

ROUGHLY EDITED COPY

September 4, 2019

12:31 p.m.

Legacy Land Conservation Commission Draft Minutes, Meeting 69

This text is being provided in a rough draft format. CART captioning, Communication Access Real-time Translation, is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings

> Meeting 69. Per the public notice, time is 12:31. Public notice requirement and section 92-7 introductions and start with Commissioner Wiltse.

>>

William "Butch" Haase (indiscernible).

>> Staff please identify themselves.

>> David Penn Division of Forestry and Wildlife.

>> (indiscernible).

>> At this point I would like to offer applicants and members of the public to please identify themselves.

>> Jeff Bagshaw.

>> Lauren Laramée.

>> (indiscernible).

>> (indiscernible) from Division of Forestry and Wildlife.

>> We have a new sign-in sheet for this meeting. New sign-in sheets tomorrow and again on Friday.

>> Any other announcements.

>> Thank you, everybody, putting up with the efforts to have the meeting on Maui and thank you, Maui for hosting us and crazy schedule this year. It is still thank you, everybody, for helping out to the visits with the month of August. Our travel staff did great job so thank you, everybody, for cooperating.

>> This time because of the length of the previous meeting propose we recess for lunch and resume at 1:35. All in favor.

>> Aye.

>> Aye.

>> Great. Motion passed.

(lunch break).

>>> I have a formal agreement not under the payment. This is precedence with our relationship and land here and schools and stand up all the way over here and what it is that we are trying to do, this situation, kind of hearing what is the schools get out of it and what do you get out of it. What happened is there's never been before we started this a way to manage this. So you can go with trees and we just didn't know and. So we got together and bought this land and this has and belonged and our idea to try to get this back and how do you sustain that. Utilize the -- this and trees. During that process a little bit of that and because trees all kinds of carvings and this is a huge, huge area. What we did was our trees was this here and saw the model to say that's really good oil. Maybe we got trees. Company forest trees incorporated they are doing the restoration and native trees all across. Once that occurs we can start having discussion about what happens to native? We have trees up in this area right now. Re-establish all the way across. That's 60 years down the road. I don't have 60 years. So one of my main objectives is what if it takes hit-and-runs of years? I need to take-away some. So we work very closely and this month they have they would try for plantations and taken what we learn and possibly given future tool and went talking about this is kind of test model. What we do and 7 miles of our own

fencing and six and a half miles of roads, biological barrier and this area and this area is basically out of control. 5,000 and same time we did and what we are seeing is translated and what happened. It is better. We know it takes a lot. We have very active and no active management there and now we are trying different model here. Data we had some weight of preparing what is working. Also have centuries over here, so got lines. So there's activity where people are taking this resource now and trying to. I think this is much better model. This area down here now are 2 million. With the committee economy and agriculture.

>> Just reminder (indiscernible) made extra copies of that make sure that we have it all.
>> I remember (indiscernible).

>> Talk about why we are excited about this project and any projects so the threat that I'm seeing the situation and fully understand and continuing the regrowth and way of harvesting and not way of harvesting now and restricted. So when offer just came in and what went on the right now is very valuable and really there with the efforts and money for education and who knows what happens and maybe they have to sell off something and that's the real question and I think only works but the possibility of even more only happens and start here and start here and strategic this property is as bigger time slot. Concerned about the financial pressure and every family move on and generation and more decision makers and right now there's absolutely separate and what he wants to do and always harder and decision-making. So I want -- don't want to miss the opportunity and already have that and recently brought a group of educators up for the property and share with them and there is now a regrowth after the forest in the area that they can and work in regrowing the forest and add the educational benefit we are very happy and have to be managed for access and objects and looking forward if we are able to preserve this, especially with surrounding things to look at 42 current neighbors with the 12 lot subdivisions and the land trust would like to work very closely and viable income stream and start here and build on success and work way down and that is where success was here and support observation.

>> Observation needs to happen.

>> Value of the property certainly decreases with conservation easement and that makes the tax -- the taxes cheaper I think because this is a viable agriculture industry and something to regrow and that's something possible as well to get agricultural exemptions more collectively.

>>> Just a program note, I'm a soft speaker, please were to speak for a larger room because we are trying to record everything. So for everyone speaking we got two microphones going but we are not catching everything. So please speak for a larger room. Imagine the room is bigger.

>> You had a comment.

>> Same.

>> Loud, clear, slow toward that microphone preferably.

>> Other testifiers for this projects? That's it. While we have the applicants here with questions or discussions for the applicants.

>> Financing why you guys feel like it is not a problem to still have the year-to-year mortgage. From the perspective the mortgage is something that we are not really concerning ourselves with. We are just focused on we have owner and icing on the cake and landowner of the area and we have just seen the threats which come in the offer -- attempting offers which we distinctly turn down, so usually on the kind how uses the conservation easement money is not the driving force. It is definitely not for us. I think the Lee family has reinvested everything that they can back into the continued restoration here. So for us it is like, you know, even if they weren't reinvesting, if they could lock this in, use of funds to buy those basically buy those

development rights and subdivision rights.

>> If something terrible happens and called, we still have the conservation.

>> Yes.

>> That's good.

>> One thing that has like taking away the value, right now in the last appraisal that was done and \$38 million worth and zone 20, 11 million and if we take that away we take it down to seven. The idea the value is in the forest and not in the subdivision. So if we can off-set that the mortgage and months we draw would be half of what it is now. So being able to sustain that over perpetuity is much easier. No matter what happens, whatever happens, one of the thing that I heard me talk about encouraging people, from business model I hear it all the time from the business side, are you crazy? You have a monopoly. You should keep it. My biggest oil buyer is young living. Young living biggest competitor is Do Terra and they grew and I'm going to help them because we want it done right. I will take the business and economic pressure off as much as I can before I turn it over to my kids. My sons are okay. But October 10th I will have my eighth grandchild. 25 years from now you guys are not looking, titles not clear, family trust. I would like to get it down now before that kind of noise comes into the picture, I really do. I will just rest easier. I hope that helps.

