for applicant presentations and the next one up is for Mapulehu from the Moloka'i Land Trust. Remind the applicants we set aside one hour for the total application presentation and we ask individuals to keep their individual time or presentation and testimony to a -- as short as possible and concise as possible. Just four minutes per presentation. In anyway, we'll try to stick to the one hour total for the application. Okay. What? Oh, David.

>> David: Staff for Legacy Land Conservation Commission. Thanks, everybody for coming in. We do have remote transcription service going on to help us with the minutes so when you're speaking, please speak towards the microphone here, the black ball right in the middle of the table loudly, clearly, slowly and please say your name before you begin speaking so that the transcriber can be as efficient as possible.

There's a sign-in sheet on the back table right there next to where Leah is sitting and attendance is good for our program so please sign in so we can get the best count possible of people who are and we will be breaking for lunch at some point after the three applicant presentations and there is a WiFi password on the board there if you need WiFi service while you're in the room. Here is a map to the bathrooms which are right out the door that way around the fire -- by the fire trucks. For the women just pass the wall and go this way all the way around and follow the guardrail. You know, we also wanted to remind the

applicants that -- we want to remind the applicants one of our purposes here is to clarify and finalize exactly what is in the application, particularly with regard to the numbers for funding. That is 4.3 and 4.4 in the applications and any other things that have come up to -- during the field visits or situations that have changed since you first submitted the application when we go into the discussion making we want to make sure we have to get final complete information for each application because that is what is going to go forward for approval after we go through this process. The public file materials are on the back table. The sub applications, all the materials in the packet and some of the testimony submitted but not all because some came in late and we're still in the process of trying to print it all out. If there is anything in particular that you're looking for that you can't find, please let me know and we'll try to help you find them -- the documents.

>> Commissioner: Okay. We will proceed with the presentation from Moloka'i. Please introduce yourself.

>> George: I'm George. The President of Moloka'i Land Trust. And Commissioners, thank you for hearing us. With us today in the room to present. The main presentation will be by Kali Arce, our Executive Director and I want to introduce a board member and another presenter, George McGregor, probably known to most of you.

We're very excited about this project. I serve as -- in a volunteer position and have responsibility for oversight and direction of the trust. We have nine board members including Davianna and we try for a demographic representation of the greater mow community. My emphasis as I work to recruit and work with board members is always on the commitment of the board members to furthering the Commission of the Moloka'i Land Trust which can be summarized as [NAME?] careful what is best of Moloka'i.

Four of the Commissioners, two were at the site last week along with several representatives of the Land Trust and the community. And as you go from our letter of support, Mapulehu is considered one of the most important sites in Hawai'i name for protection of culture and archeological resources as well as native species.

I know I don't have to convince you on the current and long-term value

of preserving Mapulehu, so my role here today is to take a few minutes Ned. Moloka'i Land Trust is the wide organization to preserve, protect, and restore the property to its historic importance and current relevance.

In the decade that Moloka'i Land Trust has been managing the Mapulehu preserve on the northwest coast of our island that is our other reserve roughly 1800-acre, we have shown how to take planned considered as junk lands and what we have shown is we can restore substantial coverage of virtually 100% native vegetation. That is no small accomplishment for those of you who have not worked with that area.

We've established a -- managed access program that is resulted in more effective and protection subsistence that is appropriate to the resource itself. We have recovered and protected archeological sites including some 17 highways of a summer fishing village, a research showing those date back into the 1500s and we're not done with that research. It is probably older than that. It adds the processing area where they work.

The other thing that we have done that we consider really greatest long term importance is we've created an effective education program that is involved middle and high school students in learning the proper care of the land. And all of the resources of Mapulehu. That is one thing to say Malama and another thing to actually do it and we're showing how to do that. Professional management, but capability of volunteers. As many of you go them, our executive Deputy Director who will tell you much more about Moloka'i and dedicated staff. We demonstrated that we have the capabilities. The management experience and the essential partnerships throughout the preservation and cultural advancement community to -- to make you and the community proud of Mapulehu preserve under the Moloka'i Land Trust management. That is my presentation. I would like to tenor it over to Kali.

>> Kali: Good morning and aloha, Commissioners. Our project fetal of Mapulehu Valley to Summit -- who is controlling the lights? Next slide. Encompasses 1819-acres. Having the largest valley on the south side of the island. Just opposite of the Wilo Valley. The color map -- next slide. It depicts the land area interest while the circle area here is not part of acquisition. The area divides into two management zones, the Mapu lands start as elevation rises from the coastal to the summit. We're referring to this area here.

The agricultural lands and historical sites are in the Maki portions in the Coastal Plain. On the map there is a line that roughly outlines that position. It would be this line right here. Let's look first at the Mapu portion of the land. We seek to get partnership to say improve that has been Saturdays include a number of strengths and endangered species. These partnerships include but not limited to the plant extinction prevention program, east Moloka'i watershed partnership, nature conservatory and DLR (sp). Based on our experience with Mokie and [NAME?] the Moloka'i Land Trust will begin by forming local advisory committees appropriate to each area. From that process we will work out a solid and detailed management plan. It will establish goals, standard practices and prioritize areas to be restored.

On the Mapulehu lands are preliminary surveys indicate that our restoration process will need to focus on the removal of nonnative plants. Some of which are invasive.

We have extensive experience in appropriate methods. We begin with weed-eating grasses, hand cutting smaller nonnative plants around tree to say make them accessible for tree cutting with you also protecting native species that are present on the land. We check as much of the tree as. Would i mass and blow down chip with a 3-inch mulch layer to regrowth the weeds, keep erosion down since Mapulehu is subject to torrential rains. A stumble herbicide is applied to prevent tree regrowth with follow up treatments if regrowth is observed.

Experience at Mapulehu shows the native plants will accelerate water retention and ground water recharge. Next slide.

In the Moloka'i regions of Moloka'i fishing and wildlife list endangered plants and species. These are a few examples that have occurred in Mapulehu. Including the EEV and aqua hiccup birds. It is unknown whether the species persist on the property, suitable habitat renames that -- there that could allow for species reintroductions and conservation management. The most likely path to recovery of 98 plants, birds and other species is a protection of the restored areas to exclude specifically deer, goats and pictures especially in the upper forested areas. As we have done by partnering with bird conservatory at Moloka'i we believe predator fencing and monitoring and elimination is necessary as part of our management strategy.

The poke [sp] fencing by the east water shouldn't partnership program and nature conserve authority extend to Mapulehu. Adding Moloka'i to the protected lands will have fencing efforts that extend the protected area turning now to coastal we can see historical use. The 1931 aerial photo on the left shows agricultural production already occurring on the lower area which included branching fruit orchard, berry, commercial production and dairy operation as shown on this picture on the right.

As with the Moloka'i area we begin by formulating a management -- a management planning in conjunction with local advice comments. We noon reintroduce agriculture in the area to allow them community for sustainable food production. We time work closely with University of College and resources cooperative extension service to develop it. We currently have a conservation plan with USDA and natural resources and conservation service for our Moloka'i preserve and continue to work with them to develop a conservation plan for Mapulehu lands. Next slide.

The lower regions of the site include cultural sites like the Hula bell stone and sacred illi ili opae heiau. Patrick Kirch university, regardless says illi-ili opae heiau -- says this is an impressive site in the Hawaiian Islands because of its size. one of the early scholars, John F.G. Stokes was told that Heiau was very old having been built in the time of Olhu by the heni. Another interesting fact is that anarchical astronomical conveyor of illi ili opae was made this year by Patrick Kirch and his colleague of the University of England reviewed that the main access of the temple platform is oriented so that it corresponds almost exactly to the rising position of the star cluster of kalie as it would have been visible to the east of the site. Both have agreed that temples with such orientations, were likely dedicated to them not necessarily exclusively so. And on the right you can see an aerial photo of what it currently looks like now. Next slide.

Lastly, we'll seek our local cultural leaders and practitioners and form advisory group to provide community input and allow for community to put in hands-on work involved in cultural Mahalo.

>> Speaker: We worked on outline for a management plan. You can use it in your deliberations. It refers to what Kali. It has spoken about and described.

I just wanted to add that if you note on the title that there is 28 Kuleana that are in Moloka'i but they don't know if it is on the property the two parcels or elsewhere. My suspicion it is probably elsewhere how the title has gone from one to the other.

At any rate, one of our implied missions if you read our mission you see what is implied is to reconnect native Hawaiian families in Moloka'i with their accessorial lands. So working with Mapulehu we would endeavor to research those 28 but I teach a class on land use and I'm having my students research to find out what was the testimony submitted at the time that the Land Commission awarded those grants and to see how we can possibly try to reconnect families with -- with these lands. So our intention is not to -- is to hopefully involve communities that -- the families that have connections to Mapulehu in the restoration of the koa as well as in the agricultural activity that we hope to have. There is about a 60-acre parcel that is the flat land with agriculture can be again re-- revived there and connect the families with Mapulehu which is an important to our Land Trust and working with the committee. We'll form advisory committee with the neighboring families as well as families that have a connection with Mapulehu in order to envision how to restore it and to also have it become more functional agricultural area and then to work with the other agencies, especially with the east watershed partnership to do the conservation work in the upper areas and the ridge over boo [NAME?] and the back end of the valley of the Mahama.

>> George: I wanted to wrap up that we're very committed to this project and we're very excited about it. There are a lot of moving parts. Steve is going to address a lot of the parts and Davianna put some of the parts on the table already but we believe this is a highly feasible project and we're very dedicated to pulling it all together and making it happen.

Once Steve is complete with his we'll make -- make ourselves available for questions as long as appropriate. Steve.

>> Steve: There are some questions on title here and as of -- in July we were not going to apply. We had a title report from TG that said giant letters are a broken title. So on July 15th that is in your package along with the title reports we got an e-mail from the real estate from the seller the property is

listed for sale proposing two alternatives for title guarantee which we said would result in clean title. The first was they had a quiet title judgment in 2010 which excluded 2 Kuleana parcel and according to the title it should not have been excluded from the judgment. They suggested that the landowner do an administrative correction to the judgment.

The plan B on the title guarantee it just removes the two Kuleana from the description and issues it there. The Moloka'i Land Trust is going to go with plan B. That is remove those 3-acres from this application because it does not want to be associated with quiet title action.

With that said, nobody has control over the landowner who is selling the property. They're going to move forward to correct the judgment which they probably will. But for our purposes for today, we're going to reduce the acreage of the acquisition by about 3-acres to remove the 2 Kuleana parcels. Our appraisal doesn't think it has a substantial effect on value because we're talking about the agricultural part. The 70-acres, 800 -- 665. He doesn't think it has a substantial impact on value.

The other very loose end 23 land Commission awards patents that might or might not be on the property. A surveyor, Davianna knows maybe they are not but I think we need to assume for the sake of this application that they are. Because we don't want to come back and say, oh, oops. So assume for the sake of your decision-making that these land Commission awards are on this property.

Now, what does that mean? Our appraiser doesn't think it means a whole lot. They're going to be a small parcel here and there. Nobody has come forward to make claim to them. We're not trying to do a housing development. It is going to be agricultural land. The plan for the Moloka'i trust as the Professor said is to encourage students to find these people and find these families and reconnect them.

So you're reading a lot about Kuleana parcel in the media and people putting up walls and try to keep the Kuleana out, let's find and find the people and say, you know, she can talk about it a lot better than I can. But we want to make sure that you're aware that these issues exist and take on your questions new because we don't want to come back if rank we want to be fully transport.

Also in the title report, in my -- mind you we are been doing for 45 days. I have another project with the state where we have spent a year on the title report n 45 days, we're trying to work through everything. You'll see on the title report a unilateral declaration by a landowner to do a farm planned. Reason they're doing a farm plan is to build a house. The house never got built. The farm plan never got submitted. The landowner is working to take that off title but current presently it remains on title.

I think that is all I have. But I'm sure you have some questions so please.

>> Commissioner: Steve, could you review the request dollar amount near legacy land and match or whether that is confirmed?

>> Steve: Appraiser gave us a range that could go as high as 4 million. We're not confident it is going to reach 4 million. I think we would like to adjust our price down 3.7 for the total project cost. We will -- while the property value might be lower, we're probably going to incur in-kind costs for Professor McGregor's students and other interested people to track down where the Kuleanas are at. We'll reduce total project cost down to 3.7 million where. This affects the match is 1.8 million from the US Fish and Wildlife Service which we feel very good about. We're the only application from the state of Hawai'i this cycle --

>> Commissioner: Which?

>> Steve: Recovery land acquisition program because the portion of this property -- do you mind putting up the slide of the map?

>> Kali: On page 17 there is a map of what we submitted.

>> Steve: Once you start getting further back here there is still pig damage it is not perfect. You have probably flown over a few of these. There are definitely pockets where there are endangered plants and probably more and with this fencing unit that the state is doing and watershed partnership is doing currently stops here. Somewhere in here. And with Moloka'i Land Trust acquisition they would work with the watershed partnership to finish this fence line across meaning you could get control of this area, control the pigs and deer and restore native plants. None of this is agricultural. The agricultural land is down here. It is not exacting agriculture. Legacy help it would be more water.

We submitted a proposal to US fish and wild service to help recovery primarily of 98 plants because we know from surveys they're at least two endangered species of native plants found in recent years. Other ones are historical and nooks and crannies all over. As far as the forest birds probably not there. Probably all dead.

But there is still the habitat that remains to restore them. A combination of factors and Rick would be a lot more knowledgeable than me as to where why there are not the rare forest bird there is but the habitat exists for their recovery.

So that's -- and we're the only one who has applied. We've done numerous Federal requests for money from section 6 recovery program and Hawai'i always does pretty well. Since there is no other application from Hawai'i we feel very good about the 1.8 million from the Federal Government

>> George: We also have a strong letter of support from fish and wildlife.

>> Steve: For this proposal. The other match would be county. Kal. It has reached out to the county gave them a heads up. We don't have any indication as to the receptiveness yet but we're going to submit a pre-proposal very soon and do an ask and work with the community. This is going to be a huge community work. Moloka'i Land Trust excellent community people and with the trust land we have Lea Hong and Romba help. (sp) who also will help with the engagement and work out and the Chief Executive Officer of the Hawaiian Land Trust that holds the easement on this property and she has offered her outreach and having worked with her in the past she's one of the best people I have ever met at doing community outreach. Let's not forget Dr. Loui you're familiar with him. He's in the community. A very, very well respected person.

>> George: If I can also add on the county that butch and I have met with the Mayor and here's very excited about projects that leverage their dollars so he's very encouraged about this kind of thing so if we brought the kind of leverage that the two other funders are there he's pretty supportive. Although we have not gone through the process and we have to work through all of that at the top of Maui County there is somebody who is very respectful.

>> Steve: With respect to changing our ask, our leverage is currently original application was something like 29% of the total acquisition cost that came from Legacy Land. Is that right, David? You're a numbers person. I think it is something like that.

>> David: Thirty-two.

>> Steve: Thirty-two. If Commissioners feel we should take a reduction in the overall ask based on the overall cost going down, we feel that \$100,000 might be an appropriate reduction. If you have any suggestions or ideas on that, we're all ears. I still think with our original ask our leverage is still really, really good on this. We're willing to reduce it down to a 1.1 million ask and then try to get a little -- a little more out of the county and for maybe some private funders who are initiating contact with -- I think they're probably going to be some questions so please --

>> George: Many moving parts. That is why we're here to address all of these.

>> Steve: Let me deal with questions and then you can come up.

>> Commissioner: Just a tiny question. Is the county putting water fund money -- did you submit that or just talked to pertinent parties?

>> Kali: I reached out to the office of economic development who I found out that they were going to take on the open space funding. They have not had decisions on how they want to make the process so it was just a discussion and they're open to taking proposals in any form that we would like to give them.

>> Commissioner: Thank you.

>> Commissioner: I'm not familiar with all the issues with respect to Kuleana lands. Perhaps you could educate me a little on this. I'm a little unclear. As I understand you have identified three parcels that are already designated. Are those in the surplus or is there something different?

>> Davianna: There are two parcels. Total 3-acres. On the title report they're mentioned as being excluded in the lower portion. So they would be excluded. The family -- somehow the judgment was unclear and they're trying to get it rewritten so it reflects that the property is no longer to be excluded but from our point of view, we would like it to be excluded because we're not interested in denying people their connection to those lands. We

would water -- acknowledge that and honor that.

>> Commissioner: Another place you mentioned 23 land --

>> Davianna: I wrote it wrong. 23.

>> Commissioner: So those are -- you have indications that they exist. You haven't yet identified the landowner. Is that right? Who do you --

>> Davianna: The turned up in the title report. They don't know -- within Mapulehu but they don't know if it is the 2 T case and may be in Makia and they just don't know where it is. But it exists. There has been no active seeking to have it acknowledged or surveyed or anything. So we want to look into that and see if we can find out where it is and my guess is it is probably outside of the property more so because of looking at this other report that Steve Emmerger did and how the whole aqua was granted. It ties at the time of the Maheli and it would seem unusual they would give up a royal patent for the whole aqua and the other patents unless that is how they worked it at the time. From that document it seems like it is outside. They're not -- no one knows and we want to do the due diligence to locate them.

>> Commissioner: I thank you for acknowledging this effort. Then what will happen if you identify who those people are and the location of the property, how will that have been? Let's say it is in the property.

>> Davianna: Our boundary, good and I'm not sure why the other boundaries would co-exist. At any rate, we would want to involve them in the process of managing the land and if they want access to it, afford access to it as well. And that is participate of the responsibility anyway when you acquire to afford access to any Kuleana owners as well as native Hawaiian access rights for subsistence and cultural purposes which of course is very important with regard to EEI to afford appropriate access for protocols and ceremony and had keo observations such as what [NAME?] has been doing and then there is also our responsibility provide -- there is no public access to the Wi lol trail owned by the State you have to access through the property to get to the trail where this trail starts. We have that application to afford that access as well.

>> Commissioner: Our commitment is to respect the rights of access but, also, to make sure that we have a relationship in which responsibility is understood so that whatever -- whatever claims are made it is not something that will deteriorate but be restoration, preservation and on-going value for culture subsistence.

>> Davianna: If you have someone that has not lived in Hawai'i but

just titled they might try to block access and not acknowledge the Kuleana owners. You have a whole different scenario if a private owner gets it. This will not honor those relationships for the access points so from that point of view it is really important that the Land Trust be able to acquire the land now that it is being put up for sell to protect those rights.

>> Commissioner: Thank you. Yes.

>> Commissioner: Sorry I'm going to go --

>> Jacob: Jacob Tavares. I'm going to go back to the conversation with the county. I want to make sure I have a good understanding. It says here that an applicants was submitted for the clean water fund then you mentioned that you had conversations about the open fund. So has an application been submitted for the water pump?

>> Davianna: To the open space fund or the clean --

>> Jacob: On that.

>> Kali: That would be my mistake. I had it down as that. That was my bad.

>> Commissioner: The water fund was a mistake.

>> Commissioner: On Oahu it is called clean water and natural landscape or something like that.

>> David: I can add something to that. Maui County is reformatting its fun. Scott Fretz was here yet the DLNR designee for the planning committee being put together. My understanding is that it is transitioning to be something more like the city and county process than what it was before.

>> Davianna. Two weeks ago she was working on submission and that is why I changed it but it is --

>> Commissioner: Currently the only application submitted is fish and wildlife.

>> George: That is correct.

>> Davianna: And this one.

>> Commissioner: Any current management on the property, any current on-going activities hunting --

>> George: The property owners have their way of doing it but it is just their wave doing it. They do allow access for hunting. Managed -- we wouldn't call it managed but I think that they do. They gate it and they -- the trails are maintained enough that they go back, a gator back into the most of the lower grounds. So there is -- there is presence there. It is not just a piece of

ground sitting there.

>> Commissioner: Is that the only presence --

>> George: I believe so. I don't think there is any gathering.

>> Davianna: There is white out trail and people go and visit and -- which is not -- which is not known. I'm sure there are.

>> George: They don't manage that. The owners don't have any access.

>> Commissioner: Access to water for the time -- for that portion, for their water meters or anything on that property?

>> George: There are two wells that appear to be -- yeah. Could be restored. And they are -- they are apparently -- according to the owner they're permitted. Properly entitled.

>> Commissioner: That is all I have. Thank you.

>> Commissioner: Could you tell us about the present ownership and the urgent -- seems like it has been held by a family for a while and --

>> Davianna: This is a good way to enter the testimony of the doctor because Lee has been around them and --

>> Doctor: [away from microphone] I have worked for 40 plus years. I'm one of the founding members. And I have been able to kind of like set up the Koolani which have been really blessed to talk like -- to practitioners and I'm also with the trust public land and probably the oldest board member, advisory board member. What I have blender this whole process is through Kali and through Laura and it is an opportunity for community work with various projects. This opportunity what has been able to -- public land has been able to and my old project [away from microphone] is something that is really focused on.

The model for ill illi opea is [NAME?] in Hāna because they gave the land to nonprofit. The largest was restored by the National Park Service. You walk into this whole peninsula. You're coming into rows and rows of trees from the pacific and that sets the tone and discipline go and practice or go and worship or just to go and connect with people lani and lono and all the other major environmental Gods that are there. It is kind of thing that would bring Moloka'i together and to really leave a legacy, invite another generation.

There are very few organizations that take care of sacred places. You know, that is important. What we're able to do at Puna was trust the public lands was to be able to find the money to say purchase the property from estate who made the land switch for Kaholla and [NAME?]. Puna for us. Amazing

thing. Found by trust public land and purchased the acres but not enough money. We had to go to office one affairs and now, the officer of fares holds the title to this forest but management of that forest is almost up to a quarter million dollars. They're kind of like why should we get this man to have manage. This is the second land to come to the Hawaiian nation. Like [NAME?] is the first land go to the Hawaiian nation once that nation is recognized. The excitement is real. The prosperity is real. The passing down all that we have been able to set up for this generation is real and knowing [NAME?] better than the best is why we're bragging but we have to prove it. It is an opportunity and I'm really thankful for come and explain some of my involvement. It is kind of like the commitment I have had ever since I lived in the area called Kalooha. Which is adjacent to Mapulehu.

The sense that we have had is that ill oleo is known as sacrificial kind of -- well, practice there. But it is more like makaheko and lono and heli and once we begin to kind of figure out the history of that and the place, we can start looking at planning and how to rededicate this for our own uses and maybe the use is going to be a pillar and look at climate change. Maybe the area to kind of like call lono how we do in Kahola Bay to help us green the area. Bring the clouds and bring the rain. Raise the water table and let nature take its course. This is all kinds of experience and happy to see it come home, share and your support, your coco, your pip whatever alam too. This opportunity is much appreciated.

>> Commissioner: Can you explain about the family -- the family's connection and generations and --

>> Doctor: I'm kind of a metric Hawaiian native Hawaiian medical student, pre-med student. I passed down his testimony that was submitted and look at the opportunity to carry on that legacy for his great-grandmother. Pearl Meyer Petro. Lost it and brought it back and in between was all of this other mess that we have to clean up. And hopefully, you know this, Kuleana thing fit the standard and how other property owners especially what is happening kind of like people who went to all those areas. How to really reach out and make sure that the family is -- has met their responsibility and having those accesses and having shared opportunities to kind of prove upon the land and more like how to grow upon the work or preservation and protection and part of its own land and movement and blond it, too. Okay. Any questions? Thank you.

>> Commissioner: Are there any further questions for the Moloka'i

Land Trust? I thank you and hope that you -- your deliberations are successful, thoughtful and come out in our favor.

[Laughter]

>> Commissioner: We'll take a short break. David will do what he needs to do as always. Time is 9:13. Is five minutes sufficient?

>> David: Should be good, yes.

[5 minute break]

>> Commissioner: We are back in session again. It is 9:26. Thank you, everyone, we are ready for the -- the discussion of the Maka'alaie Lands by Ke Ao Halii and others. So I'll turn it over to Robin. I remind everybody to speak up and identify yourselves with weapons and stuff.

