

**2023 Legacy Land Conservation Commission Draft Minutes, Meeting 82
State of Hawai'i Department of Land & Natural Resources
Division of Forestry & Wildlife**

DATE: December 7, 2023
PLACE: Kalanimoku Building
Land Division Conference Room 220
1151 Punchbowl Street
Honolulu, Hawai'i 96813

And remote by interactive conference technology (online via ZOOM and by telephone)

PARTICIPANTS

COMMISSIONERS:

In Person

Mr. William "Butch" Haase

Via Zoom

Ms. Kim Falinski
Ms. Beryl Blaich
Mr. John Sinton
Ms. Kanoe Wilson
Ms. Christiane "Kauai" Lucas

STAFF:

In Person

Van Matsushige Project Development Specialist, Land Division

Via Zoom

David Penn Program Specialist, Legacy Land Conservation Program, Division of Forestry & Wildlife

PUBLIC:

In Person

Keala Richardson
Michael Ivie
Olivia Nunley

Via Zoom

Reyna Ramolete Hayashi (Trust for Public Land)
Kamuela Ka'apana (Trust for Public Land)
Danielle Schafner
Eric Kim
Britt Bredeson
Rowena Ota
Lehua Alapai

ITEM 1. Call to order

Chair Haase called Meeting 82 to order at 8:34 AM. The Chair started the meeting by explaining the in-person and remote meeting procedures. David Penn further explained the procedures should the connectivity go down and scheduling of the next meeting if connectivity cannot be re-established.

Chair Haase asked the public for any testimony. Seeing none, the Chair moved on to Item 2. Since there weren't enough commissioners to make quorum, Chair Haase called a short recess at 8:38 AM.

Chair Haase reconvened Meeting 82 from its brief recess at 8:42 AM when commissioner Lucas joined the meeting.

ITEM 2. Commission Roll Call/Quorum

Chair Haase requested Vice-Chair John Sinton to lead the roll call with each commissioner who was not at the meeting in person to state their location. One (1) commissioner was present for Meeting 82 and four (4) via Zoom. Vice-Chair Sinton confirmed quorum with five commissioners present. Chair Haase asked the public for any testimony. Seeing none, the Chair moved on to Item 3.

ITEM 3. Fiscal Year 2024 applications for grants from the Land Conservation Fund (Land Acquisition) – Establish Permitted Interaction Group to investigate and report on each final application received for Fiscal Year 2024.

ITEM 3.A. Establish a Permitted Interaction Group to investigate and report on each final application received for a Fiscal Year 2024 land acquisition grant from the Land Conservation Fund, and appoint a leader for each Group (see decision matrix in Board packet for Item 3.A.).

Chair Haase explained the purposed of the Permitted Interaction Group. David Penn provided additional information - Ten applications were received, five of eight commissioners were present, polled other commissioners who couldn't attend, commissioner Tavares provided his preferences. Each commissioner offered their participation for each application. Four commissioners were assigned to each project with one team leader and one alternate.

Commissioner Falinski joined the meeting at 8:56 AM bringing the total number of commissioners present to six.

After reconfirming details in the matrix, Vice-Chair Sinton made a motion to accept the Permitted Interaction Group Matrix with the assigned commissioners and leader for each application. Commissioner Blaiich seconded the motion. Chair Haase opened it up for further discussion. Hearing none a vote was taken with the motion carried unanimously.

Permitted Interaction Group Matrix attached.

ITEM 3.B. Select tentative dates, times, and places for Meeting 83 (Permitted Interaction Group reports) and Meeting 84 (applicant presentations; Commission review, ranking, and recommendations).

There was discussion pertaining to the location and dates for the Permitted Interaction Group reports, applicant presentations and commission review, ranking and recommendations. Since there are 10 applications, Vice-Chair Sinton suggested that two days was probably insufficient. Chair Haase agreed and recommended blocking out three days for this process. Commissioner Wilson wanted clarification about completing the field visits by February. David Penn responded that field visits could overflow into February if the meeting was scheduled later in the month. Chair Haase asked how a late February meeting would impact the timing to process approvals and encumber the funds. Mr. Penn responded that it's still doable with that timing. Chair Haase asked the commissioners if the last week of February was acceptable to all. With all in agreement, Chair Haase opened it up for public testimony and discussion. Seeing none, the Chair asked for a motion to confirm the dates and location of Meetings 83 and 84.