>> I thank you all for your testimony and for keeping good times. Any final comments before we move on? Next presentation is Waipā Foundation for the Halulu Fishpond Access. Introduce yourself.

>> I'm Stacy Sprout Beck. Surrounding this property that we are talking about. Thank you for having me back and Commissioner, great presentation earlier, so run through this quickly so we can get to questions. Saw pictures of learning site and pause the entire from the tip of **mal haul wallah** and ridge between them and 1400 of conservation. Here is the map. Within the white and orange boundaries the Keone'o'io Bay and quarter of acre party on Halulu Fishpond Access. Past weekend received funding for that as well. So this property is one of 19 in holdings within the larger commitments with ownership. 19 and see them outline in blue and one of them and two of the very few remaining properties that are not built undeveloped so far. And they are both being -- going on the market which as stated earlier as nonprofit as well so needs to unload the properties for their survival. And uplands of Waipā Foundation and one of the things earlier was from Kauai and few years into the planting and canopy now and part of the way we maintain the property is by welcoming this and learners to come and help do the work taking care of Waipā Foundation and restoring it and we host about 4,000 layers a year with the programs. And so this is actually what you guys saw earlier in 2010. This was few years out and then now it is canopied. Examples of stream monitoring and fishpond and kids fishing and learning about the creatures and pond and ecosystem. Recanting in seven years because actually been too much of a wet cycle for us to get there and open that and up again. Again, making coy and growing food and earlier and community assets and groups of people that you do. As mentioned festivals and events, maybe let's see -- let's see the next one. I think there's more people, maybe not. Festivals and events hosted 1900 people and week before they visited and all of them -- not all of them, most of them access on this road which goes through the property that we are talking about and comes from this way here and property right about here and really important access for us and plane and beautiful face as well. So festival looks like that so at the last festival and set up a booth there to test the waters on community support and I think we collected over 500 signatures on that 1 day on a petition to help preserve that access and that space.

>> Those are signatures.

>> Yes.

The property is here and extends into the pond and protection tend into the pond which is one of the reasons it is a huge issue for us as well because and this no way that -- there's no way we could vegetatively hide the house and these two -- those two houses are filled property and it is exact same size, property is same size and houses are built on basically the whole property. It is right more and use of the space by community and a lot to use that space and when you guys came we live there and so native creatures that use the property and that space as well in the fishpond. So we can applying -- we are applying previously 650 and did receive -- we did receive 50,000 thank you very much.

>> 50.

[LAUGHTER]

>> We got a good start there. That was a beautiful gift and we are requesting 600,000 from this year and next year. And so we are also approaching the working with the open space Commissioner and there are a lot of questions about this in the last meeting in the last meeting I attended and we are a lot closer this time. We do not have a commitment from them yet but met with mayor a couple weeks ago and his staff and administration, they are really supportive, identified they have funds in their budget and that we are top priority for them and Commission - open space Commission coming out in the sight visit on the 26th and then we will go before the council which we feel like we have a really strong chance with and we feel like next few months possibly that things will go really well and we will be able to get the funding from them and feel pretty solid about that.

>> While we are on that slide, so this seems like a big number for a quarter.

>> It is.

>> Is that the going price?

>> It is and yeah, the property right across the stream that you can see that referred to is landowner that has an agreement to use property as well. I think paid 50 -- 48 million for probably 5 acres of land. This is Halele'a bay. Other thing I didn't mention is county to a little more evidence of support is actually did appraisal of this property to -- so that we can -- to inform open space of how much they are appraised value of it is. Invest in maybe own appraisal as well. It is a big number.

>> Yes, it is.

>> For small property.

>> Stacy, how does the county decide how to spend their open space money? Is it the mayor's decision?

>> It is the Commission that makes recommendation and mayor goes to the council. Ultimately the council.

>> This is still pending.

>> It is still pending, yes.

>> Signature, yes?

>> The mayor?

>> Yeah.

[LAUGHTER]

>> Can I ask about your management plans but restoration plans.

>> The county is going to take conservation on the property as well. So there's going to be no construction. We are going to clear all the basic trees, open it up for visual and probably access point and pond as well but it will be managed public access and probably restore more natives of the property and keep the habitat.

>> One of the commissioners had a question about sea level rise and how would this -- how would it be and put these slides together for last year site and presentation that she was kind enough to share this with me, so this is the property. It is unacted -- affected and scenario and slightly and next slide and then sea level rise 3.2-foot level again slightly. So we wanted to address that issue. Red line is a coastal emergent scenario sea level rise and not impacted.
>> What's between the parcel land of either of those lines?
>> Basically the pond is kind of here and then there's lands.
>> But not developed?

>> We hold the lease for all the lands for this 22-acre parcel surrounding it and then on the other side as well and these are just the lots that we built. 32050 and agriculturally. Questions?
>> From the Commission?

>> Where you going to -- do you have a presentation later?
>> No, that's it. I mean we are just -- we are here to support awesome to be able to provide permanent and foundation I don't know how many of you -- you probably all know this. What really was one of the forerunners in the education and probably them and center really started 20 or more years ago and using the working with the Ina and kids to develop culturally based education curriculum and have a lot of capacity as you see in terms of building and raising money for community center and commercial kitchen and 4,000 learners a year, so we would be very well positioned to be able to manage this in conjunction.
>> Questions, comments for Stacy? Thank you so much.
>> Thank you.
>>
>> So the next one up is for Olohena 'Aina Center.
>> Requires 25% if county or nonprofit. Matching state agency not required.
>> It is a competitive program so work with all the applicants state or otherwise if estimate that match provided will be 30% and when we get to the end of the road and ready to cut the check, we want to see that 30% or pretty close. If it is more that's fine and problem.
>> Award data to figure out and all kind and this we got.
(short break)

>>> The section after reserve which is adjacent to the parcel that we are trying to and calling the Keone'o'io Bay Coastal Protection and parking lot we manage and uncovered state land currently and hoping to bring it into our old and, you know, eventually add it to -- complimentary action to all of that being that it is kind of this landlock parcel that could be developed but hoping to be secured for the natural area and for the future so it wouldn't be developed.