>> Robin: Thank you. Hello, everybody. We're really pleased to be here today. We are Ke Ao Halii, Maka'alaie. We have our chair, Scott Crawford and our treasure, Dalono and a number of board members. Can I see raised hands of board members, please? Chad. Hand up. Okay. So we have a number of board members with us. Today we also have one person we are -- by the way, we do require more than 50% of our board members to be bilateral and that is by our organization and the person who is missing here today is John O'Hara. Irish. He's off island. But he has included, sent us his family so can I see a hand of who is his family here representing him today. Thank you.

So we do have representation by him and very sad that he could not join us and when he told me that I cried.

I'm Robin Rayner and what I would like to do and I'm grateful to everybody in the Legacy Land for coming out to visit our site and let us take your valuable time to allow us to present to you our beautiful coastal lands.

We have two applications before you and what I would like to do is cover a great deal in our first application and our second application would be extremely short. So bear with me. Presentation may run longer and the second two minutes. Let me get started here. Go back one. But

>> Robin: We have Ke Ao Halii. Okay. This is a map of the coastal land. Hana to my right and far to the left is [NAME?] and [NAME?] that way. Literally got 400-acres that are under threat of development and just for your information, this is land that is also grazing land and also open.

They are 29 lots, eight to 81 acres. It is 3.2 miles of underdeveloped coastline. Severing 5 ahupuaa from their ocean if sold. Anyway, there are

four parcels that have already been sold since May of 2018. Actually last winter we had another possible sale on the ahupuaa ponds and they fell out. We told there were two -- that didn't work. Okay. There are two other parcels that have owners that have buyers pending.

These are all still listed on the multiple listing sites currently marketed and -- those are -- I just pulled this off of the net yesterday. This is the realtors association in Maui. These are the various lands. You'll see Maka'ala'e and these are actively being marketed by the seller or the owner and they don't really care what happens to them. As long as they can get some money. This is the Maka'ala'e land. This is the grant award last year 20-acres. This is the LLCP grant that we're discussing today which is 30-acres and four parcels and let me just talk about that one a bit for us.

This is the one we actually would like to -- we're requesting some changes and what we have done is we have got -- some question as to the ownership of this land which is call it O 14. It has got two owners on it. We think there might be a third one. So we didn't have time to explore that further so we thought rather than -- rather than risk that confusion we removed that one from the application and instead we have added the Wiko farm parcel. We're still four parcels. This one, this one, there is a little sliver one there and that one. So that is adding OO2 to the parcel group.

With zero -- we have in the county budget 1.5 million for this Maka'ala'e Lands with the revision of adding -- I can talk about the numbers if you want to right now. But it works out that it is -- it ends up being around a 50/50 match with the 1.5 million that we have already in the county budget for this year. And, so, the request that we have -- that we have revised slightly I think it is 1,000,800 -- \$1,000,581.70.

>> Commissioner: Could you say it again?

>> Robin: 1,581,700. That is the request to Legacy Land. Provisory request. I think the request is not that different. The differences is that the matching is now closer to 50%.

>> Commissioner: That is firm?

>> Robin: It is firm. When we were here with you last year we talked about -- we talked about the lands closer to the Moloka'i lands that you were -- we were awarded last year because we have this funding that we have from the county open space fund. I think it has a time limit on it. It is in this year's budget so we have to use it. So we need to use it or we will lose it I

presume. So that is part. Reason that we have included these lands as our FY 20 application to go first with what we're doing. Let me just -- and we can talk a little bit about that. That gives you a general idea.

Long with the plans are conservation plans already -- already held by the Maka'ala'e Trust. It is 54 acres, eight parcels and the sellers say they will donate this to us when they funds from our sale which they can then write off the donations against. That is their policy

This is FY 21 that is our Maka'ala'e lands and is 33 acres and together all of them I do a total compilation map you see that what we're trying to do is acquire all these lands from the beach throughout out to Wioka pond and that is what we want to do secure all the lands for community and we have been working hard to do that.

I think -- as I mentioned when we were here before I think you were all encouraging us to secure these lands but because of the matching grant we went with the Moloka'i lands first and buyer says he has a couple of things in the wings for these lands and what that is what we ended up doing.

I can't talk about these lands without talking a little bit about the culture and the historic aspect of this. So Hana is considered one of the 12 districts in the 15th Century. And it is also considered one of the white Hāna in the area. A huge number of legends. That is in your original application packet. I just cannot mention it.

And the historical significance, also, huge population center and also political center and prehistoric period. Again in your original application.

And these lands the reason they were so important they had built fishponds and figured it out and they had good food production. They have gently sloping fertile soil so they could grow anything and they have abundance of grain. They didn't need irrigation like places in Oahu.

This is in your packet. This is clay horn Rogers. They did a lot of preliminary conveyor of this area. The pink area is the areas that they are saying or suggesting that you need further investigation and we wanted some of the sites. And this is the reciprocity sugar mill which is really interesting to walk around and -- but it is a are you in on the Maka'ala'e Lands.

What I wanted to talk to you from here is to -- because Ke Ao Hal'i is such a new organization, I feel like -- and we're, you know, many of the applicants that you have, have a lot of experience with what they're doing and we're pretty new. We've been in business. We started meeting about 18 months ago.

We got our 501(3)(c) about 14 months ago and we have been really working hard because of the threat that we're under. I want to talk quite a bit about what we have been doing and what our plans are and how we have been organizing.

We have been -- we actually have been doing a lot of capacity building effects, how to figure out how to be effective and sustainable. We have a number of goals we want to keep much focused on our mission and our vision and make sure that we're always working towards that. I think our mission and vision is explained in our packet.

We've also got an -- got to look at our organizational infrastructure and we don't even have an office right now we don't have anything. We need to look at all of that sort of stuff. What kind of equipment management and governance. This is our board. Who our board is and what they're doing, what kind of executive that we have, are we following through on that everything we're supposed to be following through on. And then staff capacity. We have no staff right now. We're entirely volunteer board. But we hope to have that. We're going to need that. So how those people would grow and mature and what are our job descriptions, all that sort of thing.

We're also of having -- fortunate that we have advisory board that has been set up. We have a number of members of our advisory board that will speak to you today. [NAME?] Is one of them and Duane is another one and I think Don is going to -- not Don but who else? Chad is going to talk a bit about our attorneys, our realtors who are also on our advisory board but they're just really crucial in what we're doing.

We also have conservation action plan facilitators and just spend about four different meetings and four different weekends working on facilitation plans. We work with Mālama network and had a lot of our board members included in that. That is just helping us with community action plan. We've got a number of expert organizations. Ten are stepped up to the plate so far. Those are people that are in the wings that will -- that have offered to help us when and if we're ready for help and, for example, we had Jay Penniman from the Seabird Recovery Program. He's been out on the sites. He said when you're ready to talk about seabird recovery and protection, just bring me over and we'll sit and talk about the land and explain the process to your whole board and the community and see what -- see if we're interested. If it fits our -- if it fits our Kuleana.

One of the things that I was interested in pursuing was Y community

foundation which offers a flex grant come is something that takes very young non-profits like ourselves and how to develop our little company as a company. So we do have a lot of people on our team and a lot of people offered to step up to the plate.

We've been doing -- we started out with a fundraising campaign. I don't know a year ago at least. More than that. It didn't really go anywhere. More recently we joined together and developed a very dedicated fundraising committee. Our -- our head of that committee is Michelle -- where is she? There she is. We also have John [NAME?] who is our -- who is an absolute expert on fundraising and he is sitting down with us and putting together a packet with us in the visions that we sent to you. But this is a fact sheet. We would be presenting this to -- it is two pages. We would be presenting to it a potential donor. They see the beautiful picture of the lands. They have an idea of the funds that we need. What we need them for with a total at the bottom of \$100,000. They see the map and what we're trying to achieve and we have at the bottom it has an update of what the money is and where we got it and how the money is coming in. With that kind of thing they can look at it instantly and decide whether they're willing to donate or not. That is really thoughtful.

By the way, our realtor who is -- couldn't be here today.

[Sneezing]

Tahiti with Kalani English she has gifted us -- she doesn't want to take any money for her work as our realtor and her Commission so she's gifting us, pledging to us her entire fee for her -- her part of the sale of the property which is going to be a little under \$200,000. She's very wisely said I don't want you to use it for due diligence. I want you to use it for management. So that means that we'll have actually as a little tiny company. We have a couple hundred thousand dollars in the kitty already for us to hire the experts that we need, get an office, whatever we need. We're very grateful for that. That is for a small surrogate company that is a real helpful thing.

The other expert that we have with us is Duane Lambert from biological capital. Back here. It was interesting when we first -- a ranch owner has been owning this land since 2014. I think we have run about 800 head of cattle now still. I see a lot of babies around. In December when we got the designation before we actually got the -- you know, the full contract but we got the dug nation, this guy went to work. I couldn't believe it. I was on the site a couple

of weeks later. That is what it used to look like. This is what it looks like now. It just -- they went in there and cleaned it up. We don't own it yet but what -- one thing to realize with them is that their contract ends when the present seller sales his lands. They always assumed this land is going to be sold for big money to people that were going to put in mega mansions and they have never really bothered to care for this land very much because there was assumed it would be sold and houses put up and they would do whatever they wanted to with the land. They have been on board with us when they realized we were buying and they started to take care and we're confident they will continue to do that. Just because we own the land that doesn't mean we don't steward the land. We do our beach clean-up days a couple of times a year usually.

Okay. We've been working on the management plan as well. We started it in the spring of 2019. We've had a number of meetings. Different board members are asked to contribute different parts to this. Basically the highlights of it we're looking at the cultural and historic sites. Developing a protocol for the EAV, protecting the culture sites and investigating what we have there to teach more about it.

We also are very concerned with retaining our open space, scenic view plains which means pasture management. We have come to the conclusion that we probably have to run cattle or graze on that land in order to keep the open space and we're interested in the ecology and integrity and habitat and we have some native grasslands we want to include and help those grow and that sort of thing.

We've also got public access issues. So we're looking at vehicles and overnight camping and for pedestrians we can control that some by parking but always available. We feel strongly we need a code of conduct and we have that already in our plan and Wikopon is in the Maui reveals and gets thousands of people there. That is a control issue.

Education is one of the other aspects that we're really focused on. We really feel in order for us to continue we need to integrate the youth into what we're doing so that they care for the lands as much as we do. They will be the stewards in the future. And we're also developing relationship with educators and trying to help people recognize the practitioners as educational resources and of course we have to keep our visitors informed and educated as well.

We do a lot of community -- we have some community involvement and we do all the community events in town. We do booths at the community

events and we have a website we created in 2019. Really nice complete website. We have regular articles in the news. We're reaching you direct community and doing lots of things. Future efforts include updating the Hāna community and hosting public meeting and directing outreach -- direct outreach to our neighbors which we do late of already and then we're working to invite the community and get involved and we need to do some fundraising efforts but we have not done that yet. Maybe when we close on the first lands we'll be able to do that.

And we may -- you may recognize our Mayor, Michael Victorino in the center with the green shirt. This is -- I wanted to give you an update on the FY 19-20. This is our county budget open space fund. They have agreed -- they have in their budget 750,000 for matching funds for the FY 19 parcel and we were able to secure that when we were here last year. We said we were going to try to secure it this year.

About 200,000 of that or 180,000 I think is for due conference. We actually have the funding for the due diligence to close on the lands. We also have 1.5 million towards the purchase of Maka'ālae Lands and we're using that for the matching funds for the FY 20 Maka'ālae application. And today the Maka'ālae lands in the FY 19, the Maka'ālae Lands, we have a purchase agreement negotiated with the partners, the owners, we're still working to finance it and working for month. Scheduled closing date for November 29. That is where we are on the FY 19 application that are with the fund you awarded from Legacy Land. I cannot come to you without showing you picture of the land because as uncle Irish sections the land sells itself. We're going to run through these quickly. This is 100,000 linear feet shore like and Ke Ao Halii and incredible view plans pasture, cliff and close secret beach. Rock pool, rev is, outcroppings, amazing volcanic rock formations. Two streams of water falls and pools. Hawaiian Islands in the horizon. And that pretty much concludes what I wanted to talk about today. I would like to give a little bit of testimony before we go into any questions.

[Video]

>> Video: I'm Senator for the district of the state of Maka'ālae which includes [NAME?] and [NAME?] however today, I would like to speak to you as a resident of Hāna and in fact one of the last lineal descendants living in the area from Mālama in Hāna. Commissioner from the legacy lands conservation program, I am talking to you this way because I'm unable to be in Maui today.

But I would like to give my strong support to preserving the plans Maka'alaie on the ocean side. These lands I grew up in these lands. As a child I played there. My ancestors and great, great-grandparents even beyond that have lived in this particular area. In fact today I still some have lands in the mountains of this area cross the street zero so I ask you support the request for additional support in experiencing these lands. They're very special lands to me and my family and all of us in Hāna who preserve a very large area of our coastline which we would rather see in preservation than being developed. So with that Commissioners I ask for your support and please know that I appreciate all of your hard work as Commissioners. Mahalo.

>> Robin: I was going to leave the map up there for discussion. I have a number of people who wanted to testify if we want to start with that or questions.

>> Commissioner: Any quick questions of Robin? It looks like people are willing to wait for questions so if you would like to proceed with do we want to start with Roger.

>> Robin: Can we start with you Roger?

>> Speaker: Roger Lane is our consultant with our fundraising committee and he'll share a bit about our fundraising.

>> Roger: I'm Roger Lane. I'm a resident of Hāna. Been there 12 years. Live in Hamoa which is near the property. I plan to stay forever. And my family is actually been here about 135 years. I was born in [away from microphone] so I have a big commitment to seeing this work. -- I'm a business and financial specialist. Been doing it for 39 years. Work with companies, start-ups, companies that want to work or start and all up to Nordstrom, Sony regional offices on the mainland. I work in all scopes of businesses. Mostly target owned financial aspect because if they don't make it financially they're not going to get to do the rest of it. It is all based on the structure of finances and having the plans work for the companies.

So I -- in '83 I was hired first time by a firm to actually just focus on fundraising. It was really interesting. I had to go under contract to La Jolla for a couple of years and work for the organizations and never did it when you're doing fundraising with no product or no -- anything or no direct service so it was quite different. But it was very, very interesting. I learned a lot. A whole different medium.

I was there two years. We went from maybe 100,000 a month in

income. All by donation. There is -- to a million dollars a month in two years then I left because they had everything that they needed. Then I came back to Hawai'i.

So my commitment is to -- as an adviser for the short-term raising \$100,000 and in your packet there is a page on the fundraising plan where the money is going to come. From

So primarily what we have identified were different groups of people, we cop those groups. There is segments. And we had people what I would say are the upper affluence. So we have identified actually 31 people who are in the very affluent range so we will be addressing them and meeting with them for donations of \$5000 or more. All our goal is to raise \$100,000. It is not a lot of money for -- given what we have got.

Then we have a group called -- we have a team adviser and we have teams who are heading the people -- there is 28 people in we have recognized that can contribute \$1000 or more. Then we have got another 54 people that can easily raise \$500 or more. Then we have got 73 people at 200. 125 people at 100 and 500 people at \$25. So we're only talking about \$100,000 from this segment. It is quite easy raising that meeting with people and giving this presentation. And I think it is quite simple.

Then we have other organizations -- 65 businesses, we've got 18 organizations. So the actual fundraising throughout the future for this type of fundraising to me is -- there is not really a challenge at all. And I think it is important for this undertaking to make sure that you don't have any finances -- financial situations get in the way.

>> Commissioner: These numbers of people that you mentioned these are basically targets rather than commitments at this point.

>> Roger: everybody's name and we're going approach them and I'm a specialist and that is why I'm here because I have done this for many times so I'm coaching them on it. On each group how to say it, no pushing. Show them this. Tell them they would like to -- this vision align with this and if they do they would like to contribute. Here is how you can do it. Then we have got to -- so many programs that you can go on to. You can get the whole amount needed from just the top group. My name is actually if you have your packet. My name is in the top group. Up we get that amount of money we're going to continue. We're not going to stop. It is a community project. I don't believe you should target one segment. I think it should be that the entire community

has a way to contribute. We're taking responsibility for it financially. My role is to help everybody know how to do that. That subject is easy for me. Does that make sense? Any questions for me?

>> Commissioner: Targeted towards acquisition or management?

>> Robin: That is the acquisition for 19 lands, Maka'alaie lands but we have to pay for the work first before we can be reimbursed so what we want to do is get the funds to pay for the consultants that we need to complete the sale of the Maka'alaie Lands the one at the very top and then we'll get reimbursed for that and then we'll have \$100,000 in our kitty again. That can cover the cost of the next land purchase due diligence and on we go. We actually have a couple of years of due diligence. In fact \$750,000 that is part of the matching funds for the original Maka'alaie FY 19 would be something like \$200,000 or something less than that. We won't need all this for that closing for that due diligence. So we will be going back probably in -- re-adjusting our contract so we can use some of that money to purchase the second Maka'alaie land if we're able to do that.

We have -- we're actually in very good shape financially with all this. What we want Roger for, we want him to train us so that we know how to do this. We have a group of about ten people, I think, on our committee. They're all training. We're actually going to go through a skit where one of us is the buyer or donor and one of us is the ask and we'll practice that. We'll practice how to say that effectively and what I have seen is people that know how to do this it is easy. Those that don't it is hard and that is why we have Roger to train us and we'll go how to do this. So going forward when we need money for management we'll be able to fundraise for management as well. Any other questions? Thank you, Roger.

>> Speaker: Duane, would you like to come up. From biological capital will talk about the management.

>> Duane: You'll hear hunter ranch agriculture partners is actually two different entities.

>> Robin: Thank you.

>> Duane: Hunter ranch biological manages hunter ranch agriculture. We bought property and everything when hunter ranch went for sale they did not buy the ocean side. So that is part. Reason we're two separate operations. Two separate owners.

We current continue to manage the hunter ranch property. We lease it and take care of it. Part of what I was going to mention for you folks today is

my background is in raising management. A lot of what I have done in the last many years is develop raising programs using domestic livestock to manage for wildlife and plants. I have done this for the nature conservancy, natural forest service. I have done it in properties up in the forest of Manitoba, Canada, which if you get up there is flat -- only difference between here and there is it gets really cold for half the year. They have olive grove that you have here in Hāna occurs there just -- a lot more water and a lot quieter.

So a lot of what we have -- what I have done over the years, I'm originally from South Dakota. My family still ranches there. Many generations of ranching. In fact I can go all the way back to the family farm in Germany that some of the family still has. So we're animal behavior and handling has been part of what we do. Using grazing to take care of everything from basis to wildlife is part of what we have done. So in fact part of hunter ranch agriculture part of my goal is to develop plans to get some of our annual feral animals under control and help with some of the basic problems that we run into there.

I have a BS degree in emergency management and a Master's Degree in management. A lot of our strengths at Hunter Ranch is ten full-time people that we have on the staff. I'm the only one that is not from Hāna or born in Hāna. Everybody else is born, raised there. They're very dedicated too. They actually understand the taking care and everything else there. They know how to fight the weeds better than I do. Actually the ones out there doing it they're out there in the big mores or using the herbicides where we have to. And again, we use our goal with the herbicides we're finding more and more we try to mow as much as we can. We sometimes will do one application of an herbicide in an area where we have mowed and follow up after that. Our goal is to just discontinue herbicides. We're using very limited at this point. We use mowing a lot. Most invasive don't stand up to mowing like grass does. Grass is grazed. So again, a lot of what I focus on is using grazing as way a way to keep the land open and use grazing to keep it under control.

>> Commissioner: Any other questions?

>> Commissioner: Can I just clarify your part of the company does not own these Maka'ālae Lands.

>> Duane: We graze it and have been looking after it. We do -- because the way it has been for sale we could lose it any minute. We can do some basic things and I can see this -- that need to be done. We have done some mowing in the couple of areas in the first part of the properties they own.

There is a hill behind the beach there and it is covered with a lot of brush. We went in and cleaned up that. Just coming back a little bit we'll have to hit it again. We do keeping the fences up best we can and if you look a lot of the fences as you know some should be replaced. They don't want to replace. They I don't want to buy it either. That is -- those are the kinds of things as far as things that will to have come up somewhere along the line.

>> Commissioner: And then Ke Ao Halí is able to purchase all this land will you continue to graze it?

>> Duane: Talked to biological capital management and myself are all interested in continuing to be involved, yes.

>> Commissioner: Thank you.

>> Commissioner: Is that the intention of Maka'ālae?

>> Robin: Yes. That is our intention. Going through our -- looking at our future we feel the only way -- we want to keep the land that is open. The only way to really do that is to graze them. We have a willing partner in biological capital and Duane has been super helpful with us and like to say work with us, train us, help us understand and everything so, yeah, that is our goal to continue.

>> Commissioner: And then you would get some income from leasing those lands for grazing?

>> Robin: I have no idea.

[Laughter]

>> Duane: One of the things that come up usually you have some kind of a grazing lease but typical grazing lease we wouldn't be out there with big moor cleaning things up. You're going to have to look at some kind of relationship a balance that is -- probably be a little bit of training so to speak. So often I'm not sure how many of you are familiar with livestock leases a lot of them over the years there is some variation and if I'm the leaser bring my cattle out there I pay so much. How much I pay is based on what the landowner provides. There is sometimes if I have everything the landowner going out there keeping the fence up putting out minerals and everything else for me and I have very little trouble or any activity that is one thing. If I'm out there and I have to rebuild the fence because it is all falling down and some of those things and you're looking at a different deal. So you have got -- I couldn't give you an idea now where the relationship is going to land. All I can tell you is we're very interested in continuing to manage the property. It fits very well with what

we're doing. It fits in well a grazing plan and working with the conservation service now developing our conservation plan on the ranch. We didn't put this plan into it because it is not ours to do right now. We can add lease land into our conservation plan. As far as grazing rotation and maintaining grasses, you know, you move the animals around. It is something that we could do. But we're at that in between stage where we can't really add that yet.

>> Robin: Don't own any land yet.

>> Commissioner: Where do you market your cattle?

>> Duane: Part of Maui is cattle company. We put some grass animals through that program and continuing working with that whole aspect. Some of those are being grazed out here at Ke Ao Halii ranch and we work with them as well. We're building a new processing plant over here by the old sugar mill, process cattle because there is not really good processing here.

Right now a big percentage of our calves go to the mainland. We retain ownership all the way until they're -- they go to processing plant. Yes, sir.

>> Commissioner: Do you think that the value in grazing on the Maka'ala'e Lands would be exchange for the type of management to set back alien vegetation that is taking over the property now and open it up like for grass and --

>> Duane: Yes. I think there is probably -- I have not really sat down but I think there is probably fairly close relationship on that and primarily we would be able to -- a lot of it is not too bad yet. There is some. A couple of areas on the first property they bought that should be cleaned up a little bit more obviously. But I would expect that our maintaining the land would -- there might be the first year getting in on some stuff. You might have a little extra expense but I think once that is done then on they should actually be able to generate some in even after we do some of the work. Again, you're going to have -- there is water there for the livestock. There is -- so we have that taken care of. I would say the only other significant expense is rebuilding some of the fence. But, yeah, I think we would -- my gut just tells me we -- it all will probably work out. In other words keep coming up with more money in order for us to keep it like it needs to be. That is kind of what you're asking? And I'm -- I kind of think that that is -- I'm -- I feel very strongly that they should not to have come up with more money to take care of it. I mean, by the time we figure some value of animals per day per head and -- what it takes to take care of the property. I think we should be fine.

>> Commissioner: Does that include removal of large woody vegetation?

>> Duane: I think some of the large vegetation like I said some of that larger vegetation right now I couldn't say for sure. Go ahead.

