

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 22, 2016

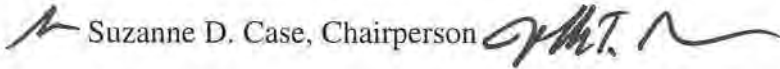
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKO KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TO: The Trust for Public Land / Ala Kahakai Trail Association

FROM:  Suzanne D. Case, Chairperson

SUBJECT: Comments regarding request for consultation on a summary for a proposal to the Legacy Land Conservation Program

The following comments were received from Divisions within the Department regarding the proposal summary for the Waikapuna project:

Division of Forestry and Wildlife, Hawai'i Branch:

- Site visit with Jay Hatayama, Nick Agorastos, Steve Bergfeld, John Replogle, Nohea Ka'awa, TPL's Laura Ka'akua, Ala Kahakai and NPS.
- The coastal area is the area DOFAW would have the most interest in. The coastal strand vegetation is valuable. Waikapuna borders the Kamilo section of the Ka'ū Forest Reserve which lies to the west. There are archeological sites worth protecting throughout the property.
- 90% of the property has been converted to pasture. Haole koa and Christmas berry with grass. Potentially could provide some hunting opportunities for goats, but did not see many signs.
- Would provide access for the public to the ocean and coastline.
- Wildfire will be a big issue if the area is not continued as pasture.
- We do not have the resources to manage this area and don't feel we are the best agency to manage this parcel. If the parcel was subdivided to allow DOFAW to manage the coastal area with legal access, we could have further discussions.

Thank you for the opportunity to provide consultation on this proposal.



Bobby Camara Waikapuna, Ka'u, Hawaii 12/26/2016

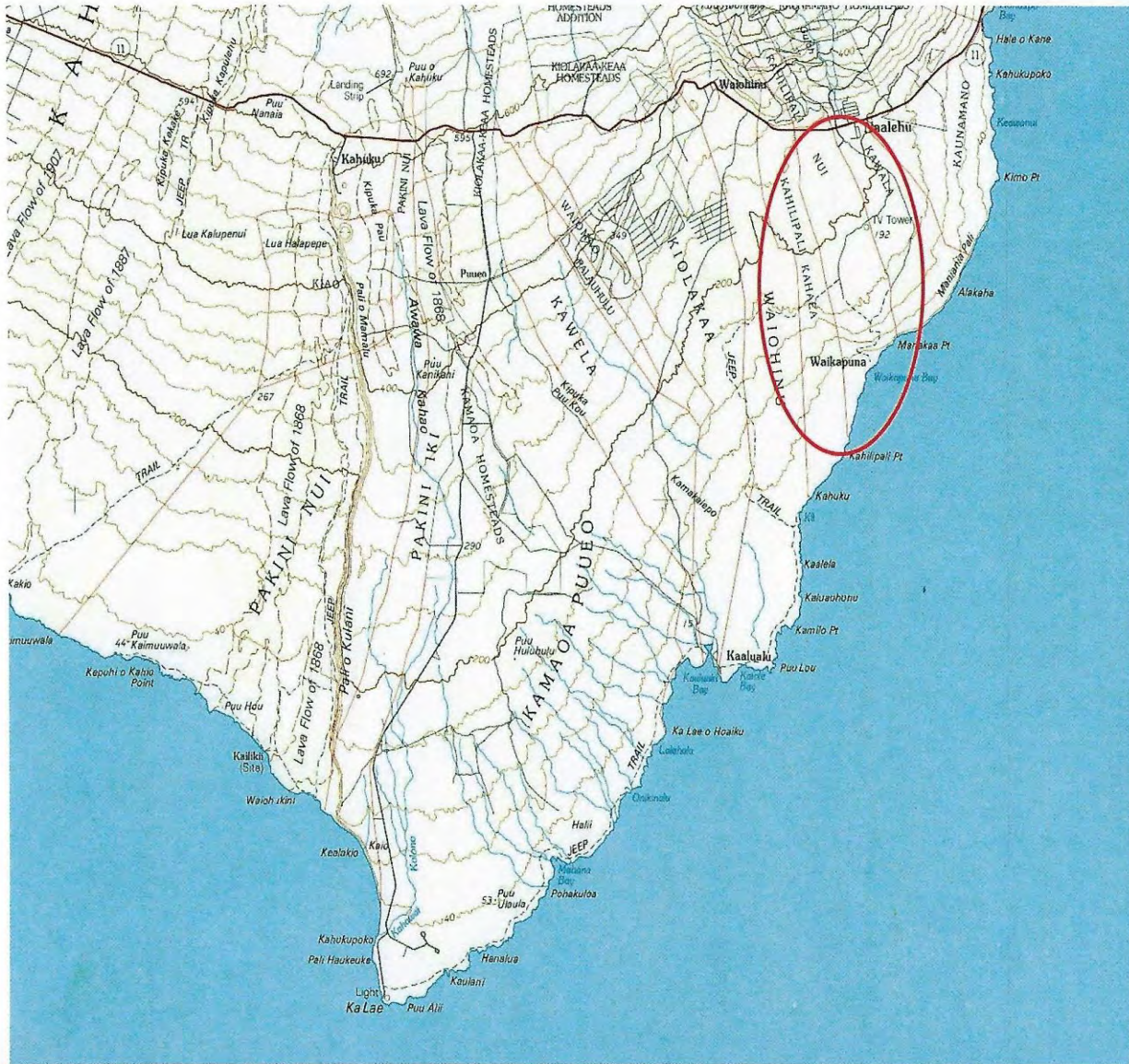
Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404/ Fax (808) 587-0390

Welina me ke aloha kakou!

Suzanne D. Case, Chairperson
Stanley H. Roehrig, Hawai'i Member
Keith "Keone" Downing, At-Large
James A. Gomes, Maui Member
Thomas Oi, Kauai Member
Samuel "Ohu" Gon III, O'ahu Member
Christopher Yuen, At-Large

RE: I "**STRONGLY SUPPORT**", and join the Kau Agro Forestry (KAFA – nonprofit 501 © 3) and the informal Ka'u Grassroots Community Group in the **request** for the **Board of Land and Natural Resources** to **approve** available **grant** funds in the **Land Conservation Fund** – the **Legacy Land Conservation Program** for **Hawai'i County** as the **fee holder** for the **acquisition** of **2,209.307 acres** at **Kahilipali Nui (Waikapuna)** and **Kahilipali Iki, Ka'u, Hawai'i Island Tax Map Key (s): (3) 9-5-007:005** and **(3) 9-5-007:08** contained **within (3) 9-5-007:016**.

These Agricultural lands are available for sale by Resource Land Holding (a Colorado Corporation) aka Ka'u Mahi, LLC, to be held in perpetuity for future generations of Ka'u, the broader populace of Hawai'i Island and beyond for preservation, conservation of the coastline, care of "iwi" (bones) kupuna "ilina" (ancestral burials) – archaeological sites, protection of endangered native Hawaiian flora – fauna species, "best practices" of restoration – propagation usages, educational – scientific opportunities, agricultural opportunities and sustainability production to assist in feeding the 'ohana (families) of Ka'u and extended communities.



These beautiful and pristine lands were originally well inhabited by industrial native Hawaiians. Waikapuna was well known as an ancient fishing village since "kahiko" (antiquated) times until the 1868 devastating - catastrophic tsunami and disastrous earthquake (s).

Scores of lives were lost, “hale” (s) (houses), as well as other structures were swept out into the ocean along with the ‘ohana (family) livestock.

Waikapuna structural ruins:*Fig. 1 unusual structure, Fig. 2 three sided shelter, and Fig. 3 compound.



Fig. 1 Bob Rechtman – 5/2007 Fig. 2 Matt Clark – 12/20016 Fig. 3 Andrew Stenlick - 5/2014

Fig. 4 compound - 2, Fig. 5 Petroglyphs & papamu (konane-checkers table) and Fig. 6 Poninau Heiau



Fig. 4 Andrew Stenik – 5/2014 Fig. 5 Matt Clark – 12/2016 Fig. 6 Bob Rechtman – 5/2007

*Note: Mahalo nui loa to Robert Rechtman, Ph.D., ASM Affiliates, Matt Clark, MA of Arts in Heritage Management, UH – Hilo and Andrew Stenlick.

On February 26, 2017 a week before our dear makua kane hoahanau (older male cousin) passed, he shared his “aloha” for Waikapuna. He, his family, and friends spent many years throwing net, pole fishing and diving for “u’u” (menpachi – *Myripristis* species), “manini” (Convict tag-*Acanthurus triostegs*), “nenu” (Rudder fish – *Centrolophua niger*), “aweoweo” (Hawaiian big eye – *Priacanthidae*), “upapalu” (Cardinal fish, bandtail), and many more. Other favorites were “ula” (hawaiian spiney lobsters, *Panulirus marginatus* and *P. penicillatus*), “he’e” (*Octopus cyanea* - *O. ornatus*), “moi” (thread fish, *Polydactylus sexfilis*), “a’ama” (rock crab - *Grapsus tenuicrustatus*), and in a jovial manner spoke about “namako” (edible sea cucumber - *Holothuria edulis*). According to “PeeWee”, “namako” was a Japanese delicacy and plentiful but it wasn’t his favorite because it didn’t have any taste just chewy. Prized seaweeds, limu kohu (*Asparagopsis taxiformis*), limu manaua (*Gracilaria coronopifolia*), limu lipe’epe’e (*Chondrophycus succissus*), limu ‘ele’ele (*Enteromorpha*

prolifera), limu lipoa (*Dictyopteris plagiogramma*), limu ‘akiaki (*Ahnfeltiopsis concinna*) were eaten raw with fish or octopus, and crabs. Opihi (genus *Cellana*), and wana (*Echinothrix diadema* – *Echinothrix calamaris*) were most best-loved. They would camp for several days, drying their bounty at the beach, then filling their ice chests to the brim.

Fond recollections described Waikapuna to be a large “all native Hawaiian village” and a “Kalawina” – Protestant Church which was especially, built there for its inhabitants. Next to it was a “niu” (coconut, *Cocos nucifera*) tree, reminiscing of gathering them for the fresh “niu ā wali” (coconut milk). Additionally, he said the agricultural lands were mauka (inland) abundant with “kalo” (taro, *Colocasia esculenta*), “uala” (sweet potato, *Ipomoea batatas*), mai’a (banana, *Musa*), peanuts, native Hawaiian medicinal herbs as well as various wholesome dry land foods. There were excellent water sources throughout the area in many in caves, from the ocean - brackish water and springs bubbling “mauka” (inland) of the beach.

Vividly, he recalled Ka’u families hunting at Kahuku Ranch, (Hawai’i Volcanoes National Park Kahuku Unit) for supplemental “table meat”. Eventually, this resource was banned, gates locked and chained. Many, many years before, the Hawai’i Volcanoes National Park Superintendent was asked for “fishing rights” by the Ka’u “pili na ma kupuna” (related through a common ancestor) as the Park was located within the Ka’u boundary but was flatly refused.

Finally, he told me these lands are for the community, local people and others...he strongly felt an urgency to ask the County of Hawai’i to purchase them through the PONC monies, and now the help of the Department of Land and Natural Resources, Land Conservation Fund – Legacy Land Conservation Program.

Fig. 7



Fig. 8



Fig. 9



Fig. 10



*Note: Limu: An Ethnobotanical Study of Some Hawaiian Seaweeds by I.A. Abbott, National Tropical Botanical Garden, Kaua’i, Hawai’i, 1984; <http://www.hawaii.edu/reefalgae/publications/ediblelimu/>



U’u



Manini



Nuenue



‘Aweoweo



Upapalu

Mahalo nui loa, for sharing this 'olelo (story)...a treasure of information from "mai na kupuna mai (our ancestor), **Ernest "PeeWee" Macomber Briethaupt** (November 20, 1940- May 5, 2017).

Kahilipali Nui (Waikapuna) and Kahilipali Iki will forever remain in our pu'uwai (hearts) as a precious living, breathing, viable and extraordinary wonder in our midsts as we are dedicated as well as committed to strive to make it an everlasting reality for all generations to come....

"E 'olu 'olu 'oe I ko'u kokua" (Please, help) our Ka'u community and vote "YES" to purchase these impeccable parcels for all of us! Again, mahalo nui loa for your understanding, patience and support!

Me Ke Aloha Pumehana,

Jamie M. Kawauchi

Jamie M. Kawauchi

POB 573

Naalehu, Hawai'i 96772

Phone: (808) 929-9076

Email: jami.kawa@gmail.com

 Delete ...

Support Testimony for 7-28-2017 for BLNR meeting

JK Jamie Kawauchi <jami.kawa@gmail.com>
Thu 7/27/2017 2:14 AM
To: Ferreira, Darlene S; Penn, David

    ...

July 27, 2017

To: Legacy Lands Commissioners

From: Bob Jacobson, Hawaii County Councilmember Puna/Kau?South Kona 2002-2008 [PO Box 900, Kurtistown, HI 96750](#)

Topic: Topic for Legacy Land Funding For Waikapuna Kapihipali Nui Lands

Dear Legacy Lands Chairman and Commissioners,

Waikapuna Kapihipali Nui Lands received approval for partial funding from Legacy Land Commission. Please supply more funds to complete the purchase in order to preserve the four miles of Ka`u Coast.

We need to complete the protection of Waikapuna's Kahilipali Nui parcel (9-5-007-016) dryland forest and extensive native coastal plant habitat which includes seabird nesting areas along the sea cliffs. Please put these lands under the protection of Hawaii County's Open Space Land Commission and the administration by Kau Agro Forestry Association. I worked for ten years along

13027537

Legacy Land Conservation Program :

FY2021 Online Grant Application (Land Acquisition) :

While completing this FY2021 online grant application, please refer to instructions and guidance posted on the Legacy Land Conservation Program website, <http://dlnr.hawaii.gov/ecosystems/llcp/apply>. For additional guidance, contact the Program Office at legacyland@hawaii.gov, (808) 586-0921. NOTE: Subsection 13-140-17(b), Hawai'i Administrative Rules requires that "The entity that will hold title to the interest in land must be the applicant and supply all required documentation for the application." DEADLINE – July 22, 2019 An FY2021 applicant must submit a complete grant application in two formats—online and paper (with original, wet ink signatures)—no later than 4:30 PM, Hawaii Standard Time, Monday, July 22, 2019. The Legacy Land Conservation Program will determine the time of submission by: (1) automated timestamp for online application; (2) postmark or shipping label; and (3) Division of Forestry and Wildlife timestamp for hand-delivery. DELIVERY ADDRESS FOR PAPER APPLICATION: Legacy Land Conservation Program Division of Forestry and Wildlife 1151 Punchbowl Street, Room 325 Honolulu, HI 96813

FY2021 REQUIRED FORMS :

Download blank FY21 forms at <http://dlnr.hawaii.gov/ecosystems/llcp/forms>. Upload completed forms here:

FY21 Form 1: FY21 Certification of Grant Application (for Applicant and Partner) : Form 1 FY 21.pdf

FY21 Form 2: FY21 Property Information Worksheet : Form-2_FY 21 Kiolaka'a_final.pdf

FY21 Form 3: FY21 Transaction Costs Worksheet : Form-3_Transaction-Costs-FY 21 Kiolaka'a.pdf

FY21 Form 4: FY21 Matching Funds Worksheet : Form-4_Matching-Funds-FY 21 Kiolaka'a.pdf

*For FY21 Form 5 series: • Each FY21 application submittal (online application and paper copy) shall include only one copy of Form 5 and only one set of Form 5 maps and photos (as submitted to agencies with Form 5). • Do not attach additional sets of Form 5, including maps and photos, to each completed agency response (Forms 5a, 5b, and 5c).

FY21 Form 5:* FY21 Agency Consultation for Land Acquisition (FY2021 Applicant Information) : Form 5 FY 21_Kiolakaa.pdf

FY21 Form 5a:* Department of Land and Natural Resources (DLNR) FY21 Response : Kiolakaa_Form 5a FY 2021_signed.pdf

FY21 Form 5b:* Department of Agriculture (HDOA) FY21 Response : Form 5b - HDOA FY21_Kiolaka'a.pdf

FY21 Form 5c:* Agribusiness Development Corporation (ADC) FY21 Response : Form 5c - ADC FY21_Kiolaka'a.pdf

FY21 Form G: FY21 Section G - Importance and Threats : Section-G_FY 21_Kiolaka'a.pdf

FY21 Form H: FY21 Section H - Stewardship and Management : Section-H_FY 21_Kiolaka'a.pdf

FY21 Form I: FY21 Section I - Cultural and Historical Significance : Section-I_FY 21_Kiolaka'a.pdf

FY2021 ATTACHMENTS :

Indicate below each document that is attached to the FY2021 application, and upload each completed attachment. Select all that apply, and explain omissions and additions in Section L, below.

FY2021 REQUIRED ATTACHMENTS :

- A1
- A2
- A3
- A4
- A5
- A6

A1: FY21 Willing Seller Letter : A1 Willing Seller Ltr_Kiolaka'a.pdf

A2: FY21 Willing Holder Letter : A2 County Willing Holder Letter_Kiolaka'a.pdf

MAPS AND PHOTOS: The clarity and content of maps and photos submitted can affect the response of a reviewer. Do not submit more than three pages of maps, including (1) a map that represents the general location of the property (island or regional scale) and (2) a map that represents the detailed location of the property (parcel scale, such as a county tax map plat sheet). Do not submit more than three pages of photographs, but include views that illustrate the resources to be protected on the property, with identifying/explanatory captions.

A3: FY21 Maps : A3 Ka'u Landscape + Project Maps_20190718.pdf

A4: FY21 Photos : A4 Photos_Kiolaka'a.pdf

A5: FY21 Nonprofit Mission Statement and IRS Determination/Designation :

A6: FY21 Online County Property Record Sheets : A6 TMK Records_Kiolaka'a.pdf

FY2021 OPTIONAL ATTACHMENTS :

- A11
- A15
- A16

A11. TITLE REPORTS - TO HELP AVOID POST-AWARD COMPLICATIONS, AN APPLICANT IS ENCOURAGED TO CONSIDER CONDUCTING A THOROUGH INVESTIGATION OF EACH ENCUMBRANCE AND EXCEPTION IDENTIFIED IN A TITLE REPORT, AND TO COMPLETE AN INDEPENDENT, DETAILED TITLE SEARCH/CHAIN OF TITLE ANALYSIS

A11: FY21 Preliminary Title Reports (STRONGLY RECOMMENDED!) : A11 Title Report_Kiolaka'a.pdf

A12: FY21 Appraisals :

A13: Operating Budget (FY21 Applicant) :

A14: Operating Budget (FY21 Easement Holder) :

A15: FY21 Table of Contents for Optional Attachment A16, OTHER DOCUMENTATION : A15 Table of Contents_Kiolaka'a.pdf

A16: FY21 OTHER DOCUMENTATION : A16 Attachments_Kiolaka'a.pdf

FY21 SECTION A. FY21 APPLICATION INFORMATION :

1. Interests to be acquired - select all that apply :

Fee Title

Conservation Easement

Agricultural Easement

2. FY21 Application Title (100 character limit) : Kiolaka'a

3.a. Island : Hawaii

3.b. District (Hawaii) :

Kau

3.b. District (Other) - describe the location of the land and resources that are the subject of the application (255 character limit) :

4.a. State Senate District (Hawaii) :

3

4.b. State Senator (Name) : Dru Mamo Kanuha

5.a. State House District (Hawaii) :

5

5.b. State Representative (Name) : Richard P. Creagan

6. Total Number of Parcels : 3

7. Total Acreage Conserved : 1,841.2

8.a. Total estimated cost of transaction : \$3,026,000

8.b. Total FY21 amount requested from Land Conservation Fund : \$1,475,000

8.c. Total matching funds : \$1,551,000

8.d. Proportion of matching funds to amount requested from FY21 Land Conservation Fund (8c:8b) :
1.0515254237288

8.e. Is the property or easement currently listed for sale or has it been listed for sale within the past two years (since July 01, 2017)? : LISTED FOR SALE

8.f. What is/was the asking price? : 2,950,000

8.g. Explain details of listing/pricing, as necessary (1,000 character limit) . : The landowner will agree to a conservation sale if we can agree on a purchase price, terms, and closing. Landowner needs to complete the transaction in a timely manner.

FY 21 SECTION B. FY21 APPLICANT INFORMATION :

9. FY21 Applicant Type : Nonprofit Land Conservation Organization

10.a. FY21 Applicant Name (agency or organization) : The Trust for Public Land

10.b. Applicant Postal Mailing Address (U.S. Postal Service) P.O. Box or street; city; state; zip) : 1003 Bishop Street, Suite 740 Honolulu, HI 96813

10.c. Applicant Contact Person/Point of Contact (POC) - Name and Title : Reyna Ramolete Hayashi, Aloha 'Āina Project Manager

10.d. Applicant POC Preferred Telephone Number : (808)524-8562

10.e. Applicant POC Preferred Email Address : reyna.ramolete@tpl.org

10.f. Applicant website URL (organizational) : www.tpl.org

10.g. URL for website specific to this application/acquisition : www.tpl.org/our-work/ala-kahakai

10.h. FY21 Applicant Status :

Accredited

Adopted

10.i. Does FY21 Application include Attachment A13, Operating Budget? : Operating Budget Not Included

10.j. How many grants did the FY21 applicant receive, to date, from the Legacy Land Conservation Program (LLCP)? : 0

10.k. Of the LLCP grants that the FY21 applicant received, to date, enter: (1) how many grants were discontinued, and the longest time (in months) from Board approval to termination; (2) how many grants remain active (completion pending), and the longest time (in months) that a grant has been active (from BLNR approval to present); (3) how many grants are completed, and the maximum and minimum times (in months) used to complete a grant (from BLNR approval to closing); and (4) additional information about past performance on grants received for land acquisition. : All grants went to partner organizations.

11. Does FY21 Applicant have a Partner for the application process? : With Partner

11.a. FY21 Partner Type : Nonprofit Land Conservation Organization

11.b. FY21 Partner Name : Ala Kahakai Trail Association

11.c. Partner Postal Mailing Address (U.S. Postal Service) : P.O. Box 2338 Kamuela, HI 96743

11.d. Partner Contact Person/Point of Contact (POC) : Keoni Fox

11.e. Partner POC Preferred Telephone Number : (808)351-6279

11.f. Partner POC Preferred Email Address : foxw001@hawaii.rr.com

11.g. Partner website URL (organizational) : www.alakahakaitrail.org

FY21 SECTION C. FY21 PROPERTY INFORMATION :

12.a. Existing protection for valuable resources (select all that apply): :

12.b. Will the FY21 Applicant request an exemption from the easement requirement (see Subsection 173A-4, Hawaii Revised Statutes)? : Does not request easement exemption

12.c. Type of entity that will hold a conservation/agricultural easement: : County

12.d. Name of FY21 proposed easement holder: : County of Hawai'i

12.e. Website URL for proposed easement holder (organizational) : www.hawaiicounty.gov/finance-property-management

12.f. Status of FY21 proposed easement holder (select all that apply) :

12.g. Does the FY21 application include Attachment A2, Willing Holder Letter, from the proposed easement holder? : Willing Holder Letter

12.h. Does the FY21 application include Attachment A14, Operating Budget, from the proposed easement holder? : Holder Budget not included

13. Land Acquisition Priorities (Use <Ctrl> key to select all that apply). The proposed acquisition includes lands with: :

1A aesthetic value

1B cultural/archaeological resource value

1C threatened/endangered species present

2 imminent development

3 imminent diminution of value

4 imminent danger to critical habitat

5 imminent danger to cultural/arcaheological resources

6 agricultural poroduction

14. Land Acquisition Criteria (Use <Ctrl> key to select all that apply). The characteristics of the proposed acquisition include: :

3 protected area linkage

4 public access

6 rapid completion

9 urgency

11 community support

12 adequate funding

13 regional connection

14 management capacity

15. Narrative description of location, ecosystems, land use, and human activity on the property and in the surrounding area. (1,200 character limit) : Kiolaka'a is an undeveloped property south of Wai'ōhinu Town which includes makai portions of Kioloka'a and Wai'ōma'o ahupua'a. Beginning at Ka'alu'alu Bay, it stretches over 4.5 miles to the 700 foot elevation. In ancient times, the bay was an important landing for canoes. Its surrounding waters and fishpond provided an abundance of marine resources. During the plantation era, the lands were used to pasture cattle and goats starting with Ka'alu'alu Ranch. Ka'alu'alu became the main port in Ka'ū for the import of goods and export of cattle. The landscape is partially covered by a pahoehoe lava flow, two a'a lava flows, and wind deposited Pahala ash and sand from Waikapuna. The mauka portion supports an intact native dryland forest with many rare species while the makai portion includes native coastal plants which flourish among the cultural sites and extensive ancient trail network. Kapenako waterhole provides potable water and its anchialine pools are home to 'ōpae 'ula. Mauka portions of the property are licensed for cattle grazing. Ka'alu'alu is a popular camping spot for the community. The makai areas are used for beach access, hiking, fishing and gathering.

16. Identify and discuss the types of assessments, surveys, permits, and documented analyses conducted concerning the property (1,200 character limit) : In 1972, a cultural and historical survey of the Ka'alu'alu area was completed by Violet F. Hansen and Marion Kelly from Bishop Museum as part of a study by the Army Corps of Engineers for a new harbor. Archaeological studies along the coastline were completed by Borthwick and Hammatt in 1990 as part of a study for a new spaceport. Archeological studies of the Kamakalepo cave system were done by Stephan Kempe et al in 1999 and 2006. The landowner prepared a tentative 20-lot subdivision plan conducted by Dennis I. Hirota in 2008 (Attachment A16(a)). The landowner received a commitment for title insurance for TMK 9-4-001-008 and 017 from Commonwealth Land Title Insurance Company on August 20, 2007, and for TMK 9-4-001-009 from Steward Title Guaranty Company on April 7, 2010. The landowner ordered a property survey conducted by John D. Weeks, stamped on February 24, 2014, which shows the property boundaries and acreage at 1,836.078 acres (Attachment A16(b)). We estimate the acreage as 1,841.278 (1,836.078 surveyed acres + 5.2 missing acres from Grant 9021) see Form 2. The Trust for Public Land will order a restricted use fee appraisal of the property in the next few months.

FY21 SECTION D. FY21 RESOURCE PRESERVATION PURPOSES :

17. Use <Ctrl> key to select all that apply, then provide more information about each selection in the spaces provided (1,500 character limit per response). :

- (1) Watershed protection
- (2) Coastal areas, beaches, and ocean access
- (3) Habitat protection
- (4) Cultural and historical sites
- (5) Recreational and public hunting areas
- (6) Parks
- (7) Natural areas
- (8) Agricultural production
- (9) Open spaces and scenic resources

17.a. Watershed protection: : Protecting Kiolaka'a would maintain a healthy and pristine environment for water resources in the area including Kapenako spring, an anchialine pond complex, the underground lake at Waipouli, and the rich marine resources at Ka'alu'alu Bay. Kiolaka'a falls within the Wai'ohinu Watershed. The property slopes from 700 feet down to sea level, and receives approximately 20-30 inches of rain per year near the shore and 30-40 inches of rain per year up mauka. Land preservation and proper range management will minimize soil erosion, sedimentation, and runoff. Within Waipouli Cave in adjacent Wai'ohinu is a brackish water lake, 200m long and up to 10m deep (Attachment A16(c)). Its capped by freshwater at times of high groundwater flow. In historic times, the ranch built a 20m deep well over the cave ceiling which pumped water using a windmill. This lake and cave drip water were the only directly accessible sources of fresh water. Sacred to Kāne-i-ka-wai-ola, these caves are known to have supernatural guardians. Access to these underground springs for water collection is a traditional cultural practice. Mo'olelo tells of people from Kama'oa who would travel through Kiolaka'a on donkeys bringing calabashes to fill with water collected from these caves. At the bay, Kapenako spring continues to provide potable water which flows into its two anchialine ponds, all part of a complex of six intertidal pools that are home to two varieties of 'ōpae 'ūla.

17.b. Coastal areas, beaches, and ocean access: : Ka'alu'alu and Paiaha'a Bay are known for having vast marine resources, safe swimming areas, gentle surf breaks, freshwater springs and remote campgrounds. Shallow waters provide excellent conditions for snorkeling. The Kiolaka'a property tapers to a point at the coast near Kapa'akea on the east side of Ka'alu'alu. Another 5.2 acres along the east shoreline, next to the ancient fishpond, is accessed by community for fishing and overnight camping. In ancient times, Ka'alu'alu was accessed by canoe as well as a series of mauka-makai trails including the ala kahakai and later, the ala aupuni, both of which cross the property. Today, the bay has vehicular access via Ka'alu'alu Road, an ancient trail modified into a cart road in 1852 to connect Ka'alu'alu with Wai'ohinu Town, 7 miles away. Another access from South Point Road crosses both DHHL and KSBE properties. To access Kamilo, the public uses an old jeep road which runs along the boundary of the property turning east at the shore near Kapa'akea. Protecting Kiolaka'a would maintain miles of open space and public access to the coastal lands surrounding Ka'alu'alu Bay. It would also protect access to fresh water at Kapenako and its complex of anchialine ponds near the shore. Ka'alu'alu Bay is a rich marine ecosystem and home to Hawaiian Hawkbill and green sea turtles, monk seals, humpback whales, abundant fish, squid, lobster and shellfish. It is the only bay where mullet come to spawn on the Ka'u coast.

17.c. Habitat protection: Describe the plant and animal habitats and populations located within the property and on adjacent lands: : At the 500-700 foot elevation, there is an intact lama lowland dry forest with naio, 'ohe'ohe (*Polyscias sandwicensis*), lama, alahe'e, hao (*Rauvolfia sandwicensis*), 'ulei, maiapilo, endangered kauila (*Colubrina oppositifolia*), wiliwili, 'ilie'e, huehue, and 'uhaloa. A full biological survey of the mauka area has not been conducted. Additional species known to exist historically may also be found such as 'ahakea, 'aiea and endangered *Mariscus fauriei*. Native dryland forests (wao lama) were a bountiful source of plant materials for native Hawaiians. Ninety percent of native dryland forests have been lost due to land clearing, wildfires, invasive species, and livestock. At the 300-400 foot elevation, coastal winds have created a belt of sand from Waikapuna, over two miles away, which provides habitat for coastal plants. A kipuka located at the 200-300 foot elevation was once covered with pili. At the shoreline, native coastal plants flourish including pua kala, kou, noni, makaloha, 'ahu'awa, pōhuehue, pā'ū o Hi'iaka, naupaka kahakai, 'auhuhu, milo, and 'uhaloa. The shore is also home to 'ulili, kolea and other shoreline birds. Kapenako is a pristine fresh water spring and its anchialine ponds are part of a complex of six pools that come and go with the tides. The pools are teeming with two varieties of 'ōpae 'ula, *Metabetaeus lohena* and *Halocaridina rubra* (nominated for threatened status). A biological survey of the Lua Nunu cave system may also identify native insects.

17.d. Cultural and historical sites: : Kiolaka'a is a precious historic and cultural resource. Its protection would preserve above and below ground features of the ancient Kamakalepo settlement and Lua Nunu cave system, the most extensive refuge cave documented on Hawai'i Island (Attachment A16(d)). At over 1km long, it has two entrances in Wai'ohinu: Waipouli and Lua Nunu o Kamakalepo (Pigeon Hole of the Common People). Fortresses exist in both mauka and makai sections of Lua Nunu. The mauka cave which runs into Kioloka'a includes a well preserved 25m fortress wall up to 1m thick. Built on an elevation, it reaches 5.5m above the floor. Beyond the wall, surveys counted 102 sleeping platforms and fireplaces. Believed to have been built during the battles between Keōua Kū'ahu'ula, ali'i of Ka'u, and Kamehameha's general, Ka'iana, the wall protected defenders who hurled sling stones and spears at invaders. Outlined by daylight, attackers were easily targeted. Artifacts found include adze, fishhooks, 'ulu maika, and a niho palaoa. Other sites include burial platforms, habitation complex, and miles of dry stack rock walls. A network of mauka-makai trails traverse Kioloka'a including the ala kahakai. Kapenako is a hub with trails radiating in different directions. Shelters surround the pond along with bait cups, papamū, and old water jugs. A section of the ala aupuni from Paiaha'a Bay once crossed over the fishpond wall towards Kapenako, continuing on to Kamilo. Remains of the historic ranch are found around the bay.

17.e. Recreational and public hunting areas: Please distinguish between recreational areas and public hunting areas, and identify and describe existing/ongoing and proposed/post-acquisition types and levels of public recreational activity and public hunting on the property. : The makai portions of the property are publicly accessible by vehicle via Ka'alu'alu Road and the existing jeep road along the coastline. Recreational

hiking and beach access is available along the shoreline and the Ala Kahakai Trail. In the future after proper stewardship, mauka-makai trails may also be accessible for recreational hiking. The property is adjacent to the 1353-acre Kamilo Forest Reserve which is a designated hunting area, Unit B. Hunting and associated access is important for the Ka'ū community as many families rely on wild game for subsistence. Kioloka'a is not within a Game Management Area. The property is currently not open for public hunting due to active ranching operations, liability, and safety. The Ala Kahakai Trail Association supports subsistence living and the Board will address the benefits and risks of managed hunting in its management plan to be created after acquisition.

17.f. Parks: : The property is adjacent to the Kamilo section of Wai'ōhinu, which is part of the Ka'ū Forest Reserve, owned by the State and managed by DLNR-DOFAW in partnership with the Hawai'i Wildlife Fund (HWF). The non-profit organization is committed to maintaining the integrity of the Wai'ōhinu coastal strand, which includes beach cleanups, invasive plant removal, anchialine pool restoration, cultural site protection and ecosystem education. In addition, a portion of the Ala Kahakai National Historic Trail corridor runs through the property. Established in 2000, the 175 mile long federally designated trail begins at 'Upolu Point and ends at Hawai'i Volcanoes National Park (Attachment A16(e)). Preservation of the entire trail corridor and its natural and cultural resources is a goal of the NPS Community Management Plan adopted in 2009. This guide for the management of the Ala Kahakai National Historic Trail reflects the collective vision and dreams of the hundreds of individuals who participated in consultations during the public planning process. The thoughts shared in those meetings provided meaningful insight about this amazing gift from our ancestors. As a result, NPS selected a descendant-led, community-based alternative to trail management referred to in the plan as the Ahupua'a Trails System. The State of Hawai'i and the County of Hawai'i entered into a Memorandum of Understanding with NPS in February 2010 to participate in implementation of the Comprehensive Management Plan.

