

MEETING 75 PUBLIC TESTIMONY

2.A. POHAKEA WATERSHED (SUPPORT = 18)

MAUI COUNTY COUNCIL RESOLUTION

KELLI MEDEIROS

MR. & MRS. B. BEST

STATE SENATOR ROSALYN H. BAKER, SIXTH DISTRICT

MARK HYDE

BERTA UNABIA-VERKERKE

AMITA SCHMIDT

THOMAS GRIMALDI

SAMUEL WERNER

MA'ALAEA VILLAGE ASSOCIATION (Lyndon Ibele, President)

ROBERT & DIANE KNOUREK

ANNE RILLERO

MATTHEW GUREWITSCH

NAPILI BAY AND BEACH FOUNDATION (Pat B. Lindquist, President)

KIHEI COMMUNITY ASSOCIATION (Mike Moran, President)

Lora Harbo, Gayle Harbo, David Liebersbach

MALIE MILLER-PIERCE & NEIL RHOADS

PACIFIC WHALE FOUNDATION (Shelby Serra, Conservation
Advocate)

STATE REPRESENTATIVE ANGUS MCKELVEY

DAVID DORN

ANNE ALLISON

MAUI TOMORROW FOUNDATION (Albert Perez, Executive Director)

KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

February 25, 2022

Mr. David Penn, Program Specialist
Legacy Land Conservation Program
Department of Land and Natural Resources
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Dear Mr. Penn:

Transmitted herewith is a certified copy of Resolution No. 22-55, FD1,
which was adopted by the Council of the County of Maui, State of Hawaii, on
February 18, 2022.

Respectfully,

A handwritten signature in black ink that reads "Kathy L. KaoHu".

KATHY L. KAOHU
County Clerk

/djy

Enclosure

Resolution

No. 22-55, FD1

SUPPORTING POHAKEA WATERSHED LANDS' APPLICATION TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES' LEGACY LAND CONSERVATION PROGRAM

WHEREAS, Pohakea Watershed Lands, also known as Mā'alaea Mauka (Tax Map Key (3) 6-001-018)), is 257.7 acres of coastal plain located in a highly visible scenic area at the base of the West Maui Mountains mauka of the Mā'alaea Small Boat Harbor in South Maui; and

WHEREAS, Pohakea Watershed Lands is a keystone property for watershed protection and provides important natural habitat for bats, the sphinx moth, and nēnē, and

WHEREAS, the property is critical for managing wildfires—a chronic threat in this area of Maui—and for mitigating erosion, soil runoff, and pollution of Mā'alaea Bay and its nearshore coral reefs; and

WHEREAS, Legacy Land Conservation Program of the State Department of Land and Natural Resources (“DLNR”) “provides grants to community organizations and government agencies that strive to purchase and protect land that shelters exceptional, unique, threatened, and endangered resources,” as stated on the DLNR website; and

WHEREAS, approving Pohakea Watershed Lands' application for a Legacy Land Conservation Program grant would designate the property for much-needed protection; and

WHEREAS, without designation, the parcel will likely continue to be threatened by wildfire and erosion, and the cycle will persist; and

WHEREAS, DLNR's Division of Forestry and Wildlife already has firebreaks on this property and would incorporate the property in an area-wide wildfire-management strategy; and

WHEREAS, the State plans to add this property and surrounding State lands to the Forest Reserve and manage them holistically to prevent fire, restore native habitat, and enhance public recreational activities, providing connectivity of lands and continuity of conservation action; and

Resolution No. 22-55, FD1

WHEREAS, the State plans to work with community partners to prevent wildfire, reduce erosion and runoff, and improve nearshore water quality at Mā‘alaea Bay; and

WHEREAS, the Countywide Policy Plan notes that two of highest priorities of Maui County are to protect the natural environment and to promote sustainable land use and growth management; and

WHEREAS, the Kihei-Makena Community Plan identifies “provide for limited residential expansion in Maalaea which complements the existing natural and built environment” and “preserve, protect, and restore unique natural areas with significant conservation values” as top goals to enhance the region’s overall living environment; and

WHEREAS, designation will ensure future stewardship will align with the community vision; and

WHEREAS, acquisition will maximize public benefits by enabling large-scale protection of important natural and cultural resources and minimizing risk from environmental hazards and natural disasters; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it supports Pohakea Watershed Lands’ application to the Department of Land and Natural Resources’ Legacy Land Conservation Program; and
2. That certified copies of this resolution be transmitted to David Penn, Program Specialist, Legacy Land Conservation Program, Department of Land and Natural Resources, Division of Forestry and Wildlife: Native Ecosystems Protection & Management; Shelee Kimura, President & CEO, Hawaiian Electric Company; Hōkūao Pellegrino, President, Hui o Na Wai ‘Ēha; Lyndon Ibele, President, Mā‘alaea Village Association; Bradford Ventura, Chief, Department of Fire and Public Safety; Edwin “Ekolu” Lindsey III, President, Maui Cultural Lands; Robin Newbold, Chair and co-founder, Maui Nui Marine Resources Council; Chris Brosius, Program Manager, Mauna Kahalawai Watershed Partnership; and the Honorable Mayor Michael P. Victorino, Mayor, County of Maui.

INTRODUCED BY:

Kelly T. King

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 22-55, FD1, was adopted by the Council of the County of Maui, State of Hawaii, on the 18th day of February 2022, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	Gabe JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. N. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Excused	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

From: [Kelli Uderitz](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Pohaku Watershed
Date: Monday, March 7, 2022 10:08:19 AM

Aloha, I am a resident of Maui and ask you to support the purchase of the land by the DLNR. We need to protect this area and not allow more development of this area. Green space is already so limited on Maui and development would cause catastrophic runoff into Maalea bay. Thank you, Kelli Medeiros

From: [Bill or Bobbie Best](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] We support Maalaea Mauka/Pohakea Watershed Land Acquisition
Date: Monday, March 7, 2022 10:50:00 AM

It's exciting to see progress on this Legacy Land Conservation Program
Mahalo nui loa

Mr. & Mrs. B. Best
280 Hauoli
Wailuku HI
808-242-9119



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

March 4, 2022

Legacy Land Conservation Program
Department of Land and Natural Resources
1151 Punchbowl Street, Room 325
Honolulu, HI 96813

Aloha mai e Legacy Land Conservation Program Commissioners,

I am writing to express my enthusiastic support for the acquisition and protection of Pōhākea Watershed Land. For over four years, Trust for Public Land has been working closely with the Mā‘alaea Village Association, Maui Nui Marine Resources Council, the Ocean Center and others in the Mā‘alaea community and later with Department of Land and Natural Resources (DLNR) Maui Department of Forestry and Wildlife (DOFAW) to acquire and protect Pōhākea Watershed Land on Maui.

Protecting Pōhākea Watershed Land will conserve 257.7 acres of open space land which would be included as part of a “Conservation Corridor.” Purchase of the property includes three wells, a 750,000-gallon tank and easements for the delivery of water across adjacent lands. The water resources will provide significant benefits for land management and provide support and protection to other conservation habitats such as the Kealia National Wildlife Refuge, Mā‘alaea Harbor, and state conservation lands that provide protection for native plants, birds, and other wildlife. Protecting Pōhākea Watershed Land will also aid in natural hazard management and mitigation from heavy rains, fires, and runoff which flow to the makai conservation regions. In addition, the project will preserve an intact cultural landscape with dozens of cultural sites including 17 habitation complexes, pōhaku (rocks), petroglyphs, and the entrance portion of Lahaina Pali Trail, which traverses State-protect conservation lands.

There is resounding community support for this project and once the land is publicly owned and protected from development threats, the community, County, and the State will collaborate to protect cultural and scenic resources, reduce recurrent wildfire risks and soil erosion, safeguard clean drinking water, and enhance marine ecosystem health of Mā‘alaea Bay.

The acquisition of Pōhākea Watershed Land will ensure protection for perpetuity so that future generations will be able to be able to enjoy the many bounties that Mā‘alaea has to offer.

Me ke aloha pumehana,

Rosalyn H. Baker
SENATOR
6th District - South and West Maui

From: [Mark Hyde](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] March 11, 2022 Agenda Item 2A SUPPORT
Date: Tuesday, March 8, 2022 3:19:20 PM

I am a full time resident of Maui, residing at 4320 E. Waiola Loop, Wailea, 96753.

I **SUPPORT** 3/11/22 Agenda Item 2.A providing funding for the purchase of land *mauka* of Ma'alaea. In so doing near shore water quality at Ma'alaea will be protected from the effects of mud and debris runoff that result from development. In addition, conserving the land will preserve views from east to west and mauka to makai which are themselves a natural resource. Once acquired, this area can serve as a place for low impact recreation and, hopefully, re-vegetation for fire prevention and beautification.