>> Robin: A lot of that larger vegetation is sort of clustered with a lot of our archeological sensitive sites. We're a farming community. We have a lot of people that know how to cut trees and we have a lot of people that will be volunteering to do that. I think that we sort of envision when we own the lands when the time is right we're probably going to bring in some of the community with expertise and carefully remove the trees from the archeologically sensitive sites so we're not disturbing anything. So I think we may be doing a lot of that with volunteer labor from our community. Not all of it. We'll be looking to the ranch to help where they can but I think that is going to become a just a partnership to make that happen.

>> Duane: Some of the bigger trees that definitely not remove because they provide shade to the livestock. Livestock tend to do a little better if they have some shade during the heat of the day. There is going to be -- there is kind of the jump kind of trees you definitely want to get rid of and hold back but I think Robin is right you're going to be able to get a bunch of people with chain saws and probably a little bit of equipment to help. I always have a chain saw.

>> Robin: It is helpful with the trees go down on the highway.

>> Duane: Any other questions? Okay.

>> Speaker: There is definitely some potential for habitat restoration and things that might not be compatible with cattle long the coastal strand that we want to look at working with the Maui seabird recovery and with the Hawaiian bee restoration. Those kinds of things. We would look at potentially as longer term plans but having the partnership with the ranch basically gives us a transition period while -- so we can keep everything from getting overgrown while we're putting those plans in place without having to worry about the immediate effect.

>> Robin: 200 feet back from the coast and that becomes more of our recreational area and then the rest is more agriculture. Already we're not there yet. We're still working on a management plan. Anyway.

>> Speaker: Let me ask Roxie to come up. With nature conservancy

program and talk about our management plan and process and their support for facilitation.

>> Roxie: I'm Roxie Silva. The coordinator for the nature conservancy program and on behalf of the conservancy we would like to express our support for the application of Ke Ao Halii in acquiring the Maka'alaie parcel. A little context on my background. We have been working with coastal communities for 12 years. We support them through policy, science, communications and drafting plans for affective management of marine resources through customary practices.

My experience with this group I just met them this year actually. This summer we've hosted a series of three Maka'alaie workshops which include communities that are active participants in this workshop. Most used to their advantage in helping create this land management plan. We will continue to support them when they're ready for their ocean and shoreline coastal management plans.

But in addition to my experience with them in this group, they're very dedicated, passionate group of people whether they're all born and raised from Hāna they're passionate and committed to the process and as a marine scientist my [away from microphone] and this place and other places in Hāna are very special and dear to my heart. It is just very important I think for you know lands like these go for sale and recognized by development it is a scary feeling. I think places like this are very special and need to be protected and fixed if possible. And support and we can all get there together. Thank you for having me today.

>> Robin: Thank you, Roxie.

>> Scott: Just to mention one of the real special features about these lands and Maka'alaie point it is very rich in Hāna and known as one of the most abundant and diverse areas as well as the other tidal life that comes with that. That is one of the things we're interested in protecting and OPD and having the shoreline management as part of the overall line management part of our vision. Really appreciate the support of the nature conservancy and Maui network and marine resource council in our planning and conservation action planning. Next let me ask Laura, would you mind just sharing a few -- your perspective as far as our partnership with [NAME?].

>> Laura: Sure. Aloha, everyone. I'm Laura with Hawaiian island Land Trust for. Those who may not know, we are the island side Land Trust and we own experiences serves that restore with community surrounding the

preserves including not too far away in wī hāna and hold 40 conservation easements that restrict privately owned land. When we can get flies where we can hold a conservation easement over lands that will be owned by the community that is kind of ideal situation for us. And you have seen that in a couple of projects before you today as well.

Really, that we think is a great balance because then the community talks literal ownership but more so just -- I think they're the ones that really manage the place and know the place best that. Really makes sense. For us as the islands Land Trust, we can provide assurances to the funders. We do annual monitoring. We work with any issues that may arise with neighboring landowners. If there is any possible violations or threats of violations to conservation use terms.

For the Hāna lands we're willing conservation easement holders or if the county would like to contribute funds through the vehicle of a conservation easement we would be happy to assist the county by having primary responsibility to monitor and sharing our annual monitoring reports with the county and the state as well. And so these are the lands in green that we hold conservation easements on now and as Robin mentioned these are the lands that will be donated but as part of the overall purchase we actually hold the conservation easement on these lands as well through another family, a small landowner. And so that is not part of the Hāna partner's deal but definitely is part of the bigger coastal vision and so we're excited about the possibility of the community through Ke Ao Halī owning and stewarding their own coastline with the Land Trust really as support and assurance for the funders that there to assist the community in moving forward. Mahalo.

>> Scott: I want to ask Chad Meyers. He's actually one of our board members and he'll highlight the letter from a couple of realtors who will -- we're working with to give you an idea about the threat that it --

>> Speaker: You should have those in your packet.

>> Commissioner: We have the letters. You don't need to read the whole thing.

>> Chad: It was my intention to read the excerpts. One is Lisa Star and the other is Chris Herrington prior. Both long term realtors on Maui. Let me read from Lisa's note first. Again she says that she is working pro bono. As Robin mentioned in her presentation. She's been working on these land holdings since 2008. She mentions that they are active listings. Let me begin.

Response has always been that HR and Hāna ranch partners insists on continuing to seek buyers as active listings until open escrows at which time those parcels are pending in MLS. So they're continuing to market the parcels on internationally on web-based advertising with this unlaboring position [reading]

For the significant lands as soon as possible cannot be overemphasized. HRP has inform me there has been other parties showing interest on the same parcel. Actively promoted to the sale. At risk of private purchase. Second letter is Chris Pryor. Again he's on our advisory board. He says there could be no better group of people achieve the goals of conserving the Hāna coast. Grants are being written and word is out in our community the goal of conserving the land will be a reality. Biggest hurdle facing success is unwillingness of the sellers to negotiate reasonable terms. We hope to have a good relationship for the successful closing of the first at Maka'ālae. Without showing secured fund for rest of parcels needing to be purchased there is concerned the sale of Maka'ālae become a comparable sale for the rest of the coastal lands and sellers use that to maximize their profits. Take any bid not necessarily from Ke Ao Halii. Crucial at this point that funding be made available so that Ke Ao Halii can proceed in good faith with the sellers to negotiate the purchase price of the lands from Maka'ālae to Mokaē. Final paragraph is to this end the Board of Ke Ao Halii and many other volunteers are making a strong impactful community toaster raise money from variety of sources to not only purchase but also maintain and manage the land. Formal fundraising campaign is under way come you have already heard about. We ask Legacy Land continues to support the efforts through a major purchase grant.

>> Robin: Thank you, Chad.

>> Chad: Thank you.

>> Scott. Let me ask Dawn who serves as our board and treasure but also is the executive assistant for Council Member Sinenci who represents us in east Maui. Going to share regarding the funding -- the matching funds for the FY 21 request from the county open space fund.

>> Dawn: Council Member Sinenci was unable to be here. He is in a council meeting. He sent me on his behalf. I'm Dawn his executive assistance. We're passing out a copy of the letter. [reading] Commissioners. I had previously submitted a letter of support for the applications of Ke Ao Halii for the purchase protection of stewardship of coastal lands in the Maka'ālae and Mokaē areas of Hāna. I understand for fiscal year 21 applications for Mokaē parcel a

matching source of \$2 million from the county of Maui open space natural resources cultural resources and scenic used preservation mutual fund. I would like to state my support as the council member representing east Maui for the budget item to be included in the county's fiscal year 21 budget. As a single council member I cannot mock this decision on my own but I can say with confidence that both Mayor Victorino and budget and economic development chair expressed support for acquiring and protecting all the underdeveloped Ke Ao Halii lands in Maka'ala'e and Moka'e. To create reserve from the road to the stream. I believe Mayor also sent a letter of support on behalf of the Ke Ao Halii.

I am committed to supporting this effort and work closely with the Mayor, the budget chair and other council members to ensure that these funds are included in the open space fund in the county's fiscal year 21 budget. Personally knowing many men's of the Ke Ao Halii board and knowing the very strong level of support they have developed in the Hāna community their efforts, I have a high level of confidence in their ability to manage and restore the lands in the future for the benefit of our Hāna community. Hāna and Maui community. Mahalo [reading] for the Maka'ala'e and Moka'e.

>> Robin: You want to make one clarification. We have not talked about the Moka'e land yet and we're talking about matching funds and we'll get to that just know that councilman is supportive of that. Thank you.

>> Scott: Finally just like to ask the family members to close us out with -- if you would like to share on behalf of the family.

>> Family: Am I good right here? I'm going to ask leniency to stand up for my today. Forgiving yourself time and allowing us to be here. My name is [NAME?] I'm a board member at Ke Ao Halii but here I'm representing the lineal descendants of the lands. My [NAME?] and my Hana are [NAME?] and [NAME?] and [NAME?] that still live in this area. Genealogy comes -- can traced for five generations and 175 years. We're connected to the land and ocean. History comes from these lands to the lanes sacred because of our kupuna that lived here. The lands are more than keeping the space open. It is about purging our culture and wave life and we have lived on these lands for generations gathering food for the ohana, enjoying time and counting the ways and dangerous and learning how to live, how to fish and taking only what we need don't. Kapo throw back the first catch. Easy place for kapona. How can you teach these things without being at the seashore? As a child [NAME?]

taught me about our culture. Hāna land story and Ke Ao Halī and she said, they were given from God for you to use so that you could live. Do not take it for granted. Some day you could lose it. How did she know that this day could become a reality today?

In closing I ask for your help in saving the Maka'ālae coast. They're often sale by the ranch and in the past the lands were sold by many owners at entire ranch. There is no real threat; however, the present owners are selling the ranch, land and parcel that would be developed into luxury mansions along the entire coast from Maka'ālae to Hāna town. Changes to the open space would significantly change Hāna forever. For future generations. Hāna would be a place, name and culture around lifestyle would have to be learned by books and photos and some just lost. It would become a Hawaiian that doesn't know the traditional lifestyle passed down from generations. Connection to land and sea would be lost and forgotten. Mahalo.

[Applause]

>> Family. My Dad is John Irish and my name is OOLAUNI. Irish. I'm here to give a little bit of his -- I'm going to cut out a lot of it because a lot of it was already said for the Commissioners I know you have my Dad's letter. You can read the rest of it in its entirety. Hello, Commissioners. This is coming in my Dad. I apologize to you. My Ohana family and Hāna my home not being able to be here today for this hearing. Please do not talk my absence as a sign this hearing is not important to me. This hearing involves the most precious lands to my family. It is with heavy heart I wrote this testimony and not be able to speak to you face-to-face. So I'm here.

We made lineal descendants in the Hāna community realized it was possible to save and protect our postal land fourth degree sales and foreign investors and maintain open access to the ocean. Last year we told you of our plans to save and protect all of Mokae and Maka'ālae and here we are back. You told to us come back and we're here for the rest of it. Ke Ao Halī continues to work hard. Our drive, passion and commitment for saving the land is more intense than a year ago when we first approached you. Our goal was to get the gate key from Maka'ālae so we could prove to the ranch partners that we were for real and we are not a small nonprofit organization that only talked and made promises but have results to show.

In Hāna ensuring the community would be looking forward giving total community support. We believe that Ke Ao Halī will be successful in saving the

Maka'alaie coast. We have developed and worked out a plan. A plan also addresses communication for broad community outreach and the support needed to manage the lands. Ke Ao Halii should make significant improvement in these areas this year.

Mahalo to our four Commissioners who came to Hāna. Sorry I don't know who it was. Thank you so much for coming out and seeing our space. I hope you enjoyed your day. I don't have to say anything about the land and the ocean because they speak for themselves. However, walking through the land I hope you felt the land is something special. There are family pure Yom grounds and unmarked stone and graves in the area. Not easy visible and devoted shoreline areas. [NAME?] And settled settlement hitting areas that are overgrown. Vegetation and trees. Many of the sacred ground is damaged. Someone insensitive of the area could be standing in the middle and not know it. People who know and respect the land can feel it. Supernatural feeling. When walking alone on the land. Feel a sense of someone else present in the area watching.

We invited plant, bird and seaweed scientists to visit the coastal lands. They told us of the potential to restore the area back to the time of it prior to the sugar plantation area. Or era. Up the land is protected, the Hawaiian history culture tradition and lifestyle will continue and to be protected forever for future generations. The Hawaiian would not be endangered. In closing we the Ke Ao Halii and community ask for your help in saving Maka'alaie and Mokae coastal landscape the lands are in serious bit of being sold and the land developed. We do not want Hāna to change and lose everything. Our history, our culture, our tradition and our lifestyle. Thank you, Commissioners.

>> Robin: That concludes the Maka'alaie. We can take any questions on that or I can do short bit on the -- yeah. Sorry.

>> Speaker: I have a few questions. Was it your intention earlier majority of the board -- most of the presenters here [emotional testimony]

They are here and did the work. We retire. A lot of times these presenters here step forward. Committed themselves and did the work. I wanted you to notice that. This is people here their own land. It is special

[Applause]

>> Speaker: Address the Commission for a moment. Do you want to go ahead and let them also do Mokae now or do you want to have questions that are particular to Maka'alaie.

>> Commissioner: I have one question. So you talked about from the back of the parcel. One in the middle and replacement with the five agriculture parcel. So this acreage we show here for Maka'ala'e is 31 acres. Now is that

>> Robin: It is 30.3 -- is that -- let me look here.

>> Commissioner: Am I looking at the wrong parcel then because --

>> Robin: It is 10-acre, 12-acres, and 1 acre, and this is five -- Commission that is the swath.

>> Robin: I actually have taken this out of this map but that is the one that came out. If I add those parcels together I came up with 30.34-acres. Works out to be about 109,000 an acre by the way. I like to look at all those numbers.

>> Commissioner: The county open space money that is committed the 1.5 million in the budget the county is copacetic with the change --

>> Scott: The TMK include all of these. It is within our sort of priority how we want to allocate the funds. All the TMKs are named in that budget.

>> Robin: Only the Maka'ala'e land not the Moka'e land. All the TMKs are included in that allege location.

>> Commissioner: My one question really has to do with do you have that in writing?

>> Scott: We do have it in writing. We have originally over a year ago we put together a joint letter from the sellers and Ke Ao Halii to the county when we were first approaching them for open space and in that initial letter they basically stated that with the donation -- with the sale of these partials they would donate the ones under conservation and real notice them it is just a matter of the financial aspect of they need to have the income -- the way they're set up as a trust they don't have other sources of income. They need to sell -- they need to have income from the sale of properties in the same fiscal year that they make the donation of the other properties so that they can fix the tax benefit against that income basically.

>> Commissioner: Those are all the lands in the dark?

>> Scott: Yes. And then also there is at the very top there is a little sliver parcel that is -- they are donating once we close on this first Maka'ala'e parcel they donate that little sliver parcel.

>> Commissioner: Any further testimony from community on Maka'ala'e? If not, we'll go ahead and do the Moka'e.

>> Robin: The presentation is just really about the numbers. We have already told you about the lands and Ke Ao Halii. We just thought we would talk briefly about them. About the numbers. This is for FY 21 application, Mokae Lands on Maui and what we're now talking about again you have seen this Mack. It is Mokae Lands 33-acres in the yellow, four parcels. And as we have seen, also, by acquiring those lands we will have the entire package and uniform 145-acres and 18 parcels. It will be for the community.

And so, we have adjusted what we have done in this case is we adjusted the Mokae land grant update because we have a commitment from mayor Victorino --

>> Scott: We don't have a letter yet. Trying to get to it this morning and we don't have it but I can tell you I met with the Mayor personally and he committed that he would put 1.9 million in next year open budget [away from microphone] as well as the [away from microphone] from our council member from the council we have that statement.

>> Commissioner: Scott, can I ask a question about that. Does the Mayor actually have the ability to designate the funds or go through a process --

>> Scott: Well, like some -- the Mokae mentioned they're kind of revised how their open space fund works because previously it didn't have a process. The way that it is worked in the past is essentially the Mayor puts a budget proposal forward and then the council approves that and this is how the 1.5 million for this FY 20 request and the 750,000 outside award were done in last -- in the current budget. Basically the Mayor put them as a proposal and the council approves it. The county is in the process now of trying to put together a land conservation committee that will have some role in this process but it is still pretty undefined that they're -- that we -- we just know that we have support from the administration side and from the council side to support this request. If the process changes can then you know that is something that we'll work with later.

>> Robin: By the way when we were approaching them for the -- for the funds earlier we actually had a number of council members come out and visit -- do a site visit with us. They have been on -- they are committed enough to come out and walk the lands with us. I thought that was a good thing on their part. [coughing]

And the community. With that 1.9 million we'll revise the proposal so now we're asking -- a total -- request to you for FY 21 is 1,863,300 and with the

1.9 million as county open space fund that gives us about a 51% matching I think. Something like that. And again you should have four and five in your packet revised.

>> Commissioner: Could you repeat those figures?

>> Robin: The request to Legacy Land is 1,863,300. The matching fund is 1,900,000 and we're also saying that Ke Ao Halíi is confident enough in our fundraising that there is another 71,000 in due diligence that we would be donating as well to our fundraising methods. So the total matching fund works out to be 1,000,971.

>> Commissioner: So 51%.

>> Robin: 51% is what the computer told me.

>> Commissioner: This is for Mokae.

>> Robin: FY 21 for the Mokae Lands. You can go through those again for you for the Maka'ala'e. FY 20, the request is 1,581,700. And again, the matching fund is from the county. That is already secured and in the budget. It is 1.5 million and, also, Ke Ao Halíi is confident with their fundraising and not -- also want to do the due diligence of 71,000 so the total match is actually 1,571,000 which again is about a 50% match. Any questions that on one? So those are our two revisions. One is a swap of land which comes with a matching grant that is already in place that is the Mālama lands. The Mokae because we were able to feel confident about the securing of 1.9 million, we have been able to reduce our request from you for that. Does anyone have any other questions?

>> Commissioner: I do. There is another property on our docket in Hāna, Maka'ala'e that DLR (sp) is planning to take as a gift and pay the due diligence on it. I understand there were discussions with Ke Ao Halíi about this property. I just wanted to know if you had any comments on that one. How would it --

>> Scott: Let me give a little context and then Sam -- we've had conversations with a few -- a couple of weeks ago the -- Scott Fretz and Beryl and Kahati and John and some -- Fawn Frito (sp) all came out and did a site visit. Myself and Sam Maqu. It is one of our board members and also the Mahoo representative for Maka'ala'e. We were joined by a number of the family members from that area. Actually take one step back. As part of our original discussions with Hāna ranch partners this is land they kind of want to get rid of. It is a burden and don't see it as a value because it is not accessible. They

basically asked us to help them get rid of it in a way. Wondering if we would be willing to take it or support the process of it going to the state or county or whoever would be the appropriate agency.

That sort of why we got involved is just basically we want to support the families of that area to figure out what the best solution is and be able to support the families that have access to have management protected from any potential development.

So they -- Gofa (sp) got involved from a request from Hāna ranch partners whether they would be willing to take it. So when they came out to do a site visit we participated in that site visit and a none of the families who live in that area came out and walked the land with us. [NAME?] has been doing a lot of work throughout with [NAME?] the native damselflies and so at this point -- Sam can talk about this a little more -- but talking with the families there, there is still some question about what they -- the direction that they really wanted to go and there is a possibility that Ke Ao Halīi doesn't have an official position on this but we're open to basically considering if it makes sense for us to support it or for us to be the ones to receive it we would do that. But if it made sense for it to go DOFAW and DOFAW manage it in the program then we would -- in the DLNR program and we would support that in partnership and help to facilitate Commission with the families in that area. That is basically where things are at. Sam, do you want to talk more about just from the perspectives of --

>> Sam: My perspective on Hāna is not to go to conservation and to go to the descendants of it because it is a land lock parcel. Hāna ranch partners put it up for sale and a lost trespassing and going to prairie lands and they put signs on and distraught about what was going on they call me and told me what is going on? [away from microphone] and 62,000 I think. And

>> CART Captioner: I cannot hear this person.

>> Sam: My question was if Ke Ao Halīi can assume the property with you folks covering the cost -- 2000 of it that [away from microphone] the land go under Ke Ao Halīi and -- because [NAME?] is made of the people and for people to believe in everything like precious land like that, you know, they need something. -- they're not happy and -- [away from microphone]. It is going to be a lot of -- nothing good come -- conversation going to happen to get that through. Just feedback from a couple of people there. Adds as a practitioner never come and talk to anybody who would be the one to say comment who is

living it. I think speaking to me and [away from microphone]. That is my perfective on

>> Commissioner: The family concern is there is a limitation what they can do on that property if it is put into conservation. They believe it will be restricted.

>> Sam: That is part of it and there is no access to the property. We can figure out the land -- that was our land back then. You know. But on a ramp somehow got it and you know they didn't have access to it and I really -- they could access it then but it is -- it was not there. They lost it.

>> Commissioner: They don't want to ask permission to go on to what is theirs and --

>> Robin: I think one of the things that [NAME?] has talked a little bit about with regard to this if we were to take control of the lands we would require that a lineal descendent from that area be on our board so we have good representation from the community. I think that would probably be a requirement for us to feel comfortable with that situation.

>> Sam: [away from microphone] would step up to the plate you know. All these other lands, you know. How can we be practitioners if we don't have land or access? It is hard for people to continue their livelihood more so than out here because there is like -- that is where everybody comes and gets it here. Come inside there and get it, you know. And we protect them all the time. When the water is nice at -- it is like what? We have to educate people. When the water is rough it is soft [away from microphone]. As a practitioner, you know, people get thousands of people out there. Vacation. Educate your own self. All these saving the land and the main thing about this -- all this land is we are -- right now, the land can be stole. That is why we're asking for money. We're asking for money to secure these lands. Won't be so lost. To keep -- you folks -- [away from microphone] graduation parties, shopping, and then break down everything. That is how Hāna was all the time. That is how Maka'alaie is now. Want to keep it that way. Thank you.

>> Scott: If I can just come in on that and I think I mentioned this yesterday. I think we want to be sure to leave that in for that money for that due diligence. We wanted to buy this from the beginning and we think this land would be best for the community and still feel that way.

I want to make sure the application stays in some form so whoever does become the person who [coughing]

Responsibility for this and do that due diligence. So I defer to you guys on how that works. In the application or make that work. I want to make sure that that opportunity stays for whoever it is that is going to be able to take these lands.

>> Speaker: We support that as well.

>> Commissioner: Legacy Land fund that with -- with undetermined recipient?

>> Commissioner: Can we discuss that or is it later in our discussion?

>> David: To you but you know --

>> Commissioner: Would you care to comment on this situation?

>> David: Also deputy Attorney General is here as well but I can start. In the past we've been able to accommodate not this exact situation but similar situations. In one case the applicant, which was a nonprofit corporation, the application said that the intent was to transfer the property to a new nonprofit corporation after the sale was completed. One that was more aligned with the mission of conserving that particular property. So that was the application.

But, then, during the post process -- we had a contract with that nonprofit corporation after everything went through. Then they decided, oh, we don't want to transfer it after we get it, this new organizations has now been formed and we want to amend the application to amend the corporation to have a new recipient. We took that back to the Board of Land and Natural Resources and that was approved and we amended the contract and then did the application and went through with that acquisition.

In the other case we had a similar situation from one nonprofit to another situation -- to another nonprofit. The state being involved in it puts a new twist on the situation. But, you know, it -- it is a bit confounding because we've already gone through the whole public process up to this point come takes place over a period of several public meetings and notifications. So to say now that the state's application is being converted to a nonprofit application is -- is a bit different. I suppose it is possible that the state could acquire the property and somehow dispose of it in favor of another party. That is where the Attorney General would come in more. I mean, there is board approval is required to transfer the property from one entity to another after the Legacy Land acquisition has been completed.