17.g. Natural areas: Identify and describe the natural resources on the property (such as geologic features, habitat type/condition, and resident biota). : Natural resources include portions of the Lua Nunu cave system consisting of four sections of a once much longer tunnel. The mauka area contains an intact native dryland forest with rare and endangered species who have survived wildfires, bulldozers and adverse impacts from invasive species and ungulates. Pockets of agriculturally important Pahala ash found throughout the property sustained early Hawaiian populations. Anchialine ponds support native coastal plants and two varieties of 'ōpae 'ula also found nearby at the Ho'onoua pond complex. A longstanding goal of the Ka'ū community is to permanently protect its beloved coastline. To advance this vision, ATA has been working to protect a nearly 10,000 acre contiguous landscape connected by over nine continuous miles of the ancient trail. The adjacent State lands to the east include Wai'ōhinu, part of the Ka'ū Forest Reserve. Further east is Waikapuna which will be conserved with County and State funds, Manāka'a Fishing Village with pending applications for County and State funds, and Kāwala which will be kept in agriculture and preservation through a conservation easement. Further east is Kaunāmano nominated for preservation through the County and potential candidate for National Park Service funding. These efforts will complement other successfully protected lands at Honu'apo, Kāwā, Kamehame, and Kahuku. Our goal is to work together with stakeholders towards collaborative landscape protection of the Ka'ū coastline.

17.h. Agricultural production: : In the 1800s, the area was used for ranching starting with Ka'alu'alu Ranch owned by Princess Ruth Ke'elikōlani. Stories say that cattle were brought from Waimea using old mauka trails. The princess once had a house near the bay which was used by future ranch managers. Ka'alu'alu soon became a main port for Ka'ū. In 1852, a new cart road was built to facilitate transportation of cargo to Wai'ōhinu. An elaborate system of rock walls was built around the bay to corral cattle prior to embarkation. Cattle loaded from the west side of Ka'alu'alu were led into the water by cowboys on horseback and then taken to the ship where they were hoisted aboard. In 1914, a cattle chute on the east shore was used to funnel cattle into the sea. The ancient fishpond wall was rebuilt by ranch manager, Vredenberg in 1925. It was leased in the 1950s until it was damaged again by tsunamis. In 1929, the ranch had 5000 cattle grazing on 22,561 acres with another 34,000 acres of waste land and over 135 miles of stonewalls. By the end of the 1950s, the ranch had become part of Hawaiian Ranch Company, a subsidiary of C. Brewer. Today, 842 acres are licensed to Triple LLL Ranch and Walter Andrade for cattle grazing.

Protecting these historic ranch lands would help Ka'ū perpetuate its paniolo history. Agriculture is vital to Ka'ū's economy, and grass fed beef is a significant part of Ka'ū's agricultural production. Adjacent properties in Wai'ōhinu and Kawela are also licensed for pasture.

17.i. Open spaces and scenic resources : Preservation of scenic areas and open space is one of the main objectives of the Ka'ū Community Development Plan. The mauka portions of the property provide sweeping views of the Waikapuna Pali, the Kamilo shoreline, Ka'alu'alu Bay, Paiaha'a Bay, the plains of Kamā'oa, the foothills above Nā'ālehu, and the valley of Wai'ōhinu. At the shoreline, there are views of the entire bay, Paiaha'a and the coastline towards Mahana Bay (Green Sands). The remoteness of Ka'alu'alu is exceptional and its natural beauty is valued by the community. The far distance from residential communities and urban development provides an environment free from light and noise pollution which is important for healthy marine life, seabirds and stargazers. Ka'alu'alu Bay is visible from the surrounding communities of Discovery Harbour, Green Sands, Mark Twain, and Wai'ōhinu. Preservation of the property will preserve scenic vistas from all surrounding areas.

18.a. Agricultural Resource Lands: Overall Master Productivity Rating (University of Hawaii Land Study Bureau, 1972 (Use <Ctrl> key to select all that apply, if applicable). :

18.b. Agricultural Resource Lands: Important Agricultural Land, Department of Agriculture, Agricultural Lands of Importance to the State of Hawaii, 1977 (Use <Ctrl> key to select all that apply, if applicable). Overall Master Productivity Rating (University of Hawaii) :

18.c. Agricultural Resource Lands: Important Agricultural Land, State of Hawaii Land Evaluation and Site Assessment Commission, 1988. :

18.d. Agricultural Resource Lands: Prime Farmland, U.S. Department of Agriculture-Natural Resource Conservation Service, 2003 (select all that apply). :

18.e. Agricultural Resource Lands: Land Capability Classification (LCC), U.S. Department of Agriculture-Natural Resource Conservation Service, 2003 (select all that apply). :

18.f. Agricultural Resource Lands: Other Classification/Designation of Agricultural Land (describe below). :

FY21 SECTION E. FY21 ENVIRONMENTAL HAZARDS :

19. Use <Ctrl> key to select each environmental hazard that is or may be located on, or related to, the property, then describe each selection in the space below (20). :

20. Describe known, suspected, and potential environmental hazards identified in 19 above. (1,500 character limit) :

FY21 SECTION F. FY21 FUNDING REQUEST AND TIMELINE :

21.a. FY21 Estimated Fair Market Value - Fee Title : \$2,950,000

21.b. FY21 Estimated Fair Market Value - Conservation/Agricultural Easements :

21.c. Total Estimated Cost of FY21 Land Acquisition (Fair Market Values + due diligence + administrative costs) : \$3,026,000

21.d. The FY21 Estimated Fair Market Values for the Fee Title is based upon (Use <Ctrl> key to select all that apply) and describe in the space below, 21.c): :

County valuation for Real Property Tax Assessment

OTHER VALUATION

21.e. Identify the reports (dates and authors) and methods used as a basis for FY21 Estimated Fair Market Value of Fee Title : Estimated fair market value is based on landowner's most recent list price, county real property tax value, and sales of similar properties in the area. The Trust for Public Land will be ordering a restricted use appraisal.

21.f. The estimated Fair Market Values for the Conservation/Agricultural Easement are based upon (describe in the space below, 21.g): :

21.g. Identify the reports (dates and authors) and methods used as a basis for estimated Fair Market Value of Easements :

22. Provide an estimated timeline for completing the FY2021 acquisition, including, for matching funds, the current status (pending or secured), start date, and end date. (1,200 character limit) : July 2019 – Application for State Legacy Land Conservation Program submitted by Ala Kahakai Trail Association and The Trust for Public Land Aug 2019 – State Legacy conducts site visits, Complete restricted use appraisal Sept 2019 – State Legacy ranking meeting Oct 2019 – BLNR approval of State Legacy rankings Nov 2019 – Governor releases State Legacy funds; Grant agreement for State Legacy funds Feb 2020 – Application for County of Hawai'i Public Access, Open Space, and Natural Resources Preservation Commission (PONC) submitted by Ala Kahakai Trail Association and The Trust for Public Land April 2020 – County of Hawai'i PONC conducts site visits Sept 2020 – County of Hawai'i PONC ranking meeting Dec 2020 – PONC Commission submits Annual Report to the Mayor of Prioritized List of Properties Jan - Mar 2021 – County Council Resolution to authorize Director of Finance to proceed with negotiations for acquisition April - May 2021 – Mayor approval, Complete due diligence June - Aug 2021 – Final documentation/Deeds/Conservation Easement, Closing & Escrow

FY21 SECTIONS G, H, I: FY21 IMPORTANCE AND THREATS; STEWARDSHIP AND MANAGEMENT; CULTURAL AND HISTORICAL SIGNIFICANCE :

Please complete and upload FY21 Forms G, H, and I as provided at the beginning of the application.

FY21 SECTION J: FY21 ASSURANCES FOR LONG-TERM PROTECTION :

23. Identify and explain how the proposed acquisition would assure the long-term protection of the land and its resource values in a way that is appropriate for their intended use, and would ensure that land is not used in a manner that is inconsistent with the purposes for which it was acquired. (1,500 character limit) : Protecting these lands would advance objectives of the Ka'ū Community Development Plan which include preserving the coastline from development, honoring Ka'ū's rich cultural heritage, perpetuating its cherished rural lifestyle, and maintaining a sustainable agricultural economy. ATA's vision for Kiolaka'a is a protected living Hawaiian cultural landscape cared for by the Ka'ū community, and connected to the surrounding ahupua'a and the entire island by the Ala Kahakai trail network. Grazing of the mauka land will continue for the foreseeable future with safeguards around the dryland forest and cultural sites. The entire property will be conserved for cultural practice, subsistence fishing and gathering, enjoyment in nature, and mālama 'āina education. Aside from the confidence in the board, staff, volunteers, and support network, future land use will be restricted by the LLCP deed restriction and County conservation easement. The language of the easement will be determined through the County PONC review process, but there is general agreement that residential development will be prohibited, and appropriate managed public access will be provided for the community's cultural, educational, and recreational benefit. These restrictions and requirements are in alignment with ATA's mission "to support and guide a community-managed trail that honors those who came before and perpetuates for those to follow – with protocols and respect for Hawai'i's past, present and future."

FY21 SECTION K: FY21 CONSULTATION WITH STATE AGENCIES :

24. Indicate each State agency from which the FY21 Applicant received a response to Applicant's timely request for FY21 Agency Consultation. :

Department of Land and Natural Resources

Department of Agriculture

Agribusiness Development Corporation

25. Explain how the proposed acquisition could maximize public benefits, including (i) where public access may be practicable or not practicable and why, and (ii) consideration and incorporation of responses from consulting State agencies. (1,500 character limit) : ATA will work together with descendant families and the broader Ka'ū community to determine appropriate, managed access, considering the sensitivity of the natural and cultural resources on the property. Access is important for a community which still relies on subsistence fishing, farming and gathering. Existing vehicular access via Ka'alu'alu Road as well as pedestrian access along the shoreline via the 175-mile Ala Kahakai National Historic Trail would continue. The protection of these lands will perpetuate both cultural access for descendants, educational opportunities for the community and area schools, and recreational access for travelers and hikers along the ancient ala loa (Ala Kahakai Trail).

FY21 SECTION L. FY21 FORMS AND ATTACHMENTS :

26. If the FY21 application does not include a required form or attachment, please identify the missing document and explain why the application does not include it. : ATA will work with descendant families and the broader Ka'ū community to determine appropriate, managed access, considering the sensitivity of the property's natural and cultural resources. Access is important for a community which still relies on subsistence fishing, farming and gathering. Existing vehicular access via Ka'alu'alu Road as well as pedestrian access along the shoreline via the 175-mile Ala Kahakai National Historic Trail would continue. Protecting these lands will perpetuate cultural access for descendants, educational opportunities for the community, and recreational access for hikers along the ancient ala loa. Dept. of Aquatic Resources stressed the need to protect marine and anchialine habitats at Ka'alu'alu from urban development, human, and other disturbances. The letter mentioned populations of endemic 'ōpae 'ula, Halocaridina rubra and Metabetaeus lohena, both of which are found on the property. See Attachment A16(g) on anchialine pond stewardship. Commission on Water Resource Mgmt noted several streams that run through the property. ATA has no plans for proposed new stream diversions or wells. See 17(a) on watershed protection. Hawaii Dept. of Agriculture requested more information about Andrade and Lando's ranch operations. They lease 842 acres of the property. We are working on reaching out to the ranchers to consult with them and get their support for the conservation purchase. See Attachment A16(g) on sustainable ranching.

ENTER DATE OF FY2021 ONLINE SUBMISSION : 2019-07-19

FY21 Linked Applicants : kiolakaatpl@gmail.com

FY21 Submission Date : 2019-07-19

Created by : integrations+23796@zenginehq.com

Record ID # : 13027537

Last change : 2019-07-19T23:13:46+0000



Form 1

Certification of Fiscal Year 2021 Land Conservation Fund Grant Application (Land Acquisition Grant)

Please submit a completed Form 1 in two formats—paper (with original, wet signatures, preferably in blue ink), and online (scanned/digital copy of paper original, in *.pdf format, via the Wizehive application portal).

ATTENTION: The Legacy Land Conservation Program (LLCP) may cancel its request for Fiscal Year 2020 Land Conservation Fund Grant Applications, and the LLCP may reject a submitted Fiscal Year 2020 application, in whole or in part, without liability, when the LLCP determines that such cancellation or rejection is in the best interest of the State. A final grant award from the Land Conservation Fund requires approval from the Board of Land and Natural Resources and from the Governor. Encumbrance and disbursement of funding for an approved grant award is subject to the availability of funds and to budget restrictions and procedures implemented under the Governor's Executive Biennium Budget Instructions.

CERTIFICATION:

I hereby certify that the statements and information contained in this Fiscal Year 2020 Land Conservation Fund Grant Application, including all forms and attachments, are true and accurate to the best of my knowledge.

Applicant

Kaleo Paik

Name* (please type)



Signature* (sign after printing)

Secretary, Ala Kahakai Trail Association

Title

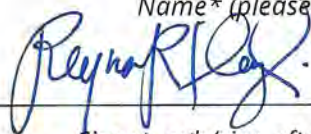
7/7/2019

Date

Partner (if applicable)

Reyna Ramolete Hayashi

Name* (please type)



Signature* (sign after printing)

Project Manager, The Trust for Public Land

Title

7/16/19

Date

* Must be authorized to sign on behalf of Applicant or Partner entity.



Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

Form 2

Fiscal Year 2021 Property Information Worksheet

Historic Places ¹⁰ <i>Enter numbers for each parcel</i> <input type="checkbox"/> National Register <input type="checkbox"/> State Register					
Environ. Hazard ¹¹ <i>Enter one code only</i>					
FEMA Flood Zone ¹²					
FEMA FIRM Panel ¹²					
Lava-Flow Hazard Zone (Hawai'i County Only) ¹³					
Lava Inundation Hazard Zone (East Maui Only) ¹⁴					
Seismic Hazard Zone ¹⁵					
Tsunami Evacuation Zone ¹⁶	<input type="checkbox"/> TEZ	<input type="checkbox"/> TEZ	<input type="checkbox"/> TEZ	<input type="checkbox"/> TEZ	<input type="checkbox"/> TEZ
Sea Level Rise Exposure Area ¹⁷	<input type="checkbox"/> SLR-XA	<input type="checkbox"/> SLR-XA	<input type="checkbox"/> SLR-XA	<input type="checkbox"/> SLR-XA	<input type="checkbox"/> SLR-XA
County Zoning					
LUO ¹⁸					
Category ¹⁹					
Coding ²⁰					
SMA ²¹					
County Planning					
LU Designation ²²					
Source ²³					
Structures ²⁴ <i>Select all that apply</i>	<input type="checkbox"/> BU <input type="checkbox"/> RW <input type="checkbox"/> FE <input type="checkbox"/> WI <input type="checkbox"/> UT <input type="checkbox"/> TC <input type="checkbox"/> O	<input type="checkbox"/> BU <input type="checkbox"/> RW <input type="checkbox"/> FE <input type="checkbox"/> WI <input type="checkbox"/> UT <input type="checkbox"/> TC <input type="checkbox"/> O	<input type="checkbox"/> BU <input type="checkbox"/> RW <input type="checkbox"/> FE <input type="checkbox"/> WI <input type="checkbox"/> UT <input type="checkbox"/> TC <input type="checkbox"/> O	<input type="checkbox"/> BU <input type="checkbox"/> RW <input type="checkbox"/> FE <input type="checkbox"/> WI <input type="checkbox"/> UT <input type="checkbox"/> TC <input type="checkbox"/> O	<input type="checkbox"/> BU <input type="checkbox"/> RW <input type="checkbox"/> FE <input type="checkbox"/> WI <input type="checkbox"/> UT <input type="checkbox"/> TC <input type="checkbox"/> O



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Form 2

Fiscal Year 2021 Property Information Worksheet

Encumbrances ²⁵ <i>Select all that apply</i>	<input type="checkbox"/> CE/AgE <input type="checkbox"/> DR <input type="checkbox"/> COV <input type="checkbox"/> AcE <input type="checkbox"/> UE <input type="checkbox"/> LE <input type="checkbox"/> LI <input type="checkbox"/> ROE/RP	<input type="checkbox"/> CE/AgE <input type="checkbox"/> DR <input type="checkbox"/> COV <input type="checkbox"/> AcE <input type="checkbox"/> UE <input type="checkbox"/> LE <input type="checkbox"/> LI <input type="checkbox"/> ROE/RP	<input type="checkbox"/> CE/AgE <input type="checkbox"/> DR <input type="checkbox"/> COV <input type="checkbox"/> AcE <input type="checkbox"/> UE <input type="checkbox"/> LE <input type="checkbox"/> LI <input type="checkbox"/> ROE/RP	<input type="checkbox"/> CE/AgE <input type="checkbox"/> DR <input type="checkbox"/> COV <input type="checkbox"/> AcE <input type="checkbox"/> UE <input type="checkbox"/> LE <input type="checkbox"/> LI <input type="checkbox"/> ROE/RP	<input type="checkbox"/> CE/AgE <input type="checkbox"/> DR <input type="checkbox"/> COV <input type="checkbox"/> AcE <input type="checkbox"/> UE <input type="checkbox"/> LE <input type="checkbox"/> LI <input type="checkbox"/> ROE/RP
Title ²⁶ <i>Select all that apply</i>	<input type="checkbox"/> UI <input type="checkbox"/> CPR <input type="checkbox"/> CLE <input type="checkbox"/> CLO	<input type="checkbox"/> UI <input type="checkbox"/> CPR <input type="checkbox"/> CLE <input type="checkbox"/> CLO	<input type="checkbox"/> UI <input type="checkbox"/> CPR <input type="checkbox"/> CLE <input type="checkbox"/> CLO	<input type="checkbox"/> UI <input type="checkbox"/> CPR <input type="checkbox"/> CLE <input type="checkbox"/> CLO	<input type="checkbox"/> UI <input type="checkbox"/> CPR <input type="checkbox"/> CLE <input type="checkbox"/> CLO
Source of Title ²⁷ <i>Select all that apply</i>	<input type="checkbox"/> Government <input type="checkbox"/> Crown <input type="checkbox"/> Private	<input type="checkbox"/> Government <input type="checkbox"/> Crown <input type="checkbox"/> Private	<input type="checkbox"/> Government <input type="checkbox"/> Crown <input type="checkbox"/> Private	<input type="checkbox"/> Government <input type="checkbox"/> Crown <input type="checkbox"/> Private	<input type="checkbox"/> Government <input type="checkbox"/> Crown <input type="checkbox"/> Private
Title Recordation System ²⁸	<input type="checkbox"/> Land Court <input type="checkbox"/> Regular <input type="checkbox"/> Dual	<input type="checkbox"/> Land Court <input type="checkbox"/> Regular <input type="checkbox"/> Dual	<input type="checkbox"/> Land Court <input type="checkbox"/> Regular <input type="checkbox"/> Dual	<input type="checkbox"/> Land Court <input type="checkbox"/> Regular <input type="checkbox"/> Dual	<input type="checkbox"/> Land Court <input type="checkbox"/> Regular <input type="checkbox"/> Dual



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Form 2 *Fiscal Year 2021 Property Information Worksheet*

Notes (on any of the items above)

Form 2

Fiscal Year 2021 Property Information Worksheet

ENDNOTES

¹ Format (x) x-x-xxx:xxx.

² To nearest tenth (x.x).

³ Estimated Fair Market Value for interests to be acquired.

⁴ Enter one selection: UF = unencumbered fee, EF = encumbered fee, ET = easement.

⁵ Indicate ahupua'a name, and 'ili/lele where applicable.

⁶ Enter one selection: CL = closed, MPu = managed by public landowner, MPi = managed by private landowner, U = unrestricted

⁷ See <http://luc.hawaii.gov/maps/land-use-district-boundary-maps> and <http://histategis.maps.arcgis.com/apps/Viewer/index.html?appid=0f2a898e7d164359aa1c77aaa8e6085b>. CLUD = Conservation, ALUD = Agricultural, ULUD = Urban, IAL = Important Agricultural Lands, see http://hdoa.hawaii.gov/wp-content/uploads/2013/02/IAL-voluntary-summary-e14_rev2-29-16.pdf.

⁸ See <http://dlnr.hawaii.gov/occl/subzone-maps>.

P = Protective, L = Limited, R = Resources, G = General, S = Special

⁹ Critical habitat as designated by the U.S. Fish and Wildlife Service. Please provide details about location, size, species, and recovery plans/efforts in other parts of the application, as applicable.

¹⁰ Enter National Register Reference Numbers, see <https://www.nps.gov/nr/research/index.htm>, and SIHP Numbers, see http://dlnr.hawaii.gov/shpd/List_of_Designated_Historic_Places. Please provide details in other parts of the application, as applicable.

¹¹ K = Known, S = Suspected, P = Potential. Please provide details in other parts of the application, as applicable.

¹² See <http://dlnreng.hawaii.gov/nfip/wp-content/uploads/sites/11/2015/01/How-to-Find-Your-FIRM-and-Make-a-FIRMette.pdf> to determine entries.

¹³ Lava-Flow Hazard Zones 1-9 (Hawai'i County only), see https://volcanoes.usgs.gov/observatories/hvo/faq_lava.html

¹⁴ Lava Inundation Hazard Zones 1-4 (East Maui only), see <https://agupubs.onlinelibrary.wiley.com/doi/abs/10.1029/2005JB003876>

¹⁵ Seismic Hazard Zones A-E (Statewide), see https://volcanoes.usgs.gov/observatories/hvo/hazards_earthquakes.html

¹⁶ Tsunami Evacuation Zones (check box if property is within TEZ), see http://geoportal.hawaii.gov/datasets/db829ab4b17a44649eadf0db0f7379ab_2

¹⁷ Sea Level Rise Exposure Area (check box if property is within SLR-XA), see https://climateadaptation.hawaii.gov/wp-content/uploads/2017/12/SLR-Report_Dec2017.pdf

¹⁸ Enter citation to pertinent section of County Land Use Ordinance.

¹⁹ For example, Residential, Agricultural, Preservation.

²⁰ Enter coding from LUO.

²¹ Special Management Area, see <http://histategis.maps.arcgis.com/apps/Viewer/index.html?appid=f30604a60fe64945af7442c7c08174f9>.

²² Indicate code for County land use designation.

²³ Indicate source for County land use designation, such as General Plan, Community Plan, Land Use Pattern Allocation Guide, Land Use Map, General Plan Development Pattern, Community Plan Map, Form-Based Code.



Form 2 ***Fiscal Year 2021 Property Information Worksheet***

²⁴ BU = building, RW = roadway, FE = fencing, WI = water infrastructure, UT = utility infrastructure, TC = telcom infrastructure, O = other. Please describe size, location, use, and condition of structures in NOTES section, below.

²⁵ Please select all that apply and provide details in other parts of the application, as applicable: CE/AgE = Conservation/Agricultural Easement, DR = Deed Restriction, COV = Covenant, AcE = Access Easement, UE = Utility Easement, LE = lease, LI = license, ROE/RP = Right of Entry/Revocable Permit

²⁶ UI = undivided interests, CPR = Condominium/Horizontal Property Regime, CLE = clear chain of title, CLO = clouded chain of title, Please explain UI, CPR, and CLO in other parts of the application, as applicable.

²⁷ Indicate original source of recorded title as: Government Land; Crown Land; or Private Land (awarded to an individual person or private entity in the Mahele. See <https://www.hawaiiankingdom.org/land-system.shtml>.

²⁸ See <http://dlnr.hawaii.gov/boc/faqs> and <http://lrbhawaii.info/lrbprpts/87/twoland.pdf>

APPLICANT: Ala Kahakai Trail Association & The Trust for Public Land
 APPLICATION TITLE: Kiolaka'a

Form 3

Transaction Costs Worksheet Fiscal Year 2021



Estimated Transaction Costs				
Item	Estimated Cost	% of costs to be paid by:		
		Landowner	Applicant	LLCP and Other (specify)
Appraisal report*	\$23,000	50.00%	50.00%	
Review appraisal*	\$5,000		100.00%	
Land survey*	\$0	100.00%		Completed by Landowner
Title insurance*	\$7,000	50.00%	50.00%	
Title report*				see above - Title insurance
Environmental inspection*				see below - Phase I
Environmental site assessment (Phase 1)*	\$10,000		100.00%	
Escrow fees (excluding taxes)**	\$6,000	50.00%	50.00%	
Baseline documentation: conservation/agricultural easement**	\$10,000		100.00%	
Attorney fees (review/draft acquisition-related documents)**	\$15,000		100.00%	
Subtotal	\$76,000			
Estimated Fair Market Value of Acquired Property	\$2,950,000			
TOTAL	\$3,026,000			

* eligible costs for grant funds and matching funds

** eligible costs for matching funds, only

Form 4

Matching Funds Worksheet Fiscal Year 2021



Estimated Matching Funds Worksheet				
Type (cash, grant, in-kind, land value donation)	Amount (\$)	% of TETC*	Source, or Basis of Valuation	Status (Secured or Pending?)
Cash	58,000	1.92	TPL and ATA	Secured
Cash	18,000	0.59	Landowner	Pending
Grant	1,475,000	48.74	County of Hawai'i - PONC	Pending
		0		
		0		
		0		
		0		
		0		
		0		
		0		
		0		
		0		
TOTAL ESTIMATED MATCHING FUNDS	1,551,000	51.26	NOTES:	
TOTAL REQUESTED FROM LAND CONSERVATION FUND	1,475,000	48.74		
TOTAL ESTIMATED TRANSACTION COSTS* (TETC)	3,026,000	100.00		

*"TETC" is the same as "TOTAL" at bottom of Form 3



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Form 5

**FY2021 Agency Consultation and Request for Advice:
Information from Land Acquisition Grant Applicant**

Applicant: _____

Application Title: _____

Point of Contact: _____

Postal Address: _____

Email Address: _____

Phone: _____

Fax: _____

Location (maps and photos attached): _____

Island

District

Number of Parcels: _____

Total Acreage Conserved: _____

Tax Map Key Numbers: _____

Acquisition Type (select all that apply):

Fee Title

Conservation Easement

Agricultural Easement

Unimproved Real Property

Proposed Recipient(s) of Conservation/Agricultural Easement, if any (for acquisition of fee title): _____

Form 5

FY2021 Agency Consultation and Request for Advice: Information from Land Acquisition Grant Applicant

Existing Use of Land and Resources for Proposed Land Acquisition Grant:

TMK ¹	State Land Use District ²	County Land Use Ordinance ³	Existing Use/ Encumbrances ⁴	Planned Change of Use, if any ⁵	Future Encumbrances ⁴

Estimated total cost of the acquisition: _____

Amount requested from the Land Conservation Fund: _____

¹ Use format (x) x-x-xxx:xxx

² Conservation = CLUD (include Subzone designation in parentheses)

Agricultural = ALUD

Urban = ULUD

³ Indicate County zoning designation, and SMA if applicable (SpMA = Special Management Area, ShMA = Shoreline Management Area)

⁴ Include encumbrances such as conservation easement, agricultural easement, deed restriction, covenant, LLCP grant agreement or similar grant/contract, pasture leases/licenses, telcom licenses, roadway/utility easements

⁵ Aspirational, not "caused" by grant award



Form 5

FY2021 Agency Consultation and Request for Advice: Information from Land Acquisition Grant Applicant

Describe the location of the acquisition, the characteristics of the land, and the key resources to be protected (see subsection 173-5(g), Hawai'i Revised Statutes):

Describe the public benefits of the acquisition, including but not limited to where public access may be practicable or not practicable and why:

Describe the context and plan for long-term management of the acquired property:



Ka'ū Coastline

KA'Ū COSTLINE, ISLAND OF HAWAI'I

April 29, 2019. Copyright © The Trust for Public Land. The Trust for Public Land and The Trust for Public Land logo are federally registered marks of The Trust for Public Land. Information on this map is provided for purposes of discussion and visualization only. www.tpl.org



THE TRUST FOR PUBLIC LAND

Kiolaka'a



Lua Nunu mauka cave opening





Form 5a

Fiscal Year 2021 Agency Consultation for Land Acquisition: Department of Land and Natural Resources

To: Suzanne D. Case, Chairperson
State of Hawai'i Department of Land and Natural Resources
c/o: DOFAW / Legacy Land
via email to legacyland@hawaii.gov

Please return completed form to Applicant.

Applicant:	Ala Kahakai Trail Association & The Trust for Public Land
Application Title:	Kiolaka'a
Point of Contact:	Reyna Ramolete Hayashi, Project Manager, The Trust for Public Land
Postal Address:	1003 Bishop St., Suite 740
	Honolulu, HI 96813
Email Address:	reyna.ramolete@tpl.org
Phone:	(808) 524-8562
Fax:	(808) 524-8565

Date Submitted: May 24, 2019 (not later than May 24, 2019)

Request for Consultation regarding Land Conservation Fund Grant Application for Land Acquisition (Section 173A-5, Hawai'i Revised Statutes)





Form 5a

Fiscal Year 2021 Agency Consultation for Land Acquisition: Department of Land and Natural Resources

In order to help the Legacy Land Conservation Commission and the Board of Land and Natural Resources to process and prioritize applications for funding, the Legacy Land Conservation Program (LLCP) requests that a consulting agency complete this form (Part I, and Part II if applicable) and return it—with comments, if any, on agency letterhead—to the Applicant at the address listed above, **not later than July 8, 2019**. Thank you!

The LLCP expects that a consulting agency will base its responses on the information presented in the attached Form 5 (Information from Land Acquisition Grant Applicant, including maps and photos). Please contact the Applicant directly with questions regarding the proposed land acquisition (Form 5), and contact the LLCP at 586-0921, or legacyland@hawaii.gov, with questions regarding agency consultation and the grant process.

If the Applicant does not receive an agency response before July 9, 2019, then the application will indicate that the agency “Did Not Respond” to Part I and “Did Not Advise” regarding Part II (if applicable). Please note that a lack of agency response does not affect the prioritization of an application.

I. Request for Consultation regarding Land Conservation Fund Grant Application (Section 173A-5, Hawai'i Revised Statutes)

Subsection 173A-5(i), Hawai'i Revised Statutes (HRS), requires that an application for a land acquisition grant from the Land Conservation Fund include “(7) Results of the applicant’s consultation with the staff of the department [of land and natural resources], the department of agriculture, and the agribusiness development corporation regarding the **maximization of public benefits** of the project, where practicable” (emphasis added). The attached Information Form (Form 5) describes the proposed land acquisition grant for which we request agency consultation.

The Legacy Land Conservation Program (LLCP) suggests that a consulting agency consider the **maximization of public benefits** within the context of:

- (a)** The criteria that the Legacy Land Conservation Commission (LLCC) may consider in forming its recommendations for acquisitions (Section 13-140-39, Hawai'i Administrative Rules, see page 18), particularly:
- (3) Linkage of protected acreage of similar resources;
 - (4) Opportunities for appropriate public access and enjoyment;
 - (5) Presence of environmental hazards;
 - (9) Urgency of need to acquire;
 - (10) Status and adequacy of management planning;
 - (11) Community support for acquisition;



Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

Form 5a

Fiscal Year 2021 Agency Consultation for Land Acquisition: Department of Land and Natural Resources

- (13) Connection to regional planning and protection efforts; and
- (14) Capacity for long-term management.

(b) The lands to which the LLCC shall give priority in its recommendations for acquisition (Section 173A-2.6, HRS):

- (1) Lands having exceptional value due to the presence of:
 - (A) Unique aesthetic resources;
 - (B) Unique and valuable cultural or archaeological resources; or
 - (C) Habitats for threatened or endangered species of flora, fauna, or aquatic resources;
- (2) Lands that are in imminent danger of development;
- (3) Lands that are in imminent danger of being modified, changed, or used in a manner to diminish its value;
- (4) Lands providing critical habitats for threatened or endangered species that are in imminent danger of being harmed or negatively impacted;
- (5) Lands containing cultural or archaeological sites or resources that are in danger of theft or destruction; and
- (6) Lands that are unique and productive agricultural lands.

(c) The appropriate legal mechanisms to ensure the long-term protection of the land and to preserve the interests of the State (see Section 173A-4, HRS). In particular, would the consulting agency be willing to accept/hold a conservation easement, agricultural easement, deed restriction, or covenant that runs with the land, or would an exemption from the easement requirement be more appropriate?

FOR AGENCY USE ONLY	
<input checked="" type="checkbox"/>	We do not object to the proposed project
<input type="checkbox"/>	We do not wish to comment on the proposed project
<input checked="" type="checkbox"/>	Comments attached
Signed:	<u>Suzanne D. Case</u> <i>stc</i> Date: <u>7/10/19</u>
Name:	<u>Suzanne D. Case</u>
Title:	<u>Chair, DLNR</u>

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

JUL 10 2019

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
PLANNING AND DEVELOPMENT DIVISION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RECREATION DEVELOPMENT
PLANNING
LAND AND WATER
TRAILOR PRESERVATION
KAILUAHAWI ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ala Kahakai Trail Association, Applicant
The Trust for Public Land, Partner
c/o Reyna Ramolete Hayashi, The Trust for Public Land
1003 Bishop Street, Suite 740
Honolulu, HI 96813
VIA EMAIL TO: reyna.ramolete@tpl.org

SUBJECT: FY21 Agency Consultation for Land Acquisition, Legacy Land
Conservation Program

Thank you for consulting with the Department about the Ala Kahakai Trail Association Land Conservation Fund Grant Application for "Kiolaka'a." The Department received the following comments from its divisions and offices:

Division of Aquatic Resources – Comments attached (DAR# 5947:3).