Mahalo,

Mark Hyde

From: [Berta Unabia-Verkerke](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Support the purchase of 257.8acres of Pohakea Watershed
Date: Tuesday, March 8, 2022 6:47:47 PM

Aloha all involved with making this land purchase happen. Please help to preserve a necessary area to protect the watershed area from sediment runoff to containing wildfires. If development were to happen there could be easier runoff of sediments and possibility of sewage runoffs into Ma'alaea Bay, which is vital breeding and birth place for our Kohola (whale). We need to protect this area for the creatures of Kai(ocean) and 'Aina (land), we need to do this for our children and our future Keiki. Mahalo nui and Malama Pono,

Sent from my iPad

From: [Amita Schmidt](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Support of state purchase of Pohakea watershed land
Date: Tuesday, March 8, 2022 9:27:56 PM

I support the state's purchase of the 257 acres in the watershed. Please help to preserve this Pohakea watershed.

This is such a unique area. It is very vulnerable to fires and runoff if it is not preserved.

It should not be used for development due the unique nature of how the property goes right into the bay and harbor and connects with important water sources.

Please support support this legacy watershed protection.

Mahalo.

Amita Schmidt

Kihei HI 96753

From: [T.G](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Testimony in support of fund allocation for DNLR DOFAW purchase of Pohakea Watershed Lands (Mā'alaea Mauka) for March 11, 2022
Date: Wednesday, March 9, 2022 5:17:22 AM

To Hawaii Legacy Land Commission:

Aloha,

I, Thomas Grimaldi, support the protection and preservation of Ma'alaea Mauka, part of Pohakea Watershed. I support use of funds from the state Land Conservation Fund to be directed to the purchase of 257.8 acres of Pohakea Watershed Lands. I am herein asking the commission to allocate \$1 million dollars of the available funds to facilitate this purchase. As a result of this allocation of funds, it will be possible to bring in State, Federal and private funds to implement the Pohakea Stormwater Management Plan to protect the ocean water quality and coral reefs of Mā'alaea Bay.

The land in question, if able to be purchased and transferred to the ownership and management of the Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife, would be designated to be part of a "State Forestry Reserve" allowing for active management and protection for the entire watershed from wildfires and sediment runoff into Mā'alaea Bay.

The allocation and subsequent purchase would be an important step to begin the urgently needed actions to appropriately manage this land, so that sound and respectful techniques to preserve it and the surrounding marine environment may be applied in the very near future. I support the work and proposed land management initiatives described in the submission of the Maui Nui Marine Resource Council.

Thank You

Thomas Grimaldi
2777 S. Kihei Road
J-221
Kihei, Maui, HI 96753

Sent from my iPhone

From: [Sam Werner](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Please protect the pohakea watershed
Date: Wednesday, March 9, 2022 9:29:14 AM

Hello,

I'm writing to submit public testimony regarding the pohakea watershed. Please protect these delicate and critical areas of Maui.

-Samuel Werner



March 9, 2022

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

RE: MEETING 75 OF THE LEGACY LAND CONSERVATION COMMISSION
FRIDAY MARCH 11, 2022

Aloha to the LLC,

This letter, on behalf of the 190+ members of the Ma'alea Village Association ("MVA") and Ma'alea's residents, visitors and businesses, is to urge the Legacy Land Commission to approve the \$1,000,000 land acquisition grant for the Pohakea Watershed (Ma'alea Mauka). Added to the \$6 million committed from the Maui County Open Space fund, this will go a long way to ensuring the protection of this property.

MVA and its predecessor organization, the Ma'alea Community Association, have long advocated for the conservation of the 257 acre Ma'alea Mauka parcel. The time is ripe to make this a reality, with a willing seller, and with the DLNR Division of Forestry and Wildlife willing to own/manage the property.

There are long term benefits to all of Maui in putting this parcel into public ownership, including:

- Preservation of the iconic scenic vistas and open space for public enjoyment and recreation;
- Expansion and protection of the historic Lahaina Pali Trail for future generations;
- Wildfire hazard management at this critical crossroads between Central, South and West Maui communities;
- With this purchase, DOFAW can incorporate 3,000+ acres of unprotected state land above the property into a "state forestry reserve" for the entire Pohakea Watershed for long term management to stabilize soil and increase capacity to absorb stormwaters and reduce runoff.

Most importantly, the acquisition of this property is a critical part of an ongoing, community-wide "mauka to makai" effort to improve the health of Ma'alea Bay, which is an EPA-listed impaired body of water. The health of Ma'alea Bay is critical to the health, prosperity and quality of life for all of Maui.

Please take this opportunity to influence history.

Sincerely,

Lyndon C. Ibele, President-Ma'alea Village Association

cc: Maui Councilmember Kelly King, Senator Gil Keith-Agaran, Senator Roz Baker

Ma'alea Village Association
P. O. Box 2122, Wailuku, HI 96793
maalaevillageassociation@gmail.com

From: [Robert Knourek](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Pohakea Watershed Preservation - Written Testimony
Date: Wednesday, March 9, 2022 12:45:36 PM

I believe that the Pohakea Watershed should not be zoned or permitted for housing or other commercial development.

The original plan, which was to purchase the land for the Trust for Public Land, should remain in force.

Allowing development of this land will negatively impact:

- The water quality of Maalea Bay
- The coral reefs of Maalea Bay
- Availability of recreational land for local people and tourists alike
- Traffic in the area, for a considerable period of time

There are probably other impacts as well, but I believe that the above reasons are sufficient to support putting the land into the public trust.

My wife and I are property owners on Maui and spend much of our time on the island. We pay significant sums in local taxes and contribute to many local charities.

Our long term plans are to relocate to the island.

Thanks for your consideration of our views.

Malama!!

Robert and Diane Knourek
50 Nohea Kai Drive
Lahaina, HI.
96761

TO: Hawaii Legacy Land Conservation Commission
FROM: Anne Rillero
DATE: March 9, 2022
RE: **Testimony in support of allocating \$1 million from the Land Conservation Fund toward the purchase of the 257.8 acre Mā'alaea Mauka land**

Aloha Legacy Land Conservation Commissioners,

I'm a 20+ year Maui resident of Kula writing to express my strong support for the application submitted by the Hawaii Department of Land & Natural Resources, Division of Forestry & Wildlife requesting a \$1 million Land Acquisition Grant from the Land Conservation Fund toward the purchase of the 257.8 acre Pohakea Watershed - Mā'alaea Mauka land.

Here are the reasons why I support this purchase:

1. Protecting this land from imminent development:

This land is owned by the Spencer Family who has repeatedly tried to develop this land. Their past proposals had included an 1,100 unit affordable housing subdivision and later 55 affordable homes + 55 rural lots, all of which were rejected by the community. If the public purchase of this 257.8 acre Mā'alaea Mauka parcel does not happen, I would not be surprised if the Spencer Family sells this land to another developer -- who may be able to find their way to obtaining approval to develop the land.

2. Protecting the Lahaina Pali Trail:

As you probably know, there are few public hiking trails in the South and Central Maui area. The Lahaina Pali Trail is the only day hike trail in Mā'alaea and it is used and enjoyed by many in our community. The views of the ocean, Kaho'olawe and Lana'i from the trail are beautiful and there is much to be realized about our island's history from walking this intact section of an ancient "around all of Maui" trail. Conversion of the Mā'alaea Mauka land to public land will make it possible to expand upon and improve this historic trail.

3. Protecting Mā'alaea Bay's coral reefs and marine resources from stormwater runoff:

There are many photos and reports documenting the severe brown water conditions that have occurred in Mā'alaea Bay following stormwater events that transport sediment from the slopes of Pohakea Watershed into the ocean. Corals are harmed by excessive sediment in the water; they need clean ocean water to live, grow and reproduce. Mā'alaea's corals are in poor shape and need all of the help we can provide to reduce sediment pollution in the bay.

Maui Nui Marine Resource Council and Michael Reyes created the Pohakea Stormwater Management Plan to address ways to reduce this runoff. However, in order to enact a management plan, the land needs to be accessible for improvement projects. Please support the purchase of the 257.8 acre Mā'alaea Mauka land to support protection of the marine wildlife and coral reefs of Mā'alaea Bay – which will also help provide for clean ocean water for all people who use the bay for boating, swimming, fishing, paddling and other forms of recreation.

By approving the \$1 million for “Mā’alaea Mauka” land in Pohakea Watershed you will be placing this land under the ownership and management of the Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife as part of a “State Forestry Reserve” to allow for active management and protection for the entire watershed from wildfires and sediment runoff into Mā’alaea Bay. This will ensure that the land is used appropriately, and will remain as a habitat for wildlife and a community resource for recreation into the future, for our children’s children.

For all of these reasons, please allocate the \$1 million from the state Land Conservation Fund toward the purchase of the 257.8 acre Mā’alaea Mauka land. Thank you for the opportunity to provide this testify.