>> Speaker: There are laws that require -- that require us to go back to giving a nonprofit we still have to get super majority of the legislature because

it becomes under the public trust it becomes a part of the state so, I mean, all this is kind of late right now and I think it is good that considered as an application from the state or, you know, with [away from microphone] those are your choices right now.

>> Commissioner: Clarify one other thing with your testimony, sir, Sam. You said you don't want to see it in conservation but that is what we do. We are the conservation program. But I wanted to make sure that we understood one another that in our view conservation does not restrict your access or your traditional practices or anything like that. It is just a way of keeping it from being developed. So I just wanted to clarify in your mind, would you be opposed to this going to conservation if you still had assurances for access and your practices on this land?

>> Sam: Actually right now we still own [NAME?] so maybe we take -- [away from microphone] and then -- but yeah, I --

>> Commissioner: Okay.

>> Sam: If you -- if it works for the people. This is the people many of them a lot of -- you know, a lot of descendants goes there for life and then the aqua there was really watching over the [NAME?] pass away. I was young and I learned a lot from diving and fishing from a boat and tank diving and stuff. He taught me how to whale and all that kind of stuff. He said, boy, you will be the one. I never knew what he was talking about. I was 14 years old. And then he is a drifter. Always drunk. And then he told me something and exactly what told me. And I don't think he was [away from microphone] and he said, the reason why your Dad -- he never -- he always scared everybody coming around. He scared them all way. But he trusted me. And I was pretty -- you are the one to get [NAME?] and I was like oh, okay. And then it snuck me now when family talking to me and telling me what they want, I relay a message. I grew up with them. The family knows the place that they can go and they have a right to the place like pretty much [away from microphone] not only the rights to go. They still can go, you know. I don't care what anybody do as a physician I can just go -- I don't have to ask anyone.

>> Commissioner: Your rights are guaranteed.

>> Sam: Ownership -- treat families there.

>> Commissioner: Something quick, Scott. We're getting a little off the agenda.

>> CART Captioner: I'm sorry I cannot hear at all.

>> David: Please, everybody, speak up. We want to have the best record that we can.

>> Scott: I'm trying to think about amending this and how go forward to make it work. I think that one of the concern parties that Kul has not taken a -- a financial position that would allow to us amend this. When does it need to be amended if it is going to be amended? Does that mean today like now?

>> David: Before we start the next agenda item which is the discussion period five and I think, you know, it is off the agenda. Even though they're connected and everybody but appreciates that, the deal on our application stands as is for now. If we want to make change then just -- you know, make sure that we know about it. Either -- you know, I guess at the start of the agenda item 5, John, we're putting together all the -- all the details which --

>> John: I was hoping was after a very short break.

>> Commissioner: If we take a short break we have a quorum of our board here and could make a decision on it right now.

>> Speaker: Do they have to have a physical application amend to us prior to the start of our next agenda item?

>> David: It would just basically replace DNLR with Ke Ao Halí and that would have to tumble through the whole application when you're thinking about it for recommendations.

>> Speaker: What if we moved our fiscal year to 21 would that change how it works more time to amend?

>> Commissioner: No. We're doing FY 21 at this meeting. It would have to go all the way to 22.

>> Speaker: We need to give them some time to make a decision and have this amendment made if they choose to.

>> Commissioner: Let me do this. I asked if there was any further testimony or questions for Ke Ao Halí on the Mokae or Maka'ala applications. So the final comments and discussion on agenda item 4. Seeing none.

>> Speaker: If you didn't put this in your packet I can support it and show this to you that was a lot of extra paper in here we didn't need to print but we have petitions in support of these items. We have about 500 physical signatures and we have over 1300 and 50 online signatures in support of the acquisition and conservation of these lands so if anybody is interested in taking a

look I have them.

>> Commissioner: With that, I suggest that we take a break. I'm thinking it is 11:13. We reconvene sharply at 11:30. And we'll begin agenda item 5 at that time. Won't complete without a lunch break but anyway we'll get it together and -- adjourn for 15 minutes.

[break for 15 minutes]

>> Commissioner: Do we need to add an agenda item?

>> David: Already on the agenda.

>> Commissioner: It is always in there?

>> David: Right.

>> Commissioner: Move to go to executive session pursuant to [off microphone] in order to consult with its attorneys on questions and issues pertaining to the Commission's powers, duties, privileges and immunities and liability.

>> Commissioner: Do we have a motion?

>> Commissioner: I so move.

>> Commissioner: Second.

>> Commissioner: All in favor.

>> All: Aye.

[executive session follows.]

>> Speaker: Okay we're there. Tell us what our options are.

>> Commissioner: They're willing to take the application if that is one of the options.

>> Commissioner: It is difficult to move an application from the state or county or whatever to a nonprofit and back and forth once it is made. The fact that you guys -- you do keep that -- the application as is, and you just decide to award to the state. That was not to prevent the landowner from giving the land is going to be free. From giving the land to Ke Ao Halii because what it is the state only applied for funds to do our due diligence and state due diligence are more expensive because we have a lot more statutory requirements. We have to do environmental things and all kinds of things. So -- but -- and so you could leave it like that and award the state the money; however, when it comes time to actually give the land, the landowner would say, okay, I'm not -- not going to give it to the state. I changed my mind. I'm going to give it to the

nonprofit. And what would happen to this we just go back to the plot to get awarded to whatever would happen. When -- when a -- when a grant doesn't come through. So that is what would happen. And also the -- the other things that are -- that are -- that are interesting that, you know, are No. 1, we have got a landowner letter that expresses its willingness to donate to the state. Not to the nonprofit. We don't --

>> David: Let me double check on that.

>> Speaker: That is not a requirement but it is a requirement later on. And so it is not to the money but requirement to get the money and the other thing is that if you -- right now if you give money to nonprofit they have to match.

>> Speaker: The land donation match?

>> Speaker: Land donation could be a match. It is -- right now we don't have a lot of information. It is landlocked par settlement it is -- you know, so it is -- it is kind of hard to make that determination. The state request and be landowner can decide to do that they want to do. It is -- it is just that the plucks here gets harder to change the applicant when we're going from a government entity to --

>> Speaker: For the rest of the day.

>> Speaker: The -- the precedent you mentioned was one nonprofit to another and they were related as well. So that is -- that is like Apples and oranges. We don't have a goal for a government agency to a nonprofit because the requirements for application were government agency versus a nonprofit or -- they are different. So --

>> Speaker: Just because we haven't done it doesn't mean we cannot it just means in the future it is going to get stopped for one reason or another because -- because the -- you know, what it goes to the board it might be that, you know, we really couldn't have done it or -- because really this came out of the blue.

>> Speaker: We have our estimated match on it. It should be on your tables.

>> Commissioner: Seems to me we only make recommendations to the board but seems to me it is a mistake to rank and recommend that the money goes to the state because the transfer from the state goes somewhere else. It is going to be a problem down the road. My questioned is, can the application be amended at this stage so the application is from Ke Ao Halii not from the state?

>> David: Landowner letter was just to the state. --

>> Speaker: It seems the other thing is that when they do file a -- when they do send an application they -- okay, what was it? The landowner donation letter matching funds and I don't really -- you don't really know if Ke Ao Halī we needs this amount of money on due diligence. This money is only due diligence. And really -- I mean like I said the state requires a lot for due diligence only because we have to file within environmental requirements and a whole other titles.

>> Speaker: They have a title for state and we're supposed to have a title report that is fresh. That is within 180 days of closing. For a nonprofit to make it private from a private landowner they -- they don't need to require that.

>> They don't need to come to us.

>> Speaker: They don't need to do environmental assessment.

>> Speaker: So if -- if non-wanted to take it and they said they are good at -- you know, raising funds and it is going to be probably only half of what we -- what the state required maybe less than half of what we required, because you guys are not being asked the award acquisition and so -- so basically. I don't even know if the nonprofit really needs money.

>> Speaker: I think we just rank this thing low and let's sort it out.

>> Speaker: Don't talk about ranking yet.

>> Speaker: That is my personal --

>> Speaker: The overarching concern from the staff perspective is sunshine requirement and due process. This whole thing has been advertised start to finish as a DLR application. What matters even if you voted like to change the to -- change the agenda it is substantial enough that if they thought -- they may have a different -- they might be more inclined to don't to the meeting because they could have a different feeling.

>> Speaker: We agree we're not going to accept it.

>> Speaker: I just want to rollout a potential scenario that I think makes the most sense here. Please correct me if this doesn't line up. DLNR removes this application and Ke Ao Halī can go outside of this process, reach out to the landowner and figure all of this out outside of the land -- outside the Legacy Land process and not have us involved but also not have this application as a potential candidate for the Legacy Land pool of money.

>> Speaker: The problem with that is that really you can't make somebody withdraw their application.

>> Speaker: We don't need to.

>> Speaker: You don't need to do that. It is just going to show in your rating. But what it is, it is right now -- if Ke Ao Halii wants to go outside of this process and talk to the landowner and landowner says that is awesome, we didn't think you wanted it. Go for it. Then the state with or without having this grant will be taken out of the process.

The problem is, if the landowner or something falls far in that process, then the state decently can't take it in the next two years because the state will not have any due diligence.

>> Speaker: That is \$66,000 that we could be using for other programs rather than warding it --

>> Speaker: But that comes into your discussion. That is not in your discussion here.

>> Speaker: The other thing the state could always come back in 20 [away from microphone] with a nonprofit they can come back and reapply if they're not right for it or not onboard.

>> Speaker: Maybe it is important somehow this is conveyed clearly to the Hāna representatives here that we're not -- not supporting this land acquisition and that it is just an administrative function and if our rankings do reflect what conversations happened here because that could be received poorly.

>> Speaker: That is why I think just the -- it is --

>> Speaker: Yeah. Sunshine law. That is one. The public was not properly noticed of the meeting of this change in the applicant.

>> Speaker: We can go forward. So I don't know what we have to say at 11:42. We're going to close the executive session and going to go back to the regular. I'll twilight public back.

[executive session ends.]

>> Commissioner: We're back in test session. Open session. Meeting No. design. We're moving on to agenda number five come is so-called ranking for the fiscal year 2020 grant applications. Just to inform anybody who was outside the room, we are going to rank score, et cetera, and the Ke Ao Halii application as submitted. That's -- we're kind of handcuff placed that one.

This of course prevent any kinds of prior arrangements that any nonprofit might take with ranked properties, et cetera. So we'll just take it like that.

>> Speaker: Does everybody understand that from because of the sunshine laws we're not able to transfer the DNLR application over to nonprofit because the way that it has been presented up until this point has been under the DNLR. We'll rank it as such currently and outside of this process, there are conversations between yourselves then that is the process. Okay.

>> Speaker: You're handling this flexibility is impressive. I propose we go through the individual properties and have a roundtable discussions, general concerns. We'll try to clean up any issues with respect to items in the table such as cost and the other comments. I'm hoping that we can each of us can give some comments about these individual ones and the general feelings about it and eventually fill out the so-called rank sheets and score sheets. We'll do these according to the agenda. We're going to now only talk about, discuss and rank fiscal year 2020 applications. Okay.

>> Speaker: Before we start this I just want to let the Commission know be you have recusing myself in conversations regarding the -- final discussions regarding [NAME?]. This is Commissioner Tavares.

>> First one up is Manāka'a Fishing Village request. I have no notes that say had any of the numbers have charged from the application. Is that -- does everybody agree that

>> Speaker: The applicant is still here. Thank you.

>> CART Captioner: Would everybody please speak up for me, please?

>> Commissioner Sinton: I will be happy to. And this is Sinton speaking. If there are no changes to the -- on the application, we can just pass it around the room for any comments or discussion.

>> Speaker: Just give us real quickly an endeavor view of funds available because [away from microphone]

>> David: The money legacy Commission staff. Legislature completed a on the budgeting process last session. Our base funding was kept at its standard level. No increase. That is approximately \$5.1 million a year in our spending ceiling from the land conservation fund. 1.5 million of that goes to the turtle Bay debt service grant application which you approved at your last meeting. And, then, we're not allowed to spend more than \$340,000 on our administrative expenses. That is five -- 5% of last year's conveyance tax revenue which was \$6.8 million the maximum capped amount. That leaves

approximately \$3.2 million available for the grant awards. That would be the same number for planning purposes for fiscal year 2021 but as we discussed at the previous meeting, our objective for the fiscal year 2021 ranking and recommendation is to use that as a foundation for our supplemental budget request for fiscal year 2021, the legislature will start meeting on that in January 2020. Our internal budget documents with that request that are based on your recommendation are going to be due sometime within the next few weeks. So I'm going to take this right back to the office and plug it in to the -- the budget request that goes up through the division through the department through the governor's office and it is finally presented in the executive budget request of the legislature.

>> Commissioner: Thank you. I guess the other thing that I would like to say, this is Sinton. We have two agenda items for fiscal year 20. First is the discussion and what is called ranking. It is really just giving it a score of 1-5, et cetera. But the second agenda item is a recommendation to the board. And I would like to have a longer discussion on the recommendation to the board and I would propose when we get there that it is not necessarily just a simple distribution of the rankings.

So, for example, if we -- if we think for either budget reasons or whatever that our recommendation considers some other issues. But at least we can -- it makes our ranking easier. We just look at the value of the application and the property and the rest of it and see if it needs some criteria and where, and how high we want to rank it. That is what I propose we do. But for now, we will continue as we always have which is to simply pass around the room and hear from individual Commissioners. You're not required to say anything if you don't want to have input. Just keep things moving and Beryl, you're sitting to my left so you're kind of in the hot seat. Do you have any comments you would like to share with the Commission?

>> Commissioner Blauch: I thought we were going to go down here and clarify, make sure that we were all on the same page with this before we -- are we going to do that --

>> Commissioner Sinton: I prefer to do them one at a time personally. We have for example Manāka'a we have no clarifications as I understand.

>> Speaker: One Commissioner at a time or one project at a time.

>> Commissioner Sinton: One project we'll go around the table then we go on to the next project go around the table. Is that okay? I'm happy to

do it however you want to do it.

>> Commissioner Blaiçh: Now that I'm clear I think that I'm okay. I will say that Manaka a man is very impressive in the same way the Hāna projects are impressive. The archeology is much more extensive and the community connections are the community is very tight and I'm saying this is tough. But one thing that was encouraging is understanding the preservation Commission of the big island has given Manāka'a No. 1 ranking so their match is firm.

>> Commissioner Sinton: Nearly firm.

>> Commissioner Blaiçh: Nearly firm.

>> Commissioner Sinton: Bare to the weight on this. Okay.

>> Speaker: I feel the same. On Manāka'a in terms of the community education to it. One of the things that concerns me is the possibly that it could be sold fairly soon and see it as having a pretty high risk and urgency. It is an important piece of the link of properties that the Kau community has tried to secure from development. So I rank it really high and I'm concerned that we could lose it.

>> Speaker: I think the

>> Commissioner Tavares: I think along with the owner who applications are strong. Cultural resources and recreational resources are available there. It is very evident and we got a good working relationship with the land steward understands the management and has -- very reputable in their own community as well as the state community. I am a motivated landowner which is concerning and Ka'ū is a very you place. There are large swaths of land that provide the magnificent planes that are available to control. Most importantly to the people of Ka'ū. So I -- I see a lot of positive things coming from there.

Not having totally secured match fund, it is just a slight concern. But that does seem to be going positive direction for the applicant.

>> Commissioner Lucas: The Manāka'a fishing village for me it ranks -- the project is sound and includes important agricultural lands which we have not seen a lot of. It is being actively stewarded by people who are deep in the community and it is a wonderful model of cooperation. And the threat seems very real.

>> Commissioner Kawelo: So similar to the Hāna applicants, I view the Kulea applications as a unit. You know an attempt to preserve vast amount of property for the -- for the -- forever protection of coastal -- coastal, you know,

land as well as cultural assets. That being said, Three -- of the three applications from can Kiolaka'a, Kaunāmano is not my -- even though it is looking very promising but the cultural assets on each of these individual parcels are worthy of protection and I can't stress enough, yeah. The uniqueness of each of these individual parcels to the community very impressed by community support as well as partnering with different, you know W different organizations such as the nature conservancy on different ranching families in the area so I really love that model of empowering communities to really pick stewardship and the decisions of what happens on land and empowering community to [NAME?] those places so I think Manāka'a is in good hands. In the future while a little bit of stronger sense of urgency maybe in some of the other applicants because of the pressures to develop there.]

>> Commissioner Wiltse: I'm also thinking of the Kau applicants as a unit and I think overall we have an incredible bunch of applications this year. They all have urgency. They all have community support. And valuable cultural resources. So I -- I would -- I would rank the Ka'ū properties by the firmness of their match which would put the Manāka'a as the second of these three and Kaunāmano as the first because the match is firm there. And Kiolaka'a as the one that I would rank lower.

>> Commissioner Sinton: The fact is we don't put them priority order. We give them a score. You could give them all 1 or all 2 or 1 a one and come a 2. But nevertheless, your thoughts and sharing them with the rest of the Commission appreciated.

I feel strong about this one. It is unique in terms of cultural resources. And the lay of the land is different than many things that we have seen. It is just a really kind of classic example that is brought before us and I feel strongly about it and tend to give it a higher ranking. I think the threat is extreme which is huge concern. So I don't think that I need to repeat what other people have said. There is a great model. There is a tried and true model between the [NAME?] family and the ranching and talking care of the land and the sources with you still providing access to the community and the rest of it. I applaud that. Okay.

Well, moving on to Kaunāmano. Many of us have the same things. I'll start to shake things up and do it differently then go around this way.

I believe the numbers are correct. Kaunāmano is as I recall the county commitment is firm. That is a done deal. So I think the numbers are much

larger property, 1363-acres. I think all that is --

Also, real gem, no question about it. The only other issue about Kaunāmano, this seems to be a place that is really has high use from the community. A lot of people go down there. You have got the coastal access. So in terms of that interaction, it is greater than -- I think, to my knowledge -- than Manāka'a. Seems to me it has everything. It has got all the component parts that we look for and it is extremely strong.

>> Commissioner Wiltse: For all those reasons this is going to be one of my top project. In addition to everything that John mentioned, yeah, this is why project because of the high concentration of cultural sites located on this parcel in addition to community -- evidence to the community for sub assistance gathering and use of the area. In addition to the 4-mile stretch of coastline that would be preserved and protected for the people. Yeah. Just extremely unique what a treasure.

>> Commissioner Lucas: Also, very, very impressed with the cultural aspects in this. Having villages, the caves, things I have never heard of before. An amazing resource. They have got their act together as far as the money. Sounds great.

>> Commissioner Tavares: Similar to Commissioner Kawelo, this is my fiscal 220 project. Moving presentation. Unfortunately I didn't go to the land itself but I can only imagine. 4 miles of protected coastline. A strong cooperative arrangement with a grazer to help steward these -- a longer swath of and amount of archeological sites and importance to that area and to the Hawaiian people. I've never seen anything like that. So for fiscal year 20 would you want -- fiscal year 2020 this is my doubt my top.

>> Commissioner Warshauer: As we have heard around the table I feel the same. It is like Manāka'a only much larger and much richer but both have very strong ties. And they both are at risk and I rank them very highly.

>> Commissioner Blauch: Kind of was staggered really seeing a very enact cultural landscape. So we are archeological remnants but not just remnants. Not just a few stones but a whole Lapae. And you could really envision how this place was lived. And then the other thing about it was that -- this is impressive for all of the kapoo projects. The partnership of the community the non-profits, the science, then scientists is so deep in -- and natural. Maybe it is because they have been working for a long time but there is a real sense of mutual commitment to the whole area and that is very

reassuring and the other thing is that we have asked community members themselves and -- to think about how they would rank these. It is like very hard. All of them were so important and they're all so integrated for them. But Kaunāmano is what they chose and is what I rank most highly.

>> Commissioner Sinton: Moving on to the next FY 20 application. We'll discuss Kiolaka'a.

>> Speaker: There was some changes on that.

>> Commissioner Tavares: So the ask for Kiolaka'a from Legacy Land Commission has been reduced from \$1 million down to \$500,000.

>> Speaker: What is the item number?

>> Commissioner Tavares: Item D. 4 D.

>> Speaker: Was the match unchanged?

>> CART Captioner: Check that Jeanette it is the wrong name.

Commissioner T said it crate.

>> Speaker: They ranked it very high is my understanding but that makes it pending almost secure.

>> Commissioner Blach: I didn't understand that. The tables show that -- is that all coming from the county?

>> Speaker: No. There is money from --

>> Speaker: Yeah.

>> Speaker: So the match is firm.

>> Speaker: I'm going to check it in discussion.

>> Speaker: I can address some of that.

>> Commissioner Warshauer: A bunch of the match is still up in the air. They have one and a half million of Federal force legacy funding that they applied for and they're hoping to get awarded. They rank highly nationally. But that is up in the air still. They ever a non-disclosed -- determined the amount of PONC, County PONC funding that would be coming. So it is really hard to tell what the match is and what the percentage is. At this point in time. Can you address that?

>> Speaker: So there is -- my understanding is that there is two rounds of forest legacy program that the state is going to. The first round is [away from microphone] and second round is

>> CART Captioner: I cannot hear you.

>> Speaker: So the secured funds are first round of legacy funding and the CIP is 1 million. And that is secured. And then pending funds are the

county funding which we know has a number 2 PONC funding but needs to go for a resolution for the county council and then also the second round of forest legacy funding. There is also the possibility of private funding working with -- we're considering all of that. And [away from microphone]

>> Commissioner Blauch: They do have secured match sufficient for the 500,000.

>> Speaker: Yes.

>> Commissioner Sinton: I'm not sure where we are with going around the table but did you want to say more, Rick? Where are we? Did you say your views on this?

>> Commissioner Warshauer: I -- this is a project that we have watched evolve over several years on-site visits. It is a different type than what we just discussed. It is an economic model. The economic model is -- has potential to spread across a rather beaten up landscape and replace semi baron pasture lands with native forestry on a large scale and provide watershed clouds that we would drift past the ground would be intercepting moisture as this model grows literally and expands aurally. It is really good. It is different. It has less community support. Just because it is not an open area and most of the people have been estranged from the landscape for a long time, the exception is the landowners that have owned the land a few years were once the Kaho of the land a long time ago before the malahi and it is returning it to Hawaiian hands which is a good thing to see and we don't see much of that. That appeals to me quite a bit. It is an interesting project. I don't know about the urgency at this point in time. I don't know how it -- I would rate it for the 2020 versus 2021.

>> Commissioner: Can I say regarding that Tanya Rubenstein's presentation she really hoped that we would strongly consider it for 2020 because the forest legacy grant money that is pretty firmly in hand will disappear in June. So she will -- it will cause her to need to reapply, I think.

>> Speaker: The forest legacy funding the first round that is secured it expires in June of 2020. So for that reason the state shared with you folks that the Hāloa 'Āina project is their No. 1 priority for 2020.

>> Commissioner Tavares: Very interesting applicant. As Rick said an interesting economic model that could really change the mountainous landscapes of Hawai'i, especially on the outer islands. It is very attractive in that sense. Their ask has reduced over the years and just in this year alone it has become a lot more reasonable of an ask. A little disappointed at the fence

still is not done. We've been waiting for that fence to finish for the last two applications cycles. So you know a little bit of concern there with seeing projects through to fruition but they -- they have controlled the immolates there very successfully as best they can. It is not buffalo roaming around. So it is a strong project and interesting project however I don't see that -- the urgency and the value in the same loot that I see some of these other projects.