Commission on Water Resource Management – We did not find any water delivery infrastructure or improvements nor significant features that may provide additional public benefit. There are several streams that run through parcel (3) 9-4-001:009. The streams are located on the southern and western-central portion of the property. The streams do not have official names.

Any proposed new stream diversions or wells would require permits and approvals from the Commission. The State Water Code and Administrative Rules require that the source owner/operator submit monthly water use reports to the Commission. Any existing wells and stream diversions that are no longer being used should be properly abandoned and sealed. Permits from the Commission would be required prior to any abandonment/sealing work.

Sincerely,


Suzanne D. Case, Chairperson oas

DAR# 5947:3

Comments

The coastal ecosystems in the Kiolaka'a Ahupua'a, which include marine and anchialine habitats, are important natural resources that have avoided impacts from urban development. This does not, however, preclude threats and potential impacts from humans and other disturbances. In particular, anchialine habitats near the coastline at Ka'alu'alu Bay and further along the coast host populations of endemic 'ōpae 'ula, *Halocaridina rubra* and another native shrimp, *Metabetaeus lohena*. These native shrimps are exclusively found in anchialine habitats, which are susceptible to development, human interactions, and invasive species. The uniqueness and sensitivity of Hawaiian anchialine ecosystems therefore warrant any actions that afford further protection. In particular, any steps taken to prevent or at least minimize coastal development, introductions of invasive species, or any other human interactions and disturbances would directly benefit the health of the anchialine habitats. Further, the coastal marine resources in Kiolaka'a provide prime grounds for subsistence fishing that are critical to the livelihood of the local community. Overall, acquiring these parcels of land with the purpose of continued and increased protection of the various resources within it will benefit these natural ecosystems for current and future generations, and the betterment of our island ecosystem as a whole.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

July 8, 2019

Ms. Reyna Ramolete
Project Manager, The Trust for Public Land
1003 Bishop Street, Suite 740
Honolulu, Hawaii 96813

Dear Ms. Ramolete:

Subject: 2021 Legacy Land Conservation Program Application
Ala Kahakai Trail Association & The Trust for Public Land
Fee title/conservation easement
"Kiolaka'a", Ka'u District, Hawaii
Acres: 1,468.9 acres
TMK: 9-4-001:008 (194.0 acres); 9-5-01:009 (1,255.7 acres); 9-4-001:017
(19.2 acres)

The Hawaii Department of Agriculture (HDOA) has reviewed the summary for the Legacy Land Conservation Program Application for Kiolaka'a, which involves the fee simple purchase and conservation easement of the subject parcels totaling 1,836 acres in Ka'u (acquisition site). The majority of the acquisition site is within the State Agricultural District, with the shoreline of parcel 9-5-01:009 in the State Conservation District.

The Application seeks to purchase the subject property to protect habitat for endangered species, archaeological sites, and existing ranching operations. The Applicant, Ala Kahakai Trail Association will hold title to the acquisition site, and the County of Hawaii will hold a conservation easement.

HDOA notes that according to the application, Andrade & Lando Ranch leases some of the land in the acquisition site. HDOA requests more information be provided to the Legacy Land Conservation Program on the ranch operation, including acres grazed, number of cattle currently being grazed on the acquisition site, number of years Andrade & Lando Ranch has leased land within the acquisition site, and whether Andrade & Lando Ranch has been contacted/consulted with this potential acquisition. HDOA also requests more information on the management plan for the ranch and how



Ms. Reyna Ramolete
July 8, 2019
Page 2

they will operate in conjunction with the other proposed uses such as habitat preservation.

Finally, HDOA notes that the 1,836.078 acres listed on page 1 of "Form 5" under "Total Acreage Conserved", does not match up with the County of Hawaii Real Property Tax Office website, which shows the three listed parcels totaling 1,468.9 acres. The Department requests the applicant confirm the acreage amount.

Should you have any questions, please contact Earl Yamamoto at 973-9466, or email at earl.j.yamamoto@hawaii.gov.

Sincerely,



Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

Attachment (LLCP – Consultation Request Form)

c: LLCP Program Coordinator



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Form 5b

**Fiscal Year 2021 Agency Consultation for Land
Acquisition: Department of Agriculture**

To: Phyllis Shimabukuro-Geiser, Chairperson
State of Hawai'i Department of Agriculture
Office of the Chairperson
1428 South King Street
Honolulu, HI 96814

Please return completed form to Applicant.

Applicant:	Ala Kahakai Trail Association & The Trust for Public Land
Application Title:	Kiolaka'a
Point of Contact:	Reyna Ramolete Hayashi, Project Manager, The Trust for Public Land
Postal Address:	1003 Bishop St., Suite 740
	Honolulu, HI 96813
Email Address:	reyna.ramolete@tpl.org
Phone:	(808) 524-8562
Fax:	(808) 524-8565
Date Submitted:	<u>May 24, 2019</u> (not later than May 24, 2019)

••

*Request for Consultation regarding Land Conservation Fund Grant Application for
Land Acquisition (Section 173A-5, Hawai'i Revised Statutes)*••





Legacy Land
Conservation Program

Hawai'i Department of Land and Natural Resources

Form 5b

Fiscal Year 2021 Agency Consultation for Land Acquisition: Department of Agriculture

In order to help the Legacy Land Conservation Commission and the Board of Land and Natural Resources to process and prioritize applications for funding, the Legacy Land Conservation Program (LLCP) requests that a consulting agency complete this form (Part I, and Part II if applicable) and return it—with comments, if any, on agency letterhead—to the Applicant at the address listed above, **not later than July 8, 2019**. Thank you!

The LLCP expects that a consulting agency will base its responses on the information presented in the attached Form 5 (Information from Land Acquisition Grant Applicant, including maps and photos). Please contact the Applicant directly with questions regarding the proposed land acquisition (Form 5), and contact the LLCP at 586-0921, or legacyland@hawaii.gov, with questions regarding agency consultation and the grant process.

If the Applicant does not receive an agency response before July 9, 2019, then the application will indicate that the agency "Did Not Respond" to Part I and "Did Not Advise" regarding Part II (if applicable). Please note that a lack of agency response does not affect the prioritization of an application.

I. Request for Consultation regarding Land Conservation Fund Grant Application (Section 173A-5, Hawai'i Revised Statutes)

Subsection 173A-5(i), Hawai'i Revised Statutes (HRS), requires that an application for a land acquisition grant from the Land Conservation Fund include "(7) Results of the applicant's consultation with the staff of the department [of land and natural resources], the department of agriculture, and the agribusiness development corporation regarding the **maximization of public benefits** of the project, where practicable" (emphasis added). The attached Information Form (Form 5) describes the proposed land acquisition grant for which we request agency consultation.

The Legacy Land Conservation Program (LLCP) suggests that a consulting agency consider the **maximization of public benefits** within the context of:

- (a) The criteria that the Legacy Land Conservation Commission (LLCC) may consider in forming its recommendations for acquisitions (Section 13-140-39, Hawai'i Administrative Rules, see page 18), particularly:
- (3) Linkage of protected acreage of similar resources;
 - (4) Opportunities for appropriate public access and enjoyment;
 - (5) Presence of environmental hazards;
 - (9) Urgency of need to acquire;
 - (10) Status and adequacy of management planning;
 - (11) Community support for acquisition;



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Form 5b

**Fiscal Year 2021 Agency Consultation for Land
Acquisition: Department of Agriculture**

- (13) Connection to regional planning and protection efforts; and
- (14) Capacity for long-term management.

(b) The lands to which the LLCC shall give priority in its recommendations for acquisition (Section 173A-2.6, HRS):

- (1) Lands having exceptional value due to the presence of:
 - (A) Unique aesthetic resources;
 - (B) Unique and valuable cultural or archaeological resources; or
 - (C) Habitats for threatened or endangered species of flora, fauna, or aquatic resources;
- (2) Lands that are in imminent danger of development;
- (3) Lands that are in imminent danger of being modified, changed, or used in a manner to diminish its value;
- (4) Lands providing critical habitats for threatened or endangered species that are in imminent danger of being harmed or negatively impacted;
- (5) Lands containing cultural or archaeological sites or resources that are in danger of theft or destruction; and
- (6) Lands that are unique and productive agricultural lands.

(c) The appropriate legal mechanisms to ensure the long-term protection of the land and to preserve the interests of the State (see Section 173A-4, HRS). In particular, would the consulting agency be willing to accept/hold a conservation easement, agricultural easement, deed restriction, or covenant that runs with the land, or would an exemption from the easement requirement be more appropriate?

FOR AGENCY USE ONLY	
<input type="checkbox"/>	We do not object to the proposed project
<input type="checkbox"/>	We do not wish to comment on the proposed project
<input checked="" type="checkbox"/>	Comments attached
Signed:	<u>Phyllis Shimabukuro Greiser</u> Date: <u>7/8/19</u>
Name:	<u>Phyllis Shimabukuro Greiser</u>
Title:	<u>Chairperson</u>



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Form 5c

**Fiscal Year 2021 Agency Consultation for Land
Acquisition: Agribusiness Development Corporation**

To: James Nakatani, Executive Director
State of Hawai'i Agribusiness Development Corporation
State Office Tower, Room 205
235 South Beretania Street.
Honolulu, HI 96813

Please return completed form to Applicant.

Applicant:	Ala Kahakai Trail Association & The Trust for Public Land
Application Title:	Kiolaka'a
Point of Contact:	Reyna Ramolete Hayashi, Project Manager, The Trust for Public Land
Postal Address:	1003 Bishop St., Suite 740
	Honolulu, HI 96813
Email Address:	reyna.ramolete@tpl.org
Phone:	(808) 524-8562
Fax:	(808) 524-8565

Date: May 24, 2019 (no later than May 24, 2019)
Subject:

*Request for Consultation regarding Land Conservation Fund Grant Application for
Land Acquisition (Section 173A-5, Hawai'i Revised Statutes)*





Form 5c *Fiscal Year 2021 Agency Consultation for Land Acquisition: Agribusiness Development Corporation*

In order to help the Legacy Land Conservation Commission and the Board of Land and Natural Resources to process and prioritize applications for funding, the Legacy Land Conservation Program (LLCP) requests that a consulting agency complete this form (Part I, and Part II if applicable) and return it—with comments, if any, on agency letterhead—to the Applicant at the address listed above, **no later than July 8, 2019**. Thank you!

The LLCP expects that a consulting agency will base its responses on the information presented in the attached Form 5 (Information from Land Acquisition Grant Applicant, including maps and photos). Please contact the Applicant directly with questions regarding the proposed land acquisition (Form 5), and contact the LLCP at 586-0921, or legacyland@hawaii.gov, with questions regarding agency consultation and the grant process.

If the Applicant does not receive an agency response before July 9, 2019, then the application will indicate that the agency “Did Not Respond” to Part I and “Did Not Advise” regarding Part II (if applicable). Please note that a lack of agency response does not affect the prioritization of an application.

Request for Consultation regarding Land Conservation Fund Grant Application (Section 173A-5, Hawai'i Revised Statutes)

Subsection 173A-5(i), Hawai'i Revised Statutes (HRS), requires that an application for a land acquisition grant from the Land Conservation Fund include “(7) Results of the applicant's consultation with the staff of the department [of land and natural resources], the department of agriculture, and the agribusiness development corporation regarding the **maximization of public benefits** of the project, where practicable” (emphasis added). The attached Information Form (Form 5) describes the proposed land acquisition grant for which we request agency consultation.

The Legacy Land Conservation Program (LLCP) suggests that a consulting agency consider the **maximization of public benefits** within the context of:

- (a) The criteria that the Legacy Land Conservation Commission (LLCC) may consider in forming its recommendations for acquisitions (Section 13-140-39, Hawai'i Administrative Rules, see page 18), particularly:
- (3) Linkage of protected acreage of similar resources;
 - (4) Opportunities for appropriate public access and enjoyment;
 - (5) Presence of environmental hazards;
 - (9) Urgency of need to acquire;
 - (10) Status and adequacy of management planning;
 - (11) Community support for acquisition;



Legacy Land Conservation Program

Hawaii Department of Land and Natural Resources

Form 5c

Fiscal Year 2021 Agency Consultation for Land Acquisition: Agribusiness Development Corporation

- (13) Connection to regional planning and protection efforts; and
- (14) Capacity for long-term management.

(b) The lands to which the LLCC shall give priority in its recommendations for acquisition (Section 173A-2.6, HRS):

- (1) Lands having exceptional value due to the presence of:
 - (A) Unique aesthetic resources;
 - (B) Unique and valuable cultural or archaeological resources; or
 - (C) Habitats for threatened or endangered species of flora, fauna, or aquatic resources;
- (2) Lands that are in imminent danger of development;
- (3) Lands that are in imminent danger of being modified, changed, or used in a manner to diminish its value;
- (4) Lands providing critical habitats for threatened or endangered species that are in imminent danger of being harmed or negatively impacted;
- (5) Lands containing cultural or archaeological sites or resources that are in danger of theft or destruction; and
- (6) Lands that are unique and productive agricultural lands.

(c) The appropriate legal mechanisms to ensure the long-term protection of the land and to preserve the interests of the State (see Section 173A-4, HRS). In particular, would the consulting agency be willing to accept/hold a conservation easement, agricultural easement, deed restriction, or covenant that runs with the land, or would an exemption from the easement requirement be more appropriate?

FOR AGENCY USE ONLY	
<input checked="" type="checkbox"/>	We do not object to the proposed project
<input type="checkbox"/>	We do not wish to comment on the proposed project
<input type="checkbox"/>	Comments attached
Signed: _____	Date: <u>June 10, 2019</u>
Name: _____	<u>JAMIE J. VANCELOTTI</u>
Title: _____	<u>Executive Director</u>



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Section G

***Fiscal Year 2021 Grant Application for Land
Acquisition: Importance and Threats***

Applicant: _____

Application Title: _____

Describe the overall significance and importance of the property to be acquired:



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Section G

***Fiscal Year 2021 Grant Application for Land
Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Section H

Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management

Applicant: _____

Application Title: _____

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Section H

***Fiscal Year 2021 Grant Application for Land
Acquisition: Stewardship and Management***

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**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Section I

Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance

Applicant: _____

Application Title: _____

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Section I

***Fiscal Year 2021 Grant Application for Land
Acquisition: Cultural and Historical Significance***

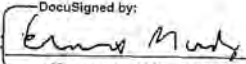
A large, empty rectangular box with a black border, occupying the majority of the page, intended for the grant application content.

EWM Enterprises LP
175 E Reno Avenue Suite, C-6
Las Vegas, Nevada 89119

May 22, 2019

To Whom It May Concern,

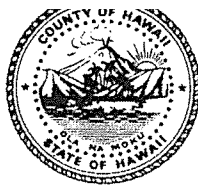
EWM Enterprises, LP, is the landowner of approximately 1,836.078 acres located in Naalehu, Kau, Hawaii Island, Hawaii, Tax Map Key numbers (3) 9-4-001:008 and (3) 9-4-001:009 known as Kiolaka'a. We are in discussions with The Trust for Public Land about a sale of the Kiolaka'a property for conservation, cultural preservation, and agricultural purposes. If we can reach agreement as to purchase price and closing terms, we would be willing to sell the property to The Trust for Public Land.

DocuSigned by:
By: 
Name: Ernest W. Moody
Title: Manager
EWM Enterprises, LP

Cc:
Reyna Ramolete Hayashi
The Trust for Public Land
1003 Bishop Street, Ste. 740
Honolulu, Hawaii 96813
reyna.ramolete@tpl.org

Charles A. Anderson, PB
Hawaii Pacific Brokers, LLC
65-1323 Kawaihae Road
Kamuela, Hawaii 96743
Charlie@BigIsle.com

Harry Kim
Mayor



Deanna S. Sako
Director

Steven A. Hunt
Deputy Director

County of Hawai'i

Finance Department

25 Aupuni Street, Suite 2103 • Hilo, Hawai'i 96720
(808) 961-8234 • Fax (808) 961-8569

July 10, 2019

Legacy Land Conservation Program

Department of Land and Natural Resources
1151 Punchbowl Street, Room 325
Honolulu, Hawai'i 96813

Re: Kiolaka'a; TMKs (3) 9-4-001:008, (3) 9-4-001:009, and (3) 9-4-001:017

Aloha Legacy Land Conservation Commission,

I understand that Ala Kahakai Trail Association and The Trust for Public Land are planning to apply for funding from the County of Hawai'i Public Access, Open Space, and Natural Resources Preservation Commission (PONC) to purchase and protect the 1,836 acre Kiolaka'a property in Ka'u, Hawai'i.

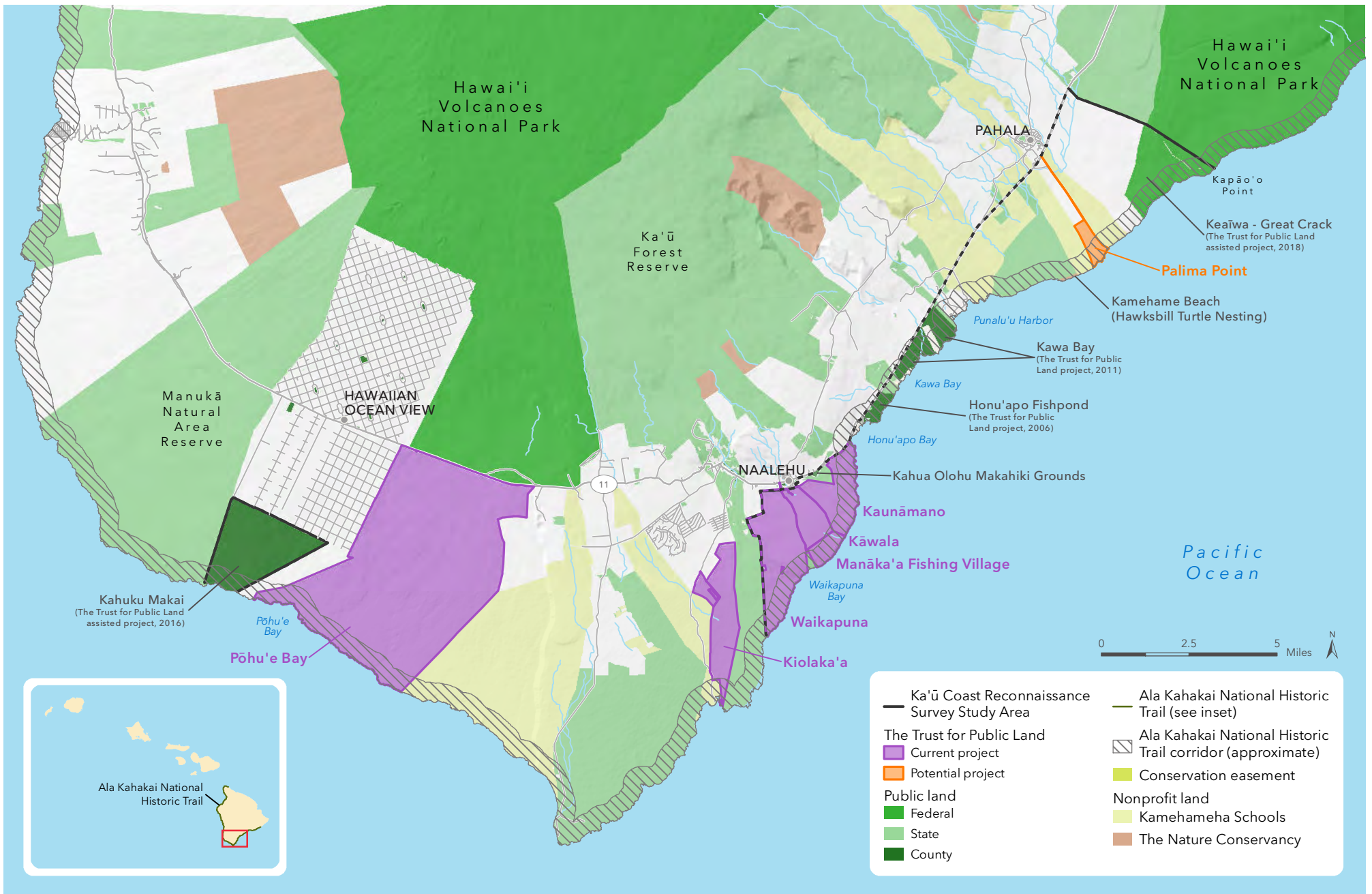
Where a nonprofit, rather than the County will hold the fee simple interest in property acquired with PONC funding, the County would most likely want to hold a conservation easement on the property.

The Public Access, Open Space, and Natural Resources Preservation Commission makes recommendations on project nominations to the County. Then the Hawai'i County Council must approve a resolution which is then signed by the Mayor. The Finance Department would then negotiate the details of the conservation easement in a transaction.

Mahalo,

A handwritten signature in black ink, appearing to read "Hamana Ventura".

Hamana Ventura
Property Manager / County of Hawaii
Department of Finance / Property Management Division

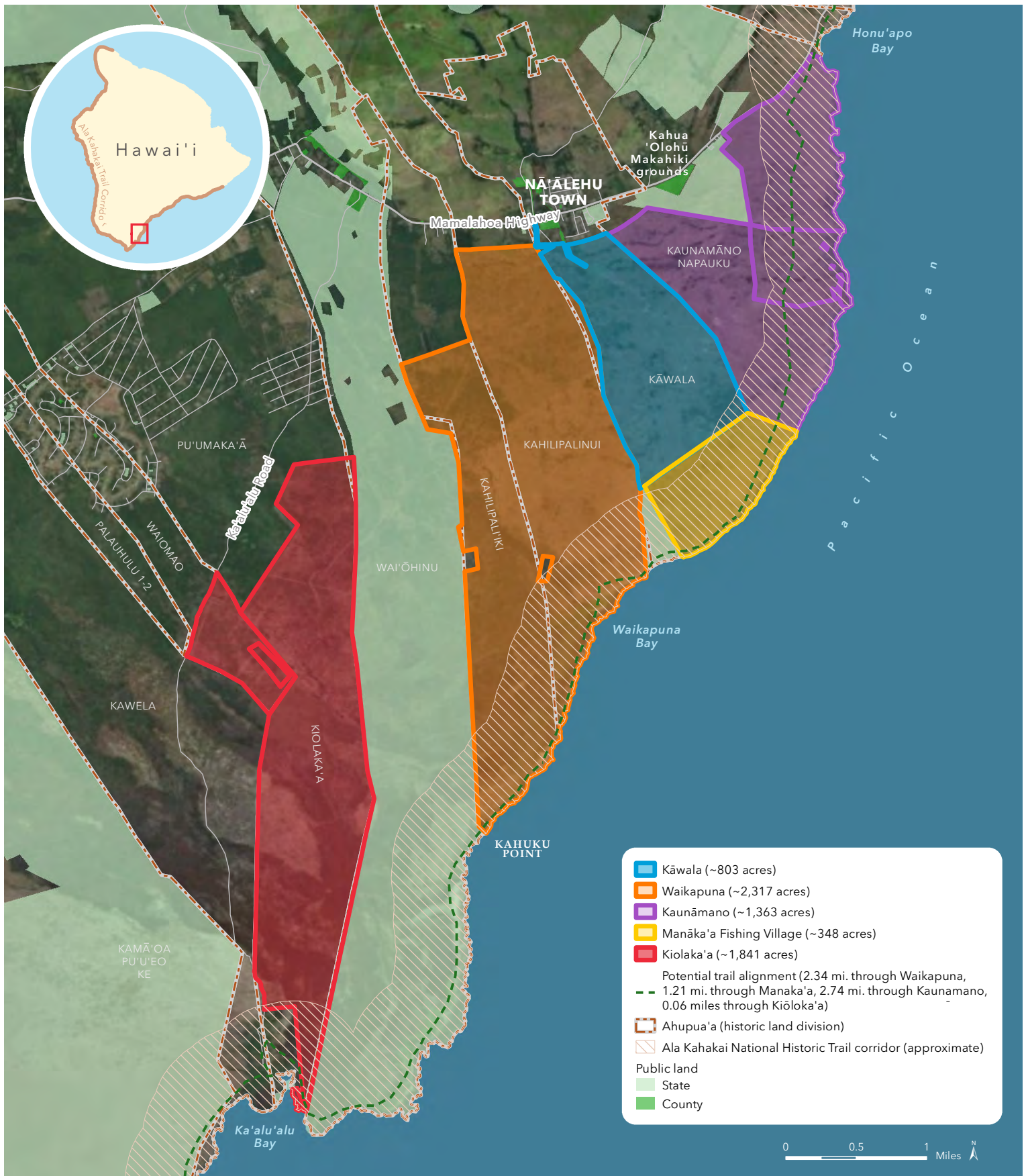


Ka'ū Coastline

KA'Ū COSTLINE, ISLAND OF HAWAII

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Protecting Ka'ū's Coast

WAIKAPUNA, KĀWALA, KAUNĀMĀNO, MANĀKA'A FISHING VILLAGE, AND KIOLAKA'A, HAWAII ISLAND

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THE TRUST FOR PUBLIC LAND

Lua Nunu o Kamakalepo



Kapenako spring and anchialine pond complex



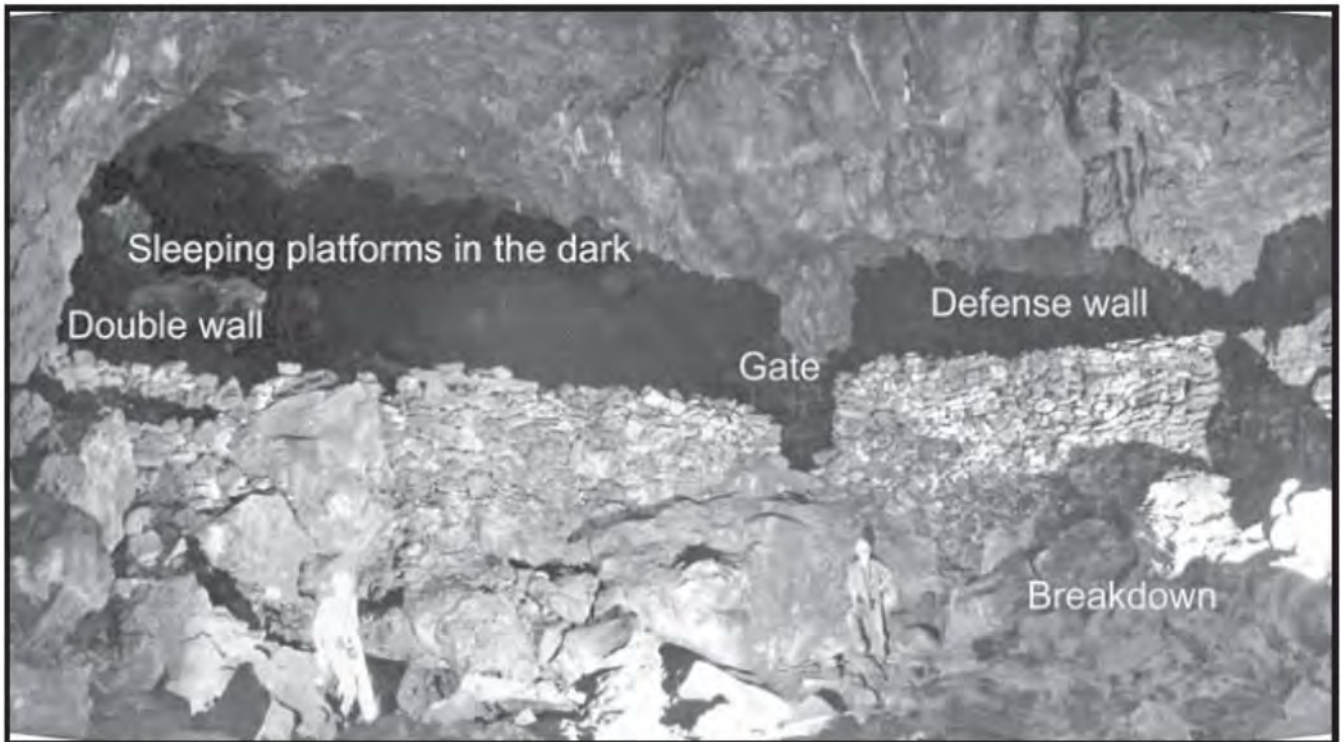


Figure 4: View mauka of the 25 m long defense wall in the Lua Nunu o Kamakalepo Mauka Cave. Note persons for scale and gate at the center of the wall.



Figure 10. View of the underground lake in Waipouli from the entrance (note small rubber dingy in about a distance of 30 m from the lake shore).

Lama



Wiliwili



Ohe



Alahe'e





Parcel Information

Parcel Number 940010080000
 Location Address
 Project Name Kawela-Kiolakaa
 Property Class AGRICULTURAL
 Neighborhood Code B9000-5
 Legal Information 194.00 AC POR LPGR 3635
 Land Area (acres) 194.0000
 Land Area (approximate sq ft) 8,450,640

[View Map](#)

[Plat \(TMK\) Maps](#)

Owner Information

Owner Names
 EWM ENTERPRISES LP Fee Owner

Mailing Address
 EWM ENTERPRISES LP
 175 E RENO AVE STE C-6
 LAS VEGAS NV 89119

Assessment Information

[Show Historical Assessments](#)

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2019	AGRICULTURAL	\$407,800	\$81,500	\$81,500	\$0	\$0	\$407,800	\$81,500	\$0	\$81,500

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
AGRICULTURAL	8,450,640	194	Yes

Agricultural Assessment Information

Acres in Production	Agricultural Type	Agricultural Value
194	Soil:8 Use:A	\$81,480

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date Recorded	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
12/14/2009	\$370,400	09-195500	FEE CONVEYANCE	Warranty Deed	12/24/2009				555.6	Warranty Deed
10/09/2007	\$725,000	07-181173	FEE CONVEYANCE	Warranty Deed	10/12/2007				1812.5	Warranty Deed
10/26/1995	\$0	9500141531	FEE CONVEYANCE		10/31/1995				187.00	
02/07/1989	\$0	8900021829	FEE CONVEYANCE	Deed	02/16/1989			22867/510	0.00	Deed
02/07/1989	\$0	8900021828	FEE CONVEYANCE	Deed	02/16/1989			22867/505	0.00	Deed
05/17/1988	\$300,000	8800084834	FEE CONVEYANCE	Deed	06/16/1988			22040/245	150.00	Deed

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2019-1	Real Property Tax	08/20/2019	\$0.00	\$0.00	\$381.02	\$0.00	\$0.00	\$0.00	\$381.02
2019-2	Real Property Tax	02/20/2020	\$0.00	\$0.00	\$381.01	\$0.00	\$0.00	\$0.00	\$381.01
Tax Bill with Interest computed through 07/31/2019			\$0.00	\$0.00	\$762.03	\$0.00	\$0.00	\$0.00	\$762.03

Pay online at <http://payments.ehawaii.gov/propertytax/hawaii>
 Other Payment Options [Click Here](#)

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2018	\$762.03	(\$762.03)	\$0.00	\$0.00	\$0.00	\$0.00
2017	\$762.03	(\$762.03)	\$0.00	\$0.00	\$0.00	\$0.00

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2016	\$753.88	(\$753.88)	\$0.00	\$0.00	\$0.00	\$0.00
2015	\$753.88	(\$753.88)	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$2,170.05	(\$2,170.05)	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$2,170.05	(\$2,170.05)	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$1,958.91	(\$1,958.91)	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$2,642.78	(\$2,642.78)	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$2,642.78	(\$2,642.78)	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$2,426.51	(\$2,426.51)	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$2,426.51	(\$2,426.51)	(\$121.33)	(\$80.07)	\$0.00	\$0.00
2007	\$1,779.39	(\$1,779.39)	(\$88.97)	(\$19.57)	\$0.00	\$0.00
2006	\$1,779.39	(\$1,779.39)	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$2,099.04	(\$2,099.04)	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$1,260.80	(\$1,260.80)	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$1,192.84	(\$1,192.84)	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$1,192.84	(\$1,192.84)	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$1,211.00	(\$1,211.00)	(\$60.55)	(\$39.96)	\$0.00	\$0.00
2000	\$1,211.00	(\$1,211.00)	\$0.00	\$0.00	\$0.00	\$0.00

Map



Recent Sales in Area

From:

07/16/2016

To:

07/16/2019

Sales by Neighborhood

Sales by Distance

1500

Feet

No data available for the following modules: Condominium/Apartment Unit Information, Residential Improvement Information, Commercial Improvement Information, Sketches, Other Building and Yard Improvements, Permit Information, Bldg Division Permit and Inspections Information.