>> So yeah, just quick rundown on objectives. Obviously want for the title, put into the natural area reserve. Ran it by the Commission last month and they gave it a vote to continue forward, basically a conceptual that we would continue to ask funding for this, add it and subject to all the public property that goes along with all of that. Basically this property would give us the ability to enhance the management of the area. It will provide a little more public access. It will help us to rearrange the access of the parking that's currently down there now to actual -- actually benefit the coral reef and provide a level of protection that's not currently there. It is a real small parcel. There's not a lot of anything there besides rocks? There's a little bit of vegetative strip here so it is not like huge native ecosystem component or anything like that. The main objective is to enhance the management of the area for the state that we are already managing. Next slide. So just quickly I mean we took pictures of resources. On area in general has been found to be a really healthy reef. You know, the things that are going on right now with bleaching and

things like that, it is definitely in the resilient to those types of threats but prior to 2015 there were studies done that found that the reef in Keone'o'io Bay Coastal Protection were increasing in coral cover. Again, it is a healthy coral reef that's right in front of the parcel and in front of the division we manage and currently not a lot of protection from runoff up slow and not a lot of coastal resilience in there because people are running over it is coastline with the vehicles in the current managing scenario.

>> Does the building have enough?

>> No. We compete and some of them are more well-funded than us and operating budget for a year for ten reserves in 22,000 acres is \$500,000 this fiscal year so we don't have a million and a half to even entertain this, right? So yeah, another valuable resource. This is -- this is the Rocky beach area fronting the property. This picture, this one and this one, I think this one is a little bit further down, but regularly use the place. In October 2018 actually had certain in the bay and hang out with the mother and nurse and mother splits and juvenile needs time to feel out his new life, things like that. So they stale here for another six to eight weeks using the reef, using protected bay, things like that. So it is proven to be seal habitat and be a very good example of that as well. This is the real main problems that we hope to address. You can see like right now people just park wherever and they park right next to the ocean and they get out and they go hike and don't realize couple hours later the tide is coming up and thing like that. This is minor. This is before we had a lot of swell activity. Right now the beach is about right here. That's going to continue to happen with sea level rise, climate change, all of that kind of stuff. This picture just basically right over in this area where you can't see but this is how high the waves come up at high tide. This again wasn't a significant swell day but at night full moon, things like that, the water comes up into this parking area and people are using it. People are catching there even while this is happening. So the hopes is with the parcel is to be able to move the parking away from the ocean where it is now. The two biggest fish that we can fry with this are stopping a development from happening right on the coastline right next to natural reserve, objective that's listed in the management plan. Couple slides I will show you regional map and just really not a lot of places where we can do that. So this being one of the private parcels in the area up for sale, we have a real good opportunity to kind of like check that box in management plan like hey, yeah, we did do something somewhere to curb development through the surrounding area.

So this is what I'm hoping to show you guys some videos. These two are actually videos where you could see in a rain event the water is just running right out of the parking lot right into the ocean. So the parcel itself has the vegetative strip postally nonnative but the landowners over here had planted some milo and our goal would be to go on the coastline and some kind of resilience built in vegetative filter for the runoff that comes down. There's not a mainstream anywhere in the area so it is all flow that flies low places and makes it to the ocean, so there's not any -- there's not any grand diversion or facing or anything that we can really build up slow to take care of this. It is mostly resulting from grazing pressure on the lands and just the lack of vegetation in -- vegetation in the area due to grazing for 100 years and real dry conditions. It is really tough environment. So when you knock back the plants they have a hard time reestablishing, especially without water. Like I was saying this is a quick regional look everything in green is state land. Darker green is actual reserves that we manage and wildlife natural reserve and but like I said, this is the parcel right here, kind of too blurry to see and anything in white is where we might be able to say okay, developers don't come here. There's not a lot of opportunities. They are not coast alike this is. So that's one of the big driving forces to be able to, you know, add this small piece, take that away from development to these other state pieces that we hope to bring in NAR and bring us a buffer area, be able to better manage the fringe from human impact, things like that, grand picture, FYI.

>> Kind of what we are working with here, I don't know what happened in this day and why, you know, nobody is there but on any given day show up around noon there's 25 or 50 cars. They park all along here and all along here and all along here and then sometimes you can drive around this here lately the oceans and just really beating up the coastline. I think this is actually 2014 imagery, so like I was saying, it is more like this now. Loss of this to the ocean. But you could kind of see where people are parking now to use the area, I mean this is easily that size or greater so they are -- even though it is a small parcel, considering this is state land as well, give us a lot of room to kind of work with, right, and get away from the coastline and holy grow -- hopefully grow some vegetation and mitigate impacts and land base pollution and create coastal resilience and keep somebody from building one of these here.

>> So your parcel is in red?

>> No. This would be kind of our working area where we could obtain this parcel. Like I said, the goal would be to create parking somewhere over here so that we are not parking right here.

>> Can you show us the parcel what would --

>> That's this one right here. This is state, this is state. Just want to describe it. These ones are all Lachlan holdings and one owner.

>> So one behind you is private?

>> I think there's like outbuilding or something here. No, there's not a house on that one. I think when walking around there was something here. It is weird. This property has art site which is pretty significant piece. Something to easily do but ocean my gobble them up 1 day and push further down. You can see in the picture this is really healthy reef in there and in the water you're in the coral reef. Law and things like that, we try to keep heavy objects away from the ocean in general. That's definitely something we could do but I would say now that we would get a lot of community push back if we try to do anything in this area without kind of increasing our footprint so that we can kind of, you know, rearrange, not necessarily delete access. That's kind of my take on that. I think I can -- might be able to switch to my machine and just run those videos real fast.