>> Speaker: Go to the site visit and I felt that one of the strongest points in the data was position that they have put themselves in terms of being the [NAME?] in that area were all of these ever-increasing amount of landowners below them. So they have -- they have become sort of the buffer zone to the conservation lands between the -- all the gas land and extending to the mountain, not [NAME?] thank you. And seeing the incredible work that they have done with like -- it was really astonishing to see the variety of plants that they are providing the neighbors to reforest a lot of these farmers are interested in forestry and they're -- they're unaware. They're uneducated. And it is really doing education and these plants and actual forestry impact goes way beyond their borders. And their thought process with regard to how to steward and take care of that seems incredibly thorough and they have a really nice balance of science and entrepreneurship and conservation. So I -- when you drive up there and you go through the lands where Starbucks planting a million konk trees and mowing down the moikea in the process and you rise up and see this and you go oh, okay. Thank God somebody is doing something up there. All of that said, I don't go with the urgency. They seem to be very resourceful. So I think they are -- they need to be supported. I don't know if the urgency is there.

>> Commissioner Kawelo: This is a tough one for me. I have always been super clicked about this project but to a certain extent, almost would like to fund it so it is not on next year and we don't have to go for a field visit, just understanding the landscape and potential for this continued practice of basically acquiring land and leasing land from one landowner to the next all the way from where they're located in south kona and the other direction as well is kind of scary to me but it seems to be what everybody is doing especially given [NAME?] purchasing property. I think the practice of harvesting old growth in Elihaie next for that portion of Hawai'i island and snow that regard maybe this provides a really good model for what a forest could look like post ranching, post removal of old growth ill ill and I'm not convinced of the practice. So for me not quite an urgent project and not -- so compelling as some of the other projects that we

have before us.

>> Commissioner Wiltse: I have followed this project I think for four years. I have been there twice. I admire their tenacity and also that you are progress. I have seen changes and improvements every year. That gives me added confidence. I think I support this project more strongly now than I did at first. And I -- I am going to rank it fairly high. I'm hoping it falls in the funding for this year.

>> Commissioner Sinton: I share many of the thoughts that have already been expressed so I won't repeat them all. I do think that harvesting the trees, the upper reaches of the mountain parties is inevitable but they're taking kind of a long view of this and they welcome visitors and people to that historical building so they're open to some of the same levels of the other applications that we have seen. Like [NAME?] said I'm hoping this is the last time around. I feel like they're getting close. The overall [away from microphone] are positive not overwhelmingly high but --

>> Speaker: I did and you all spoke very well.

>> Commissioner Sinton: Okay, move on to Maka'alaie is the next one up. So there have been changes on that but my understanding is that the ask is 1,581,700. Different numbers?

>> Speaker: I got that number.

>> Commissioner Sinton: 1,581,700. Total project I'm hazy on that. I believe the match is 1.571 plus an additional 71 k so it is about 50% match. I don't have a precise. Robin you can correct it if you want.

>> Robin: The match is 1,571,000. On Maka'alaie. Total project cost is 3,152,700 and the request you had is correct.

>> David: The percentage times match somewhere around -- this is David, the percentage of match times around 50% from what was listed there is 31%.

>> Speaker: Yep. We also have -- no acreage change correct?

>> CART Captioner: Speaking at the same time.

>> David. Okay.

>> Speaker: I love this project. I just think the threat to these coastal properties is urgent. I want to keep the land for the community. I'm so impressed Ke Ao Halii and what they have been able to do in a year and a half and the community support that they have is just totally impressive. So this is going to be one of my top project for funding in FY 20.

>> Commissioner Kawelo: Yeah this, one ranks pretty high as well for me in the same regard that the Ka'ū. You're protecting coastline and community and for your testimony very compelling. You guys did this last year to me, too. Pulling at my heartstrings. [sigh]

So yeah this. One ranks really high for me. You know, an effort to protect -- really the lifestyle of an entire community so Mahalo for that.

>> Commissioner Lucas: Don't really think anything that Hi'ilei said or I could add much to it. I hate when I have to wipe my eyes. But you made me do it. So -- it is very -- very compelling. Very urgent.

>> Commissioner Tavares: I just want to get a final confirmation. So you do have documentation of donations for the acre [away from microphone] this is --

>> Speaker: Yes. Yes.

>> Commissioner Tavares: Okay. So because of that, and the ability to leverage this purchase extend that stretch of land I rank this project very high as well. There seems to be reasonable land management plan that would show good cooperation within the community. Obviously these are important lands to -- for members of the community and borders other contribution areas for their expanding footprint along the coastline. So for that and the reasons mentioned by the Commissioner before me, I think very highly of this project and recommend it as such.

>> Commissioner Warshauer: I also am quite moved by the opportunity to maintain community access to these coastal properties. As always I'm really upset to see how offshore landownership occurs with large pieces of land so frequently across the state. How communities that still count on these lands for their lifestyle could disenfranchise. Like the [NAME?] properties we have an opportunity to present that for one stretch of shoreline.

I know and recognize that the community group is new and they have the track record that some do at this point. Because they are new. There are challenges with introduced vegetation that have since seen the enthusiasm to meet those challenges.

I will rank this one high myself.

>> Commissioner Blaiçh: I'm very moved by the Ke Ao Halī coalition. You know, new and long-time residents. That is very special. And I come from a community which had expansive agricultural open lands going down to beautiful love coastal areas and where the community has been cut off from so

many of those places. I haven't been to Hāna for a while but when I think of Hāna, I think of these lands as open and I like it. And, please, if there is a possibility of grasping on to a few more and making good on doing some good. So that makes me rank this very high. Moving on.

>> Commissioner Sinton: I don't have much to add. I agree with everything said. I feel that we are so lucky that [NAME?] stepped up here at a time of a great need to [away from microphone] at a time that the clock is ticking on us. So the time is right to do what we can.

I think the model will work. I have confidence in this group even though they're new. I think they're going about things the right way and finding the right partners and making the investment and community involvement. I really like those aspects of it.

The lands, you know, for me the native -- I come from Montana ranching country. But for me, the ranched lands tend to be degraded in terms of vegetation, et cetera. So I don't have the same appeal but that makes them no less part of our legacy nor important to preserve in my mind and the hopes for restoration are also there. I like this application very much.

>> David: Just wanted to add I believe that Laura mentioned it, but we did have a letter today come in willing holder letter from [NAME?] trust from the conservation. [away from microphone]

>> Commissioner Sinton: I was going to comment on that. I think that is a real plus. It gave us the numbers that makes the math look better but that is a relief. And actually the other thing I happen to say about, this I think it is a bargain because of the donations of the other lands. Put this all together. I think this is a good deal. The way it has finally come together.

>> Speaker: And parcel that got swapped in is coastal.

>> Commissioner Sinton: And that one has firm commitment from the county. So these are all pluses. Okay. Okay, that leaves us two. Nānu'alele Anchialine.

>> Speaker: I'm willing to start one. How can we ignore a gift? Well, I think it is going to be a gift to somebody. Some day. Personally, I don't think DLNR is the best use of this land is my opinion and I have very strong ties to DLNR program and I have reservations that is the best model. We had a number of people say hunter ranch needs to get rid of this land. I don't know what the probability of selling it to some kind of estate guy is but any way I don't feel quite the threat. I feel like they're going to get -- give it to somebody and

hopefully will find the right recipient for that gift and not convince the state. I'll leave it at that.

>> Commissioner Blach: Yeah. I have confidence that this is going end up in a management situation which will be more compatible with the other management plans in the area. So this would not be receiving my high support or my little support.

>> Commissioner Warshauer: I really like this site. I'm a biologist. I appreciate the biological potential of it. I also appreciate the cultural importance to the immediate neighbors and to the whole landscape around it. I'm impressed that people want to manage the land and whoever winds up holding it -- and I, too, feel that there is not an urgency for us to proceed immediately on that. I think that the dynamics that are happening there, the right thing will happen either way.

>> Commissioner Tavares: I think I agree with Commissioner Sinton that this is a land donation that is very attractive for a very cheap price with a lot of importance to the members of the Hāna community and seems like it would be a great candidate for us nonprofit in the area protecting coastlines. That being said I do not think that the Department of Land and Natural Resources is the best applicant for this project and similar statements have been made by members of the community with some concerns in that regard and for that reason I would not be ranking this very high.

>> Commissioner Lucas: Very grateful that the family members stood up to give us their thoughts on this and finally there is one project here I can in very good conatus rank. I'm relieved. Bolstered by the information from the AGs office that this can probably be done much more expeditiously and inexpensively if it is done through private agencies rather than the state.

>> Commissioner Kawelo: Speaking on behalf of -- as a DLNRs Commissioner, I think it is -- this is a better fidelity to go to the community and have a nonprofit in the area manage and to have the complete can confidence that that nonprofit will be able to work with community and provide access for community and also protect the biological value that these alkaline ponds hold for the endangered pino.

>> Commissioner Wiltse: I have very little to add. I just want to reiterate I'm optimistic for the future of this property and I also want to see the biological resources protected and restored.

>> Speaker: May I add one thing. Since came on the Commission I

have been able to see amazing partnerships and sometimes they're inner island partnerships for sure. There are -- their alkaline ponds on your neighbor big island in the Ka'ū Area and there is a partnership I believe the wildlife -- what is the last -- fund. Exactly. Who are beginning to focus on alkaline pond restoration. So I hope you guys meet each other. that moves us along to Nānu'alele Anchialine the numbers I believe are I believe -- somebody left if there is a change but I have an ask of 1.1915. \$1,191,000 is the ask from Legacy Land. With a match of -- comes out to be 24%. Which is normally would be below our threshold for consideration by this program but I'm told that state can come thousand this again.

>> David: Grant from state agency does not require match; however, whatever the estimated match is in application then as through this process before we expect the state to document that amount of match or pretty close at the time we close the deal.

>> Speaker: I have strong feelings about this. I was on the site visit. I don't want to spend our Legacy Land on a parking lot. I would rather see the state delineate parking spaces within the existing area and have a reservations system online. People have to reserve a parking space to get access to this area. I would like to have them use a curve or something to keep people away from the wet area of the parking lot. And I think all this can be done for less than 1.1 million. So I'm going to make this one low.

>> Commissioner Kawelo: I share similar sentiments as Commissioner Wiltse. I can't see spending precious funding \$1.19 million on half an acre parcel tonal get the community to park a little bit further way from the shoreline. I agree that there is things that we can do on a lower budget in the interim to kind of keep parking way from the shoreline in the meantime.

>> Commissioner Lucas: Yet having access to fresh water, water meter and short -- significantly shortening the time to access the nearby natural area reserve that is certainly in my mind not worth the price tag.

>> Commissioner Tavares: I like this application. The thought there is being degraded but still being preserved the success that the DLNRs program has in surrounding and management has shown to be very effective. The sale of this land to another private landowner would long easement access through the fishpond area. And over to the DLNRs section which is going to continue to limit their ability to get in affectively manage the existing DLNRs area u that being said, we have some incredible applications. This is one of them; however, the

impact that our dollars can have on a much broader basis. Another application. It doesn't allow me in good conscious to rank this very high.

>> Commissioner Warshauer: I feel the same as everybody. I really like the project conceptually. I wish we had enough budget to include it but I can't see it competing with other more compelling projects. I hope the -- they can find funding to go through the other process. I don't think we have enough in our limited fund to do this and I will rank it low.

>> Speaker: [away from microphone] incredible pressure but I feel as if -- I feel as if there should be other ways to deal with this. I feel like most valuable aspect of this particular property is that it comes with this easement a shortcut to get around a Bay to do management. I feel like you must be able to do something, negotiate it. Going for easement, I don't know what the solutions are but I hope that other things can be considered because we are not going to have enough money to fund, this year. Zero

>> Commissioner Sinton: I pretty much agree with everything that has been said. I care very much the [NAME?] and there are -- it is probably the most difficult one to manage of all because of the pressure and the people and the numbers of the people that serve this place and the parking nightmare is just the overall pressures. This would help. This would definitely help.

When I tried to think of a way to rank this, I go back through our priorities and the kinds of things that we look for the resources. There are shoreline resources here and I to have kind of search a little bit to find the justification to use legacy and I don't quite see legacy. Like others have expressed I would hope there was another way to make this happen other than [away from microphone] okay. I Na Wai Eha. I'll kick this off. Okay. Very important. The total ask of Legacy Land is now 2 million. So that is if they get the adoption of ask. There were also some changes in --

>> David: I have the acreage change on the applicant. It is now 11,020.164. More or less. My question that I just sent a message about or if anyone else has notes about we know that the ask has changed but what about the total project [coughing]

[away from microphone] and that was not in the previous.

>> Speaker: Presentation showed that they were going to seek funds from someone different. To make up for this.

>> David. Make up the difference? The total project cost is the same. The match goes up. So the match -- yeah. Well I'm checking on that

but they did keep the same project cost come may not -- the area is less so I'm not sure about that and that is a substantial amount plus the area rate. But roughly 67% match if all those other numbers are there.

>> Commissioner Sinton: A few comments. This is a huge state of when he owns the water and water share. Should be public health without a question. There are a number of cry year within Legacy Land that this disqualified. Some forest area. Massive [away from microphone] and all the rest of it. I -- looking back on my notes that I have here on this that was going on, too, I felt like the request was perhaps kind of premature sense there were no matches lined up to go with this massive project. And I fundamentally believe to deal with water in general and extract the watershed out of private lands but I'm not sure that is a fight that I want us to do for the Legacy Land program. So I'll give this kind of a somewhere in the intermediate sort of ranking I think and there are many good things legacy in this land acquired. But in terms of where they're all priorities against some of the competing ones I can't put a good number to it. Leave it at that.

>> Speaker: Give us an update on the match. Total project cost. Oh, yeah.

>> Speaker: We estimate that upgrades for ten and we will apply for 8 million total from four other sources requesting 2 million from this Commission. And the applications for those other four are in progress now and will be submitted over to next year. So that is -- that will be the county, 2 million US Fish and Wildlife Service section 6, department [away from microphone] program for two until US forest legacy lands and 2 million and it is CIP from the legislature 2 m and then so 2 million from this [away from microphone]

>> Speaker: You mentioned yesterday there was also something urgent. Are you applying also for 2002021?

>> Speaker: No two. Million total from legacy programs.

>> Speaker: Your question. You're saying you think it is going to be 10 million. The total project cost now is estimated to be 9.5 million. How do you -- total appraise -- how did it go up when you are having to drop 800 acres?

>> Speaker: Good question. I might need to contact Leah for that and so I think that those dollars might have been for additional cost.

>> Speaker: I just talked to Leah on the phone. So Scott said 10 million total project cost 8 million matching, 2 million from Legacy Land. At this point it is not clear what the rest is so what Leah said is that the 10 million is

total project cost.

>> Speaker: Yeah. You are right that -- well, I'm just not sure about the 800 -- the figure that we're using is because the landowner said that that is what he got it appraised for. And that that is what he had agreed to sell for. Now, I think that he meant without the 800 so I don't think that the 800-acres -- I don't think 800 acres is going to change that dollar amount.

>> Speaker: We need a number to put up in the table so the Commission knows [away from microphone]

>> Speaker: Ten.

>> Speaker: Okay, ten.

>> Speaker: 800 parties and all of it is pending. Yeah. Not secure.

>> Speaker: Correct.

>> Speaker: Okay. Thanks.

>> Speaker: Am I dismissed?

>> Speaker: I guess I'm unlike you.

>> Speaker: Oh, wow.

>> Speaker: Oil wondering if this is a vital acquisition to go into the public trust. We all recognize that. We have a really limited amount that we can spend. Is there a chance that you can up the request from CIP or CIP to the legislature and advocate the rationale of the urgency and the need.

>> Speaker: Yes.

>> Speaker: So how much do you think you might want to up the CIP?

>> Speaker: It would depend how much this Commission awarded.

So if this Commission awarded one instead of two we would bump up the next -- an extra trust by that amount. If CIP would -- I think it is the next one we have in our budget right about now. So, yeah. The figures we gave with you that 2 million those are our best guess from a lot of experience, a lot of people working with these sources of funds and putting in proposals and what we're able to get. It is not -- not an uneducated guess. A very educated guess based on past experience.

>> Speaker: I would like to add to that because I'm going to be -- I know [away from microphone] wildlife. Responsibility for paying for requests and I guess from your perspective it might be easy to say oh, we can just ask for CIP instead of asking for [away from microphone]

>> Speaker: Remind you folks we actually have similar ability just like nonprofit taking from the legislature [away from microphone] and everyone can

ask for money different ways. So I wouldn't say that the project to have this ability to get this outside funding that any of the other project don't have. I don't want that to be a way against our projects. Especially since in the past when we have asked for additional CIP funding for projects we have in not gotten it so it is not like a guarantee thing just the way they asked for a special -- for Legacy Land money [away from microphone] so I -- I kind of see how it is to just say oh, you know, other funding sources deal with the problem and I want to caution you folks that that is not really a viable dependable source of funding.

>> Speaker: U.N. I just think this is such a critical project. I mean we're talking 70% of Maui's drinking water. And then that is without talking about -- it is natural resources and the existing natural resources. Not potential natural resources but it is actually there and also -- the recreational possibilities. So it is so hard had just -- I do feel a little bit wish whacked by this proposal. I guess the reason I feel that is for something of this importance it kind of unnerves me that there isn't evidence that the county and the state have been actively looking at this together. This is something that has been on the table for two or four years I think. And the water management and the states, they -- all of it if there is not this big coalition that just really has already dug into this and it is coming to some kind of a firm proposal. So can I say I have not made up my mind? I'm totally --

>> Speaker: I want to clarify something about the funding discussion. That should have happened earlier in the meeting. There is no money valuable for this 20. That is the application that we're working on right now. If there is CIP money available it will be available in fiscal year 21.

>> Thank you, David.

>> Speaker: That being said fiscal year 21 money would be viable for a couple of years.

>> Commissioner Warshauer: You, too, am dismayed that something of such paramount importance as watershed has not been planned for. Particularly by the county. The county could have called in for state reinforcements early on and dismayed that they dropped the ball and I commend DOFAW for picking it up and keeping it alive so it doesn't wind up being sold like the last few parcels. So I, too, am conflicted by this one because we have such a small pool of money and such a great amount of ask. Which is why I keep leaning towards the CIP. I realize this year is not the year for it. I'm just displayed that people in charge of those -- who have responsibility are making

sure that watersheds are providing water to our communities and where we can help I think it would be great but wife do it is going to be a great impact to the community applications.

I have not decided where I'm going to fall on that one myself. It is a tough call.

>> Commissioner Lucas: I'm shocked that this proposal in front of us. I thought that we had other bodies like the Commission water resources management that we're looking at things like this as a newbie Commissioner here it is really been very difficult. Because this is something that must be a public resource. It is not just the water resource but it is also the incredible land and the amazing complexity as Scott was describing the network of easements that come across the land and need to be dealt with. Anybody who has ever had to deal with that sort of thing knows how phenomenally complex that is and so it is -- this seems like something that is must be taken into public trust; however, our budget is so limited and zero my notes say this was the DOFAW No. 1 pick for 21. So I'm taking that into consideration.

>> Commissioner Kawelo: In their specification indicated this is their No. 1 for 2021. Allow them more time to secure some of the pending funds. Not really knowing anything about Maui, I think I do know and understand how important this water shed is for the people of Maui. But agree with many of our Commissioners that -- personally I feel unqualified to beep even talking about this. I feel like this is something that should be for the water Commission and that funds of -- allocated to purchase this property or conversation should be in the people involved in that conversation should be outside of the people seated at this table and include more conversation between the state and county.

I think my big note here is that water is such a big piece of this application for me. The fact that there has not been a decision about what happens to the water rights? Who gets to sell that water? A feel like that is super important to the conversation and should have happened and been presented in an application before us.

So in addition I feel like something as huge as this I would expect that would be a larger community preference and voice and we know a lot of cow farmers in all of these values that could probably attest to the importance of a protection of these lands. I'm a little bit saddened that, you know, I know this is a state application but I am a little saddened that the people that the state is entrusted to protect and the rights that they're entrusted to uphold. There is a

presence or a voice from our community. So-- so, yeah. I'm -- like Beryl, I'm dumbfounded because I recognize the value in protecting these lands but I just feel a little challenged and conflicted in being able to make the decision on the fly without having more information or more of a presence from community.

>> Commissioner Wiltse. I agree. I am well aware of the importance of these resources and I feel a desperate need to with them to put them into public trust for. That reason, I'm going to rank this high for 21. I feel like the application was -- sort of prematurely submitted with -- there is a lot more work that needs to be done to secure the matches to clarify the water rights, et cetera. And I won't recommend it for FY 20 but I will for 21. Also a little nervous that the board might insert this as a priority. And to our rankings because it is such a -- an important property for the state.

>> Anyway, I agree. I know this -- I have spoken and I'll just add Commissioner on they could have done a better job with this application. Could have got the stakeholders involved. That is what we expect all the nonprofits and the other people that they come in with everybody that was involved. And the state put something in and that is no match to secure. And there is plans in the future. And it was important the application is very good. And

>> Speaker: With that being said speak up.

[away from microphone]

>> Speaker: Moving on to Mapulehu. I have some revised asks. The ask to LLC, I believe, is 1.1 million. That is what I had. Out of a total of 3.7. That what is that is later on -- the percentage is. It is about the same. It is two are thirds approximately. And the acreage I'm not sure of. And it was had

>> Speaker:

>> Speaker: I have 1800 and 19.

>> Speaker: I'll double check while you continue the discussions.

The other thing was, the way I heard it was -- it was almost like the Mapulehu land trustee was asking us to tell them how much to ask for. So -- but I think the 1.1 was best answer we got on that. I think everybody --

>> Speaker: Zero

>> Speaker: I think it is a strong applicant and strong proposal and totally impressed with the Moloka'i trust and their capacity and the board members. I also think it is a lovely property. The payout is it is so significant. So yeah. I will rank this highly and have confidence that this is a good

deposition. It will be well -- well restored and maintained.

>> Commissioner Kawelo: Yes, I was on this field visit to the level and totally impressed. The amount of automatic ridge. It would be in the conservation district protected for rare and endangered plants and ecosystem around that as well as the agricultural parts below and the potential for sustainable ag. And the creativity around that but the community could make you but similar to Ka'u. The presence of one they large cultural site [NAME?] and probably the associated other archeological sites that have yet to be uncovered in the surrounding proximity.

I really love, you know, two respected individuals in my mind [NAME?] and [NAME?] McGregor have the complete confidence in them and I love the model of including students and including the community and actually tracking down those with gene logical ties to the royal and you know you don't have to do that if we don't want to as a landowner but that is something that [NAME?] is good at and that is awesome. And something that others going forward other applicants going forward that is a really good model. Yeah to. Consider. So this -- this application is going to rank amongst my top two. Whether it is funded in 2020 or 2021, yeah. I just -- I really love the inclusion of community and -- in this application. Very strong application.

>> Commissioner Lucas: Linkage of the reconnecting families to the land and doing it in the way that Davianna McGregor was proposing is my favorite thing about this. It is something that you don't -- I haven't seen the land itself is an incredible -- incredibly a good deal to get watershed, to get agricultural lands. To really engage the community deeply. I'm really sorry I didn't get to go but there will be definitely very high on my priority list.

>> Commissioner Tavares: I also really like this application for the amount of acreage that we are able to encompass for the ask. I think that the value is there. It checks a lot of boxes as far as what our land acquisition priorities are. Got strong community support. They put thought into expanding existing fence plans to create more protected barriers there already. It links a lot of protected areas in those upper regions so leveraging this land is a process that seems like it is already being put in place as far as protection and conservation goes. I have not seen it in person. The kal on property seems impress ever and largest on Moloka'i. Access to the trail is also another positive and just the fact that they have taken the time as agricultural representative to put thought into a farm plan with UHC car and start working with NRCS on

conservation plan for some of those Maka'ala'e Lands means they are serious and areas not in conservation. Purchasing ag land is one thing and truly farming is a whole other thing and I have a lot of confidence in this group's ability to implement that. So that is very exciting and Moloka'i has always been the breadbasket of the state. Having more agriculture in that area, you know, is very positive thing.