The County of Hawaii Real Property Tax Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

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Parcel Information

Parcel Number 940010090000
 Location Address
 Project Name Kawela-Kiolakaa
 Property Class AGRICULTURAL; CONSERVATION
 Neighborhood Code B9000-5
 Legal Information 1255.70 AC POR RPGR 3210 POR LPGR 9021
 Land Area (acres) 1,255.7000
 Land Area (approximate sq ft) 54,698,292

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Owner Information

Owner Names
 EWM ENTERPRISES LP Fee Owner

Mailing Address
 EWM ENTERPRISES LP
 175 E RENO AVE STE C-6
 LAS VEGAS NV 89119

Assessment Information

[Show Historical Assessments](#)

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2019	CONSERVATION	\$100	\$100	\$100	\$0	\$0	\$100	\$100	\$0	\$100
2019	AGRICULTURAL	\$1,091,100	\$518,700	\$518,700	\$0	\$0	\$1,091,100	\$518,700	\$0	\$518,700

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
AGRICULTURAL	35,849,880	823	Yes
CONSERVATION	209,088	4.8	
AGRICULTURAL	18,639,324	427.9	

Agricultural Assessment Information

Acres in Production	Agricultural Type	Agricultural Value
191	Soil: Use:	\$253,197
632	Soil:8 Use:A	\$265,440
4.8	Soil: Use:	\$100
427.9	Soil: Use:	\$100

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date Recorded	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
12/16/2009	\$2,519,800	09-195501	FEE CONVEYANCE	Warranty Deed	12/24/2009				15118.8	Warranty Deed
05/23/2005	\$950,000	05-105807	FEE CONVEYANCE	Warranty Deed	05/27/2005				950	Warranty Deed
03/13/1990	\$0	0000000000								
01/30/1990	\$0	0000000000								

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2019-1	Real Property Tax	08/20/2019	\$0.00	\$0.00	\$2,425.51	\$0.00	\$0.00	\$0.00	\$2,425.51
2019-2	Real Property Tax	02/20/2020	\$0.00	\$0.00	\$2,425.50	\$0.00	\$0.00	\$0.00	\$2,425.50
Tax Bill with Interest computed through 07/31/2019			\$0.00	\$0.00	\$4,851.01	\$0.00	\$0.00	\$0.00	\$4,851.01

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 Other Payment Options [Click Here](#)

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2018	\$4,805.19	(\$4,805.19)	\$0.00	\$0.00	\$0.00	\$0.00

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2017	\$4,770.60	(\$4,770.60)	\$0.00	\$0.00	\$0.00	\$0.00
2016	\$4,611.29	(\$4,611.29)	\$0.00	\$0.00	\$0.00	\$0.00
2015	\$3,839.84	(\$3,839.84)	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$15,919.51	(\$15,919.51)	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$15,919.51	(\$15,919.51)	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$14,371.56	(\$14,371.56)	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$18,160.81	(\$18,160.81)	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$18,160.81	(\$18,160.81)	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$21,044.89	(\$21,044.89)	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$21,044.89	(\$21,044.89)	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$21,044.89	(\$21,044.89)	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$21,044.89	(\$21,044.89)	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$524.02	(\$524.02)	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$243.30	(\$243.30)	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$243.30	(\$243.30)	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$243.42	(\$243.42)	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$247.13	(\$247.13)	\$0.00	\$0.00	\$0.00	\$0.00
2000	\$247.00	(\$247.00)	\$0.00	\$0.00	\$0.00	\$0.00

Map



Recent Sales in Area

From:

07/16/2016

To:

07/16/2019

Sales by Neighborhood

Sales by Distance

1500

Feet

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Version 2.2.31



Parcel Information

Parcel Number 940010170000
Location Address
Project Name Kawela-Kiolakaa
Property Class AGRICULTURAL
Neighborhood Code 9468H-5
Legal Information 19.20 AC RP 5048 & 5051 LCAW 10061 & 10060
Land Area (acres) 19.2000
Land Area (approximate sq ft) 836,352

[View Map](#)

[Plat \(TMK\) Maps](#)

Owner Information

Owner Names
 EWM ENTERPRISES LP Fee Owner

Mailing Address
 EWM ENTERPRISES LP
 175 E RENO AVE STE C-6
 LAS VEGAS NV 89119

Assessment Information

[Show Historical Assessments](#)

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2019	AGRICULTURAL	\$163,400	\$8,100	\$8,100	\$0	\$0	\$163,400	\$8,100	\$0	\$8,100

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
AGRICULTURAL	836,352	19.2	Yes

Agricultural Assessment Information

Acres in Production	Agricultural Type	Agricultural Value
19.2	Soil:8 Use:A	\$8,064

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date Recorded	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
12/14/2009	\$370,400	09-195500	FEE CONVEYANCE	Warranty Deed	12/24/2009				555.6	Warranty Deed
10/09/2007	\$725,000	07-181173	FEE CONVEYANCE	Warranty Deed	10/12/2007				1812.5	Warranty Deed
10/26/1995	\$0	9500141531	FEE CONVEYANCE		10/31/1995				187.00	
02/07/1989	\$0	8900021829	FEE CONVEYANCE	Deed	02/16/1989			22867/510	0.00	Deed
02/07/1989	\$0	8900021828	FEE CONVEYANCE	Deed	02/16/1989			22867/505	0.00	Deed
05/17/1988	\$300,000	8800084834	FEE CONVEYANCE	Deed	06/16/1988			22040/245	150.00	Deed

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2019-1	Real Property Tax	08/20/2019	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$100.00
2019-2	Real Property Tax	02/20/2020	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$100.00
Tax Bill with Interest computed through 07/31/2019			\$0.00	\$0.00	\$200.00	\$0.00	\$0.00	\$0.00	\$200.00

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 Other Payment Options [Click Here](#)

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2018	\$200.00	(\$200.00)	\$0.00	\$0.00	\$0.00	\$0.00
2017	\$200.00	(\$200.00)	\$0.00	\$0.00	\$0.00	\$0.00

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2016	\$100.00	(\$100.00)	\$0.00	\$0.00	\$0.00	\$0.00
2015	\$100.00	(\$100.00)	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$1,063.75	(\$1,063.75)	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$1,063.75	(\$1,063.75)	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$960.25	(\$960.25)	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$774.88	(\$774.88)	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$774.88	(\$774.88)	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$666.33	(\$666.33)	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$666.33	(\$666.33)	(\$33.32)	(\$21.99)	\$0.00	\$0.00
2007	\$445.06	(\$445.06)	(\$22.25)	(\$4.90)	\$0.00	\$0.00
2006	\$445.06	(\$445.06)	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$318.16	(\$318.16)	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$262.01	(\$262.01)	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$247.24	(\$247.24)	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$247.24	(\$247.24)	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$251.00	(\$251.00)	(\$12.55)	(\$8.28)	\$0.00	\$0.00
2000	\$251.00	(\$251.00)	\$0.00	\$0.00	\$0.00	\$0.00

Map



Recent Sales in Area

From:

07/16/2016

To:

07/16/2019

Sales by Neighborhood

Sales by Distance

1500

Feet

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Version 2.2.31



Parcel Information

Parcel Number 940010080000
 Location Address
 Project Name Kawela-Kiolakaa
 Property Class AGRICULTURAL
 Neighborhood Code B9000-5
 Legal Information 194.00 AC POR LPGR 3635
 Land Area (acres) 194.0000
 Land Area (approximate sq ft) 8,450,640

[View Map](#)

[Plat \(TMK\) Maps](#)

Owner Information

Owner Names
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Mailing Address
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 175 E RENO AVE STE C-6
 LAS VEGAS NV 89119

Assessment Information

[Show Historical Assessments](#)

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2019	AGRICULTURAL	\$407,800	\$81,500	\$81,500	\$0	\$0	\$407,800	\$81,500	\$0	\$81,500

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
AGRICULTURAL	8,450,640	194	Yes

Agricultural Assessment Information

Acres in Production	Agricultural Type	Agricultural Value
194	Soil:8 Use:A	\$81,480

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

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Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date Recorded	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
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10/09/2007	\$725,000	07-181173	FEE CONVEYANCE	Warranty Deed	10/12/2007				1812.5	Warranty Deed
10/26/1995	\$0	9500141531	FEE CONVEYANCE		10/31/1995				187.00	
02/07/1989	\$0	8900021829	FEE CONVEYANCE	Deed	02/16/1989			22867/510	0.00	Deed
02/07/1989	\$0	8900021828	FEE CONVEYANCE	Deed	02/16/1989			22867/505	0.00	Deed
05/17/1988	\$300,000	8800084834	FEE CONVEYANCE	Deed	06/16/1988			22040/245	150.00	Deed

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
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2019-2	Real Property Tax	02/20/2020	\$0.00	\$0.00	\$381.01	\$0.00	\$0.00	\$0.00	\$381.01
Tax Bill with Interest computed through 07/31/2019			\$0.00	\$0.00	\$762.03	\$0.00	\$0.00	\$0.00	\$762.03

Pay online at <http://payments.ehawaii.gov/propertytax/hawaii>
 Other Payment Options [Click Here](#)

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2018	\$762.03	(\$762.03)	\$0.00	\$0.00	\$0.00	\$0.00
2017	\$762.03	(\$762.03)	\$0.00	\$0.00	\$0.00	\$0.00

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2016	\$753.88	(\$753.88)	\$0.00	\$0.00	\$0.00	\$0.00
2015	\$753.88	(\$753.88)	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$2,170.05	(\$2,170.05)	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$2,170.05	(\$2,170.05)	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$1,958.91	(\$1,958.91)	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$2,642.78	(\$2,642.78)	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$2,642.78	(\$2,642.78)	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$2,426.51	(\$2,426.51)	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$2,426.51	(\$2,426.51)	(\$121.33)	(\$80.07)	\$0.00	\$0.00
2007	\$1,779.39	(\$1,779.39)	(\$88.97)	(\$19.57)	\$0.00	\$0.00
2006	\$1,779.39	(\$1,779.39)	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$2,099.04	(\$2,099.04)	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$1,260.80	(\$1,260.80)	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$1,192.84	(\$1,192.84)	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$1,192.84	(\$1,192.84)	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$1,211.00	(\$1,211.00)	(\$60.55)	(\$39.96)	\$0.00	\$0.00
2000	\$1,211.00	(\$1,211.00)	\$0.00	\$0.00	\$0.00	\$0.00

Map



Recent Sales in Area

From:

07/16/2016

To:

07/16/2019

Sales by Neighborhood

Sales by Distance

1500

Feet

No data available for the following modules: Condominium/Apartment Unit Information, Residential Improvement Information, Commercial Improvement Information, Sketches, Other Building and Yard Improvements, Permit Information, Bldg Division Permit and Inspections Information.

The County of Hawaii Real Property Tax Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

Developed by
 Schneider
 GEOSPATIAL

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Version 2.2.31



Parcel Information

Parcel Number 940010090000
 Location Address
 Project Name Kawela-Kiolakaa
 Property Class AGRICULTURAL; CONSERVATION
 Neighborhood Code B9000-5
 Legal Information 1255.70 AC POR RPGR 3210 POR LPGR 9021
 Land Area (acres) 1,255.7000
 Land Area (approximate sq ft) 54,698,292

[View Map](#)

[Plat \(TMK\) Maps](#)

Owner Information

Owner Names
 EWM ENTERPRISES LP Fee Owner

Mailing Address
 EWM ENTERPRISES LP
 175 E RENO AVE STE C-6
 LAS VEGAS NV 89119

Assessment Information

[Show Historical Assessments](#)

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2019	CONSERVATION	\$100	\$100	\$100	\$0	\$0	\$100	\$100	\$0	\$100
2019	AGRICULTURAL	\$1,091,100	\$518,700	\$518,700	\$0	\$0	\$1,091,100	\$518,700	\$0	\$518,700

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
AGRICULTURAL	35,849,880	823	Yes
CONSERVATION	209,088	4.8	
AGRICULTURAL	18,639,324	427.9	

Agricultural Assessment Information

Acres in Production	Agricultural Type	Agricultural Value
191	Soil: Use:	\$253,197
632	Soil:8 Use:A	\$265,440
4.8	Soil: Use:	\$100
427.9	Soil: Use:	\$100

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date Recorded	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
12/16/2009	\$2,519,800	09-195501	FEE CONVEYANCE	Warranty Deed	12/24/2009				15118.8	Warranty Deed
05/23/2005	\$950,000	05-105807	FEE CONVEYANCE	Warranty Deed	05/27/2005				950	Warranty Deed
03/13/1990	\$0	0000000000								
01/30/1990	\$0	0000000000								

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2019-1	Real Property Tax	08/20/2019	\$0.00	\$0.00	\$2,425.51	\$0.00	\$0.00	\$0.00	\$2,425.51
2019-2	Real Property Tax	02/20/2020	\$0.00	\$0.00	\$2,425.50	\$0.00	\$0.00	\$0.00	\$2,425.50
Tax Bill with Interest computed through 07/31/2019			\$0.00	\$0.00	\$4,851.01	\$0.00	\$0.00	\$0.00	\$4,851.01

Pay online at <http://payments.ehawaii.gov/propertytax/hawaii>
 Other Payment Options [Click Here](#)

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2018	\$4,805.19	(\$4,805.19)	\$0.00	\$0.00	\$0.00	\$0.00

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2017	\$4,770.60	(\$4,770.60)	\$0.00	\$0.00	\$0.00	\$0.00
2016	\$4,611.29	(\$4,611.29)	\$0.00	\$0.00	\$0.00	\$0.00
2015	\$3,839.84	(\$3,839.84)	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$15,919.51	(\$15,919.51)	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$15,919.51	(\$15,919.51)	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$14,371.56	(\$14,371.56)	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$18,160.81	(\$18,160.81)	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$18,160.81	(\$18,160.81)	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$21,044.89	(\$21,044.89)	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$21,044.89	(\$21,044.89)	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$21,044.89	(\$21,044.89)	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$21,044.89	(\$21,044.89)	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$524.02	(\$524.02)	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$243.30	(\$243.30)	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$243.30	(\$243.30)	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$243.42	(\$243.42)	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$247.13	(\$247.13)	\$0.00	\$0.00	\$0.00	\$0.00
2000	\$247.00	(\$247.00)	\$0.00	\$0.00	\$0.00	\$0.00

Map



Recent Sales in Area

From:

07/16/2016

To:

07/16/2019

Sales by Neighborhood

Sales by Distance

1500

Feet

No data available for the following modules: Condominium/Apartment Unit Information, Residential Improvement Information, Commercial Improvement Information, Sketches, Other Building and Yard Improvements, Permit Information, Bldg Division Permit and Inspections Information.

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Last Data Upload: 7/16/2019, 1:45:16 AM

Version 2.2.31



Parcel Information

Parcel Number 940010170000
Location Address
Project Name Kawela-Kiolakaa
Property Class AGRICULTURAL
Neighborhood Code 9468H-5
Legal Information 19.20 AC RP 5048 & 5051 LCAW 10061 & 10060
Land Area (acres) 19.2000
Land Area (approximate sq ft) 836,352

[View Map](#)

[Plat \(TMK\) Maps](#)

Owner Information

Owner Names
 EWM ENTERPRISES LP Fee Owner

Mailing Address
 EWM ENTERPRISES LP
 175 E RENO AVE STE C-6
 LAS VEGAS NV 89119

Assessment Information

[Show Historical Assessments](#)

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2019	AGRICULTURAL	\$163,400	\$8,100	\$8,100	\$0	\$0	\$163,400	\$8,100	\$0	\$8,100

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
AGRICULTURAL	836,352	19.2	Yes

Agricultural Assessment Information

Acres in Production	Agricultural Type	Agricultural Value
19.2	Soil:8 Use:A	\$8,064

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date Recorded	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
12/14/2009	\$370,400	09-195500	FEE CONVEYANCE	Warranty Deed	12/24/2009				555.6	Warranty Deed
10/09/2007	\$725,000	07-181173	FEE CONVEYANCE	Warranty Deed	10/12/2007				1812.5	Warranty Deed
10/26/1995	\$0	9500141531	FEE CONVEYANCE		10/31/1995				187.00	
02/07/1989	\$0	8900021829	FEE CONVEYANCE	Deed	02/16/1989			22867/510	0.00	Deed
02/07/1989	\$0	8900021828	FEE CONVEYANCE	Deed	02/16/1989			22867/505	0.00	Deed
05/17/1988	\$300,000	8800084834	FEE CONVEYANCE	Deed	06/16/1988			22040/245	150.00	Deed

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2019-1	Real Property Tax	08/20/2019	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$100.00
2019-2	Real Property Tax	02/20/2020	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$100.00
Tax Bill with Interest computed through 07/31/2019			\$0.00	\$0.00	\$200.00	\$0.00	\$0.00	\$0.00	\$200.00

Pay online at <http://payments.ehawaii.gov/propertytax/hawaii>
 Other Payment Options [Click Here](#)

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2018	\$200.00	(\$200.00)	\$0.00	\$0.00	\$0.00	\$0.00
2017	\$200.00	(\$200.00)	\$0.00	\$0.00	\$0.00	\$0.00

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2016	\$100.00	(\$100.00)	\$0.00	\$0.00	\$0.00	\$0.00
2015	\$100.00	(\$100.00)	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$1,063.75	(\$1,063.75)	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$1,063.75	(\$1,063.75)	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$960.25	(\$960.25)	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$774.88	(\$774.88)	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$774.88	(\$774.88)	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$666.33	(\$666.33)	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$666.33	(\$666.33)	(\$33.32)	(\$21.99)	\$0.00	\$0.00
2007	\$445.06	(\$445.06)	(\$22.25)	(\$4.90)	\$0.00	\$0.00
2006	\$445.06	(\$445.06)	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$318.16	(\$318.16)	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$262.01	(\$262.01)	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$247.24	(\$247.24)	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$247.24	(\$247.24)	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$251.00	(\$251.00)	(\$12.55)	(\$8.28)	\$0.00	\$0.00
2000	\$251.00	(\$251.00)	\$0.00	\$0.00	\$0.00	\$0.00

Map



Recent Sales in Area

From:

07/16/2016

To:

07/16/2019

Sales by Neighborhood

Sales by Distance

1500

Feet

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 Schneider
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Version 2.2.31

Stewart Title Guaranty Company
COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

SUPPLEMENTAL NO. 1:

1. Effective Date: April 7, 2010 at 8:00 A. M.

2. Policy or Policies to be issued:

(a) None Amount

Proposed Insured: \$

(b) None Amount

Proposed Insured: \$

(c) None Amount

Proposed Insured: \$

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE INTEREST

SCHEDULE A, Continued

4. Title to the estate or interest in the land is at the effective date hereof vested in:

EWM ENTERPRISES, LP, a Nevada limited partnership

5. The land referred to in this Commitment is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

SCHEDULE B-Section 1

REQUIREMENTS

The following are the requirements to be complied with:

1. Instrument(s) creating the estate or interest to be insured must be approved, executed and filed for record.
2. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
3. Payment of all taxes, charges, assessments levied and assessed against the subject premises, which are due and payable.
4. Satisfactory evidence should be had that improvements, and/or repairs or alterations thereto are completed; that contractor, subcontractors, labor and materialman are all paid.

SCHEDULE B - Section 2

Part I

Schedule B of the Policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
6. Any lien, or right to a lien, for service, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records

The above standard exception items one through six will be deleted in any extended coverage policy issued.

SCHEDULE B - Section 2

Part II

1. Tax Key: (3) 9-4-001-009

See Real Property Tax Statement attached.

(Subject to possible future roll back taxes.)

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Shoreline setbacks: "Shoreline setbacks established pursuant to the laws of the State of Hawaii, or any political subdivision thereof, and any ordinances, rules or regulations adopted or promulgated by any governmental authority pursuant to such laws."
4. Seaward boundary: "Determination of the seaward boundary of the land described herein pursuant to the laws of the State of Hawaii" .
5. Excepting and reserving the old road across this remnant in Land Patent Grant Number 9021.
6. Unrecorded Fallout Shelter License or privilege granted to the COUNTY OF HAWAII, dated August 12, 1964, for use of KAALUALU CAVE, situate on said portion of Grant 3210 as a Civil Defense Shelter, as mentioned in DEED dated December 31, 1973, recorded in Book 9941 at Page 176.
7. Claims arising out of customary or traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes as provided for in the Hawaii Constitution or the Hawaii Revised Statutes, as amended.
8. Any unrecorded leases, subleases, and/or tenancy agreements demising a portion of the land herein described, and any encumbrances affecting the same.
9. Any matters which would be shown by a modern metes and bounds survey, including any possible encroachments or discrepancies in boundaries or area.
10. Lack of a recorded access, to and from a public road.

SCHEDULE B, Section 2, Part II
Exceptions, Continued

11. Any lien, or right to a lien, for service, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
12. This report has been prepared as a status of title only, with no liability herein assumed. First Hawaii Title Corporation reserves the right to add additional exceptions and/or title requirements if the report is used in a transaction.

NOTE(S):

- (a) The address for the property herein described is as follows:

NOT AVAILABLE

- (b) The records at the Department of Commerce and Consumer Affairs, Business Registration Division, State of Hawaii, disclose that EWM INVESTMENTS, LLC, a Nevada limited liability company, is currently registered and in good standing.

EXHIBIT "A"

All of that certain parcel of land (being a portion of the land described in and covered by Royal Patent Grant Number 3210 to W. T. Martin and Land Patent Grant Number 9021 to Hutchinson Sugar Plantation Company), situate, lying and being at Kaalualu, Kiolakaa, District of Ka'u, Island and County of Hawaii, State of Hawaii, containing an area of 1,255.70 acres, more or less, and commonly designated by Tax Map Key (3) 9-4-001-009.

NOTE: First Hawaii Title Corporation recommends that a modern metes and bounds survey be made of the land under search in order that its boundaries may be definitely established and its area accurately computed.

Being all of the land conveyed by the following:

WARRANTY DEED

Grantor:	EWM INVESTMENTS, LLC, a Nevada limited liability company
Grantee:	EWM ENTERPRISES, LP, a Nevada limited partnership
Dated:	December 16, 2009
Document No.	2009-195501



FIRST HAWAII TITLE CORPORATION PRIVACY POLICY NOTICE

We believe in your right to the privacy and confidentiality of your nonpublic personal information (“personal information”). The purpose of this document is to notify you of the privacy policies and practices of First Hawaii Title Corporation and its affiliate companies, F.H.T. Exchange, Inc. and Ekahi Contract Management, LLC for orders or requests we handle for your personal, family or household purposes. Title V of the Gramm-Leach Bliley Act generally prohibits any financial institution, directly or through its affiliates, from sharing personal information about you with a non-affiliated third party unless the institution provides you with a notice of its privacy policy and practices, such as the type of information that it collects about you and the categories of persons or entities with whom it may be shared.

We collect, maintain and use information about you such as your work phone number, your social security number, mortgage lender and loan number, or account balance in order to process your title order, escrow transaction, or other services we may provide. We may use all or some of the personal information provided to us by one or more of the following means:

- From you or on forms, via the Internet, by telephone, or otherwise. This is information that tells us about yourself to identify who you are and to help us distinguish you from other people we may come across during our title research, for example.
- From forms that your real estate agent, mortgage broker, lender, or accountant furnishes us.
- From prior or other transactions with us for which we have kept records.

It is our policy that all personal information about you will be held in the strictest confidence. We do not share your personal information with non-affiliated third parties except as necessary to process your order or request for our services. We also do not sell your personal information to direct marketers. **WE DO NOT SHARE ANY PERSONAL INFORMATION ABOUT YOU, EVEN IF YOU ARE A FORMER CUSTOMER, WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

Situations that the law permits us to share your personal information with non-affiliated third parties include when we are served with a subpoena or court order; if we need to process a claim; if we need to consult with our title insurers for insurance underwriting purposes; or if we need to consult with our attorneys for advice regarding a dispute among parties to an escrow. We may share personal information with our own auditors or with state and federal regulatory agencies such as state bank examiners and the IRS. Of course, we may also share your personal information when you direct us or give us permission to do so.

Your right to “opt out” from our sharing personal information to non-affiliated third parties is not applicable since we do not share any personal information except as permitted by law.

We have implemented policies and procedures that restrict access to your personal information to only those employees who need to know that information in order to provide you with our products or services. We also maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your personal information.

STG Privacy Notice 1 (Rev 01/26/09) Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and nonfinancial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you	Yes	No
For nonaffiliates to market to you. Nonaffiliates are companies not related by common ownership or control. They can be financial and nonfinancial companies.	No	We don't share

We may disclose your personal information to our affiliates or to nonaffiliates as permitted by law. If you request a transaction with a nonaffiliate, such as a third party insurance company, we will disclose your personal information to that nonaffiliate. We do not control their subsequent use of information, and suggest you refer to their privacy notices.

How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> • request insurance-related services • provide such information to us <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056

ALTA Commitment Form

COMMITMENT FOR TITLE INSURANCE

Issued by



Stewart Title Guaranty Company, a Texas Corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Countersigned by:



Senior Chairman of the Board

Authorized Countersignature

First Hawaii Title Corporation
201 Merchant Street, Suite 2000
Honolulu, Hawaii 96813



Chairman of the Board

President

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at < <http://www.alta.org/>>.*



All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

Issuing Agent: First Hawaii Title Corporation, 201 Merchant Street, Suite 2000, Honolulu, Hawaii 96813.
Phone: (808) 521-3411

SCHEDULE A, Continued

4. Title to the estate or interest in the land is at the effective date hereof vested in:

FRUITLAND, INC., a Hawaii corporation

5. The land referred to in this Commitment is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

SCHEDULE B-Section 1

REQUIREMENTS

The following are the requirements to be complied with:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
4. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
5. **Furnish First Hawaii Title Corporation with a corporate resolution of FRUITLAND, INC., a Hawaii corporation , authorizing the purchase/sale/mortgage of the property described herein.**
6. **Provide First Hawaii Title Corporation with copies of the following concerning EWM INVESTMENTS LLC, a Limited Liability Company ("LLC"):**
 1. **Certified copies of the Articles of Organization, and any amendments thereto**
 2. **Current list of names of the LLC members**
 3. **Operating Agreement, if available, together with a verified certification that it is true and correct copy and still in effect or as to the non-existence of such**

empowering said LLC to buy/sell/mortgage the subject property and designating the person(s) empowered with the capacity to execute all necessary documents.
7. **Provide First Hawaii Title Corporation with verification that there is no renovation or construction in progress at the present time, nor has there been any renovation or construction during the past year, nor has any material been delivered to the site for purposes of renovation or construction in the past year.**

SCHEDULE B - Section 2

Part I

Schedule B of the Policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
6. Any lien, or right to a lien, for service, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

The above standard exception items one through six will be deleted in any extended coverage policy issued.

SCHEDULE B - Section 2

Part II

1. Tax Key: (3) 9-4-001-008 (AS TO PARCEL FIRST)
Tax Key: (3) 9-4-001-017 (AS TO PARCEL SECOND)

See Real Property Tax Statements attached.

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

3. AS TO PARCEL FIRST:

Any and all rights, that may exist, that is not disclosed by public record, in favor of Tax Map Key No. (3) 9-4-001-017, over and across the herein described land.

4. Any matters which would be shown by a modern metes and bounds survey, including any possible encroachments or discrepancies in boundaries or area.
5. Claims arising out of customary or traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes as provided for in the Hawaii Constitution or the Hawaii Revised Statutes, as amended.
6. Any unrecorded leases, subleases, and/or tenancy agreements demising a portion of the land herein described, and any encumbrances affecting the same.
7. This report has been prepared as a status of title only, with no liability herein assumed. First Hawaii Title Corporation reserves the right to add additional exceptions and/or title requirements if the report is used in a transaction.

SCHEDULE B, Section 2, Part II
Exceptions, Continued

NOTE(S):

- a) The address for the property herein described is as follows:

Not Available

- b) The records at the Department of Commerce and Consumer Affairs, Business Registration Division, State of Hawaii, disclose that FRUITLAND, INC., a Hawaii corporation, is currently active and in good standing.
- c) The records at the Department of Commerce and Consumer Affairs, Business Registration Division, State of Hawaii, disclose that EWM INVESTMENTS LLC, is currently active and in good standing.

EXHIBIT "A"

FIRST:

All of that certain parcel of land (being a portion of Land Patent Grant Number 3635 to Kealohaau), situate, lying and being at Kau, Island, County and State of Hawaii, containing an area of 194.20 acres, more or less, and commonly designated by Tax Map Key (3) 9-4-001-008.

NOTE: First Hawaii Title Corporation recommends that a modern metes and bounds survey be made of the land under search in order that its boundaries may be definitely established and its area accurately computed.

SECOND:

All of that certain parcel of land (being all of the land(s) described in and covered by Royal Patent Number 5048, Land Commission Award Number 10061 to Makaila and Royal Patent Number 5051, Land Commission Award Number 10061 to Maluaikoo), situate, lying and being at Waiomao, Kau, Island and County of Hawaii, State of Hawaii, containing an area of 19.2 acres, more or less, and commonly designated by Tax Map Key (3) 9-4-001-017.

NOTE: First Hawaii Title Corporation recommends that a modern metes and bounds survey be made of the land under search in order that its boundaries may be definitely established and its area accurately computed.

Being all of the land conveyed by the following:

LIMITED WARRANTY DEED

Grantor: NORTHBROOK CORPORATION, a Delaware corporation,
successor in interest by merger to AMFAC INC., a Hawaii corporation
Grantee: FRUITLAND, INC., a Hawaii corporation
Dated: October 26, 1995
Document No. 95-141531

COMMITMENT FOR TITLE INSURANCE

Issued by **Commonwealth Land Title Insurance Company**



Commonwealth Land Title Insurance Company is a member of the LandAmerica family of title insurance underwriters.

The Title Insurance Commitment is a legal contract between you and the Company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org/>.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, contact

COMMONWEALTH LAND TITLE INSURANCE COMPANY
5620 COX ROAD
GLEN ALLEN, VIRGINIA 23060-9266

TABLE OF CONTENTS

AGREEMENT TO ISSUE POLICY

SCHEDULE A

1. Commitment Date
2. Policies to be Issued, Amounts and Proposed Insureds
3. Interest in the Land and Owner
4. Description of the Land

SCHEDULE B-I -- REQUIREMENTS

SCHEDULE B-II -- EXCEPTIONS

CONDITIONS

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within twelve (12) months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A.
- The Requirements in Schedule B-I.
- The Exceptions in Schedule B-II.
- The Conditions listed below.
- This Commitment is not valid without Schedule A and Sections I and II of Schedule B.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Attest



Secretary



By:



President

CONDITIONS

1. DEFINITIONS

- (a) "Mortgage" means mortgage, deed of trust or other security instrument.
- (b) "Public Records" means title records that give constructive notice of matters affecting your title according to the state statutes where your land is located.

2. LATER DEFECTS

The Exceptions in Schedule B - Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attached between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B - Section I are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

Comply with the Requirements shown in Schedule B - Section I

or

Eliminate with our written consent any Exceptions shown in Schedule B - Section II.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.



FIRST HAWAII TITLE CORPORATION PRIVACY POLICY NOTICE

We believe in your right to the privacy and confidentiality of your nonpublic personal information ("personal information"). The purpose of this document is to notify you of the privacy policies and practices of First Hawaii Title Corporation and its affiliate company, F.H.T. Exchange, Inc., for orders or requests we handle for your personal, family or household purposes. Title V of the Gramm-Leach Bliley Act generally prohibits any financial institution, directly or through its affiliates, from sharing personal information about you with a non-affiliated third party unless the institution provides you with a notice of its privacy policy and practices, such as the type of information that it collects about you and the categories of persons or entities with whom it may be shared.

We collect, maintain and use information about you such as your work phone number, your social security number, mortgage lender and loan number, or account balance in order to process your title order, escrow transaction, or other services we may provide. We may use all or some of the personal information provided to us by one or more of the following means:

- From you or on forms, via the Internet, by telephone, or otherwise. This is information that tells us about yourself to identify who you are and to help us distinguish you from other people we may come across during our title research, for example.
- From forms that your real estate agent, mortgage broker, lender, or accountant furnishes us.
- From prior or other transactions with us for which we have kept records.

It is our policy that all personal information about you will be held in the strictest confidence. We do not share your personal information with non-affiliated third parties except as necessary to process your order or request for our services. We also do not sell your personal information to direct marketers. **WE DO NOT SHARE ANY PERSONAL INFORMATION ABOUT YOU, EVEN IF YOU ARE A FORMER CUSTOMER, WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

Situations that the law permits us to share your personal information with non-affiliated third parties include when we are served with a subpoena or court order; if we need to process a claim; if we need to consult with our title insurers for insurance underwriting purposes; or if we need to consult with our attorneys for advice regarding a dispute among parties to an escrow. We may share personal information with our own auditors or with state and federal regulatory agencies such as state bank examiners and the IRS. Of course, we may also share your personal information when you direct us or give us permission to do so.

Your right to "opt out" from our sharing personal information to non-affiliated third parties is not applicable since we do not share any personal information except as permitted by law.

We have implemented policies and procedures that restrict access to your personal information to only those employees who need to know that information in order to provide you with our products or services. We also maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your personal information.



PRIVACY POLICY NOTICE

LandAmerica Financial Group, Inc. and its family of affiliated companies ("LandAmerica") respect the privacy of our customers' personal information. This Notice explains the ways in which we may collect and use personal information under the LandAmerica Privacy Policy.

LandAmerica provides title insurance and other real estate services through its affiliates. The three largest members of the LandAmerica family, Commonwealth Land Title Insurance Company, Lawyers Title Insurance Corporation, and Transnation Title Insurance Company, and their title affiliates, issue title policies and handle real estate closings across the country. You may review a complete list of the LandAmerica family of affiliates covered by this Privacy Policy on our website at <http://www.landam.com> under the privacy policy link or request a copy be sent to you from the address listed below. The LandAmerica Privacy Policy applies to all LandAmerica customers, former customers and applicants. Please visit our website for an explanation of our privacy practices relating to electronic communication.

What kinds of information we collect: Depending on the services you use, the types of information we may collect from you, your lender, attorney, real estate broker, public records or from other sources include:

- information from forms and applications for services, such as your name, address and telephone number
- information about your transaction, including information about the real property you bought, sold or financed such as address, cost, existing liens, easements, other title information and deeds
- with closing, escrow, settlement or mortgage lending services or mortgage loan servicing, we may also collect your social security number as well as information from third parties including property appraisals, credit reports, loan applications, land surveys, real estate tax information, escrow account balances, and sometimes bank account numbers or credit card account numbers to facilitate the transaction, and
- information about your transactions and experiences as a customer of ours or our affiliated companies, such as products or services purchased and payments made.

How we use and disclose this information: We use your information to provide you with the services, products and insurance that you, your lender, attorney, or real estate brokers have requested. We disclose information to our affiliates and unrelated companies as needed to carry out and service your transaction, to protect against fraud or unauthorized transactions, for institutional risk control, to provide information to government and law enforcement agencies and as otherwise permitted by law. As required to facilitate a transaction, our title affiliates record documents that are part of your transaction in the public records as a legal requirement for real property notice purposes.

We do not share any nonpublic personal information we collect from you with unrelated companies for their own use.

We do not share any information regarding your transaction that we obtain from third parties (including credit report information) except as needed to enable your transaction as permitted by law.

We may also disclose your name, address and property information to other companies who perform marketing services such as letter production and mailing on our behalf, or to other financial service companies (such as insurance companies, banks, mortgage brokers, credit companies) with whom we have joint marketing arrangements. Additionally, some LandAmerica affiliates may share information about their transaction and experiences with you in order to identify opportunities to market other LandAmerica services or products that may be useful to you.