Mālama pono,
Anne Rillero
104 Malapua Place
Kula, HI 96790

Submitted to:

lcc@hawaii.gov

PHONE (808) 586-0921 | FAX (808) 587-0160

Legacy Land Conservation Commission

Division of Forestry and Wildlife

1151 Punchbowl Street, Room 325

Honolulu, HI 96813

From: [Matthew Gurewitsch](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Testimony for MEETING 75 OF THE LEGACY LAND CONSERVATION COMMISSION
Date: Wednesday, March 9, 2022 4:51:40 PM

Aloha, Commissioners!

Malama aina!

I am writing in whole-hearted support of all efforts to **protect the Pohakea Watershed (Ma'alaea Mauka)**.

Over the last 30 years, Maui's coastline has been developed beyond recognition. The high cost of this helter-skelter economic exploitation has been tremendous. Worst of all has been the impact on the ecology of the near-shore waters and the health of our coral reefs. But it is not too late to take meaningful action.

The plans of the Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW) for this 257-acre parcel are well thought out. For cultural, ecological, and purely aesthetic reasons, it is vital for our generation to preserve this land. Not only does DOFAW's plan keep Pohakea in open space, it increases public access for low-impact recreational uses, and protects the grievously imperiled coral reefs of Ma'alaea Bay.

Mahalo for your attention. Again I say: malama aina!

m.

Matthew Gurewitsch
3415 Kuaua Pl.
Kihei (Maui) HI 96753

t/+1 (808) 874-8925
fx/+1 (212) 656-1647

on the web: beyondcriticism.com
on skype & twitter: mg1228



PO Box 10823
Lahaina, HI 96761

March 9, 2022

To: Hawaii Legacy Land Commission

Protection of watershed lands is essential to health of Maui's coastal waters and coastal reefs.

The more hardscape on the land, the more runoff travels to coastal waters, impairing the Water Quality, which negatively impacts the health of the reef that can protect the whole island as sea levels rise. Further, hardscape results in loss of groundwater, and the past few years of drought on Maui have demonstrated that this can result in fires/loss of property and to loss of essential potable water for residents and visitors alike.

All of this means a loss of quality of life on Maui.

Maui County Open Space Fund has allocated \$6M to help purchase the land, as an indicator of the strong public support in this regard. Whale and turtle habitat lie in the coastal waters below it, and the Lahaina Pali Trail lies within it, and all three are endangered by allowing development on these lands.

As you are aware, DOFAW plans to bring this parcel into the 3,000+ acres of State lands above the property as a State Forestry Reserve, further ensuring a strong, healthy watershed.

For all of these solid environmental reasons, we support the State's purchase of the Pohakea watershed parcel of 257.8 acres.

Mahalo,

A handwritten signature in black ink that reads "Pat B. Lindquist". The signature is fluid and cursive.

President

We are a non-profit organization formed to protect and improve the health of Napili beach and bay.

Pat B. Lindquist, President

Gregg Nelson, Vice-President

Nane Aluli, Secretary

Norm Runyan, Director

Jamie Lung-Ke'o, Director

Tano Taitano, Director

From: [Mike Moran](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Written testimony for 3/11/22 meeting at 930 AM ITEM 2 A
Date: Wednesday, March 9, 2022 7:13:17 PM

Aloha

The Kihei Community Association (KCA) www.gokihei.org is offering our input in support of Item 2 A. Pohekea Watershed. Over the last decade we have advocated to first stop any development at this location and then the following steps to the point we are this week,

supporting the state's purchase of 257.8 acres in the watershed!

Mahalo

Mike Moran President Kihei Community Association

March 9, 2022

Testimony for March 11,2022
Meeting 75 of the LLCC
DLNR, DFAW
Pohakea Watershed (Ma'alaea Mauka)

Dear Legacy Lands Conservation Commission,

Aloha and mahalo for your consideration of the Department of Land and Natural Resources, Division of Forestry and Wildlife's application regarding the environmentally valuable 257.8 acres of the Pohakea watershed. We are writing in enthusiastic support of their request of \$1,000,000 in funding to facilitate the purchase of Ma'alaea Mauka. These lands are vital to ensure the vision of ecological restoration of the area, including the reefs and marine animals in Ma'alaea Bay, and to maintain scenic, open spaces for Maui residents, families and visitors to continue to enjoy for years to come!

With DLNR's and partner organization's planned management of the watershed, many benefits will flow, to include:

- Restoration of soil binding vegetation will increase the hillside's ability to absorb inundating rainstorm events and decrease erosion, thereby reducing damaging brown water, sediment-filled runoff into the already degraded reefs and waters of Ma'alaea Bay.
- Mitigation of wildfire threats along Honoapiilani Highway, a vital corridor in and out of West Maui, by creating fire breaks and planting fire-resistant vegetation.
- Protection of scenic views and recreation opportunities along the historic Lahaina Pali trail.
- Expansion of the 3,414 forest reserve in Ma'alaea Mauka.

Please make the wise and prescient decision to approve this application, and enable the purchase and preservation of this sustaining watershed.

Mahalo nui loa,

Lora Harbo
Gayle Harbo
David Liebersbach
Owners and residents of Ma'alaea

Mailea Miller-Pierce, Ph.D. and Neil Rhoads

385 Kenolio Rd.
Kihei, HI 96753
(707) 227-6623
m.miller-pierce@wsu.edu

9 March 2022

**Legacy Land Conservation Commission, Division of Forestry and
Wildlife**

1151 Punchbowl Street, Room 325
Honolulu, HI 96813
PHONE (808) 586-0921 | FAX (808) 587-0160
llcc@hawaii.gov

Re: Acquisition of Pohakea Watershed (Ma'alaea Mauka)

Dear Commissioners,

We are the co-authors of two recent studies concerning water quality issues around Maui, with particular focus on West and South Maui. Based on our research we are strongly in favor of placing this land under the ownership and management of the Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife.

During manuscript preparation for our 2016 paper published in *Marine Pollution Bulletin* we investigated the significant water quality degradation caused by nutrients and turbidity both inside and outside of Ma`alaea Harbor.

In our 2019 paper we reported a notable degradation in water quality downslope of developments employing septic tanks and/or cesspools. Of particular note was the degradation seen at Launiupoko after development, compared to when it was agricultural prior to development.

We believe that placing these lands under proper stewardship and management will provide the best opportunity for near shore water quality recovery and long term reef health.

Our 2016 paper is available online here: [The influence of wastewater discharge on water quality in Hawai'i: A comparative study for Lahaina and Kihei, Maui](#)

Our 2019 paper is available online here: [Clostridium perfringens testing improves the reliability of detecting non-point source sewage contamination in Hawaiian coastal waters compared to using Enterococci alone](#)

Sincerely,

Mailea Miller-Pierce, Ph.D. and Neil Rhoads

For protection and preservation of the Pohakea Watershed Lands

March 11th, 2022

Hawai'i Legacy Land Commission

To the members of the Commission,

My name is Shelby Serra, and I am the Conservation Advocate for Pacific Whale Foundation (PWF), a 501 (c)(3) non-profit with nearly 4,000 supporting members, whose mission to protect the ocean through science and advocacy and inspire environmental stewardship. Today I am testifying in support of the allocation of \$1 million from the state Land Conservation Fund toward the purchase of 257.8 acres of Pohakea Watershed Lands (Ma'alaea Mauka).

PWF has long advocated for science-based solutions to the major threats facing the health of the ocean, as well as educated our supporters on the delicately linked terrestrial and marine ecosystems, and the importance of these connections to the overall preservation of environmental health.

Protecting the Pohakea Watershed is an integral part of protecting the health and longevity of the unique marine life that utilize Ma'alaea Bay. In addition to highlighting the threatened marine life in the area, I would like to emphasize the need to hold this place free from the continued unsustainable development of these islands. Although I do not have history or roots within the Hawaiian culture, I feel a responsibility to uplift these ideals and traditions in the context of conservation.

The Kumulipo, the sacred creation chant of Hawaiian ali'i, is one of the principal sources of information on Hawaiian mythology, early culture, political structure, and way of life¹.

In the first part of the chant, the creation of life story talks of individual creation in the sea, and subsequent life that guards it on land¹. This connection between the land and sea is held dearly by Hawaiian cultural practices, as the ahupua'a extends from the mountain tops to the sea (mauka to makai), once providing access to everything the people in that ahupua'a would need². This connection is precisely the reason why the preservation of this land is not only imperative for the conservation of the species that live in the adjacent waters, but it also honors the culture that has been here long before there were State agencies and developers to dictate its use.

I imagine, on a larger scale, the Pohakea watershed as the guardian land of the Ma'alaea Bay waters.

Here at PWF, our aim has always been to give a voice for the whales that cannot speak for themselves – to protect them from the threats they face.