>> Get a feel for how much water is coming in here. These are both kicking on the same day. Like I think I was in the far one and this one is like stopped for a second and got out and see there's like obvious river that's running here and kind of hard to tell but it starts going under the rock and down in the sand this is a normal rainstorm and rainy day and wanted to document the -- like I said, difference between this picture and this picture down pouring in the car and same cars were the same day but like running right in the ocean on coral reef. There's not a lot of oil spills or anything like that but I can tell you that I put tires on ours every six months and all he does is drive up and down the road and turn around here and it is eating all the rubber off all the vehicles and I can guarantee it washes in the reef. I don't have any numbers or anything like that. But the pollution is happening. It would be really nice to grow some vegetation in there. The one cool thing about the parcel is it has water meter, so, you know, theoretically I could fill with water containers and water the vegetative strip. Something that we don't currently have access to in the natural area of reserve and another huge win for us. So all in all I can say it is a small parcel, it is a big amount of money but access to water, mitigating development in the area and then being able to have like a little bit extra landing to the public and say okay, you know what, want to reconfigure this a little bit, not necessary to say you know, older and you guys get out of here kind of thing. So there's definitely a lot of footwork to be done, a lot of outreach to be done. We do need to bring other parcels in from the division to be effective in the effort and some of those things are a little bit further out, but recently we were told that they - - we had a wheeling seller, reduce the price of 25%, so jumped in and got application for this go

around.

>> You had negotiated with the landowner and he is willing to -- this is the release price.
>> They would reduce the price one year 25 percent of the appraised value to sell for us.

>> Hedge barrier. Can you tell the indication again?

>> Hang on. Let me get to this. Talking about Susan Muller right -- talking about is this right here. This is **rubbage** but starting around here these guys rip lines all across the property and they planted mellow and ko, pretty mature milo, there's ko, a lot of weeds and stuff like that but with the management capacity we can definitely turn the fight on that and then be able to enhance what's already there.

>> You can extend it along the part.

>> I would like to have this whole thing on vegetative -- like you said, filter the runoff that's coming down the road. Don't really think we could get it to stop going down the road unless we do something pretty major. So, yeah, vegetation and continue here and definitely benefit.

>> Do you have a number of parking spacing?

>> Community outreach to reduce the number of spacing. Right now between here and here you can get 100 cars in here and that's a lot. It doesn't look like it but it happens regularly. I would say probably once a month you get 75 plus cars in this area. I would say every day you break 50 if it is nice. The idea what we did further down the road in natural area reserve we create a parking lot and we took in area that could hold 75 cars in 50 stalls and plus 80 that comes to about 53.

>> (indiscernible).

>> There may be overflow to charge money in the other lot. We didn't know this before. We go on record the manager of the plant he is the third most visited place on Maui. I would argue that because I count cars every day. Way more cars here than there's in the parking lot. So yeah, the ability to reconfigure this, yeah, definitely allow the opportunity to limit the number of cars.

>> With some access to water on the parcel, would you folks be looking to install some sort of water shower for any facilities?

>> No. What as much as the area now is two inch line and that starts way back at the state park or other side of that in the prince hotel -- the old prince. I don't know what they call it now. McKenna. That's the last meter. Everybody along here has big holding tanks and mandated by some sort of county ordinance or maybe it is a fire agreement that they -- they have to have so many gallons on-site for fire protection and might be cool or water feature and large tank and these are couple really large tanks. Yeah, there's no way we could install a shower. We would have to develop a real water line all the way down to the site for you and have water capacity to think about something like that. Don't think the state will start paying the water bill any time soon. I would say probably a no. At least in immediate future.

>> How do you plan to manage access?

>> So, yeah, brings up the other point that I was failing to hit on. Interesting thing about this parcel. In the '90s this guy gave this guy access to here. So you could see right here, this is the bound boundary. This was historic fishpond into the parcel and these guys own it. Currently nobody can go this way. In the easement document for this property it spells out, you know, nice map or trail around here, get you all the way here and here, has few limiting stipulations and sites like that but currently for us we got to go out here, down the road, got to come down in a gate and go out on foot and come back and track over this way to even talk to somebody that might be over here near the reserve where they are not supposed to be. So

staff wise this would be really big win for access for us. I don't know, they would have to get legal opinion to see to encourage public access in the future. But for staff it would definitely be - the easement this property holds to get over here would be really helpful for the management of the natural area reserve as it is now. So with the question –

>> To clarify, not necessarily public (indiscernible).

>> Yeah. We would have to see what we could really get away with that but it is pretty clear that the easement follows the property and that there's clear access and then established trail and all of this stuff to get back. All the way around here to where the natural reserve is. We have really weird boundaries. Natural area has awkward boundary to manage but this is kind of a weak spot. You know what I mean? So like for an example, a poacher and throw net here and here. I'm not going against property owner that owns that fishpond. So what am I going to do, come over here to see what's happening. You know, I can't tell the guy nothing. I've not supposed to go over there and eventually gets into my NAR and get out and run around and ten minutes on trail and find guy and there's a lot of weak spots on the fringes of the reserve and poaching is opportunistic. It is something that you cannot really enforce unless you're on the site and kind of see it. So there's something to be said for that. That does enhance management to be able to if I see anything, activity over here, it is like run right out there and deal with it and enforcement guys because they don't get out of the truck. They get out of the truck less than I do. It just helps.

>> Do people go snorkeling at first bay, where are they?

>> For the most part they go over here as far as they can. They will find a shallow part to swim across and then they will go out along the boundary of the natural area reserve. This map doesn't do it very well but see and get in and come out the and swim along here and all of these inlets and go inside and big fishes, things like that, to go look at. Or they jump in and go straight out in the middle with the dolphins and kind of come back in here and do this, right? There's a couple tour boats that come over and do the wall over here. If you're land based you will go right in front of the parcel and jump in the water and go, you know, across. You don't want to spin this. Most people don't. Kind of deep. It is really sharky. You know, they do -- they are already pushing their limits over here to get as far as they can this way and get in and over to the other side shallow water. In here, it is kind of this little channel. It is historic thing that we saw there was like ladder and tree and guy still come in there and a little bit hard and NAR value is here. It was a little area to operate. Does that answer the question?

>> Yeah.

>> Ask this about parcel. Have you looked at, you know, protection with parcel?