How we protect your information: We maintain administrative, physical, electronic and procedural safeguards to guard your nonpublic personal information. We reinforce our privacy policy with our employees and our contractors. Joint marketers and third parties service providers who have access to nonpublic personal information to provide marketing or services on our behalf are required by contract to follow appropriate standards of security and confidentiality.

Title insurance agents may be covered by this policy: If your transaction goes through a title insurance agent that is not part of the LandAmerica family, the agent handling your transaction should provide you with the agent's own privacy policy or evidence that the agent has adopted our policy.

If you have any questions about this privacy statement or our practices at LandAmerica, please email us at customerservice@landam.com or write us at: **LandAmerica Privacy, P.O. Box 27567, Richmond, VA 23261-7567**

Form 3391-6 (Effective June 2006)

KIOLAKA‘A

A15: Table of Contents for Optional Attachment

A16, OTHER DOCUMENTATION

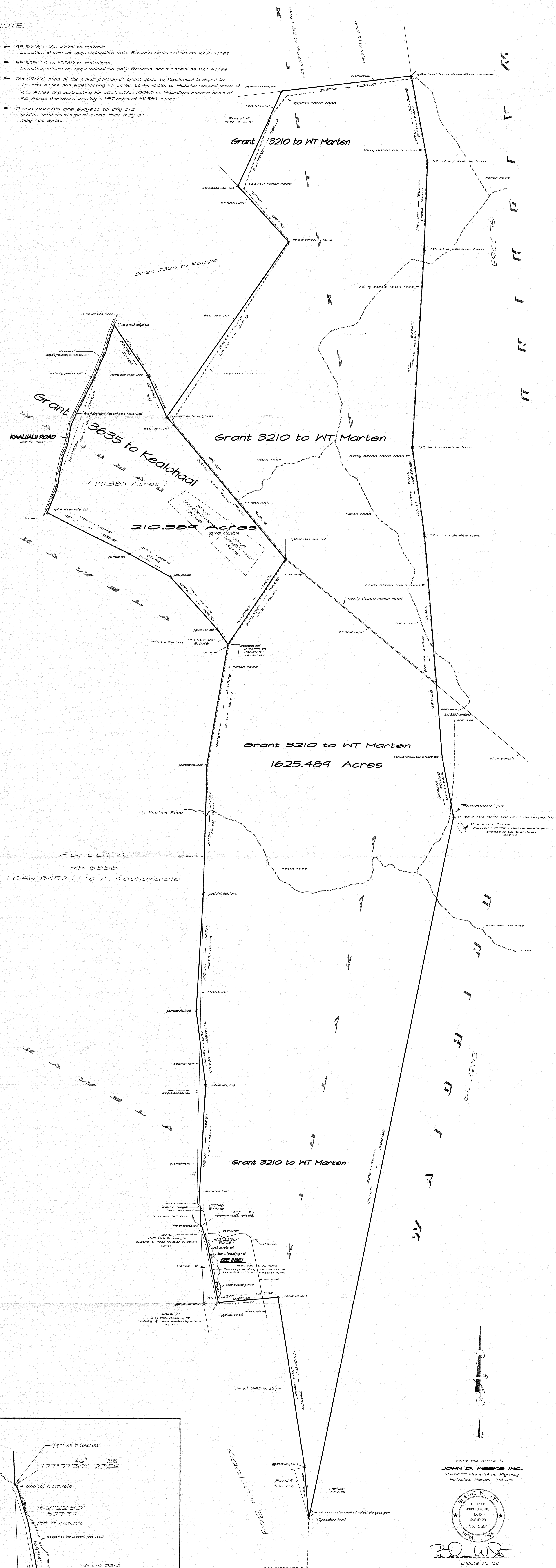
- a) Subdivision Map – 2008
- b) Survey – 2014
- c) Waipouli Cave and Lake
- d) Lua Nunu o Kamakalepo Cave System
- e) Ala Kahakai National Historic Trail Map
- f) Real Estate Listing
- g) ATA - Resource Management Values and Proposed Actions
- h) Territory and Government Maps
- i) Office of Hawaiian Affairs – Letter of Support
- j) Ala Kahakai Trail Association – Willing Owner Letter
- k) Ala Kahakai Trail Association – Board Biographies
- l) The Trust for Public Land – Legacy Land Transparency Letter
- m) The Trust for Public Land – Aloha ‘Āina Experience and Expertise

Subdivision Map – 2008

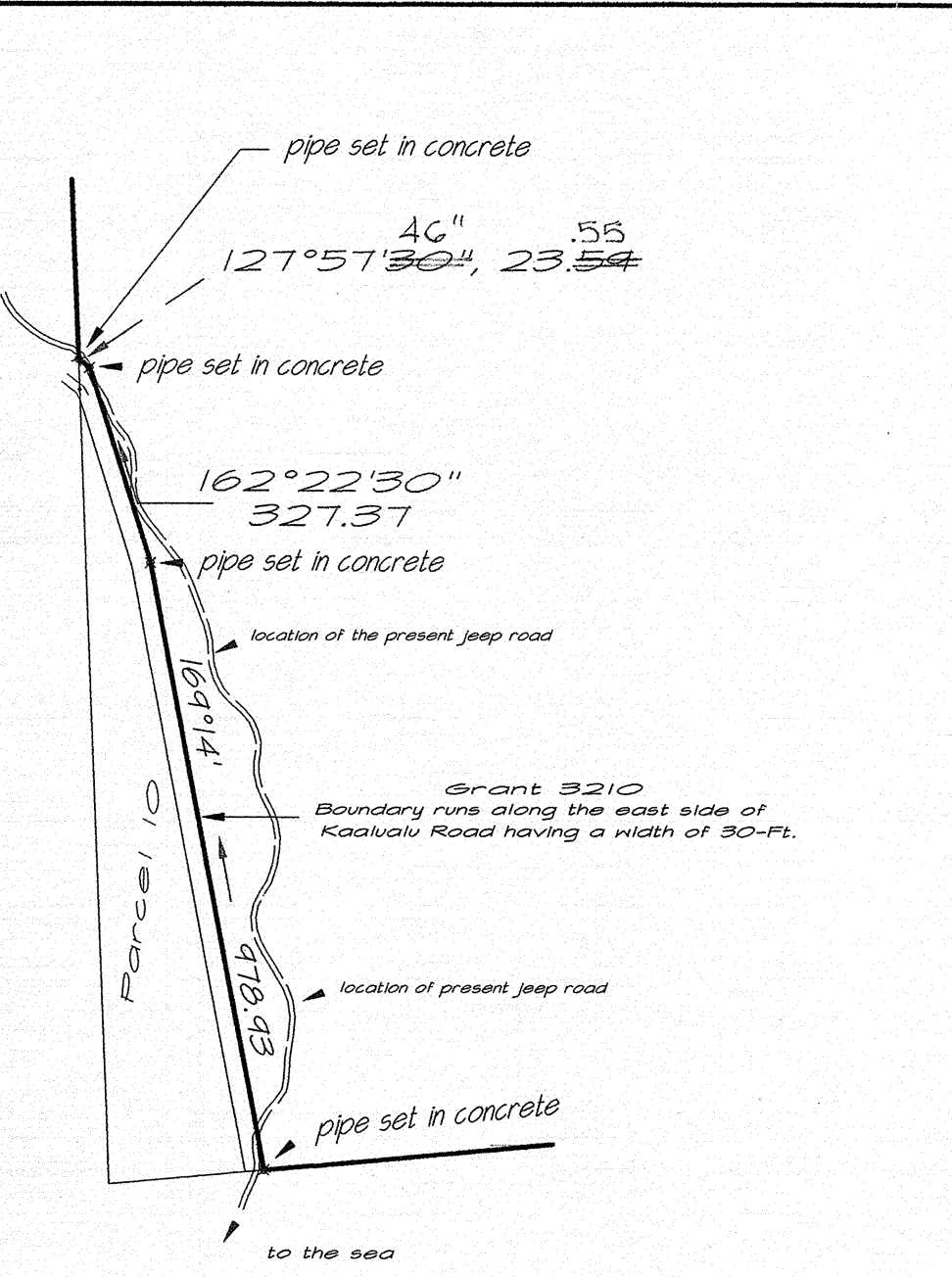
Survey – 2014

NOTE:

- ▶ RP 5048, LCA# 10061 to Makala
Location shown as approximation only. Record area noted as 10.2 Acres
- ▶ RP 5051, LCA# 10060 to Maluakoa
Location shown as approximation only. Record area noted as 9.0 Acres
- ▶ The GROSS area of the makai portion of Grant 3635 to Kealahaa is equal to 210.589 Acres and subtracting RP 5048, LCA# 10061 to Makala record area of 10.2 Acres and subtracting RP 5051, LCA# 10060 to Maluakoa record area of 9.0 Acres therefore leaving a NET area of 191.389 Acres.
- ▶ These parcels are subject to any old trails, archaeological sites that may or may not exist.



Parcel 4
RP 6886
LCA# 8452:17 to A. Keohokalole

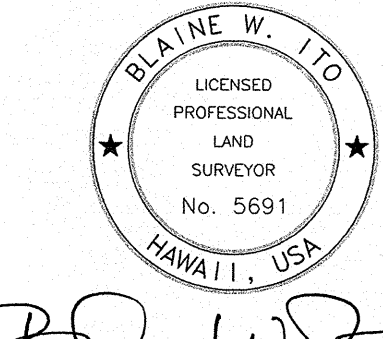


INSET
Scale: 1 inch = 300 feet

**PLAN SHOWING
A PORTION OF GRANT 3635 TO KEALOHAHI
AND THE REMAINDER OF GRANT 3210 TO W.T. MARTEN
AT WAIOMAU AND KIOLAKAA, KAU, HAWAII**

Scale: 1 inch = 600 feet
Tax Map Key: 9-4-01: 8 & 9 Book: 413 Date: January 7, 2014
Updated: January 29, 2014 Updated: February 24, 2014

From the office of
JOHN D. WEEKS INC.
18-877 Mamalahoa Highway
Hanalei, Hawaii 96725



Blaine W. Ito
Blaine W. Ito
Licensed Professional Land Surveyor
Certificate Number: 5691
This work was prepared by me
or under my supervision

Waipouli Cave and Lake

**WAIPOULI MAUKA CAVE
(DARK WATER CAVE)
(sheet 3)**

mapped: 2.7.1998

W.R.Halliday, R.Hinsch, S.Kempe
P.Lockwood, T.Schreffler

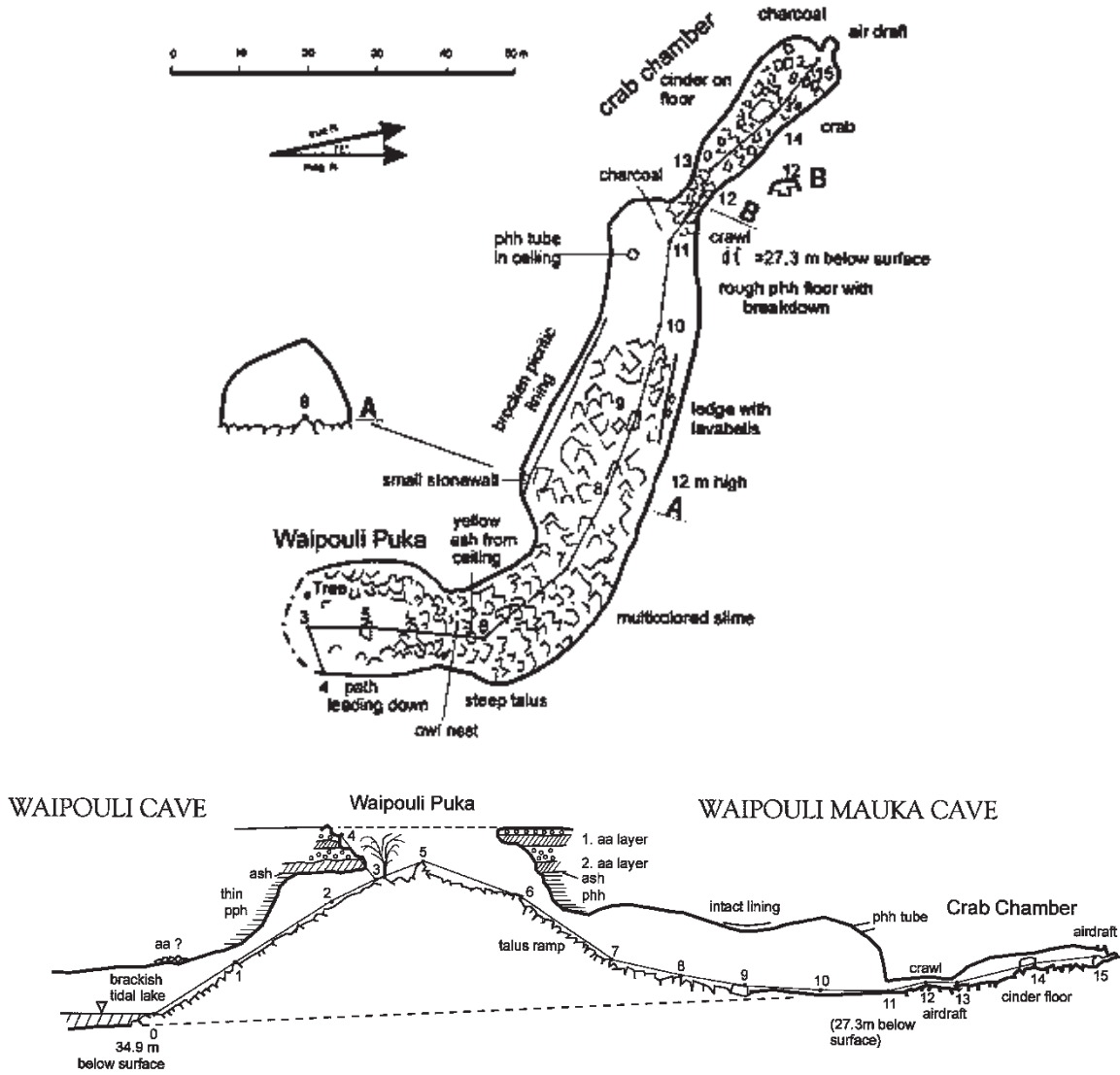


Figure 7. Map and longitudinal section of Waipouli Mauka Cave.

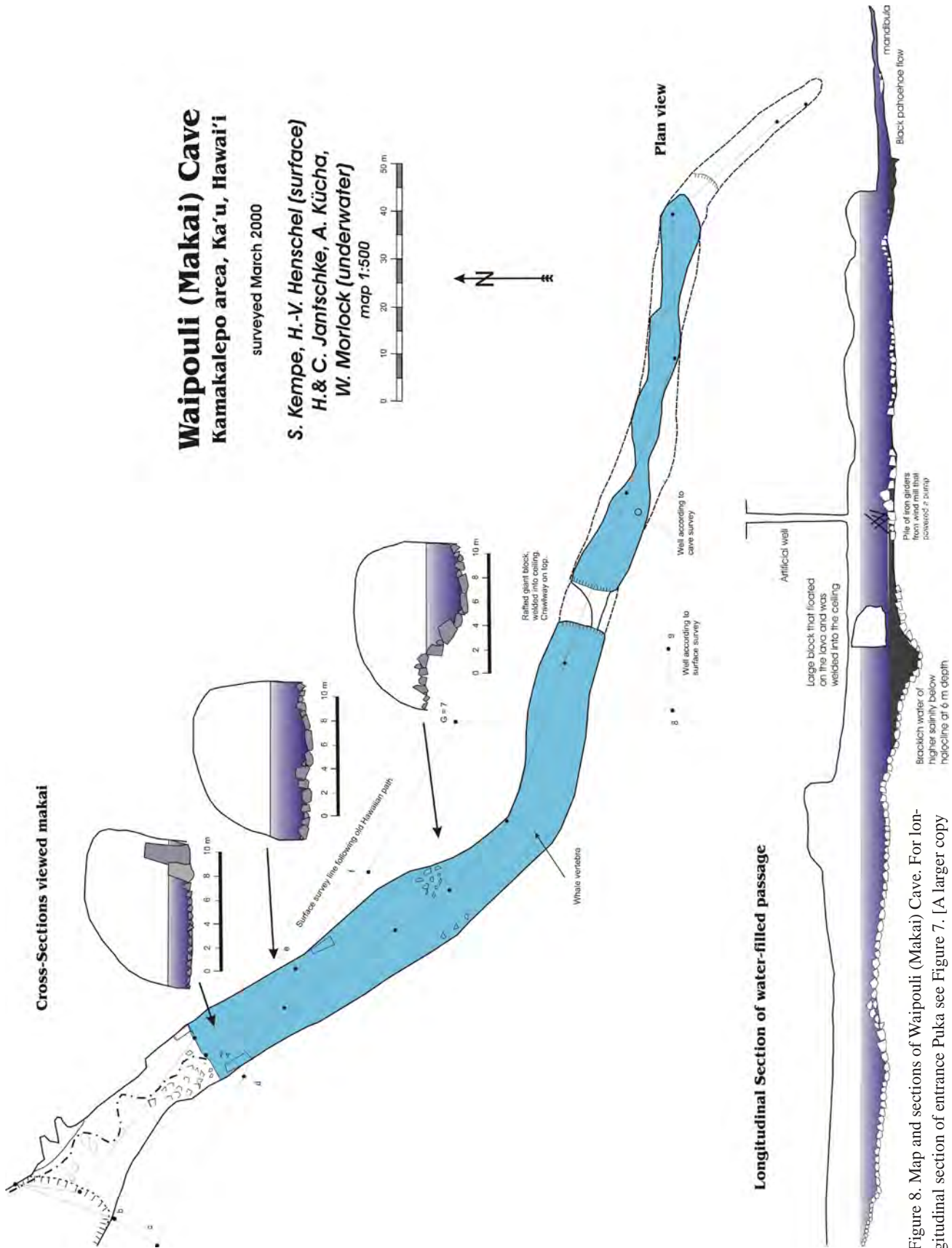


Figure 8. Map and sections of Waipouli (Makai) Cave. For longitudinal section of entrance Puka see Figure 7. [A larger copy of this map appears in the supplementary material on the CD.]

Lua Nunu o
Kamakalepo Cave
System

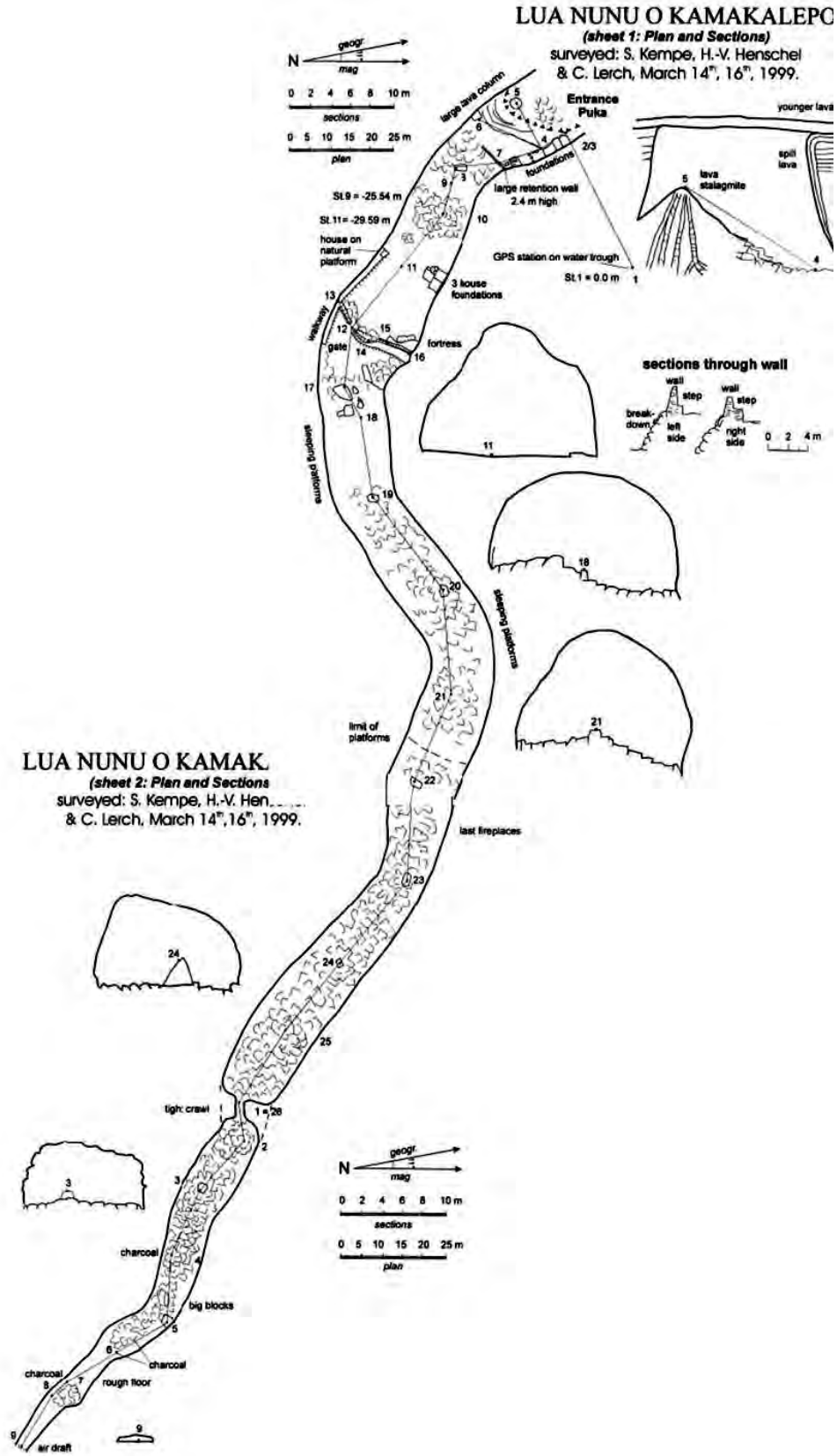


Figure 5 a. Map of Lua Nunu o Kamakalepo Mauka Cave.

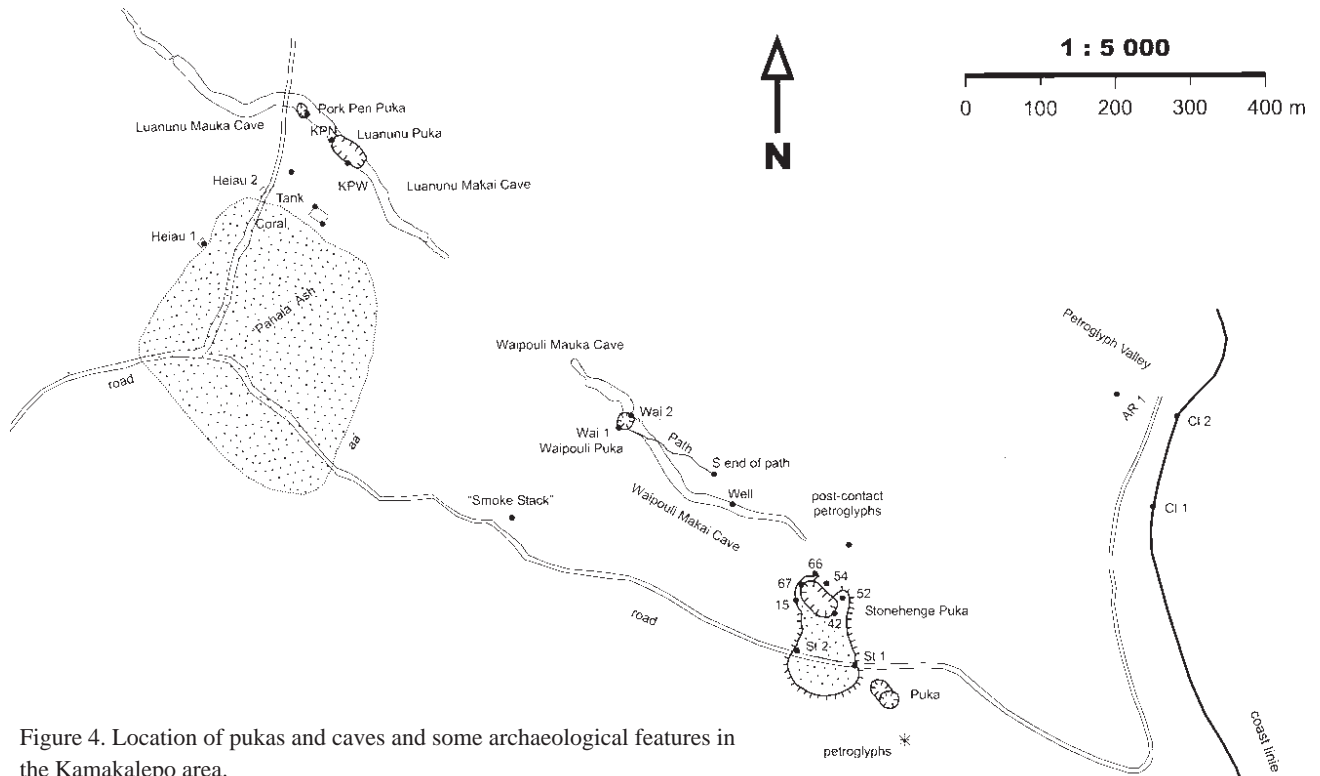


Figure 4. Location of pukas and caves and some archaeological features in the Kamakalepo area.

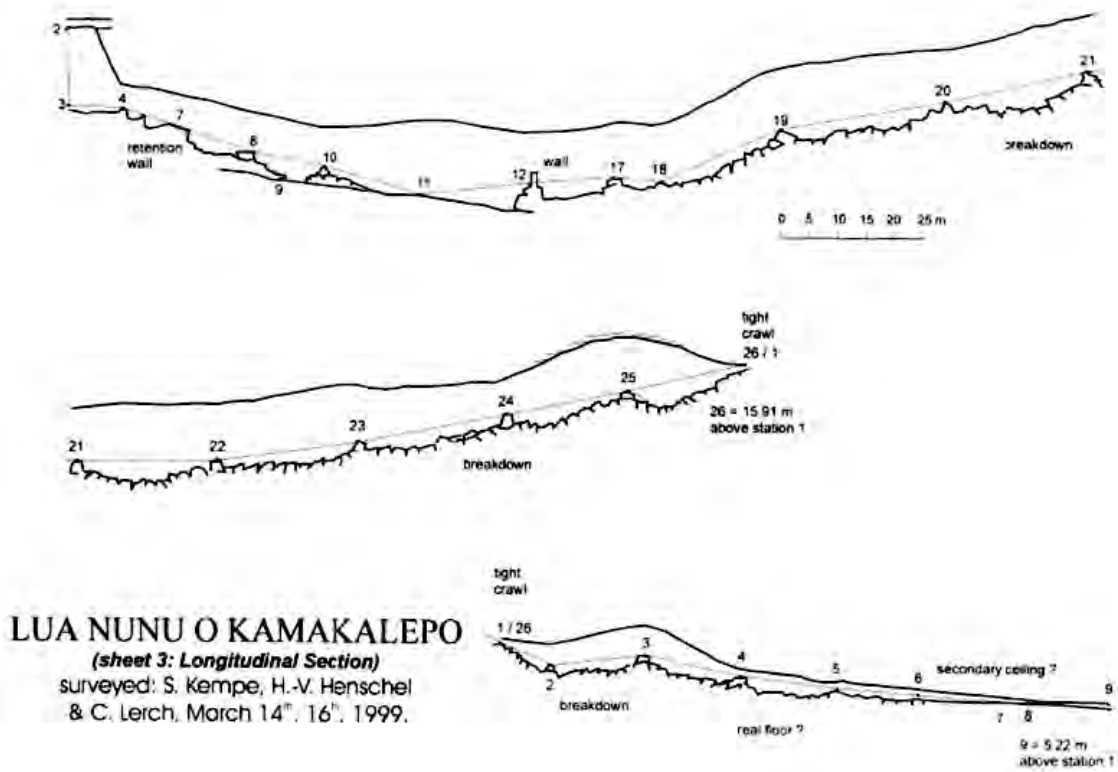


Figure 5 b. Longitudinal section of Lua Nunu o Kamakalepo Mauka Cave.

**Ala Kahakai
National Historic
Trail Map**

Real Estate Listing



Ka'alu'alu Road

NAALEHU, HI 96772

\$2,950,000

Active

MLS# 278051 | KAU | KAWELA-KIOLAKAA | LAND | 1836.08 ACRES



Expand Slideshow

1 of 7

Show Thumbnails

REQUEST MORE INFO

REQUEST A SHOWING



SAVE TO ACCOUNT



PRINTER FRIENDLY



NOTES

DETAILS

[MAP & COMMUNITY](#)[MORTGAGE CALCULATOR](#)[SIMILAR PROPERTIES](#)

Rugged and remote Ranch property. Almost oceanfront at Ka'alu'alu Bay. Five Lots of Record. Subdivision potential. Approx 800 acres leased for cattle grazing. Anachaline ponds at bottom of property fronting Ka'alu'alu Bay. County Water meter available but not presently at site. TMK parcel 3/9-4-001:008 consisting of 210 acres included in the sale.

PRESENTED BY

Clark
REALTY

720-441-2502

[CONTACT US](#)

Status

Active

Land Area	1836.08 ACRES
Tenure	Fee Simple
Mountain View	Yes
Ocean View	Yes
Oceanfront	Yes
Days On Market	1589
Assessed Value	\$1,952,600
Annual Property Tax	\$5,767
Tax Key (TMK)	<u>3-9-4-1-9</u>
Previous List Price	\$3,475,000

+ EXTERIOR

+ UTILITIES

Listed By Hawaii Pacific Brokers, Llc

© MLS Hawaii, Inc., All rights reserved. Listing information above provided by Hawaii Information Service, a Multiple Listing Service. This information is deemed reliable but is not guaranteed.

**ATA - Resource
Management
Values and
Proposed Actions**

KIOLAKA‘A
Section H Stewardship & Management

Attachment A16(f): ATA - Resource Management Values and Proposed Actions

ATA's resource management values and the proposed stewardship actions designed to achieve those values are as follows:

- 1) Abundant and clean marine environment.
 - a. Build relationships with Ka‘ū fishers and gatherers to document and share information about resources gathered.
 - b. Partner with marine stewardship groups and scientists to study marine species.
 - c. Educate campers about the importance of removing all trash upon leaving Ka‘alu‘alu (Pack it in, pack it out)
 - d. Compile research data with existing DLNR regulations to create a sustainable fishing and marine stewardship management plan that can be easily shared with those who fish at Ka‘alu‘alu Bay and incorporated into a larger resource management plan.

- 2) Thriving native coastal plant communities and anchialine ponds.
 - a. Identify, photo document and map existing native coastal plant communities and ponds.
 - b. Work in partnership with local community and cultural groups, local volunteers, and the Hawai‘i Island botanist/science community to protect existing native coastal plants and expand the habitat by removing surrounding competing non-native plants and planting native species.
 - c. Propagate seeds from native plant populations found on site, or from surrounding ahupua‘a if native populations cease to exist on site.
 - d. Evaluate the threat to native species by cattle, wild ungulates, and feral animals, and explore solutions to protect native plant communities and seabird nesting sites if necessary.
 - e. Partner with other environmental groups to create an anchialine pond restoration plan.

- 3) Permanently protected and respected cultural sites and cultural landscape.
 - a. Complete a full archaeological inventory survey of the entire property.
 - b. Future plans may include a preservation plan and burial treatment plan.
 - c. Address possible restoration and/or reuse of sites in the above plans and management plan.
 - d. Plan for protection of cultural sites in the pasture areas with support from ranch tenants.

- 4) Protected native dryland forest
 - a. Complete a biological survey of the property
 - b. Work with existing ranchers to explore fencing areas with rare and endangered species to immediately protect existing trees and to promote seed growth.

- c. Create a native dryland forest restoration plan which may include removal of ungulates, installation of water infrastructure and fenced preserve areas.
 - d. Explore carbon credits through native reforestation as a means of providing supplemental stewardship financing in addition to the pasture leases, as well as possible new green job opportunities for the local Ka'ū community.
- 5) Continued sustainable ranching to preserve Ka'ū's paniolo lifestyle, promote local food production, and maintain or increase agricultural jobs for the local community.
 - a. Allow for long-term leases that allow the ranchers to invest in the property.
 - b. Determine which lands currently under lease should be reserved for native plant reforestation or cultural preserves, and work with the ranchers to find the right balance.
- 6) Managed access that balances the protection of cultural and environmental resources, the facilitation of cultural connections and educational opportunities for Ka'ū residents and descendants, and continued support of the local ranching industry and sustainable agriculture.
 - a. Coordinate quarterly community volunteer days advertised to Ka'ū residents but open to all.
 - b. Promote opportunities and community initiatives to learn about Hawaiian culture and the environmental resources of the property especially the unique mo'olelo, traditions and history of the people who lived in Kiokaka'a and Ka'alu'alu Bay.
 - c. Develop access plan to allow for pedestrian access using the Ala Kahakai and existing dirt roads, and limited vehicular access that prioritizes resource protection.
 - d. Evaluate and plan for managed camping access that prioritizes protection of cultural sites and native species and adopts best area practices.
 - e. Contact, facilitate access, and encourage stewardship involvement by descendants of Kiokaka'a and surrounding ahupua'a, and Hawaiian cultural practitioners.
 - f. Perform outreach to Ka'ū community through individual meetings with community leaders, smaller meetings with area civic clubs, and public forum meetings.
 - g. Design and distribute field guide to all visitors to the property and install educational and interpretive signage to protect cultural sites and native species where appropriate.
 - h. AKTA contact information including a phone number posted clearly at property entrances including the nearest road and the Ala Kahakai Trail pathways.
- 7) A resilient Ka'ū community where the people care for the lands, and the lands provide sustainable economic development that incorporates the above related values.
 - a. Ala Kahakai Trail as a means to contribute to community self-reliance vis à vis the state of the world economy, the movement away from fossil fuels, and climate change, etc.
 - b. Ka'ū's potential return to a thriving, completely cultivated landscape as far as the eye can see.
 - c. Culturally-driven and ecologically-minded ways of paying back a purchase loan if necessary.