>> Commissioner Warshauer: Like that Commissioners Kawelo Lucas I appreciate the approach that I have not seen to connect potential claimants to potential pieces of land in the -- in this application. They are resisting property or not they're on their way to being discovered and reunited with a landscape and a project that has a lot of potential. The applicants with the Moloka'i Land Trust have demonstrated what they can do. How they can transform the landscape and heal the land, how they can reverse things. And I look forward to it. I was on the site visit. And I saw land that had once been productive and now is not. I saw a watershed that I had been in decades ago and it was really pristine and it was sad to hear that the pigs have gotten into it and turned it up a bit and who knows maybe the deer as well. Because the watershed that upland is so important of the life of the land below. And I feel good if it is on a path acquired to protect both. Bring both back to life.

Another thing that I find really appealing is that we're dealing with the family that owned the land. The economy then and now is so different that they cannot manage it and they have to let it go and they're letting it go [away from microphone] and by selling buying directly from the landowner we don't have an offshore middleman like we have in so many of our projects. We're dealing with a cost that is going to be less than if we're dealing with an offshore landowner. So I think we would be foolish not to jump on this one for all the above reasons. I'm going to rank it high. Top.

>> Speaker: Everybody has said things on my mind. I rank this very highly also. First of all, this is very large property. It is an entire watershed or almost so that is huge. The other thing is that Moloka'i has been battered. When you go there you look at Mapulehu and I'm sorry this is like heartbreaking to even say this but the amount of alicio and quave is staggering. I look at this project I say wow, this is huge work. I think this is a group that can do it. That was the other thing. That is the upside this. I really believe it will take a long time. It will take tremendous coalitions and I think so. The other thing that was real persuasive is that what has not changed is ill ill opea. I saw it 25 years

ago and it is remarkably the same staggering moving massively astounding condition. I am ranking this high. I'm glad that -- and I also feel confident that with you the matches are not firm at this point, I feel that they're likely to [away from microphone]

>> Commissioner Sinton: I won't add too much to this. Very strong proposal it is fantastic property. I like it is almost an entire aqua. Missing only the very coastal part the road. That is a cool thing. If anybody can take on a scale of project like this I think MTL can do it. We'll do it. I love the connectivity of the lands with the forest work that is being done on either side of it. A lot of fencing up there that is going on also by these people and the state and others and so this -- this will -- this will be really important part of that of keeping that forest healthy and --

>> Speaker: Can I make a comment before you move on to the next one. This is not a comment -- just in regards to process. This application has several title issues. Several calls on title. From land division's perspective, they will need to be cleaned up prior to us supporting the grant award if it is ranked and warded. And it could -- some of the title issues could take some time to remedy and because we are right now reviewing this FY 20 and FY 21, we have recently been audited and projects that have been awarded and we're not able to be completed within a time frame -- you know, one or two year time frame. We have been really gone hard by that. And so I just wanted the Commission to take that into consideration when considering this project for ranking.

>> Commissioner Sinton: May I ask a question. What do you mean by --

[away from microphone]

>> Speaker: There is a call on title. A broken title in several areas. And I know that in the presentation and the pluck is looking to also clean up -- there is Kuleana issues as well. The -- we don't want the state to be involved in potentially funding or transferring land that have called on title. It doesn't mean that it would necessarily the kill the factor but -- that have these type of issues pending [away from microphone].

>> Commissioner Sinton: Can we break this down. We're talking very general things here. We have broken title on the title report on approximately 3-acres. Is that the broke entitle concern or is there --

>> Speaker: That is one of the concerns.

>> Speaker: That is going to go away either by us the Moloka'i Land Trust taking that out of the transaction entirely and not acquiring that piece or alternately. And right now, the landowners are filing a motion to correct the judgment probably next week. But we're not a part is that.

>> Speaker: Whether that judgment is amended and what time frame that judgment is amend placed is still pending. So from our perspective and viewing the -- in viewing the title reports at this time. Not in the future. This time there is a call on the title and just that -- that is part of my job is to let the community's -- inform the Commission of the issue.

>> Speaker: We were informed and I thought we were forthcoming so I think that we are aware of this. Let's move along on this.

>> Commissioner Sinton: I'll finish my comments about this. There were awe couple others and some of this has been said. Something extraordinary. This is -- I'm not in a decision to rank hao but this is something extraordinary and I hope you were all able to read the letter from Professor on expressing his opinion about the value [away from microphone] the other issue that we have not really talked about is the urgency this family is in a position to want to sell this land. We got letters of support from some of the family members that would like to see it go through Legacy Land and into conservation. But it is a large family, I'm told. They're all in agreement with this. I don't -- personally I don't feel the same urgency on some other properties. Just slightly lower. In any case I like the proposal very high. I really want to see this land be conserved and I think it is real gem probably from the upland all the way down to the highway.

>> David: 1,816. The matching funds 2.6 million, 2,600,000. Comes out to 70.3%. Legacy Land contribution 1,100,000 for the total project cost of 3,700,000.

>> Commissioner Sinton: We are getting close. I promise you I have lunch in my mind, too. We're getting there. The next one is Waikalua Loko I'a. Who would like to begin the comments on these? Who would like to begin this discussion? Laura is here so let's talk about the numbers fist. I think they are -- oh, okay. We have a letter that spells this out so we can all look at that. Total project cost, 1.54 million. So the funding request to Legacy Land has been reduced from 900,000 to 70,000. You'll just kick things off with a couple of comment. I was able to go on the site visit. I admire very much what is going on out there and the work being done and the interaction with schools and the

number of people who come through this place and the importance of this. This fishpond to kind of be a local community. I think that they have been doing a great job out there.

So I like that. I like very much the operation that is going and the American Foundation Work and the property itself is somewhat degraded. It is no longer fed by a freshwater stream. There has been a lot of silting in the fishpond itself. They have done a great job of digging out an awful lot of that mangrove trying to restore the environment around it and I have no doubt that they will continue that in a very strong way. So I really like the overall property. I feel like the threat is not high mainly because Mr. Lee and Paf (sp) told us the place is not going to be a wreck but that is -- I think we all believe him about that. But he's also got a very good concept of where they're going and what the future will be and knows that there is uncertainty as long as it is in present state of affairs. So I'm kind of somewhere in the middle on this. I don't have it as one of my very top but I like -- I love to see us be able to do something with this property and -- in the long run.

>> Speaker: Really admire the dedication that is produced that is utilizes this area as a Learning Center for such a long 25 years. Developed so much curriculum that other people are able to use. My understanding and I just would be a little not -- wrong but Mr. Lee mentioned that they had just gotten title to it. So how is that? And because this land -- I understand the security of the conservation easement but because this land is in state conservation district and because it is not a preservation county showing, I -- I feel that its status is quite protected at this time. I will not be giving this a high ranking.

>> Commissioner Warshauer: I -- like the previous two speakers, I admire what has been done to secure this land. I was a kid living on that side just trees and turns out they are mangroves and as I got older I realized what a threat mangroves they are and how hard that is to get revised and doing and they go together and blend together and it has been challenged by dewatering by sewage treatment plant by people forgetting it was there. They brought it back to life. They worked hard. They were competent in raising money and using what they had secured for education to me that is a real important aspect of what they have done and they have worked so hard and made it so stable they wound up just we were informed by getting the title to it and stabilizing its position there and as such I, too, will not rank it as high because I don't see the urgency as much as I appreciate what they have done and really want to see this

secured on the permanent bases I think we have more pressing issues before us to put our funding in.

>> Commissioner Tavares: I agree with the three Commissioners who spoke before me. No further comments.

>> Commissioner Lucas: I also exactly agree with the -- what has been said so far about Waikalua Loko I'a. I know how solid they are as an organization and it seems unfortunately to sort of punish them for their success but I feel like there are other project urgently needing our resources.

>> Commissioner Kawelo: I'm a bit partial. Because of the curriculum developed some 20 years ago that kind of set the stage to allow all of us and subsequent organizations to follow and do similar work to what is being done at Waikalua Loko I'a so I -- the local preservation society [away from microphone] and I do -- I'm not going to rank this application very high because like many of the other Commissioners I don't feel that there is that sense of urgency like other project before us. And I also don't feel like the conservation easement is essential for the organization to proceed with their plans to grow and develop infrastructure on the properties. So maybe one day down the line all of us fishponds will hopefully have a conservation easement but for this year, yeah. I think we'll hold off.

>> Speaker: I agree with everybody. Really strong organization and application but it doesn't have the urgency that some of these other projects have. With

>> David: Final on the numbers because the letter didn't have everything in it. It is total project cost 1,540,000. Legacy 700,000. And match 840,000. About four pollen count 55.

>> Commissioner Sinton: Next up. Halulu fishpond.

>> Speaker: I have visited this I have a great respect for Waipā Foundation. I have been familiar with them for a dozen years or more. And their work. I would like for them to own this piece of property which is access to their laki area. But I -- you know, and I see that the adjacent properties are developed and have big houses on them. I didn't get the sense of urgency we had in some of the other Waipā. Probably rank it in the middle there.

>> Commissioner Kawelo: I share similar thoughts as Commissioner Wiltse and this is I thought I heard in Stacy presentation they had grant in punk and looks quite promising. Correct me if I am wrong -- is Leah not here? Shucks. I took that as a sign that they have the funding request secured Halulu.

>> David: 50,000 from last year. The match I'm not sure. I think they're looking at the county for that.

>> Commissioner Kawelo: That is the pending them. Okay. Shucks. This one I'm going to rank pretty low just because not as -- not as urgent as some of our other projects before us.

>> David: [away from microphone]

>> Commissioner Lucas: I respect the work that Waipā has done. They're an integral and as a result part of that community. But I also don't feel the urgency at this time. I would say middle for me.

>> Commissioner Tavares: I had the opportunity to visit Waipā in the past. And they are a model of success. They are one of those organizations, leasing land from schools and they are often pointing to success stories and I think it would be tremendous stewards of this area, especially with their ability to engage with community. However, similar to statements made prior by Commissioners. The sense of urgency for some of the other applications is much higher than the purchase of the Halulu fishpond in my opinion.

>> Commissioner Warshauer: I, too, am in awe what this group has done for Waipā. Watershed to the coast issues. The involvement [away from microphone] I do -- don't sense the urgency and I wish that they get the county funding to complimented what we paid them last year.

>> Commissioner Blach: This project is not just dear to my heart but it is dear to my stomach and it is -- I'm a user I have to say. My grandchildren are in programs there. I attend community events there. I think there is a way in which this project is urgent that isn't apparent and it is hard to talk about.

The nonprofit that holds this parcel that is the key to Waipā having coastal activities. I mean, this is Lad Ki right here. This is it. They are -- they hold many important lands [away from microphone] and they don't have -- have not been really so very open to having a sell to this -- to anybody. So in that way, to me there is an urgency here that is not so parent. Nevertheless, I see -- I do and I do want to remind my fellow Commissioners even if they get a match they'll still be short 500,000. So I'm going to point that out. I'm going to have to struggle. I obviously rank this project highly because I see the -- I see the amount of use it has. I see that this is -- this parcel what is happening here is what we are all trying to do in other places. And what -- maybe there are other ways to work out this issue and to achieve the -- the sense of its naturalness without -- with a landowner that is probably going to just fill it -- have

somebody build a big house. I think it has come up before and I think that personally I'm going to rank it high.

>> Commissioner Sinton: I like this very much. I agree with what has been said so I won't be saying much on this. Tremendous respect for Waipā. I have sticker shock on this. A tiny little personal for \$2 million is the total cost for quarter of an acre. So for me -- well, let me first say. I would really want them to get this parcel. The lay of the land with -- where they're currently working and then the fishpond out there this is kind of a critical link out there. This turns into the private hands. This is a problem. I really hate to see that happen. Just from the geography as and the situation. I do have sticker shock. I don't know what the threat is. I have a hard time catching that at that price. It is extremely high. Lost my train of thought.

>> Speaker: [away from microphone] actually that is sticker reality.

>> Commissioner Sinton: Of course in terms of what they do at the community, et cetera. Anyway, I think the final thing I was going to say we have such limited funds. What can we do with it? I'm hesitant to use a large fraction of our available funds for a quarter of a million even though I see this as quarter of an acre I would dearly love to see get [away from microphone] okay. We have one left. Hāloa Aina Royal Hawaiian Sandalwood Conservation.

>> Speaker: Can we check on the number? I see no change in the -- my numbers are they're asking us for \$1 million. They are suggesting that the total cost is about 1.8. -- notes also say that there is no confirmed match at this point.

>> Speaker: They did mention that they had \$30,000 which they had generated in a very short time.

>> Speaker: This organization is well respected in the community and affective raising money to support their projects of developing young farmers and they also have partnerships with other organizations. This -- I do not think that this particular piece of ag land is strong in its agricultural attribute. I think the application is not really very ready so what is supported is general. Not very specific. So I'm not going to rank this highly

>> Commissioner Warshauer: I feel just the same. Without the detail of understanding of the local landscape. I will not rank this highly either.

>> Commissioner Tavares: I will also not be ranking this project very high. I would have liked to have seen a little bit more of a mature application that had -- you know, a little bit more time and thought put into the agricultural

aspect of it considering that is their core business even if you're just farming farmers there still needs to be a better understanding of the agricultural ability in different areas on -- I did not see that. I think that on top of that -- though they have been successful in the past I commend them for being able to fundraise successfully some of their other programs that have shown significant promise, the lack of operating budget and operating plan not only regarding the build out of this program if they were to acquire the property. But also the operating budget that they could present to us to lay out how they would fund a fundraiser and that process to fund over 600 -- fundraise over \$600,000 like many of the other applicants were able to provide us with leaves me with too much doubt to rank this very highly at this time.

I also think in due time the more agricultural viable piece of property will make it available to them. That is my hopes. They do have a big promise and I hope that they succeed and just personally don't think that this is the project that makes the most sense for Legacy Land to provide funding for.

>> Speaker: More familiar with the [NAME?] a few years ago. Very much respect their impact on community. I understand that they have built up relationships with large numbers of people in the community. I wish them success. I'm not -- for me I don't feel like this particular project is something that needs a lot of attention right now from the -- from this fund.

>> Commissioner Kawelo: Yeah. This project had a whole bunch of concerns. The applicant, her first two -- first two sentence out of her mouth were one the project is not fully planned and two it is not fully funded. Probably wouldn't come out with that -- I wouldn't choose to come out with that leading my presentation to a commission but, yeah, yeah. I'm honest. I'm not -- but yeah. So I just feel like it is great model. Come in for their projects in the community but this particular project I just can't rank it high because of the lack of -- the lack of operating budget and so many questions around how they fund -- assuming they do acquire this land how they would fund this build out and the plans for the operation itself. Just too many unknowns for me to feel confident in ranking this project high.

>> Commissioner Wiltse: I have nothing to add

>> Commissioner Sinton: Proposal? As we hand out the ranking sheets you fill them out and then you're allowed to go and get lunch and bring it back.

>> Speaker: What happens after lunch?

>> Commissioner Sinton: We have quite a bit to do. For one thing we have the next item which is so we will at that point I can pass lunch. I have got whatever they are bar

>> Commissioner Sinton: Let me finish. So what I'm thinking so you -- we'll discuss the ranking and we'll see if I get it right and if I don't David will correct me I'm sure. But my understanding is you give each project a number from one to five. But you're only apparently allowed to have 1-5 for reasons that I don't understand.

>> Speaker: Five is the lowest.

>> Commissioner Sinton: Five is the lowest and one is the lowest and you can give as many ones as you want or twos or threes or fours.

>> Speaker: I can't rank 21 until I know the results of 20.

>> Commissioner Sinton: We're not doing 21. This is only 20.

>> Speaker: Oh.

>> Commissioner Sinton: We have not discussed the two that are 21 Mokae for example. This is only for the FY 20. This -- and it is not really a ranking. It is a score. It doesn't put them so you give that score and I'm happy to sit and compile those results and then the next agenda item will be to look at those results and decide what we're going to recommend to the board. We have some options that may not be exactly those. We want to decide that we want to make some different given a fixed budget for this year and things like that. Okay. You guys agree? Okay. You can't leave the room until you turn in your -- the thing. You guys made me the reluctant interim chair. You get what you get. So thank you. It is now 1:52. I would say get your lunch and bring it back and we reconvene -- how about 1:30 -- 2:30, 2:30. Thank you.

[break for short lunch]

***** SPEAKERS ARE NOT CONSISTENTLY USING THE MICROPHONE.
CAPTIONER CONTINUES TO ASK FOR CLARIFICATION THROUGHOUT *****

>> CART Captioner: On standby.

>> Commissioner Sinton: We're active?

>> David: Yes, we're up.

>> Commissioner Sinton: The next stage of the process which in the past it is rarely done but we should discuss what we want to propose to the board. I would suggest that we talk about this.

One option is to simply put forward the rankings as they came out. The score as it came out. 3.2 million cap we could fund Mapulehu and Mokae partially or we could give a couple of hundred thousand dollars for the top five. We want to fund this one or give a partial here. There are other options. It could -- is an infinite matrix so we didn't want to spend forever deciding on this but I would be happy to hear any suggestions you might have on your feelings about this. Thank you, David. I promised to read them for the record. I hope the microphone can pick me up. I am Commissioner Sinton.

So the score that came out, the average scores is for project 4.B, Kaunāmano. Perfect score of 4.0. 4.J, Mapulehu, 1.14. Maka'ālae, a score of 1.29. Project 4.A, Manāka'a, one seven. Halulu, project 4.L, score of 2.86. And then there was a tie between project 4. D and 4-I, 3.0. Project 4 K, Waikalua Loko I'a, score of 3.71. Kiolaka'a [NAME?] project 4.M had a score of 4.29 and Nānu'alele Anchialine, 4.G, 4.86. I'll entertain any discussion you might have [CHECK ALL].

I think one option is to simply pass these forward as in the past partially fund Maka'ālae and fully fund Kaunāmano but, as I said, I would certainly entertain alternatives depending how you feel about this.]

>> Speaker: Just for the record we're moving on to item six for the recommendation and Commissioners we do have a recommendation based on recommendations from previous years so I have this paper for you if you don't already have it that might help you to work through the process.

>> Commissioner Warshauer: I do notice the break between the scores. Some got high rankings and then it dropped down to a series of lower rankings. And I'm wondering many of these have double applications that if we could split it -- take some of the top ones and split it with some of the lower ones of those top four to keep them all in the running.

>> Commissioner Sinton: You mean partially fund the top four on the score list. How do you rest of you feel about that?

>> Speaker: I'm a newbie. If the project is only partially funded how does that work? You say well you can have this million dollars if you give them one if they ask for two and only get one and that is not enough then what?

>> Commissioner Sinton: The way it has always work in the past with partial funding it is up to them what they're going to do about that. Many of them come back the following year or seek funds elsewhere. The chair recognizes Mr. Penn.

>> David: What happens after this we go to the board with the recommendation. First we consult with the legislators then we go to the board. And if the board approves the recommendation from the Commission in that kind of a situation towards the state grants, that is pretty much done. Easy to encumber during the year or the project grants we have to send an offer letter to the applicant. The applicant has to sign the offer letter and send it back to us to accept full funding or partial funding for the award. And then based on that, we can go ahead and encumber the funds and then we have -- still have to get the governor's approval to do all that after we get board approval. And, then, we can immediately enter into a contract with grantee.

But if it is a partial award, we can only put that amount in the contract. And then if -- then it becomes more of an administrative nightmare for the staff because either they get more money or we have to amend that contract, put more money in. So a scenario where you have multiple partial awards, I'm just saying it is a lot more difficult than administratively but that is what I did. And the -- it will affect the applicant in different ways depending on their situation. It has been discussed many times in the past and generally it has not been adopted.

>> Commissioner Sinton: The board didn't like that.

>> David: The Commission decided not to do it.

>> Commissioner Wiltse: I would be in favor of funding the top two as fully as we can.

>> Commissioner Kawelo: I am in agreement with Commissioner Wiltse. I agree we should fund the top two as is ranked.

>> Speaker: If we choose to partially fund something and we forget that they're dependent on certain funds that are available now and they're not going to be valuable a little bit later we may have torpedoed something that we felt was really important.

>> Commissioner Sinton: We have --

>> Speaker: I have a chance for the --

>> Commissioner Sinton: [NAME?] is to be discussed and ranked in the absence of a known budget for FY 21. But nevertheless, we will rank projects in front of us. What will happen after this just for your information is we'll discuss the two projects that are only FY 21. We won't go through and discuss everything again. And then we'll do our scoring, our ranking again with this in mind, however you want to rank is up to you. That will help us with the

process.

>> Speaker: Can we know at this point how many projects might want funding for 2021?

>> Commissioner Sinton: Are any of these FY 20 only? Some of them are, right? Somebody tell me which ones are FY 20 only?

>> CART Captioner: Speaking at the same time.

>> Commissioner Sinton: We have two proposals that have been expressed and one is to fund the top two to the extent that we can and Rick suggested we might try to partially fund the top four. I think the way I would proceed I would ask those that propose we take the top two and fund it fully to put that in the form of a motion and we can vote on it. If drew like it we'll vote no and open the floor if it doesn't pass for an alternative.

>> David: Then the other component of at least of the sample recommendation is to identify contingencies and back-ups in some sort of ranked order should the -- one of the top two recommended awards for some reason be unable to complete. In this case we had a tie and when we had a tiebreaker discussion we had a discussion so we could place one above the other when we come to the recommendation.

>> Commissioner Sinton: Okay. Let's start with the first issue. Yes.

>> Speaker: I move that we fund the top two as fully as we can.

>> Commissioner Sinton: In what order?

>> Speaker: In the order that they're rank placed the board.

>> David: I would like to clarify. The Commission does not fund. The Commission recommends funding to the board. That is how I'm going to write it up.

>> Commissioner Sinton: And we have seven of us present. I would like a show of hands to make sure I get this right. How many support this motion? I do, too. Agonizing over this. One, two, three, four, five. So it carries. So it will go --

>> David: Is there a second for that?

>> Speaker: I'll second.

>> Commissioner Sinton: Then our recommendation to the board will be to fund the top two score getters as fully as possible in the order of their scores. And we will submit all the scores to the board so they know in case there is somebody that drops out somewhere along the line.

>> David: The scores and recommending what to do about them is

not the same.

>> Commissioner Sinton: That's right. We recommend that they -- that they basically fund in the order of the score.

>> David: For everything.

>> Commissioner Sinton: Sure. That is right. Right? David. She said the top two. That was the motion that was voted and passed.

>> Commissioner Sinton: You're right. Okay. We can have another motion that somebody drops out we go down the list in the order of the score.

>> David: Sure.

>> Speaker: I move when somebody drops out we go down in the order of the score which would mean the next project would be Maka'alaie and I guess [away from microphone]

>> Speaker: Second

>> Commissioner Sinton: All in favor.

>> David: Clarify you're just keeping it to the top four --

>> Speaker: I did not go below the score of 1.57 for the contingency.

>> David: Okay.

>> Speaker: But I could be wrong. Maybe that is --

>>

>> David: It is up to you folks.

>> May be if we go down we are not committing --

>> Commissioner Sinton: 3.2 million. Withdraw your motion and restate.

>> Speaker: I'm happy to withdraw my motion.

>> Commissioner Sinton: Restate it we just fund in the order of the scores as far down the list as we that he had to go. Don't want to leave any money on the table.

>> David: You want to let the board figure it out?

>> Commissioner Sinton: Let's do that after as a third motion a

>> Speaker: I move that a project we rank for this year drop out then we go down the list with the available monies of the project that dropped out in the order they were ranked.

>> David: I think that is good.

>> Commissioner Sinton: Wendy seconds. All in favor. Go ahead.

>> Speaker: Looking at the tiebreaker, there are different choices I would make for the -- for 5th and 6th. In other words, the [NAME?] -- Na Wai

'Ehā and -- I wouldn't put it over Halulu for instance.