>> We were looking at this the other day. Yeah. As it is now the sea level, from this picture this is like the water line. High water line is up here. Nowadays the high water is heeding this Little Rock kind of wall. Kind of like a little vegetative island right here. The water comes right up to that now. So even, you know, in the last five years you can see sea level rise with your own eyes.

>> Point out where the fishpond is again and if there was a wall, where was the wall.

>> It is right here. This would have been the fishpond wall.

>> What happened to it?

>> I'm not really sure. I don't think that -- yeah, I don't know to tell you the truth but I just think it was -- these were all, you know, parcels and these guys bought them somehow. Before then there was another estate, Carter estate. So pretty much the Carter family it has been -- I think it only changed hands once from them to these guys. Yeah, from traditional use to a vacation home. I think, you know -- I don't think the landowner is as much involved as lineal

descendants. In the document list out all of these guys access in easement.

>> Is there commercial activity taking place in the parking lot?

>> It is all illegal. Nothing sanctioned. You name it. You got wedding photography, calendar shoots. There's a lot of action over there.

>> We have more questions for the applicant?

>> One comment about the easement. The land and parcel and perpetual and that's major value with parcel because it can't ever being distinguished and relinquished and have access to the actual fishpond to manage activity in that area and activity that maybe incurred -- encouraged to natural reserve is really important.

>> Yeah. It is not too often but once in a while they have like get together and that's not a problem but the problem with us is it spills over into the area. That's the problem and another weak spot on the fringe of the natural area reserve.

>> Permanent access or better managed.

>> Along with mitigating resources we could work to mitigate impacts on the cultural resources as well because these guys, this kind of gets -- has been pushed back a little bit too. Dumpster sits over here. I noticed before guys used to park parallel here and they move the rocks back in the end. See archeology back here and another big site here. This one is really nice but it is on the parcel.

>> Never goes to where you're pointing out, this particular parcel.

>> No. This parcel in the complex is considered in the boundary. Like they draw the Keone'o'io Bay complex and basically right more in the NAR. There were Hawaiians living in the Arizona -- Hawaiians in the area. These are not even -- this was built by these guys. This was actual cattle wall to keep cattle out of the estate but it is not -- you know, it is not built by them.

>> Looking at acquisition and I understand why you're interested in this property for sure. I'm trying to think how we will justify this as legacy land? Cultural or archeological resource, some of those priorities that we have been and those apply to this and parking lot.

>> Imagine human impact for the coral reef is better way to word it but by all means building is low, low, low. The coral reef in here -- you could see it. It is really nice reef. It sustained monk seal through juvenile period so that it left. There's not a lot of coral reef left in the state and right now we are in a severe bleaching event. I was in the water just last week and experiencing pretty widespread bleaching. One of the deeper transection didn't look so bad but swimming back in the beach, it is white, white desert in some places. But it is scary. Coral reef is I think probably pretty high ranking priority.

>> Critical habitat.

>> Resource protection. Touching a little bit of all of them not any one direction.

>> Okay. Any further input? Thank you.

>> Thank you.

>> Thank you, Peter. Just wanted to thank Jeff again for helping us out yesterday and today. He is taking off now. Leah -- Leah who also helped with technology.

>> How is everybody doing? Do we need a short break or keep going ahead?

>> How long?

>> I will lay you gaze all out. Locks up at 3:30 which is now. Count on me to get out.

[LAUGHTER]

>> Got to keep you happy.

>> Got to keep going if we can. Hearing no squeals we will keep going.

>> I will give presentation on Na Wai 'Eha as soon as it comes up here. It is called presentation.

[LAUGHTER]

>> We got one of those, right?

>> There it is.

>> Good. So you guys are familiar I think with this parcels. These are the parcels shown in the black here. They are on the west mountains right outside the window here. Three large parcels that come to about 11,000 acres. So our objective for this project is acquire fee title of the land to then set aside to forest reserve or natural area reserves to place them into the public trust and then to manage those lands for their natural resources and sustainable public benefits and perform watershed protection native ecosystem, protection of biodiversity, recover of endangered species and public access in the form of outdoor recreational divisional and customary practice and forest products and gatherings. So the lands are strategically important because they are part of continuous network of plans in the watershed partnership, also called the Na Wai 'Eha partnership. They are shown here. What you're seeing around here the different landowners part of the watershed partnership. Other colors are private landowners. So this is a continuous network of private landowner that work together to do work of the watershed very effectively. Showing here is native habitat. So native habitat is what is in the green here and what I'm showing you is that their lands that we are looking at here predominant native. Very good native habitat, forest in the lower part and transitions to very wet montane Ohia forest and up in the state in upper elevations. It is also these lands -- the green pixel here off on the parcels are showing DLNR and watershed protection and also part of a surface water area that's designated by the Commissioner and water resources management and that surface water management area includes these four hydrologic units that extends from the summit down into the aquifer into Central Valley and down into the ocean through the screens. The surface water management designation is Commission designation that places the very high degree of regulatory protection on how people use this water. That's because the water here is so important for so many purposes. I just want to be clear that I'm showing you before the TMK. They are not the TMK in hydrologic unit. They go all the way down. TMK's are up here. Surface water uses and ground water uses are important. Surface water agriculture and important are the way the areas charge the aquifers. So the aquifers in part charged by these lands are providing a huge amount of 70% or more of Maui's drinking water in aquifers out here and, of course, the streams are very important, stream ecology and marine sources and water quality. So showing you here is critical habitat. These are different ecological units of critical habitat that were proposed for these land. They weren't actually designated but making biological point with small sea critical habitat. So these areas for critical habitat for numerous species and range of different types of habitat from dry cliff to wet montane, low land wet, montane wet. So there's a wide range of different types of habitat that are very important for protection and recovery of endangered species including endangered plants and in terms of biological resources, area throughout this watershed partnership lands are very rich in biodiversity and including rare and endangered species. So what you're seeing here, each one of these little figures of some kind is record of a rare or endangered species. So there's lots of them. Including on these lands that are part and a lot of records and lands in endangers species and includes rare and endangered sea birds, so if able to acquire this, able to enhance endangered sea birds and that would be doing surveys to identify suitable habitat and then implement predator control and control for other threats. Actually a lot of very rare scales in these lands too. 37 species are known from this area and at least nine of them are recovering and possibly more but need to do surveys. Haven't done a lot of good in the lands. Quite at length right now and able to implement the kind of surveys and put protective measures, especially predator control in place for protection and recovery of those endangered. Same thing for endangered plants. Critical habitat for at least 40 endanger plants and lost count going through the table so I know it was more than 40. There was a lot of records of endangered