While in Hawai'i, humpback whales show a preference for wide, shallow bank areas, including Ma'alaea Bay³. Ma'alaea Bay has been considered an important area for the most vulnerable members of the population (moms and calves) since the early 1980s³, and in consideration of the growing population of this North Pacific stock of humpback whales in general, the importance of this area has only increased.

In more recent times, our research has shown that groups of whales with a calf showed a preference for shallow waters⁴, almost 40 years after the first studies were conducted. More and more research points to marine mammals, and particularly large migratory whales, serving critical functions within marine systems, from bio-indicators of health of marine ecosystems to the maintenance of key nutrient levels in surface waters in temperate marine regions⁵.

We believe that due to the intrinsically linked land and sea ecosystems, coupled with the importance of the marine resources found here in Hawai'i, the purchase of the Pohakea Watershed Lands to keep as open space is imperative for the preservation of these lands and waters. The development of these lands is sure to diminish not only the value of the land, but the ecosystem value of the waters it guards. It is up to us, as humans, to utilize whatever power we have to protect the natural systems in place, and to honor the culture that has existed here for hundreds of years.

Mahalo for the opportunity to advocate, and for your time.

Sincerely,
Shelby Serra
Conservation Advocate

References

1. Ulukou: The Hawaiian Electronic Library
2. Solomon Pili Kaho'ohalahala, *Earth is Blue Magazine*, National Marine Sanctuaries
3. Forestell, P., Brown, E., *Description of humpback whale use of Ma'alaea Bay, Maui, Hawaii*, 1992
4. Currie, J., et al., *Utilizing occupancy models and platforms-of-opportunity to assess area use of mother-calf humpback whales*, 2018
5. Cartwright, R., et al., *Between a rock and a hard place: habitat selection in female-calf humpback whale pairs on the Hawaiian breeding grounds*, 2012

Kohala Unupa'a
P. O. Box 208
Hawi, HI. 96719

March 9, 2022

Aloha State Legacy Land Conservation Commissioners,

Kohala Unupa'a strongly supports Hawai'i Land Trust (HILT) and Nā Kālai Wa'a's initiative to raise public and private funding in order to purchase and permanently protect the lands of Māhukona, located along the Kohala, Hawai'i Island coastline, covering 642 acres and six ahupua'a (from south to north) Kaoma, Hihiu, Mahukona, Kamano, Kou, and Kapaa nui.

Kohala Unupa'a was established in the year 2013. We are an afterschool mentorship program that comes out of the Kohala School Complex. For the past 7 years we have taken our haumana to hike the Ma Kai shoreline trail that runs from Mahukona to Kapaa nui. The history of place is shared by kupuna who once lived and labored the aina of Mahukona. The fisherman shared their stories of how the ocean was their refrigerator. Our haumana have learned the place names of the shoreline area, the bays and the famous fishing spots of the area. The pilina (relationship) that our haumana have to Mahukona is significant. Kohala is the home of our haumana and Mahukona is a piece of that home. We pick up trash and keep the trail cleaned and manicured. Our students have shore line cleanups and also dive cleanups to cut fishing line off the ocean floor. They have learned to steward the land and will be the future who will carry on the practice of malama Mahukona.

The following highlights the main reasons Kohala Unupa'a support a conservation purchase and permanent protection of Māhukona:

- Effectively prohibit future subdivision and development of Hawai'i's agricultural lands, while protecting Kohala's agricultural tradition of the Kohala Field System. With its prime location and agricultural and resort land use designations, the lands of Māhukona are at risk to be sold to resort and high-scale residential developers.
- Permanently protect Māhukona's prominent Hawaiian cultural landscape and the hundreds of ancient heiau and cultural sites still cared for by 'ohana and practitioners, while protecting the integrity and continuation of the area's ongoing cultural and religious practices including but not limited to non-instrumental navigation and subsistence fishing practices.
- Protect Māhukona's native flora and fauna habitat, including that for the endangered 'ōpe'ape'a (Hawaiian Hoary Bat) and Hawaiian monk seal, and other unidentified threatened, endangered or at-risk species (TER), while equally providing habitat restoration opportunities for TER species.
- Successfully complete a portion of the conservation corridor, connecting the protection of Lapakahi State Historical Park to the south to the County's Kapa'a Beach Park to the north, effectively contributing to the Kohala community's vision for a conservation

MEETING 75 PUBLIC TESTIMONY

2.B. MAHUKONA NAVIGATION AND ECOLOGICAL COMPLEX (SUPPORT = 8)

KOHALA UNUPA'A (Johnelle "Amoo" Ching Kainoa, Project

Director) TIM RICHARDS – HAWAII COUNTY COUNCIL

CHADD 'ONOHI PAISHON - NA KALAI WA'A, Senior Captain

TONI WITHINGTON – Five Community Organizations

CHELSEY K. DICKSON

NA KALAI WA'A (Keomailani Case, Executive Director)

FLORES-CASE 'OHANA (E. Kalani Flores)

SHORTY BERTELMANN - NA KALAI WA'A Vice President

MAYOR ROTH - COUNTY OF HAWAII

corridor and protection of scenic view planes as outlined in the North Kohala Community Development Plan.

- Ensure the integrity and health of Māhukona’s ocean resources, including endemic and endangered marine species.
- Use of public funds for the protection of Māhukona is a proactive opportunity for the County and State to uphold their constitutional obligations to protect Native Hawaiian subsistence, cultural, and religious practices and Public Trust resources.

The haumana of Kohala Unupa’ā have a sentimental relationship to Mahukona. They have been inspired to be the voice to speak up on what they believe is the best for the people and places of Kohala. Mahukona has been the icebox to many ohana from Kohala who gather to feed their families. It is the famous coastline that we all come to relax and rejuvenate our souls. On behalf of the Keiki of Kohala we peacefully ask to please give Hawaii Island Trust and Na Kalai Wa’ā the opportunity to take on the responsibility of keeping Kohala “Country”.

Mahalo,

Johnelle “Amoo” Ching Kainoa

Johnelle “Amoo” Ching Kainoa
Kohala Unupa’ā
Project Director

[If applicable: Title, Organization Name]

From: [Botelho-Kaili, Dorthi](#)
To: [DLNR.FW.LLCC](#)
Cc: [Richards, Tim](#); [Shae Kamakaala](#)
Subject: [EXTERNAL] Written Testimony for 3/11/22 Legacy Land Conservation Commission
Date: Wednesday, March 9, 2022 5:00:08 PM
Attachments: [HILT TO DLNR LEGACY LAND COMMISSION GRANT.03092022.pdf](#)

Aloha kākou,

Attached please find written testimony in support of item 2.B. of the Land Acquisition Grants from the Fiscal Year 2022 Land Conservation Fund – Application Presentations scheduled for your March 11, 2022, Legacy Land Conservation Commission meeting.

If possible, please reply to acknowledge your receipt. If you need to discuss this matter further, please do not hesitate to contact me directly.

Mahalo and Aloha,

HERBERT M. “TIM” RICHARDS, III
Hawai’i County Council, District 9
North & South Kohala

Tim.Richards@hawaiicounty.gov

808-961-8564 or 808-887-2069

From: [Chadd Paishon](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Written Testimony in Support of State Funding for Mahukona's Permanent Protection
Date: Wednesday, March 9, 2022 8:14:40 PM

Na Kalai Wa`a

P.O. Box 748

Kamuela, HI. 96743

Chadd `Onohi Paishon

Senior Captain

March 9, 2022

Aloha State Legacy Land Conservation Commissioners,

I strongly support Hawai'i Land Trust (HILT) and Nā Kālai Wa`a's initiative to raise public and private funding in order to purchase and permanently protect the lands of Māhukona, located along the Kohala, Hawai'i Island coastline, covering 642 acres and six ahupua`a (from south to north) Kaoma, Hihiu, Mahukona, Kamano, Kou, and Kapa`a nui.

My name is Chadd `Onohi Paishon and I am the Senior Captain for Na Kalai Wa`a. Our organization has been directly connected to Mahukona thru kupuna who were and are an integral part of the direction, vision and mission of Na Kalai Wa`a, our voyaging canoe, Makali`i as well as our education programs. Because we are a voyaging organization we were introduced to Ko`a Heiau Holomoana, which is a traditional navigational heiau, a school of learning, located at Mahukona. We were given kuleana, responsibility, by the kupuna of Mahukona to "steward" the heiau along with other sites located at Mahukona and have honored that kuleana till this day.

The following highlights the main reasons I support a conservation purchase and permanent protection of Māhukona:

<!--[if !supportLists]-->● <!--[endif]-->Effectively prohibit future subdivision and

development of Hawai‘i’s agricultural lands, while protecting Kohala’s agricultural tradition of the Kohala Field System. With its prime location and agricultural and resort land use designations, the lands of Māhukona are at risk to be sold to resort and high-scale residential developers.

