



# Form 5b

**Fiscal Year 2024 Agency Consultation:  
Department of Agriculture**

To: Sharon K. Hurd, Chairperson  
State of Hawai'i Department of Agriculture  
Office of the Chairperson  
1428 South King Street  
Honolulu, HI 96814

**Applicant: See Form 5 Guidance; Fill in this page, and application  
title on each page, and submit, with maps and photos, via email to:  
legacyland@hawaii.gov**

Applicant: \_\_\_\_\_  
Application Title: \_\_\_\_\_  
Point of Contact: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
\_\_\_\_\_  
Email Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

Date Submitted: \_\_\_\_\_ (Before October 10, 2023 to allow adequate time for response)

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



## **Form 5b** *Fiscal Year 2024 Agency Consultation: 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 Legacy Land Conservation Program at the address listed above, **not later than November 20, 2023**, via eSign reply, or email to [legacyland@hawaii.gov](mailto:legacyland@hawaii.gov). 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 808-586-0921, or [legacyland@hawaii.gov](mailto:legacyland@hawaii.gov), with questions regarding agency consultation and the grant process.

If the Applicant does not receive an agency response before November 21, 2023, then the application will indicate that the agency "Did Not Respond." 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;



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- (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 type="checkbox"/> | Comments attached                                 |
| Signed: _____            | Date: _____                                       |
| Name: _____              |   |
| Title: _____             |   |