plants there and plenty of opportunities to improve the surveys, understand what's up there and then put threat control and other conservation measures on the ground. It is also an area that's very rich in history and culture. Those aquifers that are all the way down into low land were very productive. There were communities in the areas for centuries before we started developing those areas. There's very active group that's in advocacy for areas Na Wai 'Eha and in touch with them as well and get feedback on moving ahead with this. In terms of management, lands are currently part of the watershed partnership and that watershed partnership is currently engaged in doing the management on those lands, following current management plan to do that and with very intensive under control and main threats through the area, our purpose will include designation and forest reserve or natural area of reserve or combination of both and to be able to bring those resources to contribute to the plan. We partnered broadly with other entities and agencies including seabird restoration and endangered plant groups and university and be able to bring additional watershed, CIP funds and qualified to do control and be able to work additional work with recovery. So in terms of funding, we expect to appraise for 10 million. There was an appraisal. We will be looking with different sources so that I'm not sure what the ask was there but I think this is a modification and we will have to tap into Leah's expertise when you have questions.

>> Are these all just things you're thinking about?

>> Sure. So none of them are awarded yet. So they are all things that we are working on and need to work on. We have talked with the county and they are -- put the money in their budget for this because the county had an intention to buy this. It is our understanding that it is not clear that they will. So we are working closely with the county on that. The application -- actually if you go -- so all these are in the working and I think that was the purpose of our next slide was to give you a schedule of how we will be pulling these together. Endangered species we have covered and one been successful in the past, \$10 million is amount we have gotten a lot of times in the past. Forest legacy is another grant that we have been able to tap into. We have 4 million from them from a purchase and I think we are good in range for them. I think he could be successful with CIP. This is to lay out the schedule for you in next year moving forward.

>> Proposal I read where requesting legacy land 5.5 million. Nice to see number again.

>> We found that would be a good idea to make the number lower.

>> A what is it now?

>> Two.

>> We have not officially reduced "And this is how we would like it to play out and legacy land funds are limited. 2 million for legacy land.

>> So those amounts and realistic amounts on past experience and RRA, what does amount mean and past experience and same thing to the forest service went through it right that and that's how we did that and the county one, it is a verbal from the mayor saying we want to support this and have to go through the council and we will make realistic projections and get all of these applications done.

>> What it would take in term of getting the degree of commitment on some of these?

>> I don't know. I don't know. You know, I asked them that and can't say.

>> A seller letter -- willing to the state if we agree to certain terms that are agreeable. So we definitely been in contact with them and trying to work as closely as possible for that agreement.

>> He is a willing seller is the price is right to sell it. He is committed to conserve the lands and like to see them go into the public trust and not like to see them become degraded. He does have conservation ethic.

>> Maybe a couple questions. Do entities ever pitch in with acquisition.

>> Not that I'm aware of. Most of their funds come from state, county and part of the two major dollar amounts they get and they are probably in the range of 45 to 50% each and additional money in form of CIP to build fences and partnership does bring in additional money from other sources that are a lot softer. Sometimes service and private grants and I don't see them having that kind of money to purchase this.

>> Wanting to contribute because am I wrong the numbers of partnership are (indiscernible).

>> Yes -- sorry. You're not wrong. You're correct.

>> I have another -- so core business the area that has had such long contested history of water?

>> Yes. They were formed in 2003 and were major driving force in a lot of the advocacy that has been taking place in the last 15 years.

>> At this point are the legal agreements that resulted from those lawman cases firm and are the entities -- the farmers wanting to be able to revive, how is that going?

>> There was a settlement on the amount of water. I don't know if I can definitively tell you weathering on the water is settled but there was a settlement that returned -- that designated amount of water to return to the streams, and I believe the plaintiff settled with the company.

>> Water?

>> Yes.

>> That happened recently because five years ago water did not run through the river to the ocean.

>> Still a lot of tested -- there's still a lot of -- there's still a lot of farmers that are saying the streams have not been restored and they are dry.

>> I don't know if that's a complains issue and area of professional management.

>> The case may have allotted waters but didn't necessarily have the process to keep analyzing and assessing and reallocating.

>> I believe that the case settled the amount of water that is supposed to be returned to each of the four streams. So that's the amount this the goes down the stream and amount to be diverted for other uses. That part I think is done. People still have to apply for permits and that's different issue. What Kali might be alluding to is people don't believe they are returning the amount of water that they agreed to and I really don't know about that. It is complicated for sure.

>> So the area flex water from east and west both which goes into ag and domestic abuse and some of it is mostly going back to streams. Which side east or west is to continue? In other words, how important is this versus this with domestic?

>> I think that -- what I read in some of the literature was more than 70% of Maui drinking water comes from the (indiscernible) aquifer.

>> Surface water. This is surface water in addition to water in charge.

>> Showed served communities, country along that way and west watershed and water collection area and west Na Wai 'Eha behind and (indiscernible).

>> All the way down.

>> Water that's Sugarland.

>> Two systems are separated by that.

>> There are a few wells on the east side. This is not like this is a significant amount of money of water. Is there another slide?

>> Three more slides.

>> I want to impress on you guys the urgency here. This landowner wants to sell. He needs to

sell. He is going to sell. He has already started selling portions of his land. Water company lands were not just those three parcels. They continue to extend over to the south and connect outlands at Malai. When he says he needs to sell, he needs to sell and going to sell. There's no guarantee that he will sell to somebody that's going to continue conservation work on these lands. If maintenance doesn't continue offense and control and weeds they will quickly move up into the native habitat and have effects of the mountain. So there's an urgency there and what else we got?