- Permanently protect Māhukona’s prominent Hawaiian cultural landscape and the hundreds of ancient heiau and cultural sites still cared for by ‘ohana and practitioners, while protecting the integrity and continuation of the area’s ongoing cultural and religious practices including but not limited to non-instrumental navigation and subsistence fishing practices.
- Protect Māhukona’s native flora and fauna habitat, including that for the endangered ‘ōpe‘ape‘a (Hawaiian Hoary Bat) and Hawaiian monk seal, and other unidentified threatened, endangered or at-risk species (TER), while equally providing habitat restoration opportunities for TER species.
- Successfully complete a portion of the conservation corridor, connecting the protection of Lapakahi State Historical Park to the south to the County’s Kapa‘a Beach Park to the north, effectively contributing to the Kohala community’s vision for a conservation corridor and protection of scenic view planes as outlined in the North Kohala Community Development Plan.
- Ensure the integrity and health of Māhukona’s ocean resources, including endemic and endangered marine species.
- Use of public funds for the protection of Māhukona is a proactive opportunity for the County and State to uphold their constitutional obligations to protect Native Hawaiian subsistence, cultural, and religious practices and Public Trust resources.

In closing, I ask each of you for your support in this conservation purchase and permanent protection of Mahukona.

Mahalo,
<!--[if !supportLineBreakNewLine]-->
<!--[endif]-->

Chadd `Onohi Paishon, Senior Captain, Na Kalai Wa`a

To: Legacy Land Conservation Commission, Division of Forestry and Wildlife

From: Toni Withington, spokesperson for Ka Makani O Kohala Ohana, Malama Na Wahi Pana O Kohala, Maika'i Kamakani O Kohala, Malama Kohala Kahakai and Kohala Lihikai

Subject: Testimony in support of Item 2-B Mahukona Navigation and Ecological Complex

Good morning, Commissioners,

We are five community organizations that have been working for decades toward the goal of an open and accessible North Kohala coastline that honors the vast cultural and historic treasures, stabilizes the ecology of the land and ocean, and provides access for fishing, gathering and recreation. This has been a community-driven effort that has resulted in turning 483 acres of formerly private land into open space. We are actively stewarding seven projects along our coastline.

We strongly support the request for funds by Hawaii Land Trust (HILT) for preservation of Mahukona Navigation and Ecological Complex. Because of its location at the center of our leeward coast, the land at Mahukona has been special to the hearts of all who live in Kohala, both north and south. We have encouraged and worked with HILT and Na Kalai Waa to bring us to this place where preservation will become a reality.

Over one thousand voices went into the writing our North Kohala Community Development Plan (Hawaii County Ordinance 08-515), which calls for the County to pursue purchase of the land at Mahukona in open space.

The Public Access, Open Space and Natural Resources Preservation Commission (PONC) has listed Mahukona near the top of its annual priority list for purchase almost every year since 2007. In 2020 Mahukona was listed as #1.

Hawaii Land Trust has done an excellent job of detailing the importance of the many reasons why Mahukona deserves the respect and care that is long due. Please help us achieve this vision.

From: [Chelsey Dickson](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Testimony in Support of State Funding for Mahukona's Permanent Protection
Date: Wednesday, March 9, 2022 10:24:58 PM

March 8, 2022

To: State Legacy Land Conservation Commissioners

Aloha kakou,

I Chelsey Keohopuanani Dickson am in strong support of Hawai'i Land Trust (HILT) and Nā Kālai Wa'a's initiative to raise public and private funding in order to purchase and permanently protect the lands of Māhukona, located along the Kohala, Hawai'i Island coastline. The land consists of approximately 642 acres - six ahupua'a (from south to north) Kaoma, Hihiu, Mahukona, Kamano, Kou, and Kapaa nui.

I am of Native Hawaiian descent, born and raised in South Kohala - Waimea. I am a director and member of the Waimea Hawaiian Civic Club, board member of Na Kalai Wa'a, a native practitioner, and crew member of the voyaging canoe Makali'i. My family genealogy ties me to the area of Mahukona - specifically to Holomoana the navigational Heiau and to the certain kupuna that reside there.

For my 'ohana and specific groups, our ceremonies happen here. We humbly access special sites that enable our practices of navigation and voyaging and culture to continue. This is a special place where traditional knowledge and practices transfer to the next generation.

Mahukona is our access to the kai for fishing and camping. My children are avid freedivers and fishermen who have grown up learning about the ocean life in this area because they are able to access it and learn from our family and close knit community deeply rooted in the stewardship of this place for generations.

It is urgent and necessary to protect the area of Mahukona - including the numerous cultural sites, endangered plants and animals and kupuna that are there.

The following highlights the main reasons I support a conservation purchase and permanent protection of Māhukona:

- Effectively **prohibit future subdivision and development** of Hawai'i's agricultural lands, while protecting Kohala's agricultural tradition of the Kohala Field System. With its prime location and agricultural and resort land use designations, the lands of Māhukona are at risk to be sold to resort and high-scale residential developers.
- **Permanently protect** Māhukona's prominent Hawaiian cultural landscape and the hundreds of ancient heiau and cultural sites still cared for by 'ohana and practitioners, while protecting the integrity and continuation of the area's ongoing cultural and religious practices including but not limited to non-instrumental navigation and subsistence fishing practices.

- **Protect Māhukona’s native flora and fauna habitat**, including that for the endangered ‘ōpe‘ape‘a (Hawaiian Hoary Bat) and Hawaiian monk seal, and other unidentified threatened, endangered or at-risk species (TER), while equally providing habitat restoration opportunities for TER species.
- Successfully complete a portion of the **conservation corridor**, connecting the protection of Lapakahi State Historical Park to the south to the County’s Kapa‘a Beach Park to the north, effectively contributing to the Kohala community’s vision for a conservation corridor and protection of scenic view planes as outlined in the North Kohala Community Development Plan.
- **Ensure the integrity and health of Māhukona’s ocean resources**, including endemic and endangered marine species.
- Use of public funds for the protection of Māhukona is a proactive opportunity for the County and State to uphold their **constitutional obligations to protect** Native Hawaiian subsistence, cultural, and religious practices and Public Trust resources.

Your support for this conservation purchase and permanent protection for Mahukona is critical now!

Thank you for your attention to this matter and consideration to **support** Hawai‘i Land Trust (HILT) and Nā Kālai Wa‘a’s initiative to raise public and private funding in order to purchase and permanently protect the lands of Māhukona.

Mahalo nui,

Chelsey K. Dickson
PO Box 1711
Kamuela, Hawaii 96743



Nā Kālai Wa‘a

“He wa‘a he moku, he moku he wa‘a.” Our canoe is our island, our island is our canoe.

March 9, 2022

Aloha State Legacy Land Conservation Commissioners,

Nā Kālai Wa‘a strongly supports Hawai‘i Land Trust (HILT) and Nā Kālai Wa‘a’s initiative to raise public and private funding in order to purchase and permanently protect the lands of Māhukona, located along the Kohala, Hawai‘i Island coastline, covering 642 acres and six ahupua‘a (from south to north) Kaoma, Hihui, Mahukona, Kamano, Kou, and Kapa‘a nui.

Nā Kālai Wa‘a is an education-based, non-profit organization dedicated to the cultural values, knowledge and practices of deep-sea voyaging utilizing the double-hulled sailing canoe Makali‘i. NKW was founded in 1993, with a perspective that a voyaging canoe is the maritime parallel of a village and the success of a voyage is a function of the participation of its members. Through our years of sailing we have learned that voyaging improves individual skills and decision-making, teaches sustainability, and brings the community together for an interdependent purpose while strengthening our cultural identity. In the 1970s, brothers Clay and Shorty Bertelmann of Waimea became involved with voyaging canoe Hokule‘a and spent the next 20 years training with Micronesian Master Navigator Mau Piailug. In the early 1990s, Clay had a dream about a canoe that would strengthen his community and provide a continuous platform for learning. In 1994, the 54-foot voyaging canoe Makali‘i was born and his dream was realized. In explaining the holistic nature of voyaging, Clay explained, He wa‘a he moku, he moku he wa‘a, which means, a canoe is an island, an island is a canoe. This has become the vision of Nā Kālai Wa‘a.

Na Kālai Wa‘a provides educational canoe activities and sailing opportunities for the communities of Hawai‘i Island. Our two Pwo Navigators, Makali‘i Captain, and dedicated crewmembers have many years of experience teaching and guiding the wa‘a experiences for our youngest preschool aged children, school aged haumana, families, organizations, and also to the kupuna of our communities. We utilize our learning hālau at Kawaihae South Harbor, our 10 acre canoe garden at Hawi, and also the warehouse and cultural sites at Mahukona for all of our learning activities. Nā Kālai Wa‘a has been blessed to share the knowledge that we have been given by thoes who came before us and especially the ‘ike that we have obtained from these wahi pana, or celebrated places.

