ACRONYMS

AMAC  'Aha Moku Advisory Committee, Executive Director (DLNR)
ATA  Ala Kahakai Trail Association
BLNR  Board of Land and Natural Resources
CHAIR  BLNR/DLNR Chairperson
COUNTY  County of Hawai'i
DLNR  Department of Land and Natural Resources
DOFAW  Division of Forestry and Wildlife (DLNR)
FY  Fiscal Year (July 1 - June 30)
HAR  Hawai'i Administrative Rules
HRS  Hawai'i Revised Statutes
LLCC  Legacy Land Conservation Commission (DLNR-DOFAW)
LLCP  Legacy Land Conservation Program, Program Specialist (DLNR-DOFAW)
NEPM  Native Ecosystems Protection and Management Section
PONC  Public Access, Open Space and Natural Resources Preservation Commission (COUNTY)
SHPD  State Historic Preservation Division (DLNR)
SLH  Session Laws of Hawai'i
TPL  The Trust for Public Land (ATA partner)

AUTHORITY

19730515  Act 77, SLH 1973 established the Fund for the Environment.
20050701  Act 156, SLH 2005 established the Land Conservation Fund to replace the Fund for the Environment. Codified as HRS 173A.
20060701  Act 254, SLH 2006 established the Legacy Land Conservation Commission.
20120721  Effective date, HAR 13-140, Legacy Land Conservation Program Rules.

WAIKAPUNA

20160712  Application Cycle opened for FY 2017 grants.
20160922  DLNR agency consultation memo from CHAIR to ATA:
        “We have no objections.” [EXHIBIT I]
20160927  ATA and TPL submitted a final FY 2017 grant application for Waikapuna.
20161208  LLCC field visit to Waikapuna
        (Commissioners Warshauer, Sinton, Wilson, Abbott).
20161212  Commissioner Warshauer and group reported to the LLLC about the Waikapuna application and field visit.
20161213  LLCC recommended full funding for the Waikapuna application, LLCP 17-01 (top ranking).
20170427 SHPD consultation reply to LLCP: "Our records indicate that an archaeological inventory survey (AIS) has not been conducted for the [Waikapuna] parcel. The [Waikapuna] project area has known historic properties including historic ponds and springs. These sites have not been adequately documented. As the current action proposes no change in current uses or any proposed ground disturbance, impacts will not be significant. The current action proposes no change in the location or nature of the current uses. Therefore, SHPD has no objection to the proposed action. However, the SHPD requests the opportunity to review any future projects involving a change in current activities or any proposed new ground disturbing activities."

20170526 BLNR approved partial funding for the Waikapuna application under Agenda Item C-1, see Submittal and Minutes (pages 9-10).

20170621 Governor Ige approved partial funding for the Waikapuna application.

20170728 BLNR approved full funding for the Waikapuna application under Agenda Item C-2, see Submittal and Minutes (pages 7-8). Additional written testimony to BLNR [EXHIBIT II].

20171013 Governor Ige approved full funding for the Waikapuna application.

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20171228 PONC 2017 Annual Report to the COUNTY Mayor lists Waikapuna as the #1 priority for acquisition (see pages 10-11).

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20180510 Effective date for Waikapuna grant agreement between BLNR and ATA, Contract No. 66886.

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20180822 COUNTY Council Resolution 2018-650 authorizes the COUNTY Department of Finance to pursue the Waikapuna acquisition.

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20181210 LLCC recommended approval for amending the Waikapuna grant award to remove the proposed footprint of a possible County Wastewater Treatment and Disposal Facility from the area to be covered by a conservation easement.

20190125 BLNR approved, under Agenda Item C-3, amendment of the Waikapuna grant award to remove the proposed footprint of a possible County Wastewater Treatment and Disposal Facility from the area to be covered by a conservation easement, see Submittal, Minutes (pages 5-6), and Audio (at 7:14).

20191216 ATA completed the conservation transaction for Waikapuna.
FY 2020 AND FY 2021 COMBINED GRANT APPLICATION CYCLE
Kaunāmano, Manaka’a, and Kiolaka’a

20121228 PONC 2012 Annual Report to the COUNTY Mayor lists Kaunāmano as the #4 priority for acquisition (see pages 17-18).

20140501 COUNTY Council Resolution 2014-351 authorizes the COUNTY Department of Finance to pursue the Kaunāmano acquisition.

20190506 LLCP Application cycle opened for FY 2020 and FY 2021 grants.
20190604 DLNR agency consultation memo from CHAIR to ATA for FY 2021 Kiolaka’a grant application. “We do not object to the proposed project.”
20190716 ATA/TPL submitted final applications for FY 2020 grants for Kaunāmano and Manāka’a and for FY 2021 grants for Kaunāmano, Manāka’a, and Kiolaka’a [EXHIBIT III].
201908xx LLCC field visits led by Commissioners Warshauer (Kiolaka’a), Kawelo (Kaunāmano), and Sinton (Manāka’a), also accompanied by Blaich.
20190904 Lead Commissioners and groups reported to LLCC about the grant applications and field visits.
20190906 LLCC issued recommendations for FY 2020 and FY 2021 grant awards, including full funding for LLCP 21-02, Kiolaka’a (other rankings were LLCP 20-01 and 21-08T for Kaunāmano, and LLCP 20-04 and 21-03 for Manaka’a). Meeting Handout for LLCC Decisional Priorities and Criteria [EXHIBIT IV].

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20191216 ATA acquired Waikapuna.
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20191231 PONC 2019 Annual Report to the COUNTY Mayor lists Manaka’a as the #1 priority for acquisition, see pages 7-8.

20200424 BLNR approved a FY 2020 grant award for Kaunāmano, LLCP 20-01, under Agenda Item C-3 (after denying a request for a contested case hearing), see Submittal, Testimony, Minutes (pages 3-6), and Audio (at 12:17). Additional written testimony to BLNR [EXHIBIT V].

20201216 PONC 2020 Annual Report to the COUNTY Mayor lists Kiolaka’a as the #2 priority for acquisition (see pages 1.5-1.6).

20210122 BLNR deferred action on the Kiolaka’a and Manaka’a applications under Agenda Item C-1, see Submittal, Written Testimony, Late Testimony, Minutes (pages 2-3), Audio (at 52:30; Kiolaka’a and Manaka’a discussion, spoken testimony begins at 56:20), and Youtube (at 6:45:00, Kiolaka’a and Manaka’a discussion; spoken testimony begins at 6:53:00). Additional Written Testimony to BLNR [EXHIBIT VI].

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RECENT ACTIVITY

20210225  Effective date for Kaunāmano grant agreement between BLNR and ATA, Contract No. 69392

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20210309  **ATA withdrew its FY 2021 application for Manāka’a [EXHIBIT VII]**

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20210318  DOFAW Administrator and LLCP met with Ka‘ū community members who oppose ATA land acquisitions (facilitated by AMAC).

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20210325  Agenda posted to State Calendar for LLCC Meeting 72, with direct notification to LLCC distribution list.

20210331  Legacy Land Conservation Commission Meeting 72, Agenda Item 2

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NEXT STEPS

20210407  Deadline for DOFAW submittal to BLNR for April 23, 2021 meeting.

20210601  Approximate deadline for DLNR to encumber FY2021 grant funds. Requires (1) Governor’s approval of grant award and (2) Awardee’s acceptance of BLNR’s offer.