

BOARD PACKET
Legacy Land Conservation Commission Meeting 78
December 15, 2022

Item C. PROGRAM UPDATES

[Report to the 2023 Legislature](#)

Aloha ‘Oe Commissioners Frederick Warshauer and Wendy Wiltse
Aloha mai Commissioner Kim Falinski

ACTIVE GRANTS (n=7) and *CIP AWARDS* (n=2), LEGACY LAND CONSERVATION PROGRAM

LLCP	Name	Awardee	Partner	CE Holder	Notes
2013-02	Ulupō Heiau Buffer	DLNR-State Parks	na	exempted	Negotiations in progress. Matching funds from Castle Foundation, LWCF.
2015-01	Kaluanone	Waipā Foundation	TPL*	Kauaʻi County	Contract terminated by Awardee and by contract terms and conditions.
2017-03	Kepler Keʻanae Loʻi Conservation Easement	Hawaiian Islands Land Trust	na	HILT**	Contract ends 20230511. Matching funds from USDA (NRCS-ACEP).
2019-04	Kāneʻohe: Pali to Loʻi	DLNR-Forestry and Wildlife	TPL*	exempted	Fundraising ongoing.
2019-05	Halulu Fishpond Access	Waipā Foundation	TPL*	Kauaʻi County	Contract ends 20230420.
2021-02	Kiolakaʻa	Ala Kahakai Trail Association	TPL*	Hawaiʻi County	COMPLETED
2021-04	Mokae Lands II	Ke Ao Haliʻi	na	HILT** + Maui County	COMPLETED
2022-01	Mahukona Navigation and Ecological Complex	HILT	na	Hawaiʻi County	Contract pending. Matching funds from USFWS, Hawaiʻi County.
2022-02	Pohakea Watershed Lands	DLNR-Forestry and Wildlife	TPL*	exempted	Negotiations in progress.
2022-03	Haneoʻo Lands	Ke Ao Haliʻi	na	?	Contract pending.

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<i>LLCP</i>	<i>Name</i>	<i>CIP Recipient</i>	<i>Partner</i>	<i>CE Holder</i>	<i>Notes</i>
<i>2022-xx</i>	<i>Nā Wai 'Ehā CIP</i>	<i>DLNR-Forestry and Wildlife</i>	<i>na</i>	<i>na</i>	<i>\$2 million Legacy Land; \$5.6 million federal match authorized. HB1600 CD1 (2022) removed provisos THAT THE COUNTY OF MAUI MAKES A GOOD FAITH EFFORT TO SUPPORT THE PROJECT and de-authorized \$1.7 million in County matching funds.</i>
<i>2023-xx</i>	<i>Halulu CIP</i>	<i>DLNR-Forestry and Wildlife</i>	<i>?</i>	<i>?</i>	<i>\$400,000 <u>"TO PROTECT AND PRESERVE LAND AS A RESOURCE TO THE STATE; PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY THE COUNTY OF KAUAI"</u> (\$850,000 match authorized).</i>

*TPL=The Trust for Public Land

**HILT=Hawaiian Islands Land Trust

na=not applicable

**Item D.1. FISCAL YEAR 2023 APPLICATIONS FOR GRANTS FROM THE LAND CONSERVATION FUND
(LAND ACQUISITION)**

ACTION: Establish a Permitted Interaction Group to investigate and report on each final application received for a Fiscal Year 2023 land acquisition grant from the Land Conservation Fund, and appoint a leader for each Group.

LOCATION	COMMISSIONERS (Leader in BOLD type)			
Hāna, Maui				
Kona, Molokaʻi				
Koʻolaupoko, Oʻahu-M				
Koʻolaupoko, Oʻahu-P				
Haleleʻa, Kauaʻi				

William HAASE
Patrick HART

John SINTON
Christiane LUCAS

Kanoe WILSON
Kim FALINSKI

Jacob TAVARES
Beryl BLAICH

**Item D.3. FISCAL YEAR 2023 APPLICATIONS FOR GRANTS FROM THE LAND CONSERVATION FUND
(LAND ACQUISITION)**

DISCUSSION: *Procedures for Group investigations and reports, including Commission Travel Procedures; Process for reviewing and ranking grant applications and for recommending grant awards to the Board of Land and Natural Resources.*

Group investigations

- Permitted Interaction Group deliberates with itself, only, and does not discuss its ongoing investigation with others.
- Group leader arranges site visit schedule and logistics with applicant and applicant partner.

- Group leader coordinates travel arrangements with Group members, then provides travel request information for the entire group to Commission staff.

Group reports

- Each group will report to the full Commission about its investigation at a future reporting meeting. Staff requests that each Group submit a written report of its investigation (addressing Final Application, Site Visit, and Supplemental Application materials), plus supporting photographs and other report presentation materials, not later than 72 hours before the reporting meeting.
- Staff will distribute reporting guidance and templates to Group leaders.

Commission Travel Procedures

Division workload for processing staff travel is heavy, and early action on all travel matters is greatly appreciated.