>> If you want to back up I will show you one more thing that's a question that came up about management. Kind of give a little bit more detail to frame -- go to the map of the watershed partnership. Keep going. Go one more.

>> So management of these -- this is the conservation district one here and watershed partnership boundary line. The nature of the habitat here is that there's invasive plants to lower elevation but higher elevations become very good shape and pristine, so kind of gradation, the lowest has species and constantly be back. But the watershed partnership boundary is right here and the partnership is actively managing throughout and there are fences that are close -- very close to the lower boundary here with certain barriers. This whole thing and almost all of this from here up is virtually on very, very low level. Very effective control. Management is ongoing. This is the question for us of continuing to support the management, supporting the partnership and bridged value added from what our agency can do and bring the special skills and dollars that we have to contribute to that.

>> Anybody else?

>> Zoning.

>> How would that play into the management? Would you guys be able to keep doing the control.

>> Depends who buys it and depends what they want to do. So my opinion is the best case scenario is for DOFAW to buy the land and put in reserve. I think it brings the best protection, best opportunities to engage the community in public access plan since they do not have public access here to bring resources to continue management that's already going. Now, if the county were to buy it and county may or may not buy it, I would expect that you would have pretty good public protects as those lands do and how we can assist the county. If a private landowner buys it like the guy that owns it now, he is committed to conservation so you have a situation in which there's a private landowner and conserved for its water or values. But he is using the water and selling the water. He has a reason to make sure that water stays conserved. Sell it to somebody who does not have the values, there's nothing that we would approach them to say hey, please become a part of this watershed partnership and do things, person doesn't need to do that. These are voluntary partnership. The management that these guys are engaging here is voluntary. All person has to do is tell the team they can't work in there and let the fences degrade and that's it.

>> They are restricted.

>> Right. I think that's the conservation district boundary, so you do have a certain level of protection for conservation district. Conservation district doesn't stop people from allowing to rush out over their lands.

>> That was my question.

>> Flabbergasted this is private.

>> Right.

>> Absolutely critical watershed. State should take it.

>> So this is another set of lands right here and state lands at Malai and putting those into forest

reserve and this is part I was referring to, so these were different.

>> Exchange to get watershed on the land?

>> That's tough but it is worth thinking about. It would be hard sell because this thing burns every year. I'm not sure anyone would want to take responsibility for that. I don't know why. Pretty much drives me nuts but we have our reasons.

>> Could you describe some of the usage below that in terms of water extraction?

>> Yeah. So I didn't anticipate that question so I didn't show you where all the diversions go. So there are water diversions up into the streams and those diversions have bridges and tunnels and series of ditches that move the water here to lots of different users, all the way across this region here and pretty big network of water delivery systems through there.

>> Mostly municipal, mostly private, conduits and how is that handled?

>> I think the surface water use here is small and medium agriculture and staff might know better and that ground water is more municipal type domestic use and a lot of people want to use the water for the streams for very small farm use.

>> County has been scoping this, they have been interested in it, it was our understanding that it was going to go through and talking folks to the county and got concerned there were issue and might not go through. So we were contacted about the same time by the county and landowner who said we should look at this and someone has to take the water delivery systems as part of the sale. It is not going to be a good idea to for the state to descendant pie this and not having something figured out for the water systems. That's what we would like for the county to step in and do something with those and what we are putting together in collaboration with them. Clarify with this application and consistencies in the math on the budget forms, form three and form four which are the ones we use as financial pages for future use of the application so I would like to be sure we all know exactly what the last ask is from legacy land and 500 and then the other aspects of the equation with matching funds and total costs and sometimes number of different pages of the application and form three and form four if there's inconsistency and make sure we are straight on that.

>> I got to staff about that and see what we want to do. I'm not sure you're processed but are we going to change it to 2 million? It is up to me? I did not know that.

>> I think leaving it with the knowledge that we will be okay if it is not that.

>> Whoever is in the application and funds after can award less.

>> General practice and Rick wants and time for it, we have another discussion period after we have heard all the presentation but the general practice has been that the top ranked application are recommended for the full amount up to the amount of funding that may be available. This year we have 3.2 million available for next year we are trying to decide for the legislature how much will be available for the recommendation. And if what does happen is when we get to the bottom of the available funding and there's a lower ranking application that we can't -- doesn't -- all the money isn't there but give partial award -- recommended partial award for that last increment and budget uncertain until we get to the very end of the year and that's how we took care of it last year with \$50,000 partial award and nothing in the statute or rules that says we can't do a partial award and has been extensive discussion in the minutes over the past 12 years about awarding partial awards and it has generally not been practice of Commission to do it that way.

>> Two opportunities beyond us and kind of rank application and then DOFAW goes forward and make the recommendation to the board and board can do whatever it wants and do some

things like that.

>> But generally likes to follow up with conditions and recommendations so doesn't have to do all the work over again.

>> We like that too.

>> If they were thinking and timing -- timing pull these other sources over the next year and wondering if we would be requesting money in your next cycle. How does that play in all of this.

>> Going to go to two decision-making processes on Friday. First decision-making process will be the recommendations for fiscal year 2020, year that we are in now and after the ranking process will be fiscal year for 2020 and we will know the results and year 2020. Then we will do the same thing again for the fiscal year 2021 funds which will be 3.2 million or more and doesn't do away with us entirely and another recommendation for the fiscal year well process. Another ranking with knowledge of what will happen with FY2020 and recommendation and top it all off, Scott, the FY2022 occupation cycle will open around January and decided in the spring.

>> Applicants comes in and funding for acquisition and parcel and next big cycle to come in and ask for funding to come for the next cycle. That's another.

>> Can I ask what your advice is? Is that not good?

>> Ask more from CIP given the urgency of the situation and the severity of not having it and public trust and compensate when asked.

>> But wouldn't lower it from two.

>> No.

>> Lower from six. So those amounts put up there to me, those are practical amounts that I think that make sense for those different sources. 2 million CPI where it is -- CIP where it is at. If learned something how dollars are coming through by the time we are in front of the legislature or and actually all the way to May and change what's in there, maybe not May. Well, they can still change things. So we do have the opportunity to do that if we learned something about these other sources. So yeah, I don't know I guess between 5.6 and two. When do you need to know?

