

LEGACY LAND CONSERVATION COMMISSION PERMITTED INTERACTION GROUP
Meeting 83, February 29, 2024, Agenda Item 2.B

NANI KAI HŌKŪ

AGRICULTURAL EASEMENT

KOHALA, HAWAII ISLAND



Introduction



This report is presented to the Legacy Land Commission regarding the 2024 Legacy Land Grant application for the Nani Kai Hōkū Farm, located in the district of Kohala, on Hawai'i island. The field visit was conducted on Wednesday, January 31, 2024, with the following Commissioners present: Kanoe Wilson (Lead), Patrick Hart, Beryl Blaich and Kai Lucas, along with the Alexandra Kelepolo, Toni Withington, Megan Leatherman, from Moku o Keawe Land Conservancy, and Clarence and Gail Baber, Owners of Nani Kai Hōkū Farm.

Report Summary

LEGACY LAND CONSERVATION COMMISSION PERMITTED INTERACTION GROUP REPORT

Group Members: Kanoe Wilson, Patrick Hart, Kai Lucas, Beryl Blaich
Group Leader: Kanoe Wilson
Group Purpose: Investigate application for a grant from the Land Conservation Fund
Applicant: Moku o Keawe Land Conservancy

Application: Nani Kai Hōkū / Agriculture Easement

Location (District/Island): Kohala, Hawai'i island

Total acreage: 20.1

Number of parcels: 1

TMKs: County of Kauai (3) 5-5-009:069

Acquisition Type: Agricultural Easement

	(1) Agricultural Easement
Estimated Land Value (\$)	\$1,598,000.00
Estimated Total Project Costs (\$)	\$1,622,000.00
Funding request (\$)	\$499,000.00
Estimated Matching Funds (%)	70%

Day/Date/Time of Field Visit: Wednesday, January 31, 2024, 10:00am

Host(s) and Affiliation(s): Alexandra Kelepolo, Toni Withington, Megan Leatherman, from Moku o Keawe Land Conservancy, and Clarence and Gail Baber, Owners of Nani Kai Hōkū Farm.

Field Visit Summary

We met in Hawi town near the Old Surety office and were greeted there by



Alexandra Kelepolo, Toni Withington, Megan Leatherman, from Moku o Keawe Land Conservancy, and Gail Baber, of Nani Kai Hōkū Farm. From there the group jumped into vehicles and followed Gail to the farm site which was less than 5 minutes away.

The property is a 20 acre parcel. It is located makai of Akoni Pule Highway and minutes away from Hawi town. There were two gates that we needed to go through in order to enter the property. Gail was in the

lead vehicle to open up the gates.

The commissioners were greeted onto the property and met Clarence Baber, Gail's husband. The group opened with pule and then the group went around with introductions.

Alex, Megan and Toni shared about Moku o Keawe Land Conservancy. The members of the organization have been actively involved in their individual capacities in land trusts, grant funding and acquisitions. This will be Moku o Keawe Land Conservancy's first agricultural easement.



Gail and Clarence shared their passion for organic and regenerative farming. They took the commissioners on a tour of their farm and shared with the commissioners the vision of the project that has been 13 years in the making to continue to support their certified organic farm.

The tour of the farm included an enclosure area with certified organic herbs and plants, a greenhouse, beehives and acreage devoted to rotational grazing. They shared the goal for the agriculture easement is to invest easement funds into farm infrastructure and to increase farm production. While touring the farm commissioners noticed large “gentlemen estates” surrounding the owners property.

Gail and Clarence have extensive knowledge in the organic farm industry. Clarence is a co-founder of the Hawaii Organic Farmers Association and he founded the Hawaii Hemp Council for Sustainability.



Nani Kai Hoku Farm is one of a few farms that are certified to grow hemp in the state.

The group was on-site for over an hour and left around 1:15 pm.