Commissioner Lucas proposed a motion to hold Meetings 83 and 84 on February 28, 29 and March 1, 2024, at the DLNR board room with the Airport Conference Center as a backup venue. Commissioner Wilson seconded the motion. The motion carried unanimously.

ITEM 3.C. Discuss 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.

David Penn explained that staff will review all of the items in more detail in Item 3.C. with each team leader. Reminders made regarding travel and reimbursement procedures. The process for reviewing, ranking and recommendation will be reviewed after Meeting 83. Templates will be provided for the written report of the Permitted Interaction Group.

Chair Haase asked if there was any discussion about Item 3.C. No comments from the commissioners or the public.

ITEM 4. PROGRAM UPDATES

LLCP staff provided updates on the status of prior awards and land closings.

There are nine active grant awards still open. There are two awards (Halulu Fishpond and Mahukona). that are expected to close shortly, so that will reduce the number of active awards to seven.

- State Parks withdrew the Ulupō Heiau Buffer application. \$1M in funds were returned to the LCF
- Haneo'ō closed with HILT and the County of Maui as CE co-holders

Currently contracting for FY2023 awards: Pālāwai and Makali'i and the conservation easement, Kīpuka Kuleana on Kaua'i. The State acquisition of Makolelau 5th parcel is expected to close soon.

Pohakea Watershed Land (FY2022) – No progress

CIP projects:

- Na Wai Eha: Project is still pending, but \$2M in funds is still in the LCF
- Halulu Fishpond: \$400,000 appropriated for the acquisition by Waipā is about to close

Status of the Land Conservation Fund which is subject to the conveyance tax. After spending all available funds for FY2024, the estimated budget for FY2025 is \$9.7M. The allotment is \$9M that the program is allowed to spend. Other revenue is from the Mao Farms revenue sharing which was (\$21,226). Chair Haase reiterated the importance of working with the legislator to support the funding of the program as land prices are increasing putting pressure on the buying power.

Vice-Chair Sinton asked for clarification about the \$2M allocation to Na Wai Eha. David Penn responded that Na Wai Eha is a CIP project, the legislature allocated \$2M to the LCF which is separate from the projects the commission reviews and recommends for funding.

Operation Maintenance and Management Grants will be offered for the current fiscal year. The plan is to meet in late March to early April for the management grant evaluation and recommendation. More information to follow. \$255,000 is available to spend for the management grants. Chair Haase asked if there's an established process for this grant. David Penn replied that there is one based partly on a previous solicitation of the management grant a few years ago. The management grant is under the procurement code and needs to have an exemption so the commissioners can meet the applicants. Chair Haase asked about the timing. David Penn said that it would overlap with the land acquisition grant process.

The management grants are under procurement code, so a request for an exemption from the procurement code is required to allow the commission to hold a public meeting for the evaluation of the grants.

Chair Haase opened the floor for comment and discussion. Reyna (TPL) asked if there were plans to allocate the management grant funds to the land acquisition grant as was the case for the last application cycle. Chair Haase responded that with more funds available the plan is to carry out both grants this year. Reyna also asked if there was going to be information about the total requested funding by all of the applicants. Vice-Chair Sinton noted that the total requested is \$11.5M. David Penn thanked all who attended and participated in the meeting. Those who participated via Zoom should provide their full name for record keeping purposes.

Chair Haase closed the discussion and public testimony.

ITEM 5. ADJOURNMENT

Chair Haase asked for a motion to adjourn Meeting 82. Commissioner Lucas moved to adjourn Meeting 82. The motion was seconded by Commissioner Wilson. Seeing no further discussion, Chair Haase adjourned Meeting 82 at 10:17 AM.