Territory and Government Maps

Office of Hawaiian
Affairs – Letter of
Support



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

June 17, 2019

HRD19-8931

Reyna Ramolete Hayashi
Aloha 'Āina Project Manager
The Trust for Public Land
1003 Bishop Street
Pauahi Tower, Suite 740
Honolulu, Hawai'i 96813

Re: Letter of Support for the Acquisition and Protection of Kaunāmano and Manāka'a Fishing Village of the Ka'ū Coast
Kaunāmano Ahupua'a, Ka'ū Moku, Hawai'i Moku
Tax Map Keys: (3) 9-5-012:001; and, 9-5-011:001, 004, 005, 006

Aloha e Ms. Hayashi:

The Administration of the Office of Hawaiian Affairs (OHA) is writing in **support** of the Trust for Public Land's (TPL) efforts to acquire agricultural and conservation lands along the Ka'ū coast for the purposes of preservation and restoration. OHA understands that TPL is currently seeking funding for these acquisitions from the County of Hawai'i Public Access, Open Space and Natural Resources (PONC) Fund, the State of Hawai'i Legacy Land Conservation Fund, and the Land and Water Conservation Fund. Thus, TPL will meet with the PONC Commission on July 8, as well as submit an application to the Legacy Land Conservation fund in July. OHA further understands that TPL is closely partnered with the Ala Kahakai Trail Association (ATA),¹ who will primarily implement long-term stewardship of the area if acquisition is successful. OHA has previously provided support for similar TPL acquisitions in other areas along the Ka'ū coast. The current proposed acquisitions are aligned with a greater Ka'ū community effort to protect the entire 80 mile Ka'ū coast.

OHA is the constitutionally recognized body responsible for protecting and promoting the rights of Native Hawaiians. As such, OHA's mission is to improve the well-being of Native Hawaiians by focusing our efforts on six strategic priorities: 'āina (land and water), mo'omeheu (culture), ho'okahuawaiwai (economic self-sufficiency), ho'ona'auao (education), ea (governance), and maui ola (health). By maintaining a connection to the past through the preservation of 'āina, it is OHA's hope that Native Hawaiians will participate in and benefit from responsible 'āina

¹ Ala Kahakai Trail Association (ATA) is a descendant led non-profit organization that provides community assistance for trail management and planning. The ATA helps ensure that the Ala Kahakai Trail is well-connected to the community and that Hawaiian values and principles are in place and practiced.

stewardship. Previously, OHA has supported many efforts throughout the state that promote the preservation of agricultural and conservation lands threatened by rezoning and unnecessary development. OHA values the protection of such prime lands as a potential vehicle for food self-sufficiency and a means for reconnecting people with the 'āina through responsible stewardship.

The lands of Kaunāmano and Manāka'a contain innumerable cultural resources important to the preservation and perpetuation of Hawaiian culture. This area of the Ka'ū coast contains many still-intact fishing villages, historic trails, pristine cultural sites, natural springs, burial sites, petroglyphs, lava tubes, and caves that together maintain a strong cultural landscape. Native Hawaiians today continue to use this area for traditional cultural practices and educational purposes. Mo'olelo of this area describe thriving fishing villages and the practice of lua (traditional Hawaiian martial art). Additionally, it is believed that the caves and underground lava tubes served as strategic spots to defend the area and conceal armies in times of war.

The Ka'ū coast is also home to a variety of endangered Hawaiian flora and fauna. 80% to 90% of the honu'ea (hawksbill sea turtle) nest along the Ka'ū coast. The honu (green sea turtles), 'iliohōloikaua (Hawaiian monk seals), and koholā (humpback whales) depend on the clean waters off Kaunāmano. Native coastal plants blanket the shoreline, while pueo (Hawaiian short-eared owl), migratory birds, and native sea and shorebirds live along Kaunāmano's rocky shorelines .

OHA understands and supports TPL's and ATA's efforts to protect the natural and cultural resources of Ka'ū for present and future generations. As both TPL and ATA aim to protect existing cultural resources and seek to reconnect people to the 'āina through responsible stewardship, OHA views their overall efforts as being in concert with our own mission and strategic plan. OHA notes that the preservation of the parcels in question are further aligned with the October 2017 Ka'ū Community Development Plan which seeks to protect and enhance natural resources. TPL's and ATA's efforts to acquire these lands would effectively eliminate potential undesired development of the Ka'ū coast and help the Ka'ū community achieve their dream of one day protecting all of the Ka'ū coast.

Accordingly, OHA supports TPL's and ATA's efforts to acquire these lands and thereby enable our beneficiaries and the Ka'ū community to preserve, practice, and perpetuate Native Hawaiian culture; mālama Ka'ū's resources and sites; and, contribute to the future security and self-sufficiency of our islands. Should you have any questions, please contact OHA's Lead Compliance Specialist, Kamakana C. Ferreira, at (808) 594-0227, or by email at kamakanaf@oha.org.

'O wau iho nō me ka 'oia 'i'o,



Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

HRD19-8931B

June 27, 2019

Reyna Ramolete Hayashi
Aloha 'Āina Project Manager
The Trust for Public Land
1003 Bishop Street
Pauahi Tower, Suite 740
Honolulu, Hawaii 96813

Re: Addendum to Letter of Support for the Acquisition and Protection of Kaunāmano and Manāka'a Fishing Village of the Ka'ū Coast
Kaunāmano Ahupua'a, Ka'ū Moku, Hawaii'i Moku-puni
Tax Map Keys: (3) 9-5-012:001; 9-5-011:001, 004, 005, 006; and, 9-4-001: 008, 009, 017

Aloha e Ms. Hayashi:

The Administration of the Office of Hawaiian Affairs (OHA) offers this addendum to its letter of June 17, 2019 in **support** of the Trust for Public Land's (TPL) efforts to acquire agricultural and conservation lands along the Ka'ū coast for the purposes of preservation and restoration. This addendum is to clarify the applicability of the June 17 letter of support to include the contemplated acquisition of lands in Kiolaka'a, as part of the storied cultural landscape of Ka'ū described in the previous letter, and whose protection from development and undesirable land uses would enable present and future generations of our beneficiaries to preserve, practice, and perpetuate Native Hawaiian culture; mālama Ka'ū's resources and sites; and, contribute to the future security and self-sufficiency of our islands.

Should you have any questions, please contact our Lead Compliance Specialist, Kamakana C. Ferreira, at (808) 594-0227, or by email at kamakanaf@oha.org.

'O wau iho nō me ka 'ōia 'i'o,

Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KC:kf

**Ala Kahakai Trail
Association –
Willing Owner
Letter**



Dennis Hart, President
Alan Brown, Vice President
Kaleo Paik, Secretary
Ray Brogini, Treasurer
Keoni Fox
Linda Galano

Legacy Land Conservation Commission
Department of Land and Natural Resources (DLNR)
1151 Punchbowl Street, Room 325
Honolulu, Hawai'i 96813

July 15, 2019

Aloha e Members of the Legacy Land Conservation Commission,

Ala Kahakai Trail Association is willing to take on the kuleana to own and steward the Kiolaka'a property in Ka'u, Hawai'i, TMKs: (3) 9-4-001:008; (3) 9-4-001:009 ; (3) 9-4-001:017.

The Ala Kahakai Trail Association, a non-profit Native Hawaiian organization, was established to ensure that the Ala Kahakai National Historic Trail is well connected to the community, that Hawaiian values are practiced to foster collaborative partnerships, and to provide guidance for the work of managing and sustaining the trail in perpetuity. Our Board Members are Native Hawaiian and local representatives of each moku (large land division) on the island, and often are part of the old Hawaiian families of the area that they represent.

Large coastal subdivisions are being approved and constructed every year on our island, often cutting off or decreasing shoreline access for the local community, and disturbing, destroying, or segmenting off cultural sites. Ranching and farming are difficult businesses, and are more frequently being replaced by residential subdivisions. In partnership with The Trust for Public Land, we would like to help the Ka'u community preserve both their amazing bio-cultural resources as well as their paniolo lifestyle.

The purchase and permanent protection of the Kiolaka'a lands furthers the Ka'u community's goals of preserving Ka'u's coast, cultural sites, and agricultural way of life. Ala Kahakai Trail Association currently owns and stewards a property at Kaiholena, also with significant cultural sites. We are prepared for and welcome the kuleana of ownership and stewardship, and look forward to engaging the Ka'u community, area descendants, scientists, other community organizations, and Hawaiian cultural practitioners to join us in caring for this irreplaceable wahi pana.

Mahalo for your consideration,

Linda Kaleo Paik
Secretary
Ala Kahakai Trail Association

Mission: To support and guide a community-managed trail that honors those who came before and perpetuate for those who follow, with respect for Hawaii's past, present and future.

P.O. Box 2338, Kamuela, HI 96743 Phone 808-354-7765

**Ala Kahakai Trail
Association –
Board Biographies**

Our Board

Dennis Hart, President

Dennis Hart is a longtime Medical Assistant, and keeper of the *Ala Loa* or *Ala Nui Aupuni* which is the actual coastal path within the Ala Kahakai Trail Corridor. Dennis formed a volunteer crew over ten years ago to clean sections of the Ala Aupuni, with crews that vary in size from a handful to over thirty. Dennis focuses his trail cleaning work in South Kona where his mother's family is from.



Dennis has been a core part of the effort to preserve Kauleoli makai, a 59-acre coastal property that includes a beautiful section of the Ala Aupuni, now owned by the Ala Kahakai National Historic Trail. Dennis is an advocate for preserving the trail and connecting cultural sites, and regularly researches laws pertaining to trails, and attends meetings and works with other trail advocates to ensure that the trail and places along the trail are conserved. Dennis feels rewarded for his volunteer trail clearing work by the youth, descendants, and other users of the Trail and

shoreline who are now able to access the trail to connect with their ancestors and Hawai'i.

Alan Lowry Brown, Vice-President

Alan Lowrey Brown is a landowner on the Kohala coast near the trail corridor at Kalahuipua'a and Keawaiki, where his family has ties for many decades. Alan realizes that his experience growing up at Kalahuipua'a and Keawaiki during the 1950s was an experience that future generations will never have as so much has changed. He is therefore a passionate and dedicated community voice for preservation of the remaining undisturbed sections of the Ala Kahakai National Historic Trail, and enjoys introducing new residents to the existence of the trail. Alan helped to lead the effort to protect a 35-acre property at Kaiholena which is now under Ala Kahakai Trail Association's ownership and care. Alan sees his service with Ala Kahakai Trail Association as a way to bring knowledge and tools to the many 'ohana along the Trail to rekindle pride and use of the trail by local residents. Alan is self-employed and also gives of his time to serve on other community boards.



Kaleo Paik, Secretary

Kaleo Paik is a descendent of many generations of Hawaiians who lived around



part of the trail in South Kona, and believes it is her responsibility to preserve and protect the integrity, purpose and use of the trail in part and in its entirety. She has walked upon part of the trail that her father, his mother, her parents and their parents walked, and in so doing continues the family connection to the area. Through these generational ties, Kaleo has historical and cultural wisdom specific to the segment of the trail that her family helped to build and used. Kaleo assists Ala Kahakai Trail Association with her expertise in fiscal management, strategic planning focusing on short and long term goals, and genealogical and historical knowledge of Kona.

Ray Broggni, Treasurer

Ray Broggni serves in many roles that benefit his community. He is a family practitioner, musician, violinist, small family farmer, and renewable energy practitioner and advocate. Ray is also dedicated to community self-governance, environmental stewardship, preservation of local historical practice and land/shoreline management, and of course the protection of the Ala Kahakai National Historic Trail. Ray has been a longtime community servant, providing his time and expertise as a board member for Primary Care Associates of Redwood Empire in Santa Rosa, CA, serving on “well-being” committees on various hospital staffs, and being a local CERT team member.



Linda Gallano, Director

Linda Gallano worked as a Hawaiian language teacher for 13 years at Waianae High School, where she was involved in creating a Hawaiian Studies Program from 1993 until leaving for Hawaii Island in 2002. To support the Hawaiian Studies Program, Linda partnered with government and private non-profits for funding assistance. She also helped to bring in archaeologists Ross Cordy and Aki Sinoto who worked with the program's students to survey and map sites in Waianae Valley. When Linda moved to Honokaa High School, she helped to begin a video production program to document stories of kupuna from Paauilo and Kalopa. Linda's interest and passion for Ala Kahakai and historic trails stems from her pig hunting experience in which access is a significant issue. Linda has also worked with MAMA (mauka-makai access) and E Mau Na Ala Hele.



Keoni Fox , Director



W. Keoni Fox is a site acquisition consultant for the telecommunications industry with over 18 years of experience assisting with the development and management of wireless facilities. He also manages a small family farm in Waikane, Oahu specializing in local, free range poultry and eggs. Keoni attended the Wharton School of Business at the University of Pennsylvania, graduating with a Bachelors of Economics with a concentration in Marketing and Environmental Management. As a cultural practitioner with ancestral ties to Naalehu, Keoni is a strong advocate for the protection of cultural and natural resources in Ka'u. Since the closure of C Brewer and the sale of its lands in 2001, Keoni has been involved with many

community efforts aimed at

The Trust for
Public Land –
Legacy Land
Transparency
Letter



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Carol Wilcox

Author

July 22, 2019

Legacy Land Conservation Commission
Department of Land and Natural Resources
Attn: David Penn, Coordinator
1151 Punchbowl Street
Honolulu, HI 96813

Re: The Trust for Public Land – Transparency Letter

Aloha Legacy Land Conservation Commission:

As a matter of policy, The Trust for Public Land provides this type of transparency letter providing more information about itself and its projects to all of its funding partners. Please feel free to provide copies of this letter to your staff and other interested parties. We are currently working on the following projects:

Turtle Bay Makai/Kahuku Kawela Forever (Debt Service). In 2015, The Trust for Public Land assisted the State of Hawaiʻi Division of Forestry & Wildlife (DOFAW) in purchasing approximately 53 acres in fee and a conservation easement over approximately 568 acres around the Turtle Bay Resort on Oʻahu’s North Shore. Lot 17//P-2 (37.996 acres) will temporarily be under the conservation easement until a possible future conveyance to the City and County of Honolulu. The project will conserve 5 miles of shoreline, enhance and secure public access to the undeveloped shoreline, continue public access to 7 miles of trails, protect habitat for endangered Hawaiian monk seals, threatened green sea turtles, migratory birds, and all four species of endemic Hawaiian waterbirds.

Halulu Fishpond Access, Waipā. The Trust for Public Land is assisting the nonprofit Waipā Foundation to purchase and protect two kuleana parcels in Waipā on Kauaʻi’s North Shore. Waipā Foundation leases, farms, and stewards 1,672 acres of the Waipā ahupuaʻa from Kamehameha Schools, but does not own any land itself. The first kuleana parcel, referred to as “Halulu Fishpond Access”, is a quarter-acre property that includes a portion of Halulu Fishpond, and provides critical community access from the highway to Halulu Fishpond and Hanalei Bay. We assisted the Waipā Foundation in applying for FY19 and Waipā received a partial grant of \$50,000. We are re-applying for the remainder. The second kuleana parcel, referred to as “Kaluanono”, received the Legacy Land Conservation Commission’s recommendation for funding in 2014-2015. While we worked on the Kaluanono effort, the Halulu Fishpond Access became available for purchase, and The Trust for Public Land and Waipā Foundation are now pursuing the purchase and protection of both kuleana parcels simultaneously. The purchase would secure Waipā Foundation’s presence on Kauaʻi’s north shore, and fortify the community’s ability to achieve its goal of restoring the entire ahupuaʻa to a thriving community space and living learning center that feeds the community both physically and culturally.



Manāka‘a Fishing Village, Ka‘ū. The Trust for Public Land (TPL) is assisting the nonprofit Ala Kahakai Trail Association (ATA) to purchase and protect the 348 acre Manāka‘a Fishing Village property, located south of Nā‘ālehu Town, in the ahupua‘a of Kawala, Ka‘ū. The breathtaking Maniania Pali rising over 200 feet provides protection for nesting sea birds and native coastal plants that flourish on precipices beyond reach of cattle and wild goats. A multitude of marine resources are found at the shoreline below accessible via the ancient trail. Cultural and historical resources include 22 documented sites such as heiau, burials, extensive lava tube habitation sites, underground springs, habitation enclosures, ahu (altars), papamū (stone boards for the game kōnane), over 1-mile of the Ala Kahakai National Historic Trail, two mauka-makai trails connecting the fertile fields of Nā‘ālehu with the coastline, and the remains of Manāka‘a Fishing Village with 44 recorded features. These lands provide some of the best cattle grazing lands in Ka‘ū. In February of 2019, ATA and TPL applied for funding from the County of Hawai‘i Public Access, Open Space, and Natural Resources Preservation Commission (PONC) to purchase and protect Manāka‘a Fishing Village. The nomination is currently under consideration by the Commission. The protection of these lands will perpetuate cultural access for descendants, educational opportunities for the community and area schools, and recreational access for travelers and hikers along the ancient ala loa.

Kaunāmano, Ka‘ū. TPL is pursuing two different funding and ownership tracks to protect Kaunāmano. The first option is National Park Service ownership and community-based management and stewardship with potential funding from Land and Water Conservation Fund. In May of 2019, LWCF ranked Kaunāmano the number nine priority for \$6M in funding. Due to federal budget uncertainties, we decided to pursue an alternate funding strategy, assisting ATA in purchasing and protecting Kaunāmano with potential Legacy funds and previously secured PONC funds. Kaunāmano means “the multitudes are settled here” telling of the great numbers of Hawaiians who were sustained by its rich marine resources, fertile plains and fresh water springs. Its ancient fishing village of Pā‘ula includes the famous cave and anchialine pool of Puhi‘ula. The property includes over four miles of the Ala Kahakai National Historic Trail and 444 archaeological sites with more than 3,900 features including heiau; refuge caves and lava tubes with petroglyphs and pictographs; stone walled enclosures, house sites, and terraces; salt pans and mooring holes; kōnane boards; and burial sites. Kaunāmano provides extensive coastal habitat for native plants, seabirds and marine species including humpback whales, hawksbill and green sea turtles. The lush mauka pasture lands are leased by Kuahiwi Ranch for cattle grazing, perpetuating Ka‘ū’s paniolo traditions. Protecting these lands would advance long standing goals of the Ka‘ū community: preserving the Ka‘ū coastline from development, its rich cultural heritage, cherished rural lifestyle, and vibrant agricultural economy.

Kiolaka‘a, Ka‘ū. The Trust for Public Land is assisting the nonprofit Ala Kahakai Trail Association to purchase and protect the 1,836 acre Kiolaka‘a property south of Wai‘ōhinu Town in Ka‘ū. Kiolaka‘a is one of the only coastal properties in Ka‘ū that has intact native dryland forest. Kiolaka‘a includes portions of the ancient Kamakalepo settlement and Lua Nunu cave system, the most extensive refuge cave on Hawai‘i island. At over 1km long, the cave has two entrances in Wai‘ōhinu: Waipouli (Dark Waters) and Lua Nunu o Kamakalepo (Pigeon Hole of the Common People) which runs underground into Kioloka‘a. The cave system features a fortress with an elevated defensive wall and 102 sleeping platforms, built during the wars with Kamehameha. Other cultural and historical resources include heiau, habitation sites, petroglyphs, and a segment of the Ala Kahakai National Historic Trail. A network of coastal and mauka-makai trails lead to Kapenako, a pristine fresh water spring and anchialine pond teeming with two varieties of ‘ōpae‘ula, near the shoreline of Ka‘alu‘alu Bay. The lush mauka pasture lands are leased for cattle grazing, perpetuating Ka‘ū’s paniolo traditions. Protecting Kiolaka‘a would advance core goals of the Ka‘ū Community Development Plan: protecting the beloved Ka‘ū coastline from development, its rich cultural heritage, cherished rural lifestyle, and vibrant agricultural economy.

Mapulehu: Valley to Summit, East Molokaʻi. The Trust for Public Land is assisting the Molokai Land Trust to purchase two parcels totaling 1,819 acres in East Molokaʻi, extending from Kamehameha V highway, a few hundred yards from the ocean, up to the summit of East Molokaʻi at an elevation of 3,448 feet. The lower elevation property includes the ʻIliʻiliʻōpae heiau, the second largest heiau in Hawaiʻi, with its stone platform largely intact. Plans include working with stakeholders from the community and relevant organizations to create a stewardship and restoration plan for the heiau. Agricultural land on the property, which once included orchards and a dairy, will be put into agricultural production, primarily in orchards. The upper elevation property includes the ancient Wailau Trail, which is the historical access over the mountains between East and North Molokaʻi. Critical Habitat for over numerous plant and bird species listed as Endangered by the U.S. Fish and Wildlife Service, and listed Endangered plant species have been found on the property in prior biological surveys. The Molokai Land Trust's ownership of Mapulehu will thus concurrently serve to protect significant cultural resources, aid in the recovery of rare plant and bird species, and help to restore a significant watershed resource.

What is the Trust for Public Land?

The Trust for Public Land is a national, non-profit land conservation organization that conserves land for people to enjoy as parks, gardens, and other natural places, ensuring livable communities for generations to come. TPL assists public agencies, communities, and other non-profit organizations in achieving their park and open space conservation goals through conservation finance and conservation real estate services. The Trust for Public Land is a qualified tax-exempt 501(c)3 charitable, public benefit corporation.

Experience in Acquiring Land

The Trust for Public Land relies on its legal, real estate and finance expertise to successfully complete conservation land transactions. Since The Trust for Public Land's founding in 1972, it has, through its national network of offices, conserved over 3.6 million acres with a fair market value of over \$8.3 billion in over 4,589 separate conservation transactions across the United States.

In Hawaiʻi, The Trust for Public Land has protected over 46,000 acres and 36 special places since 1979. A one page fact sheet summarizing our projects in the State of Hawaiʻi is attached to give you a sense of the range and diversity of The Trust for Public Land's work.

How The Trust for Public Land Works

The Trust for Public Land works in the marketplace, acting quickly and independently to acquire land in its own name from willing landowners for conservation. The Trust for Public Land acts as a principal in these transactions and not as an agent of the landowner or of any public agency. The Trust for Public Land seeks to have the landowner pay as many of the pre-acquisition costs as possible, either directly or through a tax-deductible contribution to The Trust for Public Land.

The Trust for Public Land's position as a principal also clearly puts it in a risk position. During the course of negotiations and pre-acquisition work, The Trust for Public Land incurs significant costs. These costs are substantially increased if The Trust for Public Land acquires the property and holds it well in advance of the public agency's or non-profit's acquisition from The Trust for Public Land. If a project fails, these costs must be absorbed by the organization.

The Trust for Public Land has experience working with landowners to satisfy their particular needs including those related to tax, timing, or estate planning issues. It is The Trust for Public Land's policy to preserve the

confidentiality of its dealings with landowners, which can often be the difference between success and failure in an acquisition.

As a principal with access to its own capital, The Trust for Public Land can sometimes offer landowners much shorter closing timetables than might be possible with public agencies which must, of necessity, deal with public board and council approvals and long lead-time financing mechanisms.

The Trust for Public Land has assisted many agencies at the local, state and federal level in nearly every state in the nation. The Trust for Public Land tackles complicated transactions that public agencies may not have the staff or resources to do themselves. It offers a professional and streamlined approach and brings extra hands and minds to assist often over-extended government staff.

It is The Trust for Public Land's intention that the property it purchases be preserved and used eventually for public open space purposes, agriculture, heritage lands and ecological services. The Trust for Public Land targets its work to those properties identified by agencies or other non-profits as priorities for protection, and it is entirely up to a public agency or non-profit as to whether or not it wants to acquire property from The Trust for Public Land.

Typically, The Trust for Public Land secures a property with a purchase option agreement. During the option period, on average 18-24 months, The Trust for Public Land performs, at significant cost, the due diligence associated with the purchase, such as obtaining an appraisal, title review, environmental investigations, and surveys. The Trust for Public Land understands the need to meet the requirements of funding programs and to coordinate its due diligence with public agency staff to ensure that the legal and physical condition of the property is acceptable to funders and the ultimate owner and property manager. If the public agency or other non-profit has decided to acquire the property, the land is typically sold by The Trust for Public Land at its purchase price, which cannot exceed the fair market value as established by an appraisal.

As described in the attached Land Appraisal Policy, The Trust for Public Land will work to ensure that this appraisal report is prepared in accordance with the highest professional standards and the specific agency's or non-profit's requirement. The Trust for Public Land will provide the agency or non-profit with whatever additional assistance we can for its review of this report. Please let us know if your agency has its own appraisal rules or procedures that need to be followed. Otherwise, The Trust for Public Land will use its own national guidelines in engaging an MAI or other qualified appraiser acceptable to your agency.

Once the due diligence has been completed, the acquisition funding has been secured, and an agency or non-profit has agreed to purchase the property, The Trust for Public Land normally exercises its option, buys the property from the landowner and sells it to the public agency or non-profit. While every transaction brings its own opportunities, challenges, and quirks, a project can, in some instances, take up to two years or more to complete from the date of the initial introduction to the landowner to the conveyance of the property to the public agency or other conservation entity.

What does The Trust for Public Land Charge for its Services?

The Trust for Public Land assumes the risks and liabilities of land ownership, as well as the costs associated with buying, owning and selling land. The Trust for Public Land believes that public agencies and non-profits have enough burdens in just paying for the land. The Trust for Public Land's business philosophy is to charge the government or non-profit only for the land, and to obtain our operational support from charitable donations from individuals, landowners with whom we work, foundations, and other philanthropic sources. This arrangement allows The Trust for Public Land to meet its financial needs while assuring public agencies that they are paying no more than a property is worth. In keeping with this philosophy, we will be requesting a

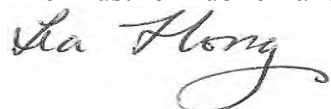
donation from the landowner, interested community members and individuals, surrounding landowners, and foundations, on the projects described above. [Please see the attachment for further information on The Trust for Public Land's Public Benefits Policy.]

A public agency or non-profit is under no financial obligation to The Trust for Public Land until a specific purchase agreement has been entered into with The Trust for Public Land. At that point, the agency or non-profit is buying the land from The Trust for Public Land using dollars that have been identified by the agency or non-profit and which The Trust for Public Land may have assisted in securing.

Conclusion

I hope this letter helps to clarify how the Trust for Public Land works to conserve land for public use and enjoyment. Please do not hesitate to contact me if you have any questions. We look forward to working with you on these important projects.

Sincerely,
The Trust for Public Land



Lea Hong
Hawaiian Islands State Director

Attachments: TPL Appraisal Policy

TPL Public Benefits Policy

TPL Hawai'i Fact Sheet

The Trust for Public Land Appraisal Policy

The appraisal is a key element in any Trust for Public Land (TPL, www.tpl.org) assisted conservation transaction. An appraisal sets the property value for public agencies and non-profits, many of which are legally required to offer fair market value for property, and an appraisal assures that TPL will not be overpaying for a property, and thus conferring a private benefit on a landowner.

It is in TPL's, the acquiring agency's or non-profit's and the public's best interests that appraisals be performed by qualified appraisers, in conformance with appropriate standards and methodologies, and based upon the best data suggesting value, with rigorous review of the final results.

TPL's policy is to support a public agency appraisal process that is independent, fair and has integrity. TPL believes it is important to assure the public, and the public agencies to which we transfer lands, that they are acquiring land from TPL for a fair price.

To implement this policy, TPL will:

- rigorously follow each agency's or non-profit's appraisal rules and procedures;
- hire only the most accomplished appraisers;
- instruct appraisers to conform to the standards identified in the *Uniform Standards of Professional Appraisal Practice*, and where applicable, the *Uniform Appraisal Standards for Federal Land Acquisitions*;
- provide to the agency or non-profit, upon its request, any written information in our possession that is relevant to the value of the subject property, unless TPL is prohibited from releasing this information by a confidentiality agreement; and
- conform to the highest ethical standards.

Trust for Public Land Public Benefits Policy

The Trust for Public Land (TPL, www.tpl.org) is a national nonprofit organization that conserves land for people to enjoy as parks, community gardens, historic sites, rural lands, and other natural places. Protecting the places people care about—from inner city to wilderness—is at the heart of TPL’s work.

TPL’s work depends on the generous support of donors and volunteers who share our mission of conserving land for people. *The Wall Street Journal’s SmartMoney* magazine, *Money*, *Forbes*, and *The Chronicle of Philanthropy* have all rated TPL among the most efficient charities in the United States for keeping fund-raising and operating costs low while meeting mission goals.

TPL is a recognized 501 (c)(3) public charity and as such, donations to TPL are tax deductible. TPL is not a membership organization and receives no dues. Instead, TPL receives donations and support from corporations, foundations and individuals – including landowners. We ask landowners to contribute to TPL in virtually every transaction, and because they well understand our mission, skills and dedication, we usually are successful in receiving their support.

All donations to TPL are plowed back into our work to conserve land for people. Our donors voluntarily support TPL because of their interest in the land we protect, and because of our “Land and People” mission.

This support allows TPL to risk its own funds to protect threatened lands for the public, to pay for the considerable project costs that we incur, and to generally support the organization and our mission.

The public, and public agencies in particular, benefit from TPL’s Public Benefits Policy in several ways.

Save cherished lands. Because we are independently funded, we can take financial risks to protect extraordinary, and often threatened, properties - risks that public agencies are appropriately reluctant to take. As an experienced organization with a thirty-year track record of success, TPL has protected over 2 million acres of land valued at \$ 4 billion.

Allow limited public funds to go further. Our goal is to create savings for the public by conveying land to public agencies for less than fair market value, the price that many agencies are required to offer. Since 1972, TPL has saved the public \$ 569 million in these land acquisition costs alone.

TPL typically saves agencies project costs. We save agencies hundreds of thousands of dollars each year in appraisal, survey, staff, option consideration and other project costs by absorbing them ourselves. Thanks to our donors, we are able to pay for costs that otherwise would be borne by the government agency, and ultimately, by the taxpayer.

The Trust for Public Land Hawai'i

1003 Bishop St. Suite 740 Honolulu, HI 96813 | Phone: (808) 524-8560 | Visit: tpl.org/hawaii

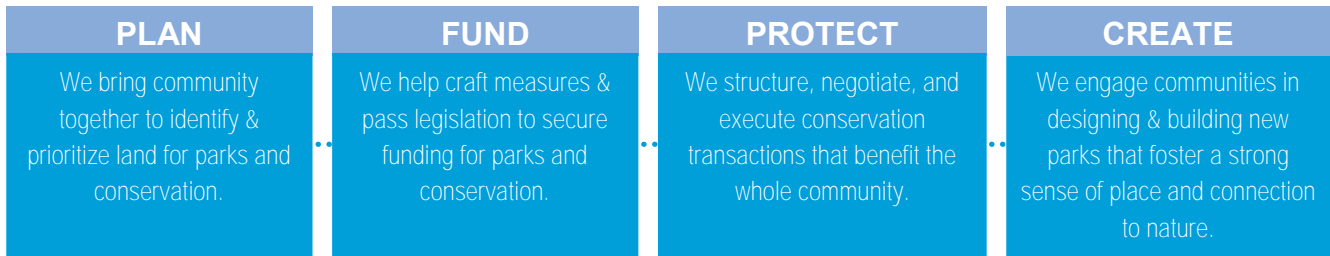


What we do & why

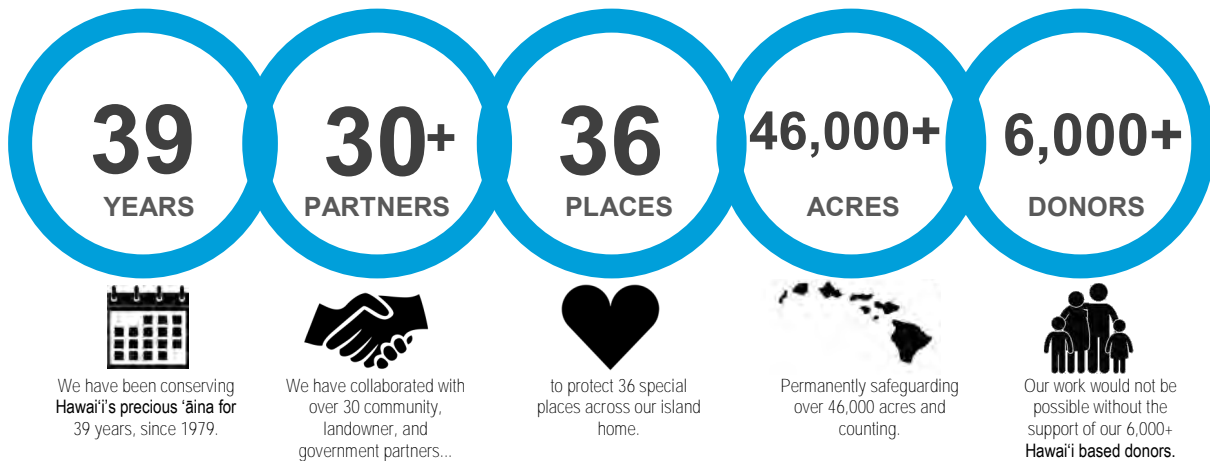
The Trust for Public Land creates parks and protects land for people, ensuring healthy livable communities for generations to come. We believe that equity and fairness matter, and that a relationship between people and nature is critical for healthy people and a healthy landscape.

In Hawai'i, health is the foundation of our work. We focus on meaningfully connecting people to the land and each other, and support the empowerment of underserved and Native Hawaiian communities. Our vision is that the people of Hawai'i are thriving and healthy, and meaningfully connected to the land, each other, and a living Hawaiian culture. The Trust for Public Land accomplishes this vision through our strategies of [Connected Communities](#), [Sustainable Hawai'i](#), and [Aloha 'Āina](#).