>> Today.

>> Right now?

>> Want to get out of this.

>> We are asking for more money from all of these sources but this is just what we think we will do and kind of -- I wouldn't say conservative but what we think and going to be asking to chip in more money and ask for more money with CIP and legacy apply for more monies.

>> Honestly this is the tricky one for me. The county can be very hard to get in and put in budget and have bunch of council.

>> County purchase.

>> 9.5 but no, they did not. It was a previous administration and the mayor put it in the project and landowner agreed on a price with them but never got done. Consult with staff to help.

>> We are going to have the rest of the applications over the next two days and then sometime on Friday morning, late Friday morning, that will be over and then we will go into decision-making mode, so we need to have to square it up.

>> Could we hold completion of this discussion.

>> Start again tomorrow and we will be on tight schedule for the rest of the time. That's what I'm saying, after the last application on Friday we will go -- that's what we should do is before we go in the general discussion and the Commissions deliberations and process, we want to make sure that we have what everybody wants at that time all in agreement and talking about the same thing.

>> Got it. So you need decision before you convene on Friday morning. Okay. Any other questions?

>> All right. Thank you.

>> Do we have all DOFAW applications to go or did we receive all of them?

>>

>> Hasn't been asked yet. Which of these -- of these applications from the division, what are the priorities for the division?

>> Yeah, we have that for you.

>> Wanted to amend the amount that we are asking for. So we heard actually today about the ranking of Ina and don't think they have had their meeting yet but from the application rank to number two, going to be able to get fund -- able to get funding for the project and thinking more land that we need to reduce our million dollar ask to 500,000 for Legacy Land and I can send you the amended paperwork for financials if that's possible.

>> Most amended paperwork we can catch up between now and board meeting and most important thing is we got it on record and Commissioners have all heard it is to what that is and put it into this table when we refer back to it.

>> And preferences Legacy Land.

>> We went back to item 4D on this agenda which heard earlier this morning and request is to change the application to have \$500,000 requested for Land Conservation Fund and the request in match, total amount is the same.

>> Yes.

>> What kind of schedule are we on? Are we done for the day?

>> Not until we adjourn the meeting.

>> What do you want?

>> What are we going to do?

>> Stop.

>> Have to be done.

>> We do?

>> We don't have to be done but, you know, Scott want to go home and don't even know if the next is here.

>> Here.

>> You guys don't need to get out of here until you're out.

>> That's another -- potentially another hour's worth of time.

>> Unless you want to start and then stop but initial plan had us starting with Malama Kaua'i tomorrow morning.

>> Then we are on schedule.

>> We are.

>> Is it possible to go on the record for support of (indiscernible).

>> Sure.

>> I'm Peter Landon of the public and want to testify in support of Na Wai 'Eha for Legacy Land Commission. You know, this area is really important area to Hawaiian history and Maui in particular. Four great waters was once the agricultural, spiritual, religious, political center of Maui. What Hawaiians did in this area by managing the water resources for Malama Kaua'i for Maui as we know it. Really set the stage for the first sugar production which morphed into what you see now in Maui. It is 70% of Maui's municipal water or more comes from this area. If we

don't steward the area and keep it into public trust, that's really, you know, not going along with what has happened and the last hundreds of years that's been going on. So I do want to speak in support of this. I don't think I have seen a better proposal on the table, just, you know, with my own eyes. I just think that, you know, word legacy that is Na Wai 'Eha. There are significant resources, cultural, natural, you name it but I think this place carries special legacy to it. There's numerous in the title and supposedly buried in caves underneath the waters. Things like that are not things we can recreate in the mountain because now own a piece of land. These are the things that follow the land. They are the legacy of the place. I think that's worth preserving and it is worth saying in public testimony, so I just want to add that to the record.

>> Is this to ask a question of priority amongst the application?

>> We haven't heard them all yet. We have more tomorrow.

>> You're the Chair so you can ask whatever you want where are you want.

>> A question then we can just take 15 minutes for response on this and while all here. So recognize recognizing that we have not heard your presentation on Nānu'alele Anchialine Nānu'alele.

>> We think for fiscal year '20 and project and most ready they have got a lot of other funding and ready to go and, you know, really great to see that objective and then our second would be certain and for fiscal year '21 it would be Nava and very important purchase but as you saw don't have other funding and pretty confident we will be able to -- won't be able to make anything with actual.

>> Number two, 20?

>> Na Wai Eha.

>> Also '21.

>> 21 is Na Wai Eha.

>> Nānu'alele is at bottom.

>> We didn't go down.

>> Is that the one --

>> (indiscernible).

>> I'm good with ranking and don't understand there's important on 2021 and then a little concerned that I don't understand that the way it works but ranking it makes sense to me and talking about ranking going first because it is ready Nānu'alele and (indiscernible).

>> We are in first year of budget biennium so the biennium budget that was proceed for 20-21 basically had us at base rate for each of the two years and mean \$3.2 million and another \$3.2 million for '20 and '21 and based on outcome of FY outcome ranking we will turn that right around and submit to the governor -- well, to the Department of Executive budget request for the year 2021. Asking for more money, what are you going to spend it on? We don't know. We didn't start the application process and completing it during the fiscal year. Now we will say we will spend on one or more of these applications in the order ranked by the Commission, total amount is \$10 million and up to the legislature to say how much of that \$10 million will be for supplemental budget. We don't want to mess around with ranking and envisioning with the representatives from the Senate and district will become champions for applications that are on that list and numbers.

>> That's when we are going find out.

>> Okay, thanks, everybody for traveling, et cetera. The agenda says we will begin at 9:00 a.m. tomorrow morning, is that correct?

>> Yes.

>> So it shall be so. Thanks to all who stayed but didn't get called on. We look forward to

seeing you tomorrow.

>> We need to motion to adjourn.

>> Motion to adjourn. All in favor?

>> Aye.

>> Meeting is adjourned.

DRAFT