>> Speaker: But we voted. We ranked.

>> Speaker: That is what we sewed on that is fine. If we're then looking at now that those are taken care of, what are our rank choices for the remaining projects we might now cast a different order.

>> Speaker: Well, we're going to do a different ranking for 2021, correct?

>> Commissioner Sinton: Yes.

>> Speaker: That may split it up. And then motion we just -- the motion that is on the floor is only that suppose [NAME?] dropped out and that put \$2,400,000 on the table then that could accommodate two projects below it, correct? But if there was -- if Maka'alaie dropped out and they were getting 800,000 that, wouldn't even -- it would -- 800,000 would go to Moloka'i but it would be a partial grant, correct?

>> Speaker: Or would the 800,000 missing from Maka'alaie come from the [NAME?]?

>> Commissioner Sinton: No. Recommending full funding for Kaunāmano.

>> Speaker: Just talking if that fell out.

>> Commissioner Sinton: If Kaunāmano fell out we presumably would work our way out until be hit the 2.4.

>> Speaker: We're going to vote on FY 21. And FY 21. Why don't we hold this discuss until after we figure which ones are going to fully fund.

>> Commissioner Sinton: Then I would like one more motion on this before we move on to FY 21 and that is in the case that we get down to a tiebreaker I would like -- I would like to start with the straw man. Just a show of hands. How many of you would prefer to see funding for Hāloa Aina posed to [NAME?] --

>> You don't voted on the last one.

>> Speaker: What is it?

>> Commissioner Sinton: In the case of one of the top two falling out that we simply work our way down according to the score sheet until the money is gone

>> Commissioner Sinton: Second. We have a second. All in favor. Opposed. None. Motion carries.

Now, any discussion about tiebreaker down here?

>> Speaker: Why are we talking about it?

>> Commissioner Sinton: It might get here. Maybe this will drop out and we're down here and

>> Speaker: We have to make a motion to make that clear the tiebreaker for the two who tied the score.

>> Speaker: Anybody calculated the probability of that?

>> Commissioner Sinton: This is contingency. We don't care about the probability. If it happens we want to be covered.

>> Speaker: In the probability -- in the contingency unlike through probability that it happens I would recommend funding Hāloa because it is a mall price tag and doable in funding

>> Speaker: I would go along with that but partially because Na Wai 'Ehā stronger project in 2021.

>> Commissioner Sinton: It might help the counter argument would be something going to Na Wai 'Ehā may help them in securing other funding so I can see other ways to argument it this issue.

>> Speaker: Or keeping the negotiations open.

>> Commissioner Sinton: Yeah.

>> Speaker: That is my concern.

>> Commissioner Sinton: Yeah. I think I'm allowed to see a true man before we get a motion. In my world we do a lot of woolly things but otherwise we go through having a motion, second, vote, see what happen its and having another motion. Let me just see, you know, a straw man show of hands how many would prefer Hāloa Aina. Somebody want to make awe motion we'll go through the process? We're all young. We have time. I'll entertain any motion to either one and either vote it down or approve it. We could leave to it -- we don't want to leave it to.

>> Speaker: Okay. I would like to propose this is

>> Commissioner Kawelo: I would like to propose a motion in the unlikely event top ranking projects for fall out and we get two ranked items for 4.D and 4.I where we have a tie that we would 'we would fund Hāloa Aina first and Na Wai 'Ehā following that, in that order.

>> Speaker: Second. It has been moved and seconded that the tie-breaker of 4. D and 4. I goes to Na Wai 'Ehā. All in favor raise your hand. Do a count. Raise your hand. We have four opposed and two recused.

>> David: Seven present. We need five to pass something.

>> Speaker: So that motion was not passed.

>> Commissioner Sinton: It doesn't pass.

>> Speaker: I suggest we rank FY 21 first and then see --

>> Speaker: For this tiebreaking matter.

>> Speaker: Some of the projects up there will probably get funded in 21 and fall offer the list.

>> Commissioner Sinton: If we don't make the determination then the board does whatever they want. We're unable to decide. We're unable to. I'm not going to spend an hour on this unlikely event.

>> Speaker: Some reason we not do 21 first and come back?

>> Commissioner Sinton: It is the agenda order I'm thinking of. I would like to have 20 out before we go to FY 21.

>> Speaker: We have to craft this formal recommendation before moving on to 21.

>> David: We have two recommendations in place. It is not just necessarily to go further but I mean you can chime in but I think the intent was and it is -- we know there is a lot of moving parts but we're trying to get strictly to resolving FY 20 completely and then let that influence FY 21. But not try to go back and forth

>> Commissioner Sinton: I think that we're at an impasse there and we move on. We would like to move on to agenda seven. Which is discussion and rank of fiscal 2021. There are two applications that have not yet been discussed which are for fiscal year 21. I guess the first one of those is Kiolaka'a. I'll open that. Go around the room. Would you be willing to start the discussion Commissioner Blaich?

>> Commissioner Blaich: Sure. I'm looking for my numbers and my rank.

>> Commissioner Sinton: When you're ready.

>> Commissioner Blaich: This is a great project we spent a tremendous amount of value and once again very -- very rich in cultural resources and community and a very special coastal area and of course it is part of the alikai trail system. It is very strong.

>> Commissioner Sinton: Commissioner Warshauer.

>> Commissioner Warshauer: I agree with what was just said. In light of Kaunāmano, which has the same landowner getting full funding recommendation from us, I would like to bring up the point that the urgency at

Kiolaka'a may not be as great. They'll realize that one is getting funding coming its way the landowner and two the subdivision application that is pending has been pinning for a long time had a long list of requirements because I went down to the planning department and looked it up. Most activity lately has been deferrals. So they're not coming through with meeting the requirements of the subdivision which to me changes the degree of urgency. But I'm not diminishing the value of the project at all. I very much want to see it funded. We have a lot of competition this year.

>> Commissioner Sinton: Just for the record the numbers in the applications were uncharged the way they applied the ask of us is 1.75 million for a total project of about 3 million.

>> Speaker: So acreage. [away from microphone] added because the land is being resurveyed. Small portion on the shoreline that was not included in the original survey but I think for the purposes of the application take out those 5.3 --

>> Commissioner Sinton: So it goes back to 1836. We have 1841 listed. Up we're taking five out it is 1836.

>> Speaker: So the parcel that was right along the shoreline 5.2 according to the county but the -- the shoreline indication survey a little bit more involved and goes up to the high water mark so [away from microphone] fluctuations.

>> Speaker: [away from microphone] it is going to fluctuate. It could end up being a little less than that being that amount so I just -- it is in our application and [away from microphone]

>> David: What number do you want us to put on here for purposes of going to the board?

>> Speaker: Is it going to be a problem if comes back as slightly less than --

>> David: The way stated to the board is more or less. The number that you want to be in that -- what is the number before the more or less?

>> Speaker: My office handles -- so it will be -- so the acreage is not going to be a concern.

>> Commissioner Sinton: Thank you.

>> CART Captioner: Speaker in the audience too far away.

>> Commissioner Sinton: Continuing with comments. Tavares.

>> Commissioner Tavares: Very important archeological sites in the

area. [NAME?] Is experiencing that public access to that. I place high value on one of the land acquisitions priorities that we are hoping to use as our guide. So for that and, you know, many of the regions discussed during the presentation for purposes of -- the ask is fairly high but the amount of acres that would fall within this is also very high. I think it is very valuable project and is important for us.

>> Speaker: From the Mokae grounds there is so much and I would make it [away from microphone] I'm done.

>> Speaker: Okay.

>> Commissioner Kawelo: I will rank this project extremely high in fiscal year 2021. Visiting that Kiolaka'a cave was quite impactful and memorable in my mind. Kiolaka'a Bay and what it provides to the community for camping, fishing, surfing, for haha. You know, I think -- in addition to we also saw we're able to see the -- the dry land forest there and [NAME?] and [NAME?] and [NAME?]. Just like other par tells extremely important and valuable to the community and the history of all of Hawai'i.

>> Commissioner Wiltse: I'm going to rank this property pretty high but not my top property only for the reason that the applicants have a project that will funded in FY 20 and I want to spread the money around ask

>> Speaker: I don't know what I'm going to do. I like this project very much. It is very strong for all the reasons that you have expressed. The community access to Kiolaka'a Bay is powerful. It is used regularly. They were there when we were there it was Labor Day weekend. But nevertheless they were using it. The cave is mind-boggling and I just love those forests. I'm glad that we're able to get a glimpse of the hard wood floors occurring and I think the applicants of Kiolaka'a, et cetera, know that very well and will work hard at trying to enhance that forest region and these are -- so that is an important consideration as well. Very strong applicant. And there is -- okay. And the other FY 21 application that we have not yet discussed is Mokae. The one in Hāna. The Hāna application. Let's go the other way.

>> Speaker: You know, again, I love the adjacent properties, the plan and the intention to protect adjacent properties. These are highly threatened properties. The ranch has them is marking them internationally apparently. I would like to preserve them but I -- I think I would rank the Maka'alaie Lands a little bit higher because they have a firm match for that one.

>> Commissioner Sinton: Maka'alaie.

>> Speaker: Maka'alaie.

>> Speaker: Extremely supportive of this application from Kiolaka'a. Similar to Maka'alaie. I would rank Maka'alaie higher but very much value the importance to protecting the shoreline here on the Hāna coast and access experiencing access by the community to these places so it is going to be a tough one but it will be up there I promise.

>> Speaker: I can't add anything to that. Ditto.

>> Commissioner Tavares: I think the Mokae project is good one similar to the Maka'alaie. It has \$750,000 firm match which is attractive in leveraging the funds. The maximum potential. I also agree that if I had to choose one of the two Hāna properties it would be Maka'alaie. Hopefully Senator [NAME?] this and pushes for more funding so both projects can be funded because Mokae is so important to him personally but in light of the amount of money we have available to us today, I will rank this highly for fiscal year 21 although I do see Maka'alaie ranking higher than that and the likelihood with the strength of the applications that we have both being funded is -- seems unlikely. But I do think very highly of both projects.

>> Speaker: I see Mokae similar to [NAME?] and both community identified prior to properties. It is pretty hard to choose between something if that choice would make the other stream of properties have a hole in it.

>> David: Keep going.

>> Speaker: I view everything my fellow Commissioners have said and also feel that Maka'alaie is more ready property at this time. One thing I'm not clear about in my mind is when you get -- if the challenge to give properties contingent on all of the properties being acquired. Or is it that okay this property, say Maka'alaie is acquired and this ranch is going to give this up property and this property. So I don't -- I don't know that. I wonder if there is anybody who can enlighten me. Robin? No.

>> David: Just finish.

>> Speaker: Oh, thank you.

>> Commissioner Sinton: I don't have very much to offer or add to the discussion. I am disappointed that Maka'alaie didn't get a vote on the [away from microphone] fiscal year 20 but I have a hard time judging between Mokae and Maka'alaie and personally so anyway, I don't think that I have any substantive stuff. Any contributions from the public?

>> Speaker: Yes, I would like to make a contribution.

>> Commissioner Sinton: One more thing. We good go through this but the numbers -- I'll let you do it because you're more likely to

>> Speaker: We did submit testimony and we also discuss they'd briefly in our presentation. But so in this case the request to -- the request is for 1,863,300.

The match is 179,000. The total value of the property and again it is appraised value firm. 3,763,300.

>> David: What we need is total project cost.

>> Speaker: Sorry. 3,834,300.

>> Commissioner Sinton: Anything else from the public?

>> Speaker: Beryl you had a question?

>> Commissioner Blach: Your agreement with the ranch you're going to purchase your parcel and they're going to donate certain -- is that like you have to purchase all the parcel or like we have got these and --

>> Speaker: They need income in order to have something to write off the donations. As soon as we give them income by way of purchasing from them they have the income to write off any donations. I visualize this just chess piece is going long as we give them \$2 million so they can write off and -- donation against that 2 million. My understanding with agricultural lands and particularly with ranch lands I do believe it is either a 50 -- maybe you can clarify this -- 50 or 100% write off. In fact if we're giving them \$2 million they may be able to write off as much as 1 million and maybe even 2 million. I was not quite clear when I read the law but it is a longer percentage. Does that answer your --

>> Commissioner Tavares: So my understanding during the presentations was that Hana ranch partners would donate the 54 acres adjoining if Maka'ala'e was purchased.

>> Speaker: No. In that 54-acres are eight parcels -- eight individual parcels. They will evaluate each of those parcels individually. They will donate -- however many parcels they can

>> Commissioner Tavares: That is not tied directly to Maka'ala'e.

>> Speaker: Not tied to anything. Just how much money with our FY 19, the Maka'ala'e Lands from last year. They have not said they would write that off but they have income they might decide to give us one or two parcels with that purchase.

>> Commissioner Tavares: That is not --

>> Speaker: We had not talked about it even. They're donating that --

>> Commissioner Tavares: You have talked to them about the acreage and the event that Maka'ala'e has purchased.

>> Speaker: But I think what the -- yes. We have talked to them generally about donating it. I think they're hesitant to donate too much around that area and destroy the adjacent parcels that are purchased.

>> Commissioner Tavares: That donation is still conceptual?

>> Speaker: Conceptual? We probably have not hammered out the details. I know that -- I know that that is the anxiety that they want to be able to write it off. That is the No. 1 thing. But they would choose to wait until we had the lands from Maka'ala'e and I don't think so but they have not said that to us.

>> Commissioner Tavares: Or provided it in writing.

>> Speaker: They have provided in writing they would donate [away from microphone] any relationship to the parcels.

>> Speaker: You know, as in -- as a general agreement it is -- you know, long with the overall purchase these parcels will be donated but we have not agreed to which exact parcels go with which purchases and really that is contingent on what works for them or in terms of the evaluations land and evaluation with the benefits.

>> Speaker: Just for clarification on that. You have to understand we have a very positive seller. Doesn't want to sell anyone. He doesn't want to talk to us. So --

>> Speaker: That is not accurate. That is incorrect. Correct that.

>> Speaker: Ask the chair to move us along here.

>> Speaker: They are open to selling the lands to us. It is a matter of negotiations.

>> Commissioner Sinton: Okay, I think this is not entirely clear. So we are ready to score FY 21. It is my understanding that the score all the -- for example I think you still have to give a score even though you have to. You still have to give a score.

>> Speaker: How do we handle Maka'ala'e which is partially funded. Fun the rest it or --

>> Commissioner Sinton: That's right. But yeah. Our -- I'm not sure what our recommendation will be if we don't have a budget for 2021. But

we'll figure that out. After we have acquired the scores. I think we're obliged to score these however many applications there are. You can choose your own -- I mean one of your considerations may be they have plenty of money already. I don't know. Depend on what goes into your thinking.

>> Speaker: For purposes of this we assume that Kaunāmano and Maka'ala'e have gotten funding?

>> David: You assume that the recommendation has gone to the board and the board will act on it.

>> Commissioner Sinton: The recommendation actually goes to DOFAW and then they make a recommendation --

>> Speaker: In our ranking are we contemplating that this is a clean slate and that has not fit nothing that we cannot assume that anything has happened so we have to rank all of these as if nothing has been funded in 2021.

>> David: We don't know what will be funded. A lot of things that can happen between now and then.

>> Speaker: That would be a yes, we have to -- in filling this out we're ranking all of these as if -- nothing has happened to them.

>> David: We have \$3.2 million. There is a good chance the board will accept the Commission's recommendation and that the governor will release funding for the grants and then that is -- that is on my side of the gate, right? That is all pretty good. But then whether the applicants will accept the money and then we have to uncover everything has to be done on a certain time line in the fiscal year. Generally we make that all work out. So -- but that is for you to assess but generally yes we would be able to get \$2.4 million for Kaunāmano by the end of the fiscal year and the others [NAME?] or thereabouts by the end of the year for Maka'ala'e. That is a safe bet. We don't know what happens on the applicant side. We know what happens on our side of it.

>> Speaker: So we go through this and then Kaunāmano and Maka'ala'e were again in the top --

>> David: The contingency factor comes in. Back up after that.

>> Commissioner Tavares: If they're funding in 20 and top candidates in 21 then the next candidates would then get funding.

>> Speaker: We shouldn't assume they're going to be funded so keep them at the top if we think that they're important.

>> David. That is up to you. I cannot guarantee anything. Hold up John.

>> Laura: This is Laura with Hawaiian Islands Land Trust. I just wanted to add onto the point made earlier regarding the Maka'alaie or Mokae potential donation. Just to clarify, we definitely have a willing seller. I think maybe they're not the easiest to work with in history but we have a willing seller. No question about that. For the donation, the community is really going for the whole. If we get the whole we get all the land and you know whether we get some of it if we only get partial land, that is up in the air. But we have it in writing that if we get the whole properties then we get all the donated [away from microphone]

>> David: Any other mechanics is uncertain.

>> Laura: Yes.

>> David: Thanks, Laura.

>> Commissioner Sinton: Okay. At this time I request the Commission fill out their score sheets.

[Speakers are not always using the microphone. Captioner continues to ask for clarification throughout. Transcript may not be verbatim.]]

Break]

>> David: 4.L, 2.71, Halulu fishpond access. And then 4.K, Waikalua Loko I'a 3.71. And then 4.H Keone'ō'io. 4.O. And last is 4.G. in Nānu'alele Anchialine, 4.71. And let me just say thanks everybody for working so hard on the applications and for working with me. I do enjoy it despite what it might look like sometimes. It really helps to learn and show interest in the program regardless of the results.

>> Commissioner Sinton: I can fill in the --

>> Speaker: I couldn't read the ones above --

>> Commissioner Sinton: It is tie between [NAME?] [NAME?] and the score is 2.57.

I'll let you take a look at that. We don't know the budget. The whole purpose of this was that we hoped the budget will be greater in FY 21. Who knows?

>> David: What the Commission is going to do right now is to decide what to recommend to the board and in this case before it goes to the board, it will go into our executive -- well, we have to put it up through the Division of Forestry and Wildlife and our budget request pipeline. Eventually to land on

the governor's desk and hopefully become part of the executive budget request so that we don't control that and have influence but we cannot manage it but we cannot control it. And then once it gets in the executive budget request, hopefully then the legislature gets to play with it. Formulating the budget for fiscal year 2021.

>> Commissioner Sinton: These are the results. I can do this later for something but you can see that the -- the first three come to about 4 million. If you did the first three altogether you're close to 4 million. Not quite. Just through the arithmetic but you can do the arithmetic? Who knows how things will go. I think this is good ammunition to show to Senator English. See how things go.

So it is our duty to make a recommendation to the board. I would like to have some discussion on what you think we should recommend to the board? The default is here they are. Take them in order. But there are alternatives. In this case there is not such an obvious break. I think Maka'ala'e clearly came out on top for FY 21. Any discussion about this? We need a motion eventually. Go ahead and digest for a second. It is important, I think.

>> Speaker: I'm kind of uncomfortable changing our approach. Like how beak say let's take a little from here and a little from here and then we can get more towards the third choice. As it stands with the precedence what we did today I feel we should fund the top two and give the remaining about \$200,000.

>> Commissioner Sinton: We don't know the budget for FY 21. So I'm hoping we'll fully fund the top three or four.

>> Speaker: Ask for it.

>> Speaker: Funding the top four would mean 5.8 million. Is that like -- I don't know what to predict? Is that too much to ask for?

>> David: That would be the biggest ceiling lift in history but then again, there's over \$20 million just sitting there waiting to be rated.

>> Speaker: That is my recommendation. They can always knock us down but --

>> Commissioner Sinton: They can.

>> Speaker: That is a firm recommendation.

>> Speaker: It is enticement and important. If we're going to go for

lift, let's lift.

>> Commissioner Sinton: Well, it is in there. It has been scored. Are you suggesting that we raise it -- that we don't go with this or --

>> Speaker: No. I'm saying take the top four, take [NAME?] is short what it needed and I guess we can put that on there but ask for the -- put it on there since we're going to the moon.

>> Commissioner Sinton: It is on there. I mean --

>> Speaker: I mean we're saying we really -- we want this amount of money. First and foremost.

>> David. That is what the DNLR is going to do. Make the request to the legislature. When the legislature asks us as it does every year, what are you going to do with that money if we put it in the budget? Then we tell them the Commission has recommended that we award it for -- whatever you -- and then the legislature will have the ability hopefully just to draw a line somewhere and say, okay. Everything above this line we will continue to keep it in the budget and everything below that line will not be in the budget. We can't say where the line will be but we know that -- you know, 3.2 million is currently in this budget but they can change when we come to session in January. It is supplemental budget request. We're -- we can ask for DNLR can ask for whatever amount it wants for the ceiling increase to want land conservation fund. But at least whatever that is we have a strong rationale for it. In the past we have only been able to say, well, we need it because we know we have a lot of good applicants throughout but we have not conducted the Commission. [NAME?] Came three years in a row. I'm sure they'll be back. That is one example we will fund if you give us more money.

>> Speaker: Is your thinking that we would ask for the entire amount like -- I can't do the math but maybe it is like more dollars doing that and everything?

>> Speaker: That is one possibility but if we say the Commission ranked these, you know, rock-bottom. That is something for our strategy to work out. And we did have discussions previously about should we rank everything -- that is another thing that I can say. We can talk about it now but the reality of how it comes down is going to be in the next couple of weeks in an internal process but we have this to work off of to craft the recommendation and the Commission's input on that is important.

>> Speaker: What more do you want from us at this point?

>> Commissioner Sinton: We need a recommendation to the board. I will entertain a motion that our recommendation to the board is to fund as many of these projects that are possible in the order of this board.

>> Speaker: Would that be one or the --

>> Speaker: The missing money.

>> Speaker: It would be missing money.

>> David: That is where the funds available in the order ranked and then -- but the funds -- it is up to 1.1 million. If we only need point -- .3. Then that is what will be in the -- in the budget request. That is what --

>> Commissioner Sinton: I wonder if we need to say we want -- we want it for example, if everything that is -- say the first to get funded at least there is a shortfall from Maka'alae do we want to say we want to fund the represent before going on the list?

>> David: It pretty much covers it from the Commission and the board standpoint and then it is up to us to explain to the legislature had and the board.

>> Commissioner Sinton: If you think that is covered to. Me that is what we would like what to see.

>> Speaker: I feel like somebody else who has not been in this room all day is really not going to understand why those numbers are the way they are even having been in this room I think internally my process changed because of the ambiguity of oh well do I -- is it really important one but maybe it was funded in the year before but maybe not. So, you know, all of that. And then Na Wai 'Ehā as we had our discussion here pretty much all of us said something along the lines of why are even looking at this? This is -- you know, this is primary water resource for how many people. This isn't the kind of project that the Legacy Land funds was -- was supposed to deal with so there are all these small -- this is one of the only places that they can come to, to acquire land. Why is that in competition with a major public water resource? So, normally somebody from the outside goes why is it way down there?

>> Commissioner Sinton: I think that is -- it happens every year.

>> Speaker: We are often questioning why did the rankings come out the way they did.

>> Speaker: I mean, I did it because I wanted to discourage them that kind of project from coming to this. I think it is a pot of money that is really -- there is so few place that our grassroots, hardscrabble especially cultural practitioner type agencies can go to for funding.

>> Commissioner Blaiich: I feel like in a perfect world or more perfect world that would be -- that is how I feel. But I think in this circumstance we were looking at this application. I could value it quite highly, not as highly as others obviously. I mean, it frustrated me to have to do that but I to do say when I looked down the resource values and when I understood that some money we give is going to leverage other important money and when I understand this is somewhat of an emergency, that is how -- that is how that worked in my mental process just to let you know.

>> David: That is one reason we have nine Commissioners who come -- may come at this at different viewpoints and we try to incorporate everybody's views and all of that somehow comes out in the scoring so that doesn't mean that anybody is right or wrong but that is just what the process produced for us. Sink]

>> Commissioner Sinton: I think the score does reflect our discussions about this. There was some hesitancy -- it doesn't mean that Na Wai 'Ehā is not worth acquiring. It is -- it is kind of a score for the use of legacy funds. That is what that score reflects. That is what many of us said gee, there has to be a better way to deal with this.]