The following highlights the main reasons Nā Kālai Wa‘a supports a conservation purchase and permanent protection of Māhukona:

- Effectively prohibit future subdivision and development of Hawai‘i’s agricultural lands, while protecting Kohala’s agricultural tradition of the Kohala Field System. With its prime location and agricultural and resort land use designations, the lands of Māhukona are at risk to be sold to resort and high-scale residential developers.
- Permanently protect Māhukona’s prominent Hawaiian cultural landscape and the hundreds of ancient heiau and cultural sites still cared for by ‘ohana and practitioners, while protecting the integrity and continuation of the area’s ongoing cultural and religious practices including but not limited to non-instrumental navigation and subsistence fishing practices.

- Protect Māhukona's native flora and fauna habitat, including that for the endangered 'ōpe'ape'a (Hawaiian Hoary Bat) and Hawaiian monk seal, and other unidentified threatened, endangered or at-risk species (TER), while equally providing habitat restoration opportunities for TER species.
- Successfully complete a portion of the conservation corridor, connecting the protection of Lapakahi State Historical Park to the south to the County's Kapa'a Beach Park to the north, effectively contributing to the Kohala community's vision for a conservation corridor and protection of scenic view planes as outlined in the North Kohala Community Development Plan.
- Ensure the integrity and health of Māhukona's ocean resources, including endemic and endangered marine species.
- Use of public funds for the protection of Māhukona is a proactive opportunity for the County and State to uphold their constitutional obligations to protect Native Hawaiian subsistence, cultural, and religious practices and Public Trust resources.

Nā Kālai Wa'a has been blessed to access the historical sites identified at Mahukona. Ko'a Holomoana Heiau is a navigational heiau located at Mahukona that has become the significant launching site for long voyages for Makali'i and other canoe. It is significant in that it marks the beginning and end of each of our voyages. Nā Kālai Wa'a is dedicated to our continued stewardship of the lands at Mahukona, to the traditional practices of open ocean voyaging and to the significant area of Mahukona and all that it teaches us.

Mahalo,



Keōmailani Case
Executive Director
Nā Kālai Wa'a
Office Phone (808)885-9500
Cell Phone (808)987-8709
Email: wdkeomailanic@gmail.com



March 9, 2022

TO: Legacy Land Conservation Commission
FR: E. Kalani Flores, Flores-Case 'Ohana (08ef80@gmail.com)
RE: Meeting 75, Agenda Item 2.B.

Aloha e State Legacy Land Conservation Commissioners,

We, the Flores-Case 'Ohana, strongly support and endorse the granting of funds to the applicant, Hawai'i Land Trust (HILT), to purchase and permanently protect the lands of Mahukona and adjacent lands (Kaoma, Hihiu, Kamano, Kou, and Kapa'a nui) consisting of over 642 acres located along the Kohala coast on Hawai'i Island .

We are very familiar with these lands as the result of engaging in Kanaka Maoli traditional and customary practices at the cultural sites located within this area. The acquisition of these lands by HILT will go towards the protection of these culturally sensitive lands, burials, trails, open space, natural environment, ocean resources, a significant number of cultural/historic sites, and associated cultural practices.

It will also create a corridor of protected lands stretching from the Lapakahi State Historical Park to the Kapa'a Beach Park. This coastline is under extreme pressure from proposed resort and luxury home subdivision development. This grant application fulfills all the criteria and purpose of the Land Conservation Fund. Likewise, the HILT organization is extremely capable of implementing proper management and stewardship of these lands by working in unison with community organizations and cultural practitioners.

Conclusively, the Flores-Case 'Ohana fully endorses the granting of Land Conservation Funds to HILT for the afore-mentioned reasons.

From: [Shorty Bertelmann](#)
To: [DLNR.FW.LLCC](#)
Subject: [EXTERNAL] Testimony for Mahukona lands
Date: Thursday, March 10, 2022 7:25:14 AM

Aloha State Legacy Land Commissioners,

I am also in strong support for Hawaii Land Trust (HILT) and Na Kalai Waa's initiative to raise public and private funding in order to purchase and permanently protect the lands of Mahukona, located along the Kohala, Hawaii Island coastline, covering 642 acres and 6 ahupua'a (from south to north) Kaoma, Hihiu, Mahukona, Kamano, Kou, and Kapaa nui.

I am Shorty Bertelmann, who was among others on the big island in the late 1980's and early 1990's invited to visit the Mahukona lands with Auntie Marie and Uncle Sonny Solomon from North Kohala, who had direct genealogical lineage to the area and to the navigation heiau Ko'a Holomoana, and to the numerous important archeological sites that are there.

Also with us was Mau Pailug, the great Grandmaster navigator from Satawal in Micronesia who was able to explain some of the functions of the navigation Heiau.

It was so amazing for the lands to be reintroduced from the past.

It was from then and there that the promise was made to the kupuna that we will also take on the responsibility for the protection and conservation of this sacred area.

From then to present time we at Na Kalai Waa have been provided by landowners to access the sites for culture education, ceremony, activities and visits.

Our dedication to continue stewardship and conservation will always be there but it's going to be more difficult in the future for the next generation if the land is owned by high scale residential developers and resorts.

So there is an urgency today to try to purchase the land for the continuation of conservation and management and stewardship moving forward.

To prohibit developers to change the natural landscape of the Kohala Field System and to protect the Kohala agricultural tradition.

A prominent landscape of hundreds of ancient cultural archeological sites, shrines, and prehistoric Heiaus are there. Which are still cared for by family and practitioners of religion, of non-instrumental navigation and of traditional fishing practice.

To protect the native flora and fauna habitat, including that for the endangered ope'ape'a (Hawaiian Hoary Bat), and the Hawaiian monk seal, and unidentified threatened, endangered or at risk species, while equally providing habitat restoration opportunities for (TER)species.

Successfully complete the conservation corridor connecting the protection of Lapakahi State Historical Park to the south to the County's Kapaa Beach Park to the north, effectively contributing to the Kohala community's vision for the conversation corridor of scenic view planes as outlined by the Kohala Community Development Plan.

To protect and insure the integrity and health of Mahukona's ocean resources, including endemic and endangered marine species.

The use of public funds for the protection of Mahukona is a proactive opportunity for the County and State to uphold their constitutional obligations to protect Native Hawaiian subsistence, cultural, and religious practices and Public Trust resources.

It is very exciting to be in a position today to continue to work very hard to try to help protect Mahukona, a supreme location for navigation training, for care and conservation of it's fragile habitat and endangered species, for connecting with neighbors, for inviting in communities, for continuing cultural education, to secure stewardship for a healthy environment of our land, ocean and sky for all of Hawaii's children.

Mahalo nui,

Shorty Bertelmann
Na Kalai Waa Vice President
Crewmember on Hokule'a's first voyage to Tahiti 1976
Captain/navigator on South Pacific voyaging
Makalii builder/navigator

Sent from my iPhone

MEETING 75 PUBLIC TESTIMONY

2.C. HANEOO LANDS (Support = 2)

KELLEY LEHUAKEAOPUNA UYEOKA – 'OHANA PUHI

SHANE SINENCI – MAUI COUNTY COUNCIL

March 9, 2022

To: Legacy Land Conservation Commission, Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, HI 96813

From: Kelley Lehuakeapuna Uyeoka
PO Box 197
Hakalau, HI 96710

Re: **Testimony in strong support of Ke Ao Hāli'i receiving funding from the Legacy Land Conservation Commission for TMK Parcels (2) 1-4-007:005, :011, :012, :015, :019 (Agenda Item 2.C.)**

Aloha nui kākou,

I submit this testimony in strong support of Ke Ao Hāli'i's proposal for funding from the Land Legacy Conservation Commission to assist in purchasing 'āina in Haneo'o Ahupua'a, Hāna, Maui.

My name is Kelley Lehuakeapuna Uyeoka, and I am the great-great-great-granddaughter of Kahu Daniel Puhi. I would like to share a short mo'olelo (history) about our 'ohana kuleana lands in Hinamaha 'ili, Haneo'o Ahupua'a, Hāna Moku, Maui Mokupuni (TMK (2) 1-4-07:10), and our 30-year journey to retain and protect these ancestral lands in perpetuity. Our embattled journey began when Keola Hana Maui Inc. attempted to quiet title our 'āina in 1992. Subsequently, Meridian Financial Resources LLC quit claimed our 'āina in 2010, and this was followed by our current challenges to secure a grant of easement access to our landlocked kuleana with the neighboring land owners, Hana Ranch Partners LLC.