Application Issues/Questions:

1. Moku o Keawe Land Conservancy:
 - a. First agricultural easement.
 - b. Organization's operational budget demonstrates organizational capacity is minimal at this time; still pending grant funding sources; however, board members have extensive knowledge in supporting projects that receive funding from county and state for conservation efforts.
2. Nani Kai Hōkū, LLC:
 - a. Mortgage \$198,000; lien for \$56,000; Promissory note \$395,000.

Assessment of Land Acquisition Priorities (Hawai'i Revised Statutes § 173A-2.6):

- (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.**
 - **DOA review confirms "the property's "Prime" agricultural land classification."**

Assessment of Land Acquisition Criteria (Hawai'i Administrative Rules § 13-140-39):

- (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;**
 - (A) **received several letters of support from the following
Hawaii Farm Bureau, Hawaii Farmers Union United,
Sen. Herbert Tim Richards, Cindy Evans, Hawaii
Institute of Pacific Agriculture**
- (12) Completeness of acquisition funding;
- (13) **Connection to regional planning and protection efforts; and**
 - (A) **Aligned with North Kohala Community Development
Plan**
- (14) Capacity for long-term management.

Property Maps

Aerial of Nani Kai Hoku Farm with TMK Boundary
from Hawaii County Real Property Website



1. Active greenhouse
2. Planned greenhouses
3. Start-house – for seedlings
4. Beehives
5. Active Field – mixed crops and fruit trees
6. Former field – no current production
7. Small animal grazing
8. Grazing – pipi, occasionally horses



Field Visit Photos







**LEGACY LAND CONSERVATION COMMISSION
PERMITTED INTERACTION GROUP, FIELD VISIT REPORT
Meeting 83, February 29, 2024**

Group Members: John Sinton, Kim Falinski, Kauai Lucas, Kanoe Wilson

Group Leader: John Sinton

Group Purpose: Investigate an application for a grant from the Land Conservation Fund

Applicant: Mālama Loko Ea Foundation

Application: Loko Ea Queen's Residence

Partner: Trust for Public Land

Location (District/Island): Hale'iwa, O'ahu

Total acreage: 1.1

Number of parcels: 2

TMKs: 6-2-003:008 (0.56 acres), and a private roadway parcel (Loko Ea Place - 0.54 acres, TMK not assigned)

Current zoning: Residential

Acquisition Type: Fee Title, conservation easement to be held by CC Honolulu

Current owner/Willing seller: Lili'uokalani Trust

Estimated Land Value (\$)	\$1,500,000
Estimated Total Project Costs (\$)	\$1,534,000
Funding request (\$)	\$750,000
Estimated Matching Funds (\$, %)	\$784,800 (51%)

Day/Date/Time of Field Visit: Monday, January 29, 2024, 10:00 AM-1 PM

Host(s) and Affiliation(s): Rae DeCoito (MLEF), other MLEF staff and volunteers, Reyna Ramolete Hayashi (Trust for Public Land), Kamuela Kaapana (TPL)

Group members present: John Sinton, Kim Falinski, Kauai Lucas, Kanoe Wilson

Field Visit Summary: We met Rae DeCoito and other MLEF staff at the Loko Ea fishpond. Following introductions of all participants we walked around the fishpond complex, beginning with the native plant nursery, and proceeding past freshwater springs on the edge of the fishpond, eventually reaching the subject parcel on the south side of Loko Ea fishpond. Extensive erosion of the south bank was noted, along with equipment used to dredge the main pond area, with dredge spoil to remain on site and be used to shore up the eroding bank. Many original mākaha have been replaced by concrete structures and modern steel gates. Native 'ālae 'ula were observed on the banks and various fish species in the pond. Although the subject property is documented to be the location of Lili'uokalani's summer home at Waialua, that structure has not survived. One concrete slab and other temporary structures are present.

Application Issues/Questions: Loko Ea fishpond is part of the much larger, historic 'Ukoa-Loko Ea wetland complex. MLEF has stewarded the 12.7-acre fishpond area since 2009 through 5-year leases from land owner B.P. Bishop Trust Estate, but currently has no

legal access. MLEF hosts 1000's of students per year for 'aina-based cultural education and restoration. The two parcels on the south bank of the fishpond (the subject of this application) have been graded and are currently devoid of native vegetation. The area is surrounded by commercial and residential development. Acquisition of the subject parcels will give MLEF legal access to Loko Ea, ensuring continued operations of restoration, 'aina-based education, and permanent presence as caretakers of Loko Ea.

