

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

July 28, 2017

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Board Members:

SUBJECT: APPROVE GRANTS FROM AVAILABLE FUNDS IN THE LAND
CONSERVATION FUND, AS REQUESTED IN APPLICATIONS TO THE
LEGACY LAND CONSERVATION PROGRAM, FOR:

(1) THE ACQUISITION OF INTERESTS IN SPECIFIC PARCELS OF LAND FOR:

- A. THE TRUST FOR PUBLIC LAND AND ALA KAHAKAI TRAIL
ASSOCIATION, \$2,000,000 FOR THE ACQUISITION OF 2,209.307
ACRES AT KĀHILIPALI NUI AND KĀHILIPALI'IKI, KA'Ū,
HAWAI'I (WAIKAPUNA); AND
- B. HAWAIIAN ISLANDS LAND TRUST, \$210,000 FOR THE
ACQUISITION OF A CONSERVATION EASEMENT OVER 6.12
ACRES AT KE'ANAE, HANA, MAUI (KEPLER KE'ANAE LO'I
EASEMENT)

SUMMARY

The Division recommends that the Board approve additional, complete funding for Legacy Land Conservation Program grants, from available Fiscal Year 2018 (FY18) funds in the Land Conservation Fund, for the acquisition of specific parcels of land as requested in two applications that the Board and the Governor previously approved for Fiscal Year 2017 (FY17) funding.

Due to unforeseen shortfalls in the availability of FY17 funding for land acquisition, the full amounts requested in the FY17 applications for land acquisition could not be accommodated within the FY17 budget allotment. Therefore, the Division recommends that the Board award FY18 funding that is available for land acquisition to provide the full amounts requested in the FY17 applications, as recommended by the Legacy Land Conservation Commission.

BACKGROUND

At its meeting of May 26, 2017, under agenda item C-1, the Board approved the Division's recommendations to:

- "1) Authorize the Chairperson to enter into an agreement and encumber FY17 funds with the Ala Kahakai Trail Association, for the acquisition of 2,209.307 acres at Kāhilipali Nui and Kāhilipali'iki, Ka'ū, Hawai'i [Waikapuna],

using a total of \$100,000 from the Land Conservation Fund, subject to [standard conditions]"

and

- "4) Approve—as a contingency in the event that an awardee is unable to accept its awarded funds—the Commission's recommendation to award funds to, and authorize the Chairperson to encumber FY17 funds from the Land Conservation Fund and to enter into a grant agreement with: first, the Ala Kahakai Trail Association, as an alternate, for the acquisition of 2,209.307 acres at Kāhilipali Nui and Kāhilipali'iki, Ka'ū, Hawai'i; and second, the Hawaiian Islands Land Trust, as an alternate, for the acquisition of a conservation easement over 6.12 acres at Ke'anae, Hana, Maui [Kepler]

using remaining, available FY17 funds from the Land Conservation Fund, up to the amounts originally requested in the applications, subject to [standard conditions]."

On June 21, 2017, Governor Ige approved and released \$2,338,346 in FY17 funds for four grants from the Land Conservation Fund that BLNR approved on May 26, 2017, including the two grants listed above (Waikapuna and Kepler), subject to the noted contingencies (please see Attachment I). Based on these approvals and available funds, the Division encumbered \$100,000 in FY17 funding for the Waikapuna acquisition. In order to provide the amounts originally requested in the applications, the Division requests approval for additional awards of \$1,900,000 for Waikapuna and \$210,000 for Kepler.

DISCUSSION

Based on the recommendation of the Legacy Land Conservation Commission; previous approvals from the Board and Governor Ige; and the availability of Fiscal Year 2018 (FY18) funds in the Land Conservation Fund for grants for land acquisition, the Division seeks approval from the Board and Governor Ige to provide additional funding for the Waikapuna and Kepler acquisitions, up to the amount originally requested in each respective application.