- Air Travel
 - New procedures require two quotes for interisland air travel, as obtained by staff from Hawaiian, Southwest, or Mokulele in most cases.
 - Price, level of service provided, convenience, and travel time are factors that staff may evaluate in justifying the flight selections included in a Commissioner's travel request.
 - Retain a used, paper boarding pass whenever possible to submit for travel completion reporting.
 - An image of a QR code from a digital boarding pass has also been acceptable.
- Ground transportation to/from airport, parking, and mileage for personal vehicle use is reimbursed after travel completion reporting.
 - Complete and submit the standard form to claim mileage for personal vehicle use (don't include parking even though there's space for it)
 - Retain a paper receipt as proof of payment whenever possible.
- Rental Vehicle – Use the State contract only; a personal contract is not reimbursable (except for very unique situations).
 - The State's contract for rental vehicles does not require that a vehicle return with a full tank of fuel.

- If additional fuel, parking, or other vehicle related goods and services is needed during travel, retain a written receipt as proof of payment whenever possible.
- To avoid delays at the rental counter, provide information for additional drivers when submitting a travel request. An additional driver must be present at the rental counter with ID to be added to the rental contract.
- Lodging - Two quotes required for overnight lodging, obtained on the same day in writing (including online quote) or by telephone.
 - Price is a selection factor for travel approval, consult with Commission staff about options if necessary.
 - Commissioners make the reservation and pay for the lodging. For reimbursement, retain a written receipt that indicates full payment with zero balance due, whenever possible.

Process for reviewing and ranking grant applications and for recommending grant awards to the Board of Land and Natural Resources

- See handout attached, from Fiscal Year 2022 grant cycle.
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Item E. 2023 LEGISLATIVE SESSION After all measures are introduced, Commission staff will distribute tracking worksheets, status updates, and hearing notices.

COMMISSIONERS

- | | |
|-----------------|--|
| • JOHN SINTON | Senate Committee on Water and Land (WTL) |
| • JACOB TAVARES | Advise and Consent for Term 2 |
| • KIM FALINSKI | Advise and Consent for Term 2 |
| | Advise and Consent for Term 1 |

BUDGET

[House Committee on Finance \(FIN\)](#)

[Senate Committee on Ways and Means \(WAM\)](#)

- Appropriations for Fiscal Biennium 2023-2025 (Spending Ceilings for Fiscal Years 2024 and 2025)
- Distributions of Annual Conveyance Tax Revenue (Percentage and Cap)
- Capital Improvement Projects (CIP)

OTHER SUBJECT MATTER

[House Committee on Water & Land \(WAL\)](#)
[Senate Committee on Water and Land \(WTL\)](#)

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

A Commissioner can rank only one application at the "lowest" level (5).
Other rankings can be assigned to more than one application.

The Commission typically recommends approval of full funding for certain applications, in the order ranked by the Commission, as funds may be available.

The Commission may also recommend that a certain application not be approved for funding, or that the Board of Land and Natural Resources impose specific, special conditions on a grant award.

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.

**LEGACY LAND CONSERVATION COMMISSION RANKING SHEET
LAND ACQUISITION GRANT APPLICATIONS, FISCAL YEAR 2022**

Instructions:

- **Select one ranking choice for each application**
 - **“(5) lowest” can be selected only once, if at all**
 - **don’t rank more than one application as “(5) lowest”**
- **Insert initials and return to staff via eSign**

**A. DLNR-Division of Forestry and Wildlife – Pohakea Watershed Lands
(Ma‘alaea Mauka)**

___(1) exemplary ___(2) above average ___(3) average ___(4) below average

___(5) lowest

___ ABSTAIN

___ RECUSE

**B. Hawaiian Islands Land Trust – Mahukona Navigation and Ecological
Complex**

___(1) exemplary ___(2) above average ___(3) average ___(4) below average

___(5) lowest

___ ABSTAIN

___ RECUSE

C. Ka Ao Hali‘i – Haneo‘o Lands

___(1) exemplary ___(2) above average ___(3) average ___(4) below average

___(5) lowest

___ ABSTAIN

___ RECUSE

LEGACY LAND CONSERVATION COMMISSION MEETING 75

Handout for Item 5, Commission recommendations to the Board of Land and Natural Resources
for Fiscal Year 2022 grant awards.

March 11, 2022

Sample Recommendation

The Legacy Land Conservation Commission (Commission) recommends that the Board of Land and Natural Resources (Board) approve three awards for grants from available funds in the Land Conservation Fund, for full funding of the three top-ranking FY2022 applications for land acquisition grants, in the order ranked by the Commission, as funds are available.

In order to provide for greater flexibility in the awards program, the Commission also recommends that the Board:

- (1) Approve—as a contingency in the event that an awardee declines its award, or is unable to accept or expend all or part of its awarded funds—awards of remaining, available funds from the Land Conservation Fund, up to the amounts originally requested in the FY2022 applications, to Ke Ao Hali'i as an alternate, for the acquisition of 8.8 acres at Hana, Maui, provided that Ke Ao Hali'i submits amended application materials as requested by Legacy Land Conservation Program staff not later than March 28, 2022.
- (2) Delegate authority to the Chair to redirect remaining, available funds from a FY2022 grant award—that were declined, not accepted, or not used by an awardee—to other FY2022 applications that the Legacy Land Conservation Commission recommended for funding, so as to accomplish full funding for each approved award in the order ranked by the Commission, as funds are available.