How we do it



Our work by the numbers



Our Hawai'i Team

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BJP Consulting

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Hawaiian Electric

Gregg Takara
Morgan Stanley

Tom Reeve
Conservationist

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Stanford Carr Development

Blake Oshiro
Capitol Consultants of Hawai'i

Mahina Paishon-Duarte
Kanu O Ka 'Āina PCS

Steve Kelly
James Campbell Co., LLC

Edmund C. Olson
Farmer, Landowner

Carol Wilcox
Author

Kirstin Punu
NAVFAC Pacific

Race Randle
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STAFF

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Leslie Uptain
Director of Philanthropy

Reyna Ramolete Hayashi
Aloha 'Āina Project Manager

Stephen Rafferty
Sustainable Hawai'i Project Manager

Raeanne Cobb-Adams
Philanthropy Associate

The Trust for
Public Land –
Aloha ‘Āina
Experience and
Expertise



The Trust for Public Land's Expertise And Experience With Similar Acquisitions Protecting Places that Sustain a Thriving Hawaiian Culture

Formed in 1972, the Trust for Public Land is a non-profit 501(c)(3) voluntary land conservation organization with approximately 300 employees in over 35 offices nationwide. The Trust for Public Land has conserved over 3 million acres of land worth a fair market value of over \$7 billion. In Hawai'i, the Trust for Public Land completed its first project in 1979 -- a 268.5 acre expansion of the Volcanoes National Park at Kalapana on Hawai'i Island. The Trust for Public Land opened a Hawai'i office in 1998, and has completed 36 projects and protected over 46,000 acres statewide. Our Hawai'i staff have cultivated successful cooperative partnerships with landowners, community and Hawaiian organizations, and federal, state, and county officials and staff throughout the islands.

In Hawai'i, health is the foundation of our work. We believe that a relationship between people and nature is critical for healthy people and a healthy landscape. We focus on meaningfully connecting people to the land and each other, and prioritize the empowerment of underserved and Native Hawaiian communities. The protection of lands that perpetuate Hawaiian culture and lead to Hawaiian land stewardship is one of The Trust for Public Land's three priorities in Hawai'i, formalized as our Aloha 'Aina Program. The Trust for Public Land's is so dedicated to this priority that one project manager works solely on Aloha 'Aina projects. Aloha 'Aina projects often benefit and intersect with The Trust for Public Land's other two strategic priorities – Sustainable Hawai'i (Food, Forests, & Water), and Connected Communities (Trails & Parks).

Trust for Public Land's short mission is *land for people*. In Hawai'i, the land for people concept is internalized in the Hawaiian cultural belief that land and people are one; that the land needs people and people need the land. 'Aina (that which nourishes and feeds) is the Hawaiian word for land and sums up the reciprocal relationship of people and land in a Hawaiian context. Understanding this relationship, The Trust for Public Land's Aloha 'Aina Program is dedicated to connecting, and reconnecting, Native Hawaiians and all in Hawai'i to the 'aina.

The Aloha 'Aina Program partners with and empowers Native Hawaiians and nonprofits rooted in the Hawaiian value system and traditional Hawaiian cultural practices to fulfill a kuleana (responsibility) of aloha 'aina and malama 'aina. The Trust for Public Land's Aloha 'Aina Program also assists agencies that benefit Native Hawaiians to protect important cultural resources and landscapes, such as helping the Office of Hawaiian Affairs protect 1,875 acres at Waimea Valley. The Aloha 'Aina Program has assisted public agencies and Native Hawaiian communities and organizations throughout Hawai'i to protect special places that perpetuate Hawaiian culture, from assisting the Office of Hawaiian Affairs to protect Wao Kele O Puna on Hawai'i Island, to helping the nonprofit MA'O Farms in Wai'anae acquire a total of 18 acres in two separate projects in 2009 and 2010, to aiding Maui County and a number of Maui nonprofits to protect and

steward 59 acres of spring-fed wetlands fronting Ka'ehu Bay on Maui, to assisting Maunaloa communities to protect and return to Hawea heiau complex, Ka Iwi Coast Mauka Lands, and Kanewai Spring from 2014-2017. Currently, we are assisting a number of Hawaiian nonprofits and government agencies to protect and acquire important cultural lands throughout Hawai'i. In addition to negotiating and project managing the conservation purchase, the Aloha 'Aina Program also helps to build capacity where needed, facilitate community land management planning, strengthen community and government stewardship partnerships, and often assist nonprofits through the transition period from community advocate to owner and/or steward.

Land Acquisition Priorities (Section 173A-2.6, Hawai'i Revised Statutes"

"Commission shall give the following lands priority in its recommendations . . ."

- (1) Lands having **exceptional value** due to the presence of:
 - (A) Unique **aesthetic** resources;
 - (B) Unique and valuable **cultural or archaeological** resources; or
 - (C) Habitats for threatened or endangered **species** of flora, fauna, or aquatic resources;
- (2) Lands that are in **imminent danger** of **development**;
- (3) Lands that are in **imminent danger** of being modified, changed, or used in a manner to **diminish its value**;
- (4) Lands providing **critical habitats** for threatened or endangered species that are in **imminent danger** of being harmed or negatively impacted;
- (5) Lands containing **cultural or archaeological** sites or resources that are in **danger** of theft or destruction; and
- (6) Lands that are **unique and productive agricultural lands**.

RANKING FORM FOR APPLICATIONS

Applicant – Application Title

 (1) exemplary (2) above average (3) average (4) below average (5) lowest

APPLICATION STATISTICS 2007-2019, LAND ACQUISITION

97 APPLICATIONS RANKED BY LEGACY LAND CONSERVATION COMMISSION
 66 APPROVED BY BLNR
 63 **APPROVED BY GOVERNOR** (for 59 properties)
 32 **COMPLETED** (for 31 properties)
 15 **PENDING COMPLETION**
 16 ~~DISCONTINUED~~ (for 14 properties)

Land Acquisition Criteria (Section 13-140-39, Hawai'i Administrative Rules, "may consider")

- (1) Completeness of the acquisition application;
- (2) Acquisition of interests or rights in **land having value as a resource to the State** for the preservation of the following:
 - (A) Watershed protection;
 - (B) Coastal areas, beaches, and ocean access;
 - (C) Habitat protection;
 - (D) Cultural and historical sites;
 - (E) Recreational and public hunting areas;
 - (F) Parks;
 - (G) Natural areas;
 - (H) Agricultural production; and
 - (I) Open spaces and scenic resources;
- (3) Linkage of protected acreage of similar resources;
- (4) Opportunities for appropriate public access and enjoyment;
- (5) Presence of environmental hazards;
- (6) Feasibility of a project within the two-year acquisition timeframe;
- (7) Cost of acquisition;
- (8) Proportion of matching funds being leveraged;
- (9) Urgency of need to acquire;
- (10) Status and adequacy of management planning;
- (11) Community support for acquisition;
- (12) Completeness of acquisition funding;
- (13) Connection to regional planning and protection efforts; and
- (14) Capacity for long-term management.

STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

ATTN: SUZZANNE D. CASE

P.O BOX 621

HONOLULU, HAWAII 96809

04/23/2020

Dear BLNR,

I am submitting this testimony and requesting a contested case hearing. The federal grants that are being requested by Ala Kahakai should be halted and stopped for future funding. I do understand that the federal government grants these funding upon the needs of the community not only the preservation of cultural and significant areas. Regarding taking care of coastline areas of the Ka'u district I feel that the community of the Ka'u district should be making this decision. Ala Kahakai hasn't proven most of their people to have direct lineal ties. For myself, I have direct lineal ties to Ka'u, I am native from the district but now reside in Utah, I have iwi kupunas in the coastline caves and would not want any kind of altering of rocks and anyone entering and disturbing the burial caves. Granting this proposal isn't needed to help the community of Ka'u. What is needed in Ka'u is 501c organizations to help the people. The purpose of Ala Kahakai should be to preserve federal lands to protect significant natural, cultural, or scientific features. In this case this deals with the County of Hawai'i and doesn't directly help the employment, health concerns, and economy of Ka'u.

According to The Antiquities Act of 1906, the act was passed by the United States Congress and signed into law by Theodore Roosevelt on June 8, 1906. This law gives the President of the United States the authority to, by presidential proclamation, create national monuments from public lands to protect significant natural, cultural or scientific features. Requirements to prepare an Environmental Assessment, pursuant to Chapter 343, Hawai'i Revised Statutes, and Chapter 11-200.1, Hawai'i Administrative Rules is being requested for land request purchases in the following area and organization:

Ala Kahakai Trail Association, \$2,400,000, for the acquisition of approximately 1,363 acres at Ka'u, Hawai'i (Kaunāmano), Tax Map Key Numbers: (3) 9-5-011:001, :004, :005, and :006, and (3) 9-5-012:001.

Ala Kahakai Trail Association, \$875,000, for the acquisition of approximately 348 acres at Ka'u, Hawai'i (Manaka'a Fishing Village), Tax Map Key Number: (3) 9-5-010:026.

Please clarify if these lands are part of "The Antiquities Act of 1906", if so wouldn't the community be able to take over the perseveration instead of a outside organization.

Sincerely,

Vivian-Malia Fa'agata

From: Sophia Hanoa
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in opposition of grant awards to Ala Kahakai Trail Association.
Date: Thursday, April 23, 2020 12:34:18 AM

4/23/2020

To: The Board of Land and Natural Resources

We are submitting this testimony in opposition to the proposed awards to the Ala Kahakai Trail Association. The Ala Kahakai Trail Association (AKT), recently acquired over 2000 acres of land in Ka'u at Waikapuna, despite the objection of our elders and members of our communities. AKT Association has entered into agreements with the County, without input from the members of our communities. None of the board members are from Ka'u nor do they have any knowledge or concept of the traditional daily practices in Ka'u. Keoni Fox, who lives on O'ahu, is the person they put in charge and he has never lived in Ka'u.

Members of the community now have to fill out a registration form to go to Waikapuna, it has to be approved by Mr. Fox. This is how the people of Ka'u are now being treated since AKT Association acquired the 2000 acres. Keoni Fox has also acquired stewardship of land at Leipana, which is located in Ka'u, under false pretenses of being a Ka'u native. The people have always had access rights to gather here in Ka'u. They are now being restricted by a gatekeeper from O'ahu. The communities in Ka'u had no knowledge of these proposals until a few days ago. The AKT Association has failed to inform the communities of Ka'u about their intentions of acquiring these new lands. The people of Ka'u should decide the future of Ka'u. Having this on the agenda during a global pandemic while our communities are quarantined is a disservice to the people.

Born and raised in Ka'u, my husband Pernell and I were fortunate to have been raised with cultural values and traditions that have been handed down for many generations. We are concerned about the future welfare of our Mama Ka'u, our children, and our future generations who have lineal ties to Ka'u. The main cultural value that was taught to us was respect. Respect for our ancestors that came before us, respect for the land that sustains us, respect for ourselves, others, and everything living. The cycle continues into the next generation. There are cultural protocols for everything here in Ka'u. There are specific spiritual rituals, prayers, chants, and stories that belong to the entire district of Ka'u. These are things that cannot be taught by reading books. These practices are what keeps Ka'u sacred and pristine. There are consequences when customary practices are disrespected. It is the people of Ka'u that will have to suffer the consequences. These are the many reasons why we are in opposition to the Ala Kahakai Trail Association receiving grant awards to purchase any more land in Ka'u.

Mahalo,
Sophia & Pernell Hanoa
P.O. BOX 488
Pahala, Hi 96777
808-928-6235
Poele8@aol.com

Grant awards from available funds in the Land Conservation Fund, as requested in applications to the Fiscal Year 2020 Legacy Land Conservation Program and as recommended by the Legacy Land Conservation Commission, for the acquisition of interests and rights in specific parcels of land having value as a resource to the State, for:

Ala Kahakai Trail Association, \$2,400,000, for the acquisition of approximately 1,363 acres at Ka'u, Hawai'i (Kaunamano), Tax Map Key Numbers: (3) 9-5-011:001, :004, :005, and :006, and (3) 9-5-012:001. B
Ala Kahakai Trail Association, \$875,000, for the acquisition of approximately 348 acres at Ka'u, Hawai'i (Manaka'a Fishing Village), Tax Map Key Number: (3) 9-5-010:026.

Sophia Hanoa
hanoa.sophia@aol.com

Written Testimony Against the Ala Kahakai Trail Association's Acquisition of Kau Lands

Aloha,

My name is Wayne Keanu, I was born and raised in Kau. I am the fourth generation that was born in Kau. I joined the military right after high school and retired and just recently came back home to live near my family and the place that gives me peace. I was here when the plantation made Naalehu a busy and thriving place. I was also here when it shut down, leaving families to struggle. Our family was one of them. We learned to survive like most of the families in Kau. Relying on each other for vegetables, meat from the cattle that was raised on the lands, hunting wild boars and goats and fishing. We came together, keeping Kau a place of beauty and strength. While in the service I had the opportunity to meet the late Senator Daniel Inouye. He was providing a presentation of the decommissioning of the USS Kamehameha, a submarine that was named after King Kamehameha I. He spoke to me and asked where I was from. I proudly stated that I was from a small town in Kau. He told me that Kau was a beautiful place where hardworking families came together and shared their vegetables, fish and meat. They not only shared their food; they shared their knowledge of growing vegetables and hunting and fishing. He spoke about how Kau was a sharing, loving, nurturing place and he was proud that I chose to serve my country and someday bring back my knowledge to share with the children of Kau.

I am writing this testimony to state that I am against the Ala Kahakai Trail Association's request for funds to acquire the lands in Kau. The reason for this is that I feel the Ala Kahakai Trail Association's intentions are not publicly known by the generations of families who have hunted, raised cattle and fished openly on the lands that they want to acquire. Families here live a simple life, many live off the grid and rely heavily on hunting and fishing. Many Kapunas don't have access to computers or electronic devices that provides information about Kau. They rely heavily on word of mouth and families talking to each other. I feel that this Association wants to have control the lands of Kau, the access and roadways.

I was speaking to a friend that raises cattle in Kau and he told me he was threaten by one of the members of the Ala Kahakai Trail Association. He was basically told if he did not comply with their expectations that he would need to remove his cattle from the land. This is one of the lands, they are trying to acquire. Other cattlemen have had similar problems. The cattle were one of the main reasons Kau survived after the plantation shut down along with coffee and macadamia nut farmers.

This is not right, however, this Association has the knowledge of what is available, they have history of Kau, just enough to be dangerous for the families who have struggled to make a life here. Who is the Ala Kahakai Trail Association? Where are they from? How are they helping the generations of families who have lived, hunted, fished and survived here? Shame on you! Ala Kahakai Trail Association members who claim you are wanting to help preserve Kau's way of life and you are not even from Kau! Is this about money, greed or control? What are you doing for Kau? Except, taking the rights to fish or camp at Manaka'a Fishing village or to control the access to hunt and fish the lands of Kaunamano.

Please don't allow this to happen to the families of Kau. Again, I am against the acquisition of funds for Ala Kahakai Trail Association to purchase more of our beautiful Kau land.

I believe these proceedings should be delayed since we are not able to stand in person and give our testimony on this subject that will affect many people of Kau. Please consider this before granting more funds to Ala Kahakai Trail Association.

Very Respectfully,

Wayne B. Keanu
P.O. Box 721279
Naalehu, HI 96772

From: Bruce Raye
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] grant award to Ala Kahakai Trail Association
Date: Thursday, April 23, 2020 12:23:15 AM

To the Board of Land and Natural Resources:

I am opposed to the award of \$2,400,000 to Ala Kahakai Trail Association for acquisition of 1,363 acres in Kaunamano in Ka`u. The association has already been awarded a large amount of land in Ka`u to manage. We should wait and see if they manage this land in a way that benefits the Ka`u community and environment before enabling them to acquire more land.

Sincerely,

Bruce Raye President, Ka`u Agroforestry Association

From: [Penn, David](#)
To: [Ferreira, Darlene S](#)
Subject: Fw: [EXTERNAL] Opposition to fund kahalai trail assoc
Date: Thursday, April 23, 2020 9:00:41 AM

Darlene,

Testimony received at Legacy Land Conservation Program, enclosed below.

Thanks,
David

From: olivia ling <okoapottery@yahoo.com>
Sent: Thursday, April 23, 2020 4:53 AM
To: DLNR.FW.LegacyLand <legacyland@hawaii.gov>
Subject: [EXTERNAL] Opposition to fund kahalai trail assoc

No fund kahakai trail assoc. Got plenty local Ohana that can. Steward. Just need protection from exploitation and access, too much cattle fences deny put gathering rights. I am kupuna, 23 year resident of Kali Pali. KAFA founder, ethnobotanist, fisher woman.
[Sent from Yahoo Mail on Android](#)



Dennis Hart, President
 Alan Brown, VP
 Kaleo Paik, Secretary
 Ray Broggini, Treasurer
 Keoni Fox
 Linda Gallano

Ala Kahakai Trail Association P.O Box 2338 Kamuela, HI 96743

April 23, 2020

Sent via email

State of Hawaii

Board of Land and Natural Resources

blnr.testimony@hawaii.gov

**Re: Testimony in Support of Agenda Item C(3)(A)
 Legacy Land Grant Award to Ala Kahakai Trail Association, \$2,400,000 for the
 acquisition of approximately 1,363 acres at Ka'ū, Hawai'i known as Kaunāmano,
 TMKs (3) 9-5-011:001, 004, 005, 006, and (3) 9-5-012:001**

Aloha Chair Case and Members of the Board,

The Ala Kahakai Trail Association (ATA) strongly supports the staff recommendation to approve the Legacy Land Conservation Commission recommendations for grant awards in agenda item C(3). A registered non-profit established in 2008, ATA's mission is to support and guide a community-managed trail that honors those who came before and perpetuates for those to follow – with protocols and respect for Hawai'i's past, present and future. Congress added the Ala Kahakai National Historic Trail to the National Trails System in 2000 for the preservation, protection and interpretation of traditional Native Hawaiian culture and natural resources. Today, the Ala Kahakai National Historic Trail is a 175-mile corridor and trail network of cultural and historical significance. It traverses through hundreds of ancient Hawaiian settlement sites and over 200 ahupua'a extending from 'Upolu Point on the north tip of Hawai'i Island down the west coast of the island around Ka Lae (South Point) to the east boundary of Hawai'i Volcanoes National Park. Our board is comprised of mostly descendants with ancestral ties to geographic sections of the trail and our goal is to connect our communities with the trail through preservation and community-based management. I serve as a volunteer board member representing the Ka'ū District.

My mother, Luana Keanu was born and raised in Na'alehu. She was raised by her maternal grand-parents, Alfred Kalama Kahakua and Julia Kiaha. They lived at Kaunāmano, on the makai side of the highway next to the State Highways Division Baseyard. As a young boy, I was raised on O'ahu but summers were spent in Na'alehu, staying at our family's home in Kaunāmano. It

is here where I learned Hawaiian cultural values and from this knowledge grew a deep respect and appreciation for the lands of our ancestors. My mother's paternal family, Keanu, descended from the lands around Na'alehu, specifically Kahilipali, Kāwala and Kaunāmano. After the Māhele, the Keanu family was awarded large land grants and kuleana in Kāwala and Kaunāmano. Over the years, these lands were leased and sold to the plantation. When Ka'ū Agribusiness, successor to C. Brewer, closed in 1996, many of these coastal lands below the highway were sold to real estate developers and land speculators. Soon after, applications were submitted to the County Planning Department for large luxury style subdivisions.

Together with my mom and my aunty, Charmaine Keanu, we contacted these new landowners to seek protection of as many of our family's burials and cultural sites as possible during the development's early planning stages. These early preservation efforts did not result in much success. However, once we secured the assistance of the Native Hawaiian Legal Corporation in 2005, we were in a much better position to navigate the planning and permitting process. Recent court rulings such as *Leslie vs Court of Appeals* led to additional scrutiny by the Planning Department for properties in the Special Management Area. At our request, the State Historic Preservation Department insisted upon full archaeological inventory surveys of these lands and upon completion, the sheer magnitude of recorded cultural resources and iwi kupuna further justified the need for mitigation.

As recognized descendants, we were able to ask for protections such as buffers around burial sites, but we knew there was not anything we could do to protect the coastline and the integrity of the entire cultural landscape. It was not until several years later that we learned about programs such as State Legacy Land Conservation Program (LLCP) and the County Public Access, Open Space, and Natural Resources Preservation Fund (PONC). Today, twenty years later, we are in a unique position where the landowner is willing to shelve plans to develop and to sell the property for preservation. Over the years, I have learned that this call from my ancestors is much larger than just protecting our family's burial sites. This is about honoring the legacy of our kūpuna and preserving the resources of these lands for the next generation. Protection of the Ka'ū coastline has been a long-standing goal of the community and Kaunāmano is an integral part of that collaborative landscape.

Because of the amazing work that has been done by the Trust for Public Land (TPL), we reached out for their assistance. In 2011, we started drafting a PONC application to purchase Kaunāmano, only to find out that it was already being nominated by Ka 'Ohana o Honu'apo, a local non-profit involved with the protection and stewardship of Honu'apo. Although the project ranked high and received County Council approval, it was not a priority for the Mayor at that time and we were resigned to consider alternatives which included a purchase by the National Park System. Many individuals who we spoke with in Ka'ū did not support Federal ownership so we continued to look for other solutions.

Due to my involvement with protecting cultural and natural resources throughout Ka'ū, I was invited to join the board of ATA in 2016. A three-mile segment of the Ala Kahakai traverses through Kaunāmano and the board supported these preservation efforts. It was for this reason

that my family asked ATA if they would be willing to help us by applying for State and County funding to purchase the lands and to accept all of the responsibilities and liabilities of fee simple ownership for the benefit of the Ka'ū community. The idea of community-based management appealed to my family and we were very grateful that the association answered our call.

ATA has a good relationship with Ka'ū ranchers. In late December 2019, ATA was blessed and grateful to become the owner and steward of 2,317 acres of land at Waikapuna, funded by the both the State LLCP and County PONC programs. Our applications confirmed ATA's intention to continue the existing pasture leases on the property. Both of Waikapuna's ranching tenants wrote letters in support of that effort. ATA also holds a privately funded agricultural and cultural preservation conservation easement over 773 acres of land at Kāwala, which connects both Waikapuna and Kaunāmano. Private funds secured for the conservation easement helped Kuahiwi Ranch to pay down its debt on the property and enabled reinvestment in its ranching operations.

Kaunāmano, which is the #1 project recommended by the Legacy Commission, is also leased to Kuahiwi Ranch. In our application, ATA has committed to continuing the pasture lease and Kuahiwi Ranch supports ATA's acquisition (see letter attached to TPL testimony filed before the Legacy Commission and separate testimony submitted by Kuahiwi Ranch to BLNR). We fully intend to continue Kuahiwi Ranch's lease of these lands and build upon our common goals. We value our relationship with all Ka'ū stewards and stakeholders as collaborative community partnerships are vital to achieving landscape level protection.

ATA has also applied for FY22 LLCP funding for another property known as Kiolaka'a. Two ranchers – Wally Andrade and Roy Loando – currently lease the property. ATA has committed to continuing the ranching leases in its LLCP application and has contacted both ranchers to let them know that ATA intends to continue the ranching leases, just as it has with Kuahiwi Ranch. ATA firmly believes that ranching and cultural preservation can co-exist and nurture each other.

ATA has also respected all requests for coastal access to Waikapuna and has not turned anyone away. We are unable to track pedestrian access via the coastal trails at this time. However, since acquiring the property four months ago, we have received nine requests for vehicular access. All requests were accommodated.

I have reviewed testimony submitted by both Wayne Keanu and Dean Kaniho opposing ATA's acquisition of Kaunāmano. I am directly related to Mr. Keanu and indirectly related to Mr. Kaniho through marriage. Sadly, there is personal history between us that has nothing to do with ATA or Kaunāmano that may have motivated the testimony. I have been active in my personal capacity (not representing ATA) in protecting burials before the Burial Council and other historic sites at the County Planning level and at the State Historic Preservation Division. I am saddened and disappointed that this personal disagreement has risen to this level. However, the facts are that ATA has continued the pasture leases at Waikapuna and intends to

continue leases for Kaunāmano and Kiolaka‘a. We have been accommodating requests for coastal access at Waikapuna and intend to do the same for Kaunāmano.

As a descendant of Kaunāmano, my family has a deep ancestral connection to these lands and we have worked tirelessly to advocate for the protection of these resources for the past twenty years. With the support of TPL and ATA, we are proceeding with these conservation purchases as a last resort to save this land from subdivision and development which would disturb iwi kūpuna, compromise hundreds of cultural sites, and result in private gated communities where public access is restricted.

Mahalo for this opportunity to testify.

Keoni Fox
Board Member, Ala Kahakai Trail Association
(808) 351-6279 mobile
fox@alakahakaitrail.org

The Mary Kawena Pūku‘i Cultural Preservation Society
A Unique and Invaluable Educational Resource

April 23, 2-020

Chairperson and Members
Department of Land and Natural Resources
State of Hawai‘i

Subject: Support Item C3A, Kaunamano

Our organization fully supports the efforts of the Kahakai Trail Association, Trust for Public Lands and other organizations towards the acquisition of Kaunamano, focusing on land conservation and cultural preservation.

My grandmother, Mary Kawena Puku‘i, was born in her grandmother’s home, named Hale Ola (House of Life) on April 20, 1895 in Haniumalu, above Na‘alehu. She was delivered by her grandmother, Nali‘ipo‘aimoku, a noted kahuna pale keiki (midwife) who requested, and was granted, permission of the newborn’s parents for her to raise the infant in the old, traditional manner. The child and her grandmother were inseparable until her grandmother’s passing.

Every summer, Nali‘ipo‘aimoku would pack her mule with bags of sweet potatoes, then she and little Kawena, who would ride and walk, went to Kaunamano and Waikapuna to gather salt, and to catch and dry fish to take back to the upland. The potatoes were shared with family who lived in the lowlands, and whatever they took back to the upland, was shared with family. It was the old way of survival by sharing. Kawena was always grateful for experiencing the old ways before they disappeared with the changing times and influences. Sometimes they would stay in Puhi‘ula cave for a few days, while gathering salt, then .camped in temporary shelters while fishing. There are many stories and sites recorded by Kawena and preserving its history is near to our hearts.

With aloha,
L. La‘akea Sukanuma, President

From: Matt Clark
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support item C3A Kaunamano
Date: Thursday, April 23, 2020 8:58:34 AM
Attachments: [ASMPainLogo6381897221752613168_fa4307ed-202d-4efa-bfa9-2f0b0f461be4.png](#)

To whom it may concern,

I strongly support providing grant awards from the Land Conservation Fund for the acquisition of approximately 1,363 acres at Ka'u, Hawai'i (Kaunamano), Tax Map Key Numbers: (3) 9-5-011:001, :004, :005, and :006, and (3) 9-5-012:001. The potential acquisition of these lands for conservation purposes is a rare and amazing opportunity that will benefit the Ka'u community and the residents of Hawai'i Island alike. I personally have had a chance to walk these lands as a Hawai'i Island resident, a member of the University of Hawai'i at Hilo Master's in Heritage Management Program, and as the director of a Hilo based cultural resources management firm, and I have experienced the beautiful coastline and rich cultural landscape first hand. The Kaunamano lands contain innumerable, significant archaeological and cultural sites that must be protected from development now, and into the future. The acquisition of the Kaunamano parcels will help conserve these coastal lands, the nearshore waters, the pristine viewsheds, and the feeling and setting of this area, and will also help ensure long-term community coastal access. Please make the funds available for this purchase.

Mahalo,
Matthew R. Clark



Matt Clark
Senior Archaeologist
ASM Affiliates • Hilo, HI
(808) 969-6066
mclark@asmaffiliates.com
www.asmaffiliates.com



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Hawaii State Aha Moku Response
To the Board of Land and Natural Resources (Land Board)

For the meeting of the Land Board

January 22, 2021
Honolulu, Hawaii

FISCAL YEAR 2021 LEGACY LAND CONSERVATION PROGRAM AND
AS RECOMMENDED BY THE LEGACY LAND CONSERVATION
COMMISSION, FOR THE ACQUISITION OF INTERESTS AND RIGHTS IN
SPECIFIC PARCELS OF LAND HAVING VALUE AS A RESOURCE TO THE STATE, FOR:

**B. ALA KAHAKAI TRAIL ASSOCIATION, \$1,475,000, FOR THE
ACQUISITION OF APPROXIMATELY 1,841.3 ACRES AT KA'Ū,
HAWAI'I (KIOLAKA'A), TAX MAP KEY NUMBERS (3) 9-4-001:008,
:009, :016, :017, AND :023**

**C. ALA KAHAKAI TRAIL ASSOCIATION, \$875,000, FOR THE
ACQUISITION OF APPROXIMATELY 348 ACRES AT KA'Ū,
HAWAI'I (MANĀKA'A FISHING VILLAGE), TAX MAP KEY
NUMBER (3) 9-5-010:026**

Aloha Chairperson Case and Honorable Members of the Land Board,

On behalf of the Aha Moku participants and members of Native Hawaiian generational families connected to the ahupua'a that are part of the Ka'u Moku on Moku O Keawe (Island of Hawai'i), we offer you the responses of generational native Hawaiian families of Ka'u that are directly impacted by this request of the Legacy Land Conservation Commission in relation to the application of the Ala Kahakai Trail Association (AKTA) The AKTA has asked for the acquisition of interests and rights in specific parcels of land having value as a resource to the state. However, these same specific parcels have special and primary value as a resource to the native Hawaiian generational families of the Kiolaka'a and Kaunamano (Manaka'a) ahupua'a.

Aha Moku Foundation

*E MĀLAMALAMA KA PONO O HAWAI'I
COMPOSED BY KAWAIKAPUOKALANI K. HEWETT JAN. 3, 2021*

*E MĀLAMALAMA KE AKUA
E MĀLAMALAMA KA 'ĀINA
E MĀLAMALAMA KEKAHI I KEKAHI*

E MĀLAMALAMA KA PONO O HAWAI'I

I KA 'ŌLELO KE OLA

I KA 'ŌLELO KA MAKE

HE 'ŌLELO MANAMANA MAI NA KŪPUNA MAI

HE KANAWAI KA 'ŌLELO MAI KE AKUA MAI

HE KANAWAI NA KĀKOU E PŪLAMA IHO AI

HAVE HONOR AND RESPECT FOR THE GOD

HAVE HONOR AND RESPECT FOR THE 'ĀINA

HAVE HONOR AND RESECT FOR ONE ANOTHER

HAVE HONOR AND RESPECT FOR THE ORDER OF HAWAI'I...

IN THE LANGUAGE THER IS LIFE

IN THE LANGUAGE THERE IS DEATH

A POWERFUL LANGUAGE FROM OUR ANCESTORS

THE LANGUAGE IS A COVENANT FROM AKUA

THESE ANCIENT PROCLOMATIONS/EDICTS WE MUST PERPETUATE

In these words of the last living founder of the Hawaii State Aha Moku, Kawaikapuokalani Hewett brings forth the *'uhane* (spirit) and *'ike* (knowledge) of the kupuna of all the islands. And, in this case, particularly of Ka'u. The native Hawaiian families of Ka'u religiously believe and live these cultural protocols which have been passed down for generations. Further, as time and history has shown, other ethnic groups were drawn into the indigenous culture and became a part of it. They too, honor and practice the traditional ways. Together, they make up the bulk of the tight-knit community of Ka'u.

Synopsis of Research

Because the applications of the Ala Kahakai Trail Association (AKTA) involves the acquisition of 2,189.3 acres of Ka'u coastal land, it was necessary to consult with generational families of the Kiolaka'a and Kaunamano (Manaka'a) ahupua'a, as well as the neighboring ahupua'a from Kalae to Keauhou (Kawela, Kolakaa, Waiohinu, Kamilo, Honuapo, Kaaiaki, Hilea, Ninole, Wailau, Punaluu, Makaha Kopu Moaula, Paauau, Hiokoloa, Kauhuula, Kaaiiaia, Kapapaia, Kaaha) to see if there were any concerns that should be brought up to the Land Board concerning the traditional and historical Ala Kahakai trail. And to get a better understanding of the basis for these concerns, the Hawaii County General Plan (HCGP) and Ka'u Community Development Plan (KCDP) were reexamined, particularly as many of the kupuna still living were intimately involved in developing the KCDP in the early 2000's. The final KCDP was developed in 2009 and adopted in October 2017. Again, concerns on the current acquisition request were brought forward as kupuna today were a large part of the community who developed that CDP for Ka'u. It was never the community's intent that such large portions of their coastline would be under the control of a small group who is not symbiotically connected to the lands, the water and the ocean of Ka'u as those who for generations lived, died and were put to rest here. These families never left Ka'u.

Kapa'akai O Ka Aina¹ Analysis

The Kapa'akai Analysis was used in determining whether traditional and customary practices would be impacted by the AKTA acquisition

Findings of Fact and Conclusions of Law of the Kapa'akai Case

- Identification and scope of “valued cultural, historical, or natural resources” in petition or impacted area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed actions;
- The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

The petition area in this case is the acquisition request by AKTA of 2,161 acres through Legacy Lands Funds of coastal lands that encompass the traditional Ala Kahakai Trail in Ka'u.

Traditional and generational families of Ka'u

While the historical content of the AKTA application listed the physical attributes of one fishing village in Manaka'a, there were many more along the coastline. There is no objection to the description of some of the historical assets of the coastline but there is no specific data listed of how these villages were used and who used them. The descendants of these places are the voices brought forward and they continue to practice their culture as passed down from their ancestors of these villages.

Another important factor to remember is that the Moku of Ka'u was never conquered at any time, by anyone including Kamehameha Paiea. The people are extremely proud of that fact, and fiercely defend their lands and cultural practices that have been handed down from the beginning and connect directly to the Kumulipo.

There are many historical and generational families who traditionally and culturally practice their unique native disciplines in the ahupua'a of Kiolaka'a and Kaunamano. These families intermarried and spread along the entire coast of Ka'u. They and their descendants continue to consistently gather along the coastline, and fish these waters for subsistence. Ka'u is the land that is the most southern part of the main Hawaiian Islands. Their culture, dialect, protocols and practices are distinctly unique to the natural and cultural resources of this place. The people are proud of this and determined to keep it so.