1. Waikapuna: The Trust for Public Land (TPL) and Ala Kahakai Trail Association (ATA) applied for \$2,000,000 to acquire 2,209.307 acres at Kāhilipali Nui and Kāhilipali'iki, Ka'ū, Hawai'i for eight of the nine Legacy Land resource preservation purposes established in subsection 173A-5(g), HRS (see Application, Section D):

- watershed protection (bay and ocean waters);
- coastal areas, beaches, and ocean access (three sections of distinct and significant native vegetation);

- habitat protection (native wildlife in sea caves, sea cliffs, intertidal pool complex, nearshore ocean, coastal land, pasture land);
- cultural and historic sites (heiau, burials, lava tubes, house foundations, ahu, habitation caves, petroglyphs, papamū, salt gathering ponds, agricultural terraces, canoe sheds, stone-lined spring, kāmala wind shelters, footpath of the Ala Kahakai or ala loa);
- Recreational and public hunting areas (to be addressed in management plan);
- Natural Areas (lava flows, lava tubes, and caves; remnant lowland dry forest; cliff with coastal plant strand; freshwater spring; native coastal plants; lagoon and intertidal pool complex; sea caves; sand dunes);
- Agricultural Production (remains of native agricultural complex; ranching); and
- Open spaces or scenic resources (hills, sea cliffs, bay).

The applicants' Project Description (Application, Section G.1) explained that "[a] longstanding goal of the Ka'ū community is to permanently preserve its beloved coast to honor Ka'ū's ancestors and allow all current and future generations to be nourished by these coastal lands" and that "[a]cquisition would not only protect Waikapuna and the rest of Kāhilipali Nui and Kāhilipali'iki's immense biocultural resources, it would also conserve a critical piece of the Ka'ū coast conservation puzzle." According to the application (Section G.2), "[t]he Waikapuna property has 22 lots of records, and the landowner will move forward with a subdivision plan if not purchased for conservation."

Matching funds totaling 68% of the total project cost would be provided through grants or loans totaling \$3,200,000 (from new market tax credits or alternative funding source, pending), landowner's donation of land value (\$1 million, pending) and smaller cash contributions from the landowner (\$11,500, secured) and TPL (\$49,500, secured).

The application indicated that "Ala Kahakai Trail Association intends to grant a conservation easement to the Ala Kahakai National Historic Trail, a unit under the National Park Service" (Section J). In its letter of support for the application, the County of Hawai'i Finance Department indicated that "in the event that TPL and ATA moves forward with the acquisition, the County of Hawai'i intends to hold a conservation easement over the . . . property subject to the criteria set forth in Section 2-241.1(c) of the Hawai'i County Code as it relates to the Public Access, Open Space & Natural Resources Preservation Fund."

The draft minutes of LLCC Meeting 54 (December 12-13, 2016) include the transcribed testimony of L. La'akea Sukanuma, recounting the relationship between the Waikapuna lands and the 'ohana of Mary Kawena Pūku'i. The application also included letters of support from:

- L. La'akea Sukanuma (President/Director, The Mary Kawena Pūku'i Cultural Preservation Society)
- William Keoni Fox (Keanu 'Ohana of Ka'ū)
- Walter Andrade (MJ Ranch)
- Michelle Galimba (Kuahiwi Ranch)
- Shalan Crysdale (Director, Hawai'i Island Program, The Nature Conservancy of Hawai'i)
- William G. Gilmartin (President, Hawai'i Wildlife Fund)

The applicants "did not adapt the project proposal in response to the agency consultation responses. However, we did provide additional information as a result of the agency comments and questions,

and are continuing that dialogue to ensure that each agency has the information it requested” (Application, Section K). The following table summarizes the agency responses and comments:

Agency	Response	Comments
DLNR	We have no objections. Comments are attached.	Site visit with DOFAW conducted at Waikapuna. Coastal strand vegetation is valuable. Kamilo section, Ka’ū Forest Reserve, lies to the west. Archaeological sites worth protecting are throughout the property. Could provide some hunting opportunities for goats. Would provide access for the public to the ocean and coastline. Wildfire will be a big issue if the area is not continued as pasture. If the Waikapuna parcel was subdivided to allow DOFAW to manage the coastal area with legal access, we could have further discussions.
Department of Agriculture	Comments are attached.	Acres currently leased to pasture? Lessees of the pasture lands? Number of cattle? Term of the leases? Management plan for the ranch and how it will operate in conjunction with the preservation of cultural, native vegetation, and habitat resources?
Agribusiness Dev. Corp.	We have no comments.	