To compound the problem, Hana Ranch Partners LLC is currently trying to sell the lands surrounding our kuleana to another private buyer. It remains exceedingly frustrating and we wonder what American corporation or foreign entity will we be forced to deal with next. Because of large land owners, and the shifting real estate climate in Hāna, our 'ohana has been in legal battles for **30 years** to keep ancestral lands that belong to us.

Our mo'olelo begins approximately 216 years ago with the birth of my great-great-great grandfather, Daniel Puhi, in the moku of Kohala, Hawai'i Island. He spent his early years in Kohala and then sailed to Hāna to teach around **1840**. In **1852**, he was awarded Land Commission Award (LCA) 2965 for 5.9 acres in Haneo'o, Hāna, Maui (Figures 1 and 2). It was noted on the Native Register testimony, provided by Kaimuli, that Daniel Puhi was given this 'āina because he was a teacher. On the LCA it noted that this was farming land, likely planted with 'uala and dryland kalo as staples.

Eventually, Daniel Puhi became the kahu of Hāna Protestant Church from **1861-1865**, and then became the kahu at Palapala Ho'omau Church in Kipahulu from **1865-1889**. During his time in Hāna and Kipahulu, he met his wife Lilia Moakeawe Ka'awa -- they married in 1868 and had four children (one of them, Deborah Auheakanakaialii Puhi, is my great-great-grandmother).

Around **1890**, Kahu Daniel Puhi and the entire 'ohana moved from rural Hāna to Pauoa, O'ahu, where he passed away in **1895** at the age of 89. Daniel and Lilia Puhi left their kuleana lands in Haneo'o to their four keiki by deed. Over the years, remembrance of this 'āina was lost within our 'ohana.

Fast forward 97 years later.

On the morning of August 7, **1992**, my aunty was reading the Honolulu Advertiser and just so happened to come across a Quiet Title Legal Notice in the paper stating, “You are hereby notified that Plaintiff Keola Hana Maui Inc. claims fee simple ownership of all the following real property...Land Commission Award 2965 to Puhī...You are hereby further notified that Plaintiff Keola Hana Maui Inc has filed a complaint to Quiet Title....You are hereby summoned to appear in court on Friday the 2nd day of October, 1992...” At the time, our ‘ohana was unaware this ‘āina was gifted to us from our kupuna. However, the ‘ohana decided to challenge Keola Hana Maui and fight for these lands of our ancestors. **Note that Keola Hana Maui are previous land owners of the lands in Haneo’o that Ke Ao Hali’i are working to protect.*

Our first court battle with Keola Hana Maui lasted from **1993-1998**. On April 29, **1998**, Judge Boyd Mossman ruled in our favor, and a Final Judgment on Title under Civil No. 92-0509(3), Action to Quiet Title – Keola Hana Maui, Inc., Plaintiff vs Heirs and Assigns of Annie Puhī et al, from the Second Circuit, ordered, adjudged and decreed the rightful owners of the property described as Tax Map Key 1-4-07:10(2) to the heirs and assigns of Annie Puhī et al.

Fast forward 12 years later.

In **2010**, we learned about the kuleana tax exemption that OHA and the County of Maui offered kuleana land holders. However, when we applied, the Maui County property tax office informed us that Meredian Financial (*previous land owners of the lands in Haneo’o that Ke Ao Hali’i are working to protect*) was listed as the owners of our ‘āina despite our ‘ohana paying thousands of dollars for the property tax bills. As it turned out, although we received judgment of title in our **1998** quiet title case, the deed was never registered at the Bureau of Conveyances (BOC). Consequently, when Meredian Financial went to quick claim, it didn’t show up at the BOC and on paper Meredian Financial assumed ownership.

Once we discovered this discrepancy, we notified Meredian Financial (who was no longer doing business in Hawai’i). However, they refused to file a quit claim to transfer our land back to us, and we were compelled to take legal action through the courts. Again, we had to hire lawyers, and our second court battle took place from **2010-2011**. Fortunately, the judge ruled in our favor and a Special Warranty Deed/Corrective Deed was recorded at the BOC to remove Meridian Financial as owner, and ownership of the kuleana was conveyed to our ‘ohana.

After almost losing our kuleana a second time, my ‘ohana and I made a commitment to be more actively present on the ‘āina to reconnect to this place, the community, and the stories of our kūpuna. I currently visit our kuleana whenever possible and have surveyed the boundaries of the parcel, staked out the corners, and located wahi kupuna or cultural sites on the ‘āina. As I began to spend more time in Haneo’o and shared my research and experiences with my ‘ohana, it became clear that we needed to secure access to our ‘āina and begin to solidify our presence there.

Consequently, in **2015**, I approached Hana Ranch Partners (the current land owners) to determine if they would provide a grant of easement over their lands to access our ‘āina. A grant of easement is enduring, so if Hana Ranch Partners is no longer the owner, we can maintain access to our parcel since the grant of easement transfers along with the land title to any new owners. While Hana Ranch Partners was generally supportive of this, they requested that we conduct a metes and bounds survey of our kuleana parcel and the easement. Since 2015, we have had difficulty finding a suitable surveyor to undertake this unique work; and when we finally identified a company, the cost was prohibitive for our ‘ohana.

Most recently, upon learning that Hana Ranch Partners has identified a potential private buyer for their

Haneo'o lands, I have reached out several times to inquire about possible ramifications regarding the grant of easement through their property. Unfortunately, we have yet to receive a response from them. Needless to say, we feel frustrated and deeply concerned about the possible new owners. We fear that we may have to go through this entire ordeal again with someone new – likely a business with no Hawai'i ties and little understanding or appreciation for Hawaiian kuleana rights.

There are also a handful of other kuleana parcels in Haneo'o that didn't fare as well as ours (Figures 1 and 2). In several cases, the 'āina was quiet titled in the early 1990s because rightful heirs did not catch a glimpse of the small legal notices in the Honolulu Advertiser giving affected 'ohana less than 2 months to challenge Keola Hana Maui in court. Ultimately what Hāna Ranch and all of the former land owners of this parcel have done is erase Native Hawaiian presence and connection to this landscape by quiet titling land, putting up locked gates, and severing ties to the 'āina. This only highlights the importance of advocating for and protecting the few kuleana (and grant) parcels that still remain in the hands of Hawaiian 'ohana today.

In 2016, we visited our 'ohana kuleana with my daughter who was 3 years old at the time, as well as my 6 month old son and niece. We conducted our first 'aha or ceremony on our kuleana by burying my niece's piko (umbilical cord) in the 'āina to physically and spiritually connect our kūpuna to their living descendants. Through this sacred ceremony we were rightfully claiming our genealogical connections to this place and committing to our ancestors and descendants that this special 'āina, long ago gifted to our great-great-great-grandfather, Daniel Puhi, will forever be cherished, honored, and protected.

This very personal mo'olelo is one reason, among many others, why my 'ohana supports Ke Ao Hāli'i and their mission to purchase these lands ensuring their protection in perpetuity. The efforts of Ke Ao Hāli'i will benefit the entire Hāna community, and all of Maui by preventing more large landowners to displace Native Hawaiians from their lands and the traditional and customary practices that are intimately tied to the 'āina.

Ke Ao Hāli'i has a proven track record of acquiring and stewarding lands in Hāna, and this has afforded 'ohana that no longer have 'āina in Hāna to reconnect to their kulaiwi (homelands). Ke Ao Hāli'i's "ownership"/stewardship of lands in Mokae and Maka'alaie have created a pu'uhonua, or sanctuary, to mālama iwi kūpuna (care for our ancestral human remains) and provide them a safe and protected resting place. Lastly, through this purchase, Ke Ao Hāli'i can kōkua one Hawaiian 'ohana to secure essential access to their kuleana parcel that has been inaccessible for the past 200 years.

Mahalo for your time and for allowing me to share our mo'olelo.