The following **land acquisition criteria** (Hawai'i Administrative Rules § 13-140-39) are especially relevant to this application:

- (1) Exceptional value:
 - (A) Unique aesthetic resources – historic site; ancient fishpond
 - (B) Unique and valuable cultural or archaeological resources – Queen's residence site
 - (C) Habitats for threatened or endangered species of flora, fauna, or aquatic resources
- (2) Lands that are in eminent danger of development
- (3) Lands that are in eminent danger of being modified, changed or used in a manner to diminish its value – subject parcels are surrounded by several examples of unfortunate development
- (4) Lands providing critical habitat for threatened or endangered species that are in eminent danger of being harmed or negatively impacted

The following **land acquisition priorities** (Hawai'i Revised Statutes § 173A-2.6) are especially relevant to this 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
 - (C) Habitat protection
 - (D) Cultural and historical sites
 - (G) Natural area
 - (I) Open spaces and scenic resources
- (3) Linkage of protected acreage of similar resources
- (8) Proportion of matching funds being leveraged
- (9) Urgency of need to acquire
- (11) Community support for acquisition
- (14) Capacity for long-term management

LEGACY LAND CONSERVATION COMMISSION PERMITTED INTERACTION GROUP
Meeting 83, February 29, 2024, Agenda Item 2.E

MĀLAMA SANCTUARY

PUNĀ, HAWAII ISLAND



Photo taken by Patrick Hart

Introduction



This report is presented to the Legacy Land Commission regarding the 2024 Legacy Land Grant application for the Mālama Sancutary, located in the district of Puna, on Hawai'i island. The field visit was conducted on Tuesday, January 30, 2024, with the following Commissioners present: Kanoe Wilson (Lead), Patrick Hart, Beryl Blaich and Kai Lucas, along with Alex Smolak, of Mālama Sanctuary.

Report Summary

LEGACY LAND CONSERVATION COMMISSION PERMITTED INTERACTION GROUP REPORT

Group Members: Kanoe Wilson, Patrick Hart, Kai Lucas, Beryl Blaich
Group Leader: Kanoe Wilson
Group Purpose: Investigate application for a grant from the Land Conservation Fund

Applicant: Mālama Sanctuary
Application: Fee Title - Improving Sustainable coconut, mamaki and kava production

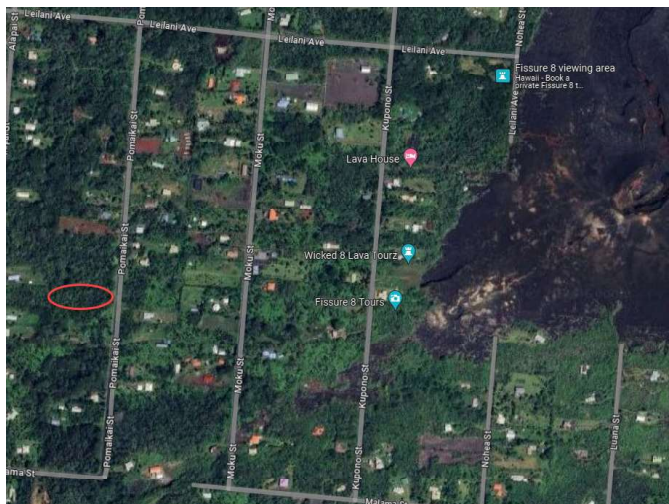
Location (District/Island): Puna, Hawai'i island
Total acreage: 1
Number of parcels: 1
TMKs: County of Hawaii (3) 9-5-011:001
Acquisition Type: (1) Fee Title; (2) Agricultural Easement, Improved and Unimproved Real Property

	(1) Fee Title
Estimated Land Value (\$)	\$37,000
Estimated Total Project Costs (\$)	\$39,240
Funding request (\$)	\$27,750
Estimated Matching Funds (%)	25%

Day/Date/Time of Field Visit: Tuesday, January 30, 2024, 10:00am
Host(s) and Affiliation(s): Alex Smolak, Mālama Sanctuary

Field Visit Summary

We met at Leilani estates and were greeted there by Alex Smolak of Mālama Sanctuary at the property.