>> Speaker: I want to repeat what I said earlier, this was a Hail Mary pass. So what happens with Na Wai 'Ehā is if somebody could get put down we might have a good basis for negotiations. But the landowner is only two piece and that second piece took a big chunk out of one of these. So the threat is really there. Something needs to be done. I realize this isn't the appropriate -- but there is nothing else out there at the moment.

>> Speaker: I guess that's what I don't believe that there isn't something else out there. I just feel like it is -- Governor should just step in and say, this is critical. We're going to handle this.

>> Speaker: I can't disagree with that but at least somebody step up to the plate.

>> Speaker: All of your comments and your discussion and all of that is on the public record. We're going to be writing staff reports and those all will -- so it is not as if anybody is wondering they can't -- they don't have a record to see what happened. That is why we make sure that everything is on the record.

>> Speaker: I would like to say one other thing. Sorry I know that we're getting off-track here. But kind of to your point about these large

projects and then the smaller nonprofit projects, operating and under the same umbrella, it is -- it is not taking shots to get DLNR, but the applications by most of the non-profits come through here have management plans and it seems at the end maybe it is because they're not always as large but I also have personal concerns with the fact that we have taken from here and the DLNR applications that are then taken to the land of natural resources to decide on DLNR applications. I just see other non-profits being put at risk for other applicant being put at a disadvantage there. And we talked about this the past Commission meetings. I hope that that is on the record. I hope that at some point we can get a little -- have a broader conversation outside of just this Commission about how we can 39 yacht between the two because it doesn't make one project or one set of project more important than the others. I think the DNLR project are incredibly important but for these smaller non-profits to be completed for that same pool of money and then having the Board of Natural Resources and the legislature deciding on where those go it just -- something is there doesn't seem right and we talked about this before and I just would like to at least make sure that I get that off my chest this week as well.

>> Commissioner Sinton: We have not yet gotten a motion on what our recommendation to the board will be. For FY 21. We're passed FY 20.

>> Speaker: You did put a motion -- didn't somebody put a motion forward? For 21. I thought somebody put up a motion forward about ranking --

>> Commissioner Sinton: Said I would entertain a motion.

>> Speaker: I would still like to discuss. I would like to suggest what I did last time partials so we can at least get the top three somehow.

>> Commissioner Sinton: Somehow. You want to leave that somehow to the board?

>> Speaker: No. What I'm suggesting is that with Na Wai 'Ehā we give them a partial so other project get something. Crucial.

>> Speaker: Speak towards the microphone instead of the board.

>> Commissioner Warshauer: The idea is to get more than just 200,000 in to the third one. Manāka'a. It is a much larger one Manāka'a strategy the reason we're doing

>> Speaker: Reason for doing this is to push the envelope for the legislature to raise the ceiling. So we don't want to be conservative and ask for it to be around 2.1. We want to push it a little bit. We could push it a little bit

and ask for them to fully fund all the top three projects that are up there which would be near 4 million or we could push it a little bit more and ask them to fund the top four which would kind of put it way over. I think it would be five-point -- 5.8 or something like that.

>> Speaker: That is not way over.

>> Speaker: But my recommendation would be to push it to include fully funding [NAME?] then we have all of Kiolaka'a and --

>> Speaker: I think that we're all hoping for that but I don't know what our recommendation looks like. Are we saying if they only get 3.2 million next year you're recommending they fund Mokae and leapfrog over the three higher --

>> Speaker: In the order of rank. All the way to include Mokae which would be 5.8 million.

>> Speaker: Then we have Senator English pushing.

>> Speaker: That is the Commission's recommendation. To fully fund the top five. One, two, three, four, five applicants in total 5.8 million or whatever funds that they -- yeah.

>> Speaker: She's trying to get to a point where it is somewhat reasonable and --

>> Speaker: It has rationale.

>> Speaker: And we use Mokae as bait to get legislative support to push that ceiling. We do have an exceptional amount of high quality applicants this year and if there is a year and you say this every year but if there is a year we should have our ceiling bumped I think this is a great year for that. And I would fully support that top four for 21 and top two for 20.

>> Speaker: And then it is extremely apparent of and consistent in our thought processes that we're trying to protect the most possible coastline in these areas. For that reason we're asking for a substantial increase in our funding seed.

>> Speaker: I second the motion.

>> Speaker: Yeah.

>> Speaker: We're not going to ask for that next year.

>> Commissioner Sinton: We need to work on the wording for this. I think the intent is to fund in the order that -- of these scores and that we encourage funding at least the top four or we encourage seeking funds to -- so that we can fund at least the top four. Then we're explicit we think these are

really high quality things. Something like that?

>> Speaker: Not to push the envelope even more but do you want to just say five because Mapulehu is not very much more.

>> Commissioner Sinton: I don't know how explicit we want to. I thought we would end up going as far as we can down that. That was kind of the way I was imagining this but if you want to be explicit there is guidance to the board we can add a clause in there somewhere.

>> Speaker: I guess from perspective of [NAME?] I don't see the incentive to limit to it four because I mean you have land at your finger that is so valuable and you say the top four that says the rest are not to be funded just be careful with your language.

>> Commissioner Sinton: An excuse to cut us off.

>> Speaker: There is a downside to asking for more I mean -- I don't see there is a downside asking for more. Being at the legislature only four years but still I don't -- I don't see it as a downside on piggybacking on some of the other discussions of the not only extraordinary project but extraordinary support. I would include Halulu so one on Kahakai and some project to Kahakai, too

>> Commissioner Sinton: We're not excluding anything. This is our score. We're saying fund them all if you can.

>> Speaker: Great. I'm okay with them.

>> Commissioner Sinton: In this order.

>> Speaker: Is that a strong enough message? That is my concern. My concern is like, yeah, this is what we would like kind of a thing but I'm thinking like is there a stronger language to show that the Commission is serious about fund all of these up until this point. Or --

>> Speaker: There was community --

>> Commissioner Sinton: Commissioner Blaich and then --

>> Commissioner Blaich: I was thinking that the language could say exactly what -- this has been seriously rich applicant pool and we strongly implore the powers that be to release more funds this year and we particularly want the board and the legislature to know that if the top four of these project are funded, we will have completed major coastal preservation long desire placed two islands with x amount of coast blah, blah, blah. Because there is logic there. You know.

>> Commissioner Sinton: David.

>> David: I'm pulling something up. I would like to just -- I'm not

saying I have a position on this either way. I would just like to give one brief quote from the legislative body report. Let me find it here. It was to the -- to the effect that if the purpose of the Legacy Land conservation fund is just to buy land for conservation purposes then the legislature should fund it accordingly. But if that is the case the program needs to tighten up its operations and other things that were in the audit report. I don't know if that is helpful or not.

>> Speaker: You're very tight. You have done it.

>> David: Getting there.

>> Commissioner Sinton: We're trying to be and see as much as we can and go as far as they can. There are other opportunities and I have no doubt that DLNR heard our message we had exceptionally good applications. I'm sure they will strive to increase our budget. No doubt about that. Whether that needs to be in the recommendation to the board or not I don't know. Kali.

>> Kali: It is about ten projects. We took out the one with community opposition and they're spread out over all the major islands and when you look at the institutional capacity of all of those roots, all lobbying the legislature, I think that's an incredibly strong position.

>> Commissioner Sinton: Yes. I agree. I agree completely. I don't know that goes into our recommendation to the board. That is another statement of how we make this happen. And you're all invited to go to the board meeting and testify.

>> Kali: If they are on the list as an organization then they are likely to call out the troops to support the effort.

>> Commissioner Sinton: We're not going to cut the list. We're going to send the whole list.

>> Kali: I thought you were only asking for two or three or four.

>> Commissioner Sinton: We're saying go down this entire list as you can. I also [NAME?] if there is some emphasis we want to make in this statement we can do so. Just saying here is the list. The entire list. Here is the score rank. We encourage you to push for funding as far down that list as you can go. That is kind of the default in the past. They're all on the list. We don't cut that list the whole list.

>> Speaker: What about the last one though?

>> Speaker: I'm sure they'll ask questions, too.

>> Commissioner Blaiich: Since you agree with [NAME?] logic you were going to say we are -- we would like to go as far down the list as possible though -- but we want to emphasize that the top four on this list are special significance because they represent the large cultural landscape, the vital community participation and would be great to accomplish.

>> Commissioner Sinton: I agree with that that could be used against us. It could give them an excuse to stop at four instead of going to six.

>> Speaker: But basically you have been telling us that they are unlikely ever to go to the ceiling at all. So I'm very baffled here.

>> Commissioner Wiltse: We need to draw the line somewhere. Why as this Commission if we just recommend everything that comes to us.

>> Commissioner Sinton: We're not. We have a clear priority list here.

>> Commissioner Wiltse: I feel like we have to draw the line somewhere and let the representatives from below that line lobby to get their project funded, too.

>> Speaker: We're only making a recommendation.

>> David: Your recommendation is not to the legislature.

>> Speaker: It is to the board.

>> David: It is a tool for others.

>> Commissioner Wiltse: As I understand it even with recommending particularly emphasizing the top four, you're already pushing the usual envelope of allotment.

>> David: That is actually just the top two.

>> Commissioner Wiltse: Yeah.

>> David: So, you know. I'm not a Commissioner. I don't feel like going too far --

>> Speaker: You have lots of history and knowledge.

>> David: Just think of it that way. If the budget is only \$3.2 million which is -- you know, we've always gotten 5.1 million. We have not gone below that. We have gone above it once. So if Y 21 probably \$3.2 million. So those two are -- those top two are normal. Are the routine in FY 2020. So it might be focus is more on everything else. That is just a thought.

>> Commissioner Sinton: My position is I don't see any advantage to drawing a line. That is my opinion about this. I would give them the whole list. Encourage them go down that list as physically possible.

>> Speaker: If we do that can we add just a comment that by going on 21, by going down to the fourth one, we incorporate the statements that Elain (sp) made because I think that rationale should be presented to the board.

>> Commissioner Sinton: That is --

>> Speaker: Under dire threat of development.

>> Commissioner Sinton: On the one hand we have to make a recommendation of funding priority. For other comments or I don't know what to call them or whatever --

>> David: Generally the recommendation that is on the record we will copy that word for word as much as possible and put say the division forestry wildlife recommends that the board approve and implement the Commission's recommendation to whatever you say. And if you want to put a justification in that part communication, I think we can do that. As long as it is not [away from microphone] the other way to do it is just to say keep it very clean. Very straight. Commission recommendation this and then when the time comes, and we write up the board's submittal and I think I can probably you know -- I can provide everybody in the program with the drafts of six days before the meeting and we can talk about it earlier than that. And then when the board meets it would certainly be okay for any Commissioners and any applicants to come present public testimony to provide written testimony about the deeper story.

>> Commissioner Sinton: Then try to convince the board to augment the request when it goes.

>> David: In a way that gives you more time to think about it. We could even -- this recommendation we're putting the numbers into the executive budget request. We're coming up with a rationale for the executive budget request. But for purposes of going to the board, that -- even the Commission could call another meeting and put it on the agenda to, you know, go deeper on this recommendation. Might not necessarily beeline up to do the same thing --

>> Commissioner Sinton: When does this go to the board?

>> David: So we have -- for FY 21, it doesn't go to the board -- earliest it can go to the board is July 1st of 2020.

>> Commissioner Sinton: So we certainly you've time to work on a statement for the board. So at the very least I think we are in agreement that the sequence, the order that we favor is -- yeah.

>> Speaker: We don't have a choice at this point.

>> Commissioner Sinton: We do have a choice.

>> Speaker: Even though this is the numbers --

>> Commissioner Sinton: These are scores and they're kind of artificial. You might have 3-2s even though you don't think the 3-2s are equal, so the scoring system that we have in place for Legacy Land I find all kinds of flaws in it but it is a good indication how we think the different projects line up. But if you want to change the order, Duke that for whatever reason. Might be strategic reasons to do that. We could argue, for example, if Mapulehu is not funded in 2020 we move it to the top and we could say that, for example. It starts to get pretty duplicated after a while with all this kind of stuff so.

>> David: Hopefully this is the only time we have to do it this way.

>> Speaker: We don't have to but they hear the wisdom and I think a line somewhere if we had it between -- to respect the wishes of the community and in our discussion there were all kinds of reasons it would be cheaper if it was [away from microphone] so that the Commission or so that the board knows that you know this wasn't -- we're just not slapping this on there. This is what we did here. We want it all. No we have been thinking about it. It is read and we are willing to be discerning. And we have grounds for that.

I love that by aha, any one of them are really going to hope gets funded is smack in the middle. They're going to want at least to get that funded.

>> Speaker: They may fund that from a separate pot.

>> Speaker: Which would be great. But it being where it is and if they think there is some integrity of this process and hopefully they do otherwise why are we all sitting here there are a number of project that are above that would be the rationale

>> Commissioner Sinton: I think that is clear. That is a list. They can see that. I need a recommendation and a motion and pass it before we get out of here.

>> Speaker: My suggestion is into a motion and then it can be amended. Yes. I move that we recommend the following list and notation that 4.G the one at the bottom is not included. Because of community opposition. -- The recommendation would be to fund as many as these as possible with the exception of the last one listed.

>> Speaker: For discussion? Is there a second?

>> Speaker: I would recommend adding one other element and that is the one I said before to bring in Hiilei's concern. I think the idea of having the

board see it is more than a list of properties, two sets of properties make a big difference to two communities.

>> Commissioner Sinton: Can you state for me what it is that you're suggesting? How you want this to read?

>> Speaker: Given the uncertainty of the budget for legacy lands this year, we want to find out that in the fiscal year 2021 and 20 the last four items 2021 in combination with the 2020 didn't make a large difference to two sensitive areas -- two areas of Hawai'i that are sensitive to overdevelopment.

>> Speaker: Highly resourced value and high imminent threat.

>> Speaker: Somebody else could come up with much better words than that.

>> Commissioner Sinton: This is the recommendation from our Commission for FY 21. We can give them some history about FY 20 and all the other words in there I guess but keep it clean. The back story is going to get told. No question they're going to get this story no

>> Speaker: How much information does the land board have about these applicants prior to hearing the Commission's --

>> David: For FY 21 they'll see the tall. We'll have the minutes of the meeting. And then in the submittal, you know, we don't want to overload given that those other things are available. So we will discuss each application in a narrative context and you know try to summarize what was the Commission's discussion that might have led to the particular ranking that was given and, then, also, if the board members want to see the applications then the board packet and everything else, they can see that. We don't draw in the submittal because then they have to put all the -- that would be huge. Yeah.

But you know we can provide the board members with access to all of the materials that they might want to reach.

>> Speaker: The board is going to make its decision after the -- it is -- they're going to have a set amount of budget. You telling them you really want the top four is not going to change anything to be honest because they're going to be like we only have this amount of money. It is really development to be honest for them unless you actually don't want a project funded and then they could like decide not to give it. The reality is that projects that want more money get to the top of the ledge. That is the bottom line. I was telling the board what -- you know, that we really want the top four or five or whatever and they're limited just like you are. They don't have a budget.

>> Commissioner Sinton: We could revisit this question about making a statement to the board after we know the budget.

>> Speaker: Would we as awe Commission be able to make a recommendation or write a letter to the ledge? Prior to them developing a budget and collectively say, this year in particular, we have these strong applications. We understand that this is what we're operating under the assumption of as far as budget goes but we would like to recommend and we add up what we're talking about those top four and those top two. You can't go too far in excess of what -- what 3.2 number is so something that they can work with we ask for 20 they're going to just laugh at our letter but if we say 2 million more, maybe that is something that they'll take our Commission seriously and take a look at what some of those applications and details are.

>> David: I'm really not spur that Jacob. First of all the Commission speaks with one voice. Whatever you vote on in a public meeting. That is good. But it -- as far as -- it is a Division of Forestry and Wildlife program. So in order to communicate to the legislature as the Commission, I think that would have to go through the division and maybe the chair's office on its way to the legislature but what we can certainly do is as an individual Commissioner who clearly states that you're not speaking for the Commission but you are a member of the Commission then you can say whatever you want.

>> Speaker: I would want an Attorney General opinion on that. Not this moment but in the future. The idea that this Commission cannot have a meeting, craft correspondence and convey it to the legislature is frightening to me. Especially since we have already discussed the peculiar relationship between the DLNR's applicants and everybody else's applicants. So I hope we can -- pick this up.

>> Speaker: On behalf of the Commission can request an AG opinion to address that question.

>> Speaker: That would be good. I think that would help us.

>> David: But where I'm coming from is just the knowledge right now of the statutory requirement which explains the Commission's powers and duties and they don't -- it includes, you know, advising and recommends ting to the board and division the legislature in there.

>> Commissioner Tavares: But we could just as a Commission of individuals -- I mean, we can still write a letter. We're not providing.

>> Speaker: [away from microphone]

>> Commissioner Tavares: We're not providing guidance or formal recommendation. We're providing our insight having go through the whole process.

>>

>> David: You're sitting here right now as employees of the Department of Land and Natural Resources so my understanding is that it has to at the very least go through those channels which may or may not result in an ultimately --

>> Speaker: I would like to clarify not employees but appointed volunteers.

>> David: For ethics purposes they're employees.

>> Speaker: David, can you give us a timeline when the physical year 20 -- when the board gets that when it gets to the legislature and when [NAME?] was speaking I was like oh, yeah, there is a two year budget. At what point would the legislature even be contemplating these two different years, budgets. Can we just have a timeline?

>> David: FY 2020 budget is set. No contemplating to be done.

>> Speaker: Those two so we'll find out which one gets funded.

>> David: At the board meeting. Which happens after we take this and we have to go consult with the Speaker of the House and the President of the Senate. There is no clear timeline on that. Sometimes it takes a month. Sometimes it takes two months. And then after that, we can write the board submittal. It is usually very late in the fiscal year like around February, March, April or May. We'll try to push out as quick as we can. We cannot guarantee. We're FY 2020 --

>> Speaker: So may we'll know -- approximately May of 2020 we'll know which of those project were actually funded.

>> David: We'll glow which ones are approved for funding by the board which is most likely just to be full ward for this and award for this because the board can't approve more than \$3.2 million. May would be the latest and hopefully sooner. For FY 21, who do you want know?

>> Speaker: When does the board make its -- take our recommendations and --

>> David: After the legislative session.

>> Speaker: So that would improve our budget.

>> Speaker: Until they know what the budget is and it's the legislature that approves the budget.

>> Speaker: It is going to the legislature without the board's --

>> Speaker: Generally the governor's executive -- yes. Generally the governor's executive budget request comes out around December. So that is when it becomes publicly known and when the legislature -- see the whole thing if they have not seen it already through other channels. Okay. And so then the legislative session is all about approving a budget which may or may not include what was governor's executive budget request. Generally we don't know about that until May of -- in this case it would be May of 2020. Right? And -- May of 2020 is the legislative session that establishes the FY 21 budget. FY 21 starts on July 1st of 2020. State fiscal year.

So we cannot go to the board until that money is already alive which doesn't happen until July 1st when the transition is over the next fiscal year.

>> Speaker: Do we have to make a recommendation for fiscal year 2021?

>> Speaker: It is on the agenda.

>> Speaker: The recommendation that we make goes to the board. Our recommendation to the board does it happen until a ledge approves our budget.

>>

>> David: The recommendation to the board is done now and so when the legislature -- when we put in the budget request for however many million, which is what DOFAW decides and the DLNR decides, that request hits the legislature. The executive budget hits the legislature and they start asking what are you going to spend that money on, we can say we are going to spend it on one, two, three, four. If it -- if you put it in the budget this is how it would be spent.

>> Speaker: After that process after the governor in July has signed it, then the board will take a recommendations. Is that --

>> David: The board will look at -- entertain the recommendation. Yeah.

>> Speaker: You want to reiterate that you folks as individuals go and talk to petition your individual legislators that represent you wherever you live or you can also petition them in general. You can -- there is nothing stopping you from doing it as individuals. Only that you as the Legacy Land Commission

we're not sure if you can speak as a body to the legislature. But there is nothing stopping you from doing it as an individual and stating in your testimony that you are a Commissioner.

>> Speaker: Also check whether we --

>> Speaker: You say you're speaking from yourself. Not representing the Commission.

>> Speaker: We know that.

>> Speaker: You guys can ask DOFAW to make a request to the Attorney General's office to come up with a formal opinion as to whether you can speak directly to the legislature as a body. For us.

>> David: That may take once or I can discuss it with the AG informally. And get back to you on the result of that.

>> Speaker: Formal or informal route you can see to get an opinion on that.

>> Commissioner Sinton: I suggest we make a recommendation now. Keep it simple. Keep it open-ended and go as far as we can but pretty much follow the score order that we developed at this meeting and that we can put this on a future meeting agenda item if we want to because we have lots of time before this goes to the board. Even submit a separate recommendation or an amended recommendation or something to the board at that time and by that time we'll know our budget and we'll be talking in what is real and go from there.

>> Commissioner Tavares: That sounds quite reasonable.

>> Commissioner Sinton: That will get us maybe to the airport on time. There is a lot of paperwork to be signed yet.

>> David: Yes.

>> Commissioner Sinton: Are you okay with that?

>> Speaker: I have a clarification question or statement. The default what is going to happen it is not going?

>> Speaker: Our ceiling will remain the same which I guess means that certain projects below will not be fully funded just wanting to let you know that is the way the rank would go happen right now.

>> Speaker: Thank you. Yes.

>> Commissioner Sinton: Okay. So I can state -- well, I don't know if I can or not. Can somebody -- maybe somebody else needs to state that we recommend that the board recommend for funding the items we see in the order that we rank them.

>> David: With regard to the [away from microphone]

>> Commissioner Sinton: Yes.

>> Speaker: Make a motion we recommend to the board that they fund these projects in the order that they -- we have ranked them for 2021 and going down as far down the list as they can with available funds.

>> Commissioner Sinton: All in favor.

>> Speaker: Can we get rid of that last one.

>> David: That was not the motion. Vote no if you don't like it. All in favor. All opposed. Thank you.

>> Commissioner Sinton: We have to set an agenda for the next meeting. We don't have to do all the --

>> David: Just table that for a motion. The chair and staff can work it out.

>> Commissioner Sinton: Entertainment a motion to table the setting the agenda for the next meeting.

>> So moved.

>> Speaker: Second.

>> Commissioner Sinton: All in favor. Aye. Okay then. We are ready to adjourn this -- just before we do I would just like to say that thank you all for arduous process. Sometimes a difficult process. It is -- it has been a difficult one. I would also like to just acknowledge for the record that this meeting came together with sort of super efforts by David Penn without a lot of support and other people running around and providing transport and doing just a million jobs. So I would like to express our appreciation.

>> All: Thank you.

[Applause]

>> David: I would suggest the Commissioners who are ready to go. Fern has offered to take you back to the airport. Butch is here with a car. I don't know what your schedule is. But John and I have to remain to take care of some paperwork and I have to pack everything up. I'm taking a little bit later flight so I can do all that.

>> Commissioner Sinton: Meeting is adjourned at 4:50 P.M.

***** SPEAKERS ARE NOT CONSISTENTLY USING THE MICROPHONE.
CAPTIONER CONTINUES TO ASK FOR CLARIFICATION THROUGHOUT *****

*****DISCLAIMER*****

THE FOLLOWING IS AN UNEDITED DRAFT TRANSLATION. THIS TRANSCRIPT MAY NOT BE VERBATIM, HAS NOT BEEN PROOFREAD AND MAY CONTAIN ERRORS. PLEASE CHECK WITH THE SPEAKER(S) FOR ANY CLARIFICATION. JC

*****DISCLAIMER*****

DRAFT