Me ka ha'aha'a,
Kelley Lehuakeapuna Uyeoka
Ka 'ohana Puhi

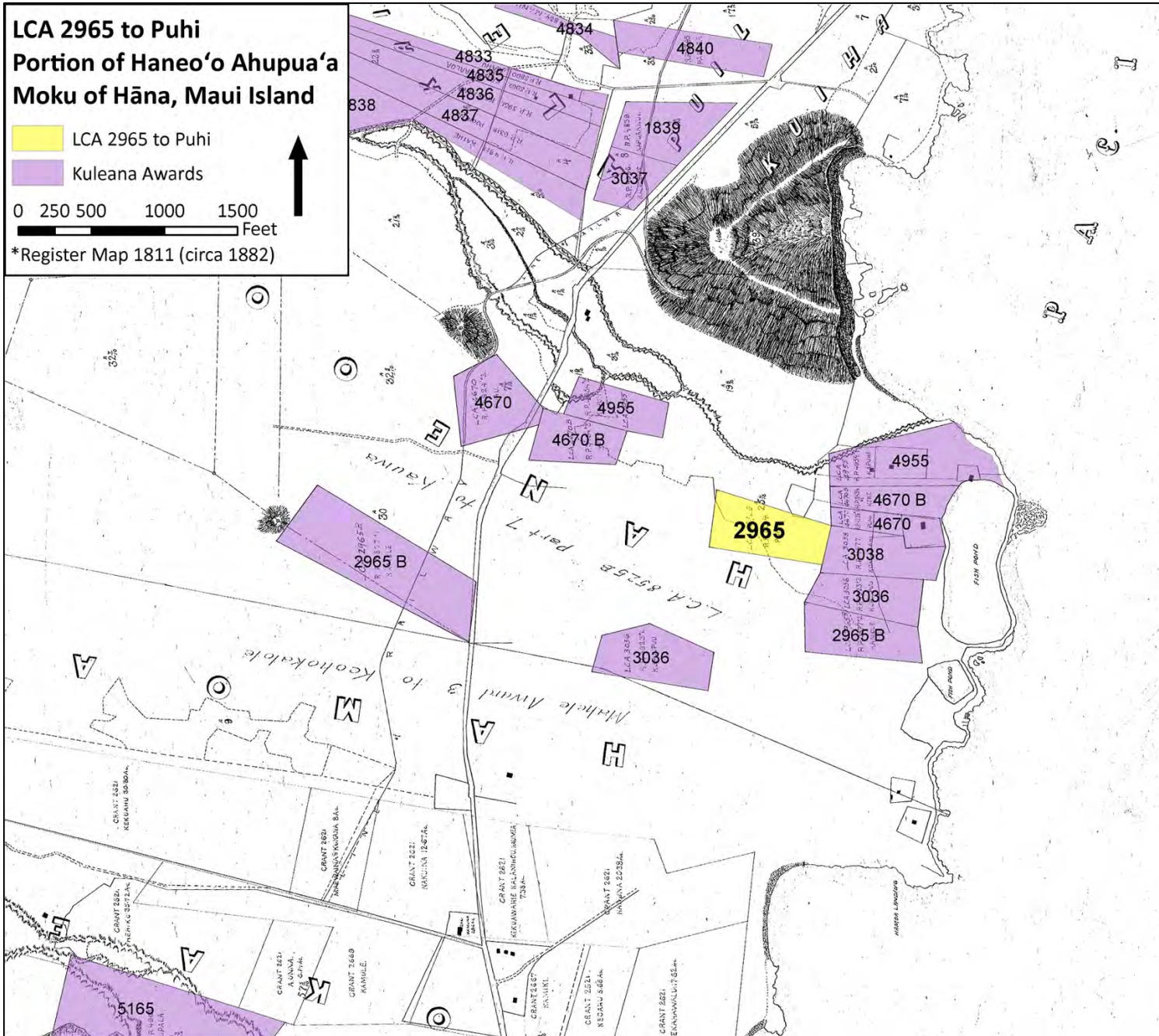


Figure 1. 1882 register map illustrating LCA 2965, awarded to Daniel Puhi (yellow) as well as neighboring kuleana (purple) in Haneo'o Ahupua'a

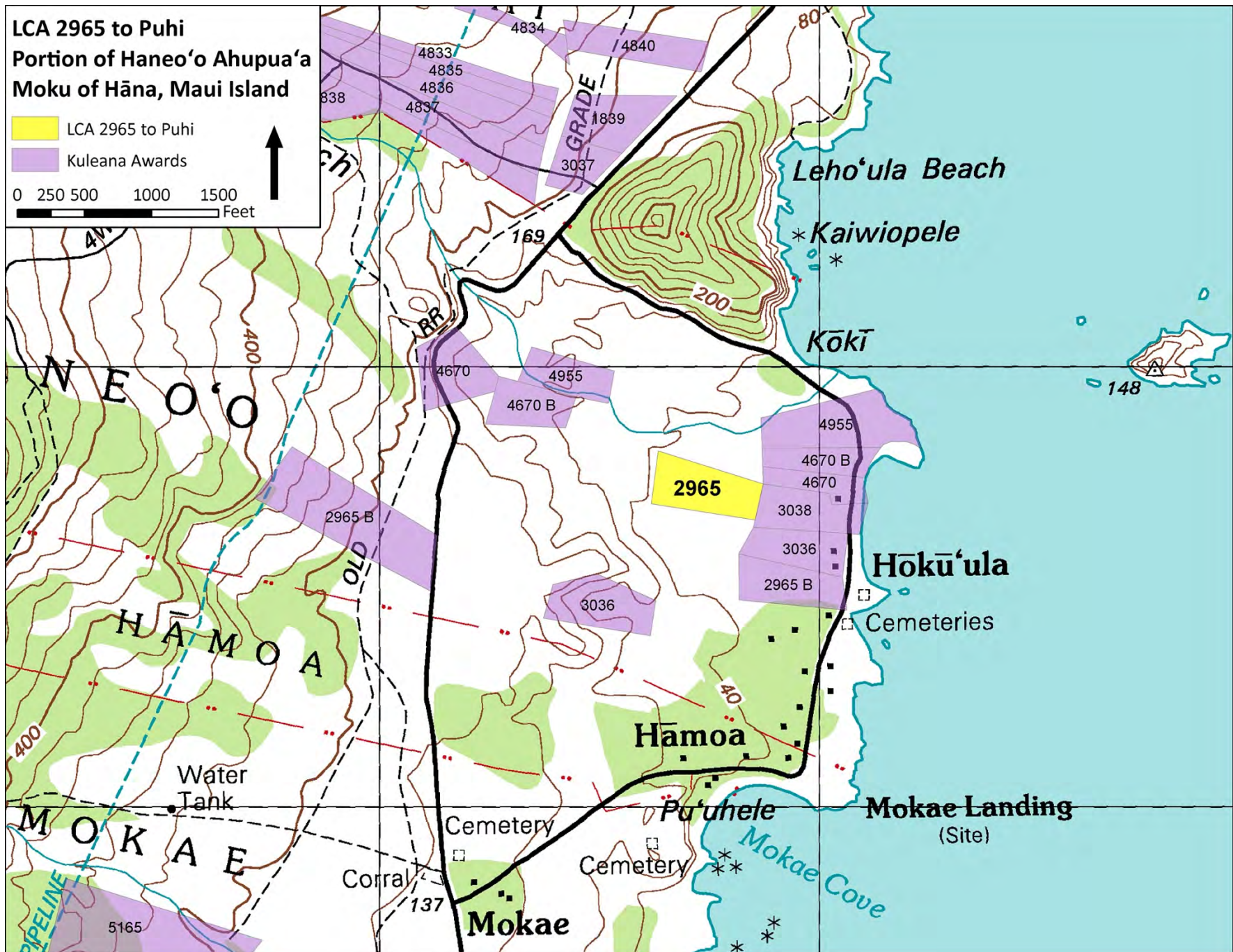


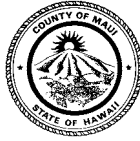
Figure 2. USGS map illustrating LCA 2965, awarded to Daniel Puhi (yellow) as well as neighboring kuleana (purple) in Haneo'o Ahupua'a

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COUNTY COUNCIL
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 9, 2022

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

Aloha LLCP Commissioners,

I understand that for the FY22 application for parcels TMK numbers (2) 1-4-007:005, 011, 012, 015 and 019 at Haneo'o, Hāna, Maui, KAH has indicated a projected matching source from the County of Maui Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Special Fund ("Open Space Fund"). I have previously submitted letters of support for the applications of Ke Ao Hāli'i (KAH) for the purchase, protection and stewardship of coastal lands in the Mokae and Maka'ala'e areas of Hāna.

I would like to state my support, as the council member representing East Maui, for this budget item to be included in the county's FY23 budget.

As a single councilmember, I can't make this decision on my own, but I can say with confidence that in the recent past, Ke Ao Hāli'i has received strong support from the County Administration and Councilmembers of acquiring and protecting vulnerable, undeveloped makai lands in Hāna, and the Council has approved without objection Open Space funds to Ke Ao Hāli'i for the acquisition and stewardship of Mokae and Maka'ala'e lands. I am committed to supporting this effort, and I will work closely with the mayor, the budget chair, and the other councilmembers to ensure that these funds are included in the county's FY23 Open Space Fund budget.

Ke Ao Hāli'i has demonstrated their capacity to complete these acquisition projects, and personally knowing many members of the Ke Ao Hāli'i board, and knowing the very strong level of support they have developed in the Hāna community for their efforts, I have confidence in their ability to manage and

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steward these lands into the future, for the benefit of our Hāna and Maui community.

Mahalo for your favorable consideration of the applications of Ke Ao Hali'i for the acquisition of these precious Haneo'o lands.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane Sinenci". The signature is written in a cursive style with a large initial 'S'.

Shane Sinenci
Maui County Councilmember, East Maui Representative