The property is a one-acre undeveloped parcel in the Leilani Estates sub-division. It is located 2 blocks away from Ahu'aila'au (Fissure 8).

Due to the denseness of the forest, commissioners were only able to see the property from the roadway. The property has 'ōhi'a, kopiko, and lama trees, as well as 'uluhe and hāpu'u ferns. There were some albizia

trees and strawberry guava. When speaking with Alex he mentioned that if they did any clearing of the property it would be done by hand, no heavy machinery or

equipment would be brought in and that they would try to maintain as much of the native trees and species.

Alex shared the vision of the property would be to develop a small scale, trial or demonstration site to cultivate coconut, mamakī and kava.

Alex shared extensively on the cultivation of coconut through germplasm techniques to make them resistant to lethal yellowing virus that kills coconuts from the crown. The mamakī and kava crops will be interspersed throughout the coconuts as cash crops to sustain operations of the farm. He did also mention a possibility to have a caretaker resident at some point once they have a viable crop.



The group was on-site for approximately 30 minutes and then traveled to Honomū to see Mālama Sanctuary's current operation on a 10 acre parcel that they currently lease.

The coconuts growing at Honomū are the Malayan Dwarf variety, which is said to be resistant to the lethal yellowing coconut virus, or at least easier to treat for the virus from the ground due to the lower crowns. They are the stock for the tissue culture cultivation. Alex also said that this variety bears fruit in 18 months in the right conditions.

Mālama Sanctuary Honomū Field Visit

The group drove to Honomū to visit Mālama Sanctuary's actual operation. They currently lease 10 acres of land from a private land owner for their current cultivation of coconut, kalo, banana and other crops.



They also have 9 head of cattle on the property. These were rescued when a local dairy went out of business.

Alex mentioned that the coconuts cultivated at the Honomū site have been there for four years. He did not mention if they had any harvests from these trees yet.

He shared they just harvested crops of 'uala and just planted several species of kalo. They also planted banana, but, because of bunchy top virus, there is only a small crop left on the property.

He took us to the cattle enclosure where the rescue cattle were located, but they were startled and ran into the albizia forest. We concluded the site visit at around 12:30 p.m.



Application Issues/Questions:

1. Application does not list an additional party to hold the agricultural easement.
2. Request only has 25% matching funds.
Applicant stated that personal donation from the organization's board were anticipated for the match.
3. Organizations operational budget demonstrates organizational capacity is minimal at this time; still pending grant funding source.
4. Parcel on application located in Leilani Estates, two blocks away from Ahu'aila'au (Fissure 8).

Assessment of Land Acquisition Priorities (Hawai'i Revised Statutes § 173A-2.6):