These are the traditional and generational families who were consulted and are a part of the Aha Moku of Ka'u. The Beck 'Ohana, The Vierra 'Ohana, the Kauwe 'Ohana, the Pua 'Ohana, The Ke 'Ohana, The Hanoa 'Ohana, The Kaniho 'Ohana, the Kapele 'Ohana, The Kama 'Ohana, Kaleohano 'Ohana, the Kuluwaimaka 'Ohana, the Kailimai 'Ohana, The Kanakalolo 'Ohana, the Kuaimoku 'Ohana, the Kaheananui 'Ohana, the Kaupu 'Ohana, Paaluhi 'Ohana, Kaua 'Ohana, , Napoleon 'Ohana, the Kanakaole-Olivera, the Dancelle 'Ohana, Grace 'Ohana, the Kekoa 'Ohana, the Kaolulo 'Ohana. There are others we were not able to connect to for this meeting, but they are related to many of the families listed – the Apiki 'Ohana Kahale, Kaina, Nahina, Kalua, Kahele, Kanaina and Palea 'Ohana.

¹ Ka Pa'akai O Ka'Aina v. Land Use Commission, State of Hawai'i, 2000, Supreme Court of Hawai'i

Areas of Deep Concern:

These families oppose these applications. They are distrustful for many reasons and asked to have them listed in this report. Their concerns are as follows:

- In studying the requirements of the Legacy Lands Commission nine resource preservation purposes established in HRS §173 A-5(g) listed as:
 - Watershed protection;
 - Coastal areas, beaches, and ocean access;
 - Habitat protection;
 - Cultural and historical sites;
 - Recreational and public hunting areas;
 - Parks;
 - Natural Areas;
 - Agricultural production; and
 - Open spaces and scenic resources.The people feel that AKTA were not successful in meeting these requirements.

- In order to meet the requirements, AKTA would have needed to meet with the community to identify each of these components. This was not done. While they were able to list archaeological sites taken from history books, they could not have identified the most important religious and cultural wahi pana, and important subsistence places especially along the coast including the nine fishing ko 'a fronting Kiolaka'a and Kaunamano. These subsistence fishing ko'a can only be accessed by the Ala Kahakai Trail.
 - 'Ohana have been denied this access by AKTA who already control the lands of Waikapuna, granted to them in 2017. Currently, access can only be had by permit controlled by Kuahiwi Ranch, owned by a non-Hawaiian rancher whose fences are blocking off access to wahi pana and significant cultural areas.

 - Not one of the Board Members of the AKTA is from Ka'u:
 - Dennis Hart, president is from South Kona
 - Alan Brown, vice-president is from Kohala
 - Kaleo Paik, secretary is from South Kona
 - Ray Broggini, treasurer is from Santa Rosa, California
 - Linda Galano, member is from Waianae, Oahu
 - Keoni Fox, member is from Waikane, Ko'olaupoko, O'ahu
 - Mr. Fox has ancestral ties, through his grandfather to Na'alehu and spent summers as a youth in Ka'u but is not considered a generational practitioner of Ka'u. He is considered a generational practitioner of Waikane, O'ahu.
 - La Crivello, member is from Kailua, Ko'olaupoko, O'ahu

Note: It is with no disrespect that these Board members of AKTA are mentioned as they are acknowledged to be sincere people who wish to do the right thing for the lands and coastline. They are acknowledged for the work they do on the portion of the Ala Kahakai that is within the Volcanos National Park boundaries:

However, the point is that they are not generational practitioners who were born and raised in Ka'u and therefore do not know the deep traditional practices and symbiotic relationships of the

people within these coastal lands. Without establishing a strong connection with the people of this place, they cannot begin to understand and are considered maha'oi.

- AKTA did not hold one single community meeting in Ka'u, nor did they consult with any of the true kamaaina families who do know the natural and cultural resources of the coastline. Instead, they used two informational booths – one at the Volcanoes National Park Cultural Festival, and one at a Kahuku Ranch Event within the past two years. They collected the signatures, which were turned in at the April 23, 2020 Land Board Meeting from these events. Most of the signatures were from people who were not from Ka'u but were visitors to a public event – one hosted by the Volcanoes National Park, and the other by the Ka'u Coffee Fest.
- The AKTA was originally formed and supported by the federal Volcanoes National Park (VNP) in 2006 to support the federal national trail system. It became a registered non-profit in 2008. According to traditional maps, the Parks coastal jurisdiction ends at the Kauhuula ahupua'a. Although the AKTA is now a private non-profit, it was created, funded and supported by the VNP to focus on the Ka'u coastline. If AKTA is granted this acquisition, the fear of the people is that the federal government will gain and control the 80 additional coastal miles of Ka'u. And, although legally the Parks boundaries cannot be extended without public hearings, control of the coastline will be gained through the AKTA as this was the original purpose that it was created.
 - The people of Ka'u are committed to the Hawaii State Constitution, and do not wish to come under the federal jurisdiction.

Further Concern

It must be noted that the people are also aware that there are developers waiting to purchase these coastal lands as well. The need to protect the traditional and customary practices in Ka'u overshadows the anger of not being consulted through open community meetings on these acquisitions.

Aha Moku Recommendations to the Land Board

The Ka'u communities, including generational families who have never left Ka'u, and after consultation with staff of the Division of Forestry and Wildlife (DOFAW), recommends the following:

1. **The State of Hawaii should purchase the lands in question!** The focus of DOFAW and the Legacy Lands is to use public funds to buy lands for the public so that unique and critical ecosystems and natural and cultural resources can be protected perpetually. Lands can then be leased to responsible entities, including non-profits, community groups and others who are connected to the specific lands and will have the kuleana (responsibility) to preserve, protect and sustain these lands for current and future generations.
2. If this is not possible, then the people propose the following:
 - A. The people **OPPOSE** the application of the AKTA unless the following groups are part of the creation of a Master Plan for the Ala Kahakai:
 - a. The Ka'u Advisory Council
 - b. The Ka'u Hawaiian Civic Club
 - c. The Ka'u Multi-Cultural Society
 - d. The Ka'u Kuleana

These prominent community organizations are all non-profit and are directly connected to traditional and customary practitioners as well as to most residents of Ka'u except for the Kupuna Council which is made up of kupuna and elders of the moku of Ka'u. They practice the Hawaiian protocol listed above by Aha Moku Founder and Lehua, Kawaikapuokalani Hewett, as do all indigenous native Hawaiians on all the main Hawaiian Islands.

There are Ka'u residents who wish to submit oral testimony on this acquisition, both in opposition and in support. We ask that they be allowed to speak at this Land Board meeting. Many of them submitted written testimony in the April 24, 2020 Land Board meeting and although it is known that the Board did see them, none of the opposition testimonies were accepted. It is hoped that this report and the testimonies of the native Hawaiians who are most impacted will be heard.

Mahalo nui loa for the opportunity to share the deep feelings and concerns of the native Hawaiian generational practitioners and people of Ka'u. It is deeply appreciated, and we look forward to any discussion on these issues.

Respectfully and humbly yours,

Darlyne Vierra, Aha Moku Representative of Ka'u
Phone: 808-640-8740
Email: dvierra22@gmail.com

Elizabeth Kuluwaimaka, Aha Moku Representative of Ka'u
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Rocky Kaluhiwa, Aha Moku Advisory Committee, Chair
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Leimana DaMate, Executive Director
Hawaii State Aha Moku
Phone: 808-640-1214
Email: Leimana.k.damate@hawaii.gov

From: Iria- Carmen
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support Item C1B and C1C Kiolaka'a and Manaka'a
Date: Tuesday, January 19, 2021 2:25:19 PM

Aloha,

I wanted to write in support of C1B and C1C. This area is truly pristine and one of a kind; it should be preserved for future generations. It is a sacred and memorable place for anyone that has ever visited, surfed, camped, fished, or just hiked through.

I remember the last time I went down for my friend's birthday a few months ago. We were able to enjoy a part of the coastline all to ourselves from the sandy coves to the tide pools to just watching the waves. It is truly a magical and untouched place that should be preserved for future generations. I can't express this highly enough.

Iria-Carmen
(808) 990-0372

From: Caitlin Kryss & Taz Rosam
P.O. Box 711687
Mountain View, HI. 96771

To: Hawaii BLNR
Kalanimoku Building
1151 Punchbowl St.
Honolulu, HI 96813

RE: Support Item C1B and C1C Kiolaka'a and Manāka'a

Dear Members of the Board of Land and Natural Resources,

I am writing in support of the protection of Ka'u's Kiolaka'a and Manāka'a lands. These lands provide critical habitat for numerous native plant and animal species, many of which are threatened or endangered. These lands also represent the cultural heritage of the people of Ka'u, and deserve to be protected for future generations. These lands are connected with a multitude of cultural stories, sustainable use practices, indigenous knowledge, archeological significance, scientific study, critically important habitats for native species. Losing these lands to development and destruction would be absolutely devastating. Our family is born and raised in Ka'u, and the health of these lands is a piece of our identity.

At a time when human impact on the natural world has resulted in mass extinction of many species, and the destruction of indigenous lands has disconnected people from their heritage, we are presented with this unique and powerful opportunity to conserve something so precious. These lands are so much more to so many people, and if they are preserved and protected, they will remain a resource for our children and their children. If these lands are lost to development, we can never reclaim them, and they will be relegated to the list of lost opportunities of gifting the next generations with something intact, healthy, natural and culturally important. I urge you to please choose to protect them.

I also want to extend my deep mahalo to the many dedicated people who are committed to protecting our special, unique, and precious island home.

He Ali'i Ka 'Āina; He Kauwā ke Kanaka
The land is chief; man is its servant

Mahalo nui,

Caitlin Kryss & Taz Rosam

From: Justin Lee
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support Item C1B and C1C Kiolaka'a and Manaka'a
Date: Monday, January 18, 2021 11:09:34 PM

Aloha,

My name is Justin Lee, and I'm emailing in support of item C1B and C1C Kiolaka'a and Manaka'a. As an avid fisherman, spearfisherman, ophi picking, ogo collecting, 'a'ama catching local Big Island boy this south coast holds a special place to my heart. With such a special place available to save for future generation to use for cultural activities and as a natural classroom I believe it's of the upmost importance to protect these areas. If you have questions please don't hesitate to email or call me.

Mahalo,

Justin Lee
(808) 315-2584; Cell
(808) 896-1664; Office
JustinL@Haloaaina.com
PO Box 1677 Honoka'a, HI 96727

From: Debi Javar
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] TESTIMONY IN OPPOSITION of FUNDING KEONE FOX OF ALA KAHAKAI TRAILS (1/22/21 Land Board meeting)
Date: Friday, January 15, 2021 2:40:42 PM

I STRONGLY OPPOSE HLLCP/BLNR of FUNDING Keoni Fox with Ala Kahakai Trails any money to purchase KAUNAMANO and Manaka'a Ka'u 'aina.

- * They are NOT familiar with Ka'u 'aina
- * They do NOT malama the 'aina, ie cattle allowed to trample burial site's.
- *They do NOT allow local people (from Ka'u) to access the property!

INSTEAD I PROPOSE THE FOLLOWING: There are OTHER people who are and still reside in Ka'u, who are TRULY DEDICATED to malama this Ka'u 'aina.

LET'S GIVE THEM THIS OPPORTUNITY PLEASE!

Mahalo nui loa.

From: Kaweni
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Kaweni Ibarra Written Testimony BLNR Meeting 01/22/2021
Date: Saturday, January 16, 2021 9:55:37 AM

Dear Board of Land and Natural Resources,

My name is Kaweni Ibarra. I am from Kau and my family has lived in Kau for many generations.

I am writing to provide a written testimony against the acquisition of 1,841.3 acres at Kiolakaa, Kau and 348 acres at Manakaa fishing village by Ala Kahakai Trail Association. I vehemently oppose approval of this acquisition.

In short the affiliates of this group have proved that they cannot build significant relationships of respect with the kupuna of Kau and the larger community. There are blatant contradictions throughout their plans in that they propose a "community-managed trail," but plan to "work with public and private landowners, resort managers, schools, and other groups."

In addition, selective partnerships with ranchers (Kuahiwi Ranch) and the National Park signify an agenda that is contrary to the findings of 1980 Barba v. Okuna, Civil No. 4590, Third Circuit Court where certain levels of access to the shoreline are necessary. This also further subjugates our community to the power of outside organizations in controlling our resources and infringing on Native Hawaiian gathering rights as addressed in HRS §§1-1 and 7-1, and in Article 12 §7 of the Constitution of the State of Hawaii.

Sincerely,
Kaweni Ibarra

From: Justin Yeh
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support Item C1B and C1C Kiolaka'a and Manaka'a
Date: Tuesday, January 19, 2021 3:01:23 PM

To whom it may concern,

I am in support of Item C1B and C1C Kiolaka'a and Manaka'a.

I have grown up going to these coastal areas to enjoy camping and fishing with family and friends. This relationship with this place has continued to grow along as I have. Preserving areas like these is as important as ever to local people who gather resources and practice cultural protocols. Are reliance on tourism has shown its downfalls in this most recent pandemic. I believe we as a community should be able to access and protect our natural resources like Kiolakaa and manakaa.

Mahalo, Justin Yeh

From: Allan Franco
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL]
Date: Sunday, January 17, 2021 7:14:27 PM

HI MY NAME IS ALLAN FRANCO, IM A LOCAL MEN BORN AND RAISED IN THE ISLAND OF MOLOKAI ,I NOW LIVE ON THE BIG ISLAND,I FISH FOR FOOD FOR MY FAMILY AND PICK LIMU FOR KAUKAU,AND OPIHI FOR MY FAMILY. I GREW UP AS A SMALL BOY ALWAYS GOING TO THE BEACH,AND IM 62 YEARS OLD NOW AND HAVE BEEN FISHING FOR ULUA FOR 43 YEARS.AND NOW I FISH KAU DISTRICT. SO YES I DO SUPPORT SUBJECT ITEM C1B AND C1C Kiolaka'a and Manaka'a ALOHA

From: Malia Luika Fernandes
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to awarding Ka'u lands to Ala Kahakai Trail Association
Date: Tuesday, January 19, 2021 7:42:08 PM

Aloha and Happy New Year!

I am writing this email to express **STRONG OPPOSITION** to C. Fiscal Year 2021 Legacy Land Conservation Program and as recommended by the Legacy Land Conservation Commission, for the acquisition of interests and rights in specific parcels of land having value as a resource to the State, for:

B. Ala Kahakai Trail Association, \$1,475,000, for the acquisition of approximately 1,841.3 acres at Ka'ū, Hawai'i (Kiolaka'a), Tax Map Key Numbers (3) 9-4-001:008, :009, :016, and :017 (and :023, pending final county enrollment of new parcel)

C. Ala Kahakai Trail Association, \$875,000, for the acquisition of approximately 348 acres at Ka'ū, Hawai'i (Manāka'a Fishing Village), Tax Map Key Number (3) 9-5-010:026

My reasons are as follows:

Ala Kahakai Trails Association has been designated as the entity that is acquiring these lands, supposedly on behalf of the people of Ka'u, however, not one of the Board Members of Ala Kahakai Trails Association, are from Ka'ū, including Keoni Fox, who was not born and raised in Ka'ū. He is from Kane'ohe, and while he can link his geneology to his ancestors who once lived in Ka'u, he has never personally resided here, and is not familiar with the culture of the Ka'u people.

As a Hawaiian resident of Ka'u, who was raised here throughout my life, and whose mother, grandparents and great grandparents were born in Ka'ū and the Big Island, I object to the management of these lands by outsiders to our local Hawaiian community. As a retired Pacific and Hawaii Archaeologist and a degreed Anthropologist, I object to the management of these lands and the cultural and archaeological sites that exist on them. Further, previous acquisition of lands at Waikapuna, Kahilipali Nui & Iki by this organization has enabled continued desecration of our sites by cattle and ranching use, while denying access to local Hawaiians who are not able to exercise their right to gather salt, fish, etc., under PASH.

Further, access to trails that existed prior to 1892, is guaranteed under the law. This access has been denied to the residents and families of Ka'u. According to HRS § 264-1. Public highways and trails:

"(b) All trails, and other nonvehicular rights-of-way in the State declared to be public rights-of-ways by the Highways Act of 1892, or opened, laid out, or built by the government or otherwise created or vested as nonvehicular public rights-of-way at any time thereafter, or in the future, ..."

The community of Ka'u has a long history of preserving ancient sites and exercising traditional gathering and hunting rights throughout. We would like the opportunity to manage our own lands and sites. In fact, the district of Ka'u was the subject of my masters thesis. Rather that award the management of these lands to an outsider, we would like the opportunity

to manage these lands as our ancestors once did. We already have a written repository of all documents that were located in the DLNR State Historic Preservation library through 2008. We just have to update that information, establish a local repository, and write/implement a preservation plan for Ka'u. This repository in conjunction with the lands and sites can form the basis for education programs at our schools here in Ka'u. In this way, we feel that the management of lands and sites can extend long into the future generations in Ka'u, and can be used as an example for other communities in Hawaii.

Once again, in summation:

- I am expressing my adamant opinion in strong opposition to the Ala Kahakai Trails Association's management of lands and sites in the Ka'u district.
- I strongly object to the previous awarding of lands at Waikapuna, Kahilipali Nui & Iki by this organization.

Which has led to mismanagement of the lands via the allowing of cattle to graze on the property, and the denial of access to Hawaiians seeking to exercise their gathering rights under the law, and denying access to the community via ancient trails which is a violation of state law.

- As a resident of Ka'u with deep family ties here, and a professional Archaeologist, I encourage you to consider awarding these lands to a community organization with members who reside here, and have deep ties to Ka'u. I am willing to organize a group for that purpose, and participate professionally and personally in this endeavor, including donating over \$300 worth of files and documentation pertaining to the Ka'u district for a community repository, provided you are willing to Award the lands to the newly formed group, and deny the current application before you.

Mahalo,
Malialuika Pualeilehua Gentry
Makakupu@yahoo.com
[\(808\)895-8405](tel:(808)895-8405)

[Sent from Yahoo Mail on Android](#)



January 19, 2020

Sent via email

State of Hawai‘i, Board of Land and Natural Resources (BLNR)

TESTIMONY IN SUPPORT OF BLNR AGENDA ITEM C(1)
BOARD OF LAND AND NATURAL RESOURCES MEETING
FRIDAY, JANUARY 22, 2021, 9:00AM

**Board of Directors
2020**

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Jocelyn Herbert

President & CEO
Laura H. E. Kaakua

ph: 808.791.0729
126 Queen St., Ste. 306
Honolulu, Hawaii 96813
www.hilt.org

Aloha mai e Chair Case and Members of BLNR,

Hawaiian Islands Land Trust (HILT) is Hawai‘i’s islands-wide land trust that is both a Hawai‘i 501(c)3 nonprofit, and a nationally accredited land trust. Our mission is to protect and steward the lands that sustain Hawai‘i, and to perpetuate Hawaiian values by connecting people to ‘āina.

HILT supports the Legacy Land Conservation Program Commissions’ FY21 recommendations. Due to the legislatively imposed LLCSP spending ceiling, it is our understanding that there are only enough available funds for projects (C)(1)(A)-(C). Below are detailed updates for each project where HILT is a partner:

(C)(1)(A): Approval of LLCSP funds for the acquisition of 30 acres at Maka‘alaie, Hāna, Maui will close out the funds needed to secure the conservation purchase and permanent protection of Maka‘alaie’s coastal lands. With future ownership to community non-profit, Ke Ao Hāli‘i and a perpetual conservation easement to HILT and Maui County, the project ensures the permanent protection of lands that support cultural practice from limu gathering to fishing, protects coastline from future subdivision and development effectively protecting the integrity of the land and marine resources, and among other things, builds community resiliency and capacity to own and steward land that reciprocally feed emotionally, spiritually, and physically. Project partners Ke Ao Hāli‘i, HILT, and others have secured matching Maui County Open Space funds, private donations, and foundation support to complete the conservation purchase and permanent protection of Maka‘alaie, and seek BLNR approval at this time to close the remaining transaction need.

(C)(1)(D): An LLCSP award for these Mokae lands will close the gap in protecting two miles of Hāna’s coastline, subsistence gathering grounds, and pasturelands. Ke Ao Hāli‘i and HILT expect to submit a FY22 LLCSP application for Mokae.

(C)(1)(E): Mapulehu has been awarded needed funds in FY20.

(C)(1)(I): HILT’s need for a perpetual conservation over Waikalua Loko I‘a is still an active need. If higher ranking projects end up not utilizing FY21 funds, we would love to use these funds to permanently protect Waikalua.

Mahalo nui loa for your service and the opportunity to submit testimony. We look forward to working collaboratively to protect our most special places in Hawai‘i.

Mālama pono,

Shaelene Kamakaala

Director of ‘Āina Protection, shae@hilt.org, 808-940-0639

To: Board of the Land and Natural Resources (Land Board)

01/18/2021

From: Pernell Hanoa life long Ka'u resident and lineal descendant of the Apiki, Kaheananui ,
Kuaimoku, and Hanoa Ohana

Subject: Opposition to the Ala Kahakai Trail Association Land Acquisition

Aloha,

My name is Pernell Hanoa, and I'm writing to you in strong opposition to the acquisition of interests and rights in specific parcels of land having value as a resource to the State, for: B. Ala Kahakai Trail Association, \$1,475,000, for the acquisition of approximately 1,841.3 acres at Ka'u, Hawaii and \$875,000, for the acquisition of approximately 348 acres at Ka'u, Hawai'i (Manaka'a Fishing Village), Tax Map Key Number (3) 9-5-010:026 Reasons: Ala Kahakai Trails Association

Primary Concerns:

1. Protection of Historical/Cultural Burial sites.
2. Coastal protection, beach access.
3. Habitat Protection.
4. Natural resources protection
5. Recreational vehicle restrictions
6. Watershed protection
7. Open space protection
8. Hunting and gathering access
9. Selective and limited community input.
10. Restricted access to Ka'u residence to parcels AKTA already purchased.
11. Why board members who are not from Ka'u interested in Ka'u.

It is my hope that the BLNR/DLNR board strongly consider my concerns for my opposition and request the following actions before considering ANY Land awards.

1. Request AKTA provide a written management plan on how they will address the concerns listed above.
2. Full disclosure of all purchases, payments, or expenditures from all monetary/grant awards.
3. Have AKTA hold and minimum of (6) community meetings whether in person or virtual to inform the community of their purpose and intent before ALL land considerations.
4. Why AKTA board member John Fox reportedly, altering and falsifying his genealogy to establish his lineal connection to all the land being purchased

Respectfully,

Pernell Hanoa
Ka'u Kupuna Council

From: Jeremy Vaeni
To: [DLNR.BLNR.Testimony](#)
Cc: [CFong](#)
Subject: [EXTERNAL] Support Item C1B and C1C Kiolaka'a and Manaka'a
Date: Wednesday, January 20, 2021 11:25:02 AM

Aloha:

I hope this letter finds you well. I am writing on behalf of my wife, Carol Fong, and myself in support of granting an award for the preservation of Kiolaka'a at Ka'alu'alu Bay and Manaka'a, the Maniania Pali above Waikapuna. Protecting the Ka'u coastline is of the utmost importance to us, certainly, but also to the island. If we continue to develop all of the postcard-esque beauty of the island then we will only have postcards to refer to when we speak of it.

That does not even begin to address the cultural significance of preserving such places, which others can speak to better than we. We did not grow up here, but we plan on growing the rest of our lives together here in Ka'u. We treat our home as a bird sanctuary. We're here to protect them and their land and they let us squat here in our house. At least that's the way we see it. We believe in maintaining as much natural balance as possible. And I think we all see, at this point in history, that we need to alter our vision of the future from one of development and so-called "forward thinking" to one of appreciation for and preservation of what is here right now: terrific beauty, the roots of Hawaiian culture, the miracle of life itself.

Please, let's not continue to consume the island until we're the last organisms standing. Let's protect the Ka'u coastline and see what grows there when we don't build there.

Sincerely,

Jeremy Vaeni & Carol Fong

From: Kala
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Against grant award for ATA
Date: Wednesday, January 20, 2021 6:09:25 AM

Aloha mai,

I am writing to strongly oppose any tax dollars going to Ala Kahakai Trails Association. I am a resident of Ka'u and have witnessed the lies and half truths this organization has presented regarding their community engagement. This organization has stated again and again that they have the support of the community, however they fail to hold open community meetings. They have had closed meetings with other stakeholders who are not from the area who represent government agencies and other organizations, but the general community of Ka'u is left in the dark. It is true that the community overwhelmingly, myself included want these lands to be protected. However Ala Kahakai Trails Association has not been a good steward of the lands they hold in Ka'u now, they have not been open to community input and there is no indication that this will change. I find it irresponsible for the BLNR to grant funds to this organization without the proper vetting of this organization as well as investigating the negative effects this organization has had on our community.

Secondly, cattle ranching of these lands is not a sustainable means of preserving these lands. It is well documented that cattle ranching degrades the environment, causes runoff which in turn will effect the water quality of our fishing grounds. These are areas my family has used for gathering food for generations. Contrary to testimony offered on the behalf of Ala Kahakai Trails Association, cattle also cause the destruction of important cultural resources. I am an archaeologist and cultural practitioner who repairs cultural resources and have witnessed again and again the destruction cattle can do to such resources. Just because these lands were used for ranching in the past does not mean we need to perpetuate this destructive use of our 'aina.

I honestly hoped that Ala Kahakai Trails Association would be good neighbors and had allowed the community that reside in the area the opportunity to have their voices heard. I had hoped that we would be included in the care and management of these lands but we have not. This neglect of the community has created a bad taste in the mouths of many and has earned the Ala Kahakai Trails Association and its leadership a very bad reputation here in Ka'u. I respectfully offer these words from my na'au and hope you take them into consideration.

Mahalo,

Konrad K. Mossman from [Mail](#) for Windows 10

From: Vivian-Malia Fa'agata
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to awarding Ka'u lands to Ala Kahakai Trail Association
Date: Tuesday, January 19, 2021 11:23:13 PM

To whom it may concern,

As a lineal descendant, Certified Genealogist, and Section 106 certified consultant from the Ahupua'a of Ka'u, I am composing this email to convey opposition of the Fiscal Year 2021 Legacy Land Conservation Program recommended by the Legacy Land Conservation Commission, for the acquisition of interests and rights in specific parcels of land having value as a resource to the State of Hawaii, for:

B. Ala Kahakai Trail Association, \$1,475,000, for the acquisition of approximately 1,841.3 acres at Ka'u, Hawai'i (Kiolaka'a), Tax Map Key Numbers (3) 9-4-001:008, :009, :016, and :017 (and :023, pending final county enrollment of new parcel)

C. Ala Kahakai Trail Association, \$875,000, for the acquisition of approximately 348 acres at Ka'u, Hawai'i (Manāka'a Fishing Village), Tax Map Key Number (3) 9-5-010:026.

Agreeing to give responsibility over my ohana kuleana and to allow direct contact of unnoted artifacts and iwi kupuna to just anyone who states they are from Ka'u is not even an option. I can provide reliable documentation of genealogical ties, information of familial connections, and the intention of continuing to protect the ahupuaa of Ka'u. There is a long history of my ancestors residing in Ka'u way before the overthrow of the Hawaiian Kingdom.

I am Vivian-Malia Moana Fa'agata (Brown) this is my genealogy:

Paternal:

Kahimauakala (k) and Kaimu (w); Kamaoa, Ka'u

Kahimauakala Kahooolehuna(son of Kahimauakala & Kaimu) (k) and Apaapa; Kamaoa, Ka'u

Kahooolehuna (son of Kahimauakala Kahooolehuna & Apaapa) and Kahinu (w) Waiohinu, Ka'u

Kalu Nika (son of Kahooolehuna & Kahinu) and Luika Napuaia (Napumaia) (w); Waiohinu, Ka'u

Kaaumoana/Keaumoana Lena Nika (w) (daughter of Kalu Nika & Luika Napuaia) Charles Ahoi Makaaho Akiu (k); Waiohinu, Ka'u.

Henry Alohi Akiu (son of Kaaumoana/Keaumoana Lena Nika & Charles Ahoi Makaaho Akiu) and Louisa Kaohe Kaulaloha Kolo (w)(Grandpa Henry born in Waiohinu, dies in Hoolehua).

Violet Mary Akiu (w) (daughter of Henry Alohi Akiu & Louisa Kaohe Kaulaloha Kolo) and Sidney Christopher Brown (k); Honolulu, Hawaii

Michael Dexter Brown (k) (son of Violet Mary Akiu & Sidney Christopher Brown) (w).

Michael Dexter Brown & Vivian Kekai Kaupu are my parents.

Maternal:

Makaenaena (k) and Kanekapolei (w); South Kona

Edward Kikino Kaupu (k) Miriam Makaenaena Makaehu (w)(daughter of Makaenaena & Kanekapolei); Kalahiki, South Kona

McKinley Kaleihiano Kaupu (k) (son of Edward Kikino Kaupu & Miriam Makaenaena Makaehu) and Rebecca Kekai Puou (w) South Kona

Larry Kauai Kaupu Sr.(k) (son of Mckinley Kaleihiano Kaupu) and Mary Mae Kahalewela Kaluahi (Pua) (w)

Vivian-Kekai Kaupu (mother)(w) Parents: Larry Kauai Kaupu born in Opihale, South Kona, Mary Mae Kahalewela Kaluahi (Pua) born in Pahala.

Concerns:

1. Alarming apprehensions of unknown causes of wildfires in Ka'u are matters that can affect many in the community. Resources and adequate medical attention are also a barrier. Adding unawareness of the acuteness of the needs of the community would leave more devastation than progression in sustainability. According to ACHP, "Many federal facilities have developed Section 106 Programmatic Agreements which may address the protection of historic properties in emergency and disaster situations. Federal agencies that play a central and routine role in such situations should also consider how historic properties may be protected in the preparation for and immediate response to emergencies and disasters" (ACHP,2021). Requirements for federal agencies – 36 CFR Part 800.3 When federal agencies consider projects or actions, they are required pursuant to the Section 106 regulations to determine if that action would be considered an "undertaking." An undertaking is defined as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license or approval.
2. Ala Kahakai Trails Association has been selected as the organization to apply for stewardship of these lands. AKTA claims this purchase is in the best interest of the people of Ka'u. However, none of the Board Members of Ala Kahakai Trails Association, are born or raised in Ka'u. Although, Mr. Keoni Fox's genealogical ties is being considered in lineal decisions he does not represent all the other families and individuals of lineal ties.
3. Use the funding on a Ka'u based Native Hawaiian Organization including cross referencing if board members are born and raised from Ka'u. I am willing to give back to the community and work alongside a NHO that is Ka'u based. I can contribute my educational and professional credibility in the following areas: a BCG (Board Certified Genealogist), Department of Treasury/IRS Wage and Investment clerk, Masters in Social-Work/Human Services, Mental Health Registered Technician, Substance Abuse Counselor, and Certified ACHP Section 106 consultant.

Mahalo nui loa,

Vivian-Malia Moana Fa'agata

(808)778-1316

Momo96771@gmail.com



Dennis Hart, President
Alan Brown, VP
Kaleo Paik, Secretary
Ray Brogini, Treasurer
Keoni Fox
Linda Gallano
Ethan Souza
Kahealani Wright

Ala Kahakai Trail Association

P.O Box 2338

Kamuela, HI 96743

March 9, 2021

Legacy Land Conservation Program
State of Hawaii Department of Land and Natural Resources
Attention: Chair Suzanne Case, Administrator David Smith, David Penn, Program Specialist
1151 Punchbowl Street, Room 325
Honolulu, Hawai'i 96813
suzanne.case@hawaii.gov
david.g.smith@hawaii.gov
david.penn@hawaii.gov

RE: Manāka'a Fishing Village - Legacy Land Conservation Program Grant Application
Withdrawal, Fiscal Year 2020 & 2021

Aloha Chair Case, Administrator Smith, and David Penn,

We are formally notifying you about our intention to withdraw Ala Kahakai Trail Association's Legacy Land Conservation Program Grant Application for the fee purchase and protection of Manāka'a Fishing Village.

We appreciate the Legacy Land Conservation Commission recommending Manāka'a Fishing Village for funding, ranking the project number 4 priority in fiscal year 2020 and number 3 priority in fiscal year 2021. Because other projects were ranked above Manāka'a, and the project is only eligible for a partial award in fiscal year 2021, we were not able to raise sufficient acquisition funds and could not offer to buy the property from the landowner. The Trust For Public Land continued to negotiate with the landowner, but the owner could not wait for us to raise and secure sufficient public funding for the conservation acquisition. In the interim, the landowner decided to lower their listing price, putting the property at further risk of being sold and developed.

However, The Trust for Public Land and Ala Kahakai Trail Association worked to find another conservation solution that could meet the landowner's timeline and urgent need to sell. The Trust for Public Land and Ala Kahakai Trail Association applied for and received a grant from a private philanthropic foundation to allow ATA to acquire a Conservation Easement over the property that would keep the property in agriculture and protect its cultural and natural resources. The landowner has now put the property under contract to sell to a private buyer. At closing, the buyer has agreed to convey and grant a conservation easement to ATA in order to protect the property's agricultural, cultural, and natural resources in perpetuity.

Our mission is to support and guide a community-managed trail that honors those who came before and perpetuates for those to follow – with protocols and respect for Hawai'i's past, present and future.

We are formally withdrawing Ala Kahakai Trail Association's LLCP Grant Application for Manāka'a. We believe these LLCP funds should go towards the next ranked, worthy conservation project in line. Mahalo for your incredible support and partnership all these years.

Mahalo nui loa,

A handwritten signature in black ink, appearing to read 'Kaleo Paik', with a stylized flourish at the end.

Kaleo Paik
Board Secretary, Ala Kahakai Trail Association

Cc:
Reyna Ramolete Hayashi, Aloha 'Āina Project Manager, The Trust for Public Land,
reyna.ramolete@tpl.org