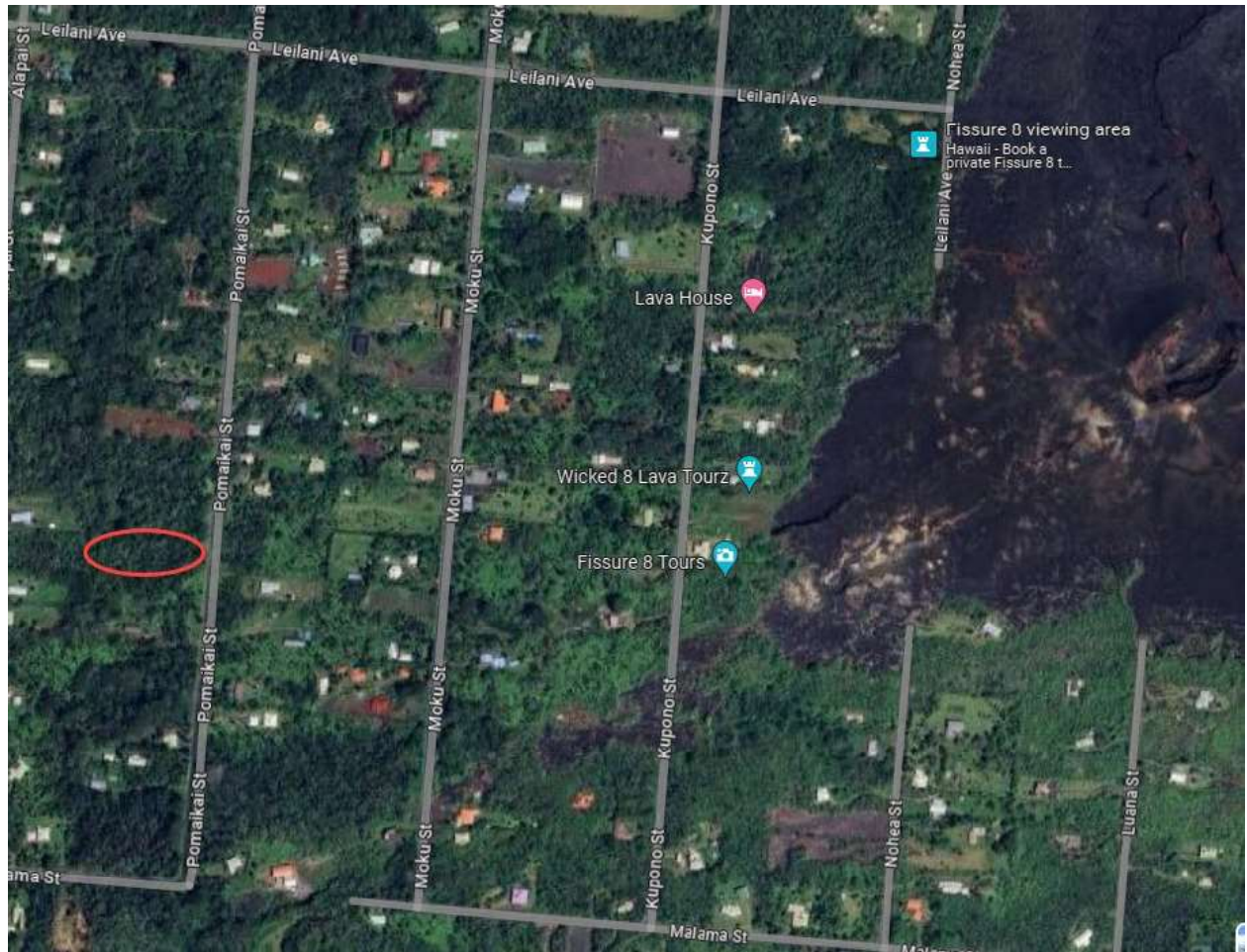
- (1) Lands having exceptional value due to the presence of:
 - (A) Unique aesthetic resources;
 - (B) Unique and valuable cultural or archaeological resources; or
 - (C) Habitats for threatened or endangered species of flora, fauna, or aquatic resources;
- (2) Lands that are in imminent danger of development;**
- (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.

- **DOA review that “the agricultural lands are not unique or productive as indicated by the soil quality and poor potential for intensive agricultural production.”**

Assessment of Land Acquisition Criteria (Hawai'i Administrative Rules § 13-140-39):

- (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**
 - **However, refer to DOA comment above**
 - (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;**
 - (A) **The acre parcel is \$37,000**
- (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;**
 - (A) **received one letter of support from Hawaii Tropical Fruit Growers**
- (12) Completeness of acquisition funding;
- (13) **Connection to regional planning and protection efforts; and**
 - (A) **Puna Community Development Plan focuses on agriculture as an important economic source in the district**
- (14) Capacity for long-term management.

Property Maps



Field Visit Photos