2. Kepler Ke‘anae Lo‘i Easement: The Hawaiian Islands Land Trust (HILT) applied for \$210,000 to acquire and hold a conservation easement over 6.12 acres at Ke‘anae, Hana, Maui (but excluding the area of an existing home) for seven of the nine Legacy Land resource preservation purposes established in subsection 173A-5(g), HRS (see Application, Section D):

- watershed protection (reduce erosion and prevent catastrophic flooding, and runoff);
- habitat protection (lo‘i kalo, endangered native waterbirds, and native seabirds);
- cultural and historic sites (perpetuate taro cultivation to maintain cultural landscape);
- parks (proximity to State Seabird Sanctuary);
- natural areas (surface water);
- agricultural production (a lessee farms 26 of 36 historic fields); and
- open spaces/scenic resources (view shed from the Ke‘anae road along Hana Highway).

According to the application, “[t]he property includes the small lo‘i originally belonging to the chief Ke‘anae, from which it is reported that the entire ahupua‘a took its name” (Section G, Project Description, citation omitted). Matching funds totaling 59% of the total project cost would be provided through private funds raised by HILT (\$220,537, pending) and private funds and land value donation from the landowner (\$86,080, secured).

The application indicated that the easement, if acquired, “will prohibit further residential development and will protect the unique soils that are present on the Property” (Section G, Project Description) and “will protect the agricultural use of the land in perpetuity” (Section H, Stewardship

and Management), and that “the management plan for the parcel after the conservation easement is placed on the property is to actively farm the lo‘i kalo” Section D, Preservation Purposes). However, although the application states that “[t]he . . . ancient kalo lo‘i at Ke‘anae will be permanently conserved because conservation easement will prevent uses incompatible with agricultural production,” it also indicates that “[t]he easement requires only that the land remain in agricultural production, but does not specify the crop grown” (Section H, Stewardship and Management).

The application did not include letters of support, except for communication from the landowner and the applicant. In response to agency consultations, the applicant deleted a 0.18 acre parcel from the application (Application, Section K). The following table summarizes the agency responses and comments:

Agency	Response	Comments
DLNR	<i>Application did not include response form.</i>	Parcel (2) 1-1-003:065 lies entirely within the Resource Subzone of the Conservation District. Due to its coastal location, not very much could be done on this parcel and the easement is to keep the area as is.
Department of Agriculture	Comments are attached.	Approximately half of the eastern portion of the larger parcel is classified as “Unique” under the Agricultural Lands of importance to the State of Hawaii system. Request information explaining why the smaller parcel is included within the application, as it is in the State Conservation District and does not seem to be in agricultural use.
Agribusiness Dev. Corp.	We have no comments.	

Conservation Easements, Agricultural Easements, Deed Restrictions, and Covenants

Under subsections 173A-4(c) and (d), HRS, a recipient of funds from the LLC must:

provide a conservation easement under chapter 198, or an agricultural easement or deed restriction or covenant to the department of land and natural resources; the department of agriculture; the agribusiness development corporation; an appropriate land conservation organization; or a county, state, or federal natural resource conservation agency, that shall run with the land and be recorded with the land to ensure the long-term protection of land having value as a resource to the State and preserve the interests of the State . . . [and t]he board shall require as a condition of the receipt of funds that it be an owner of a conservation easement.

However, subsection 173A-4(d) provides that “[t]he board or an appropriate land conservation organization or county, state, or federal agency required to be provided an easement pursuant to this section may grant an exemption for any easement required pursuant to this section.”

Historically, the Department has required that each recipient of LLC funding record a deed of conveyance that includes restrictions and covenants that meet the requirements of Section 173A-4. Similar to many federal land acquisition programs, the LLC restrictions for deeds to county and nonprofit grantees reference the grant agreement that is executed between the Board and the grantee, and all deeds must recite the State’s statutory restrictions on the sale, lease, or other disposition of the land. These statutory restrictions (1) include a requirement that the Board approve disposition of the

land (Sections 173A-4 and 173A-9, HRS) and (2) establish post-disposition payback provisions (Section 173A-10, HRS). Per the grant agreement, deed restrictions also require that an owner manage the land in a manner consistent with the protection of the resources as described in the original grant application.

The Board is authorized to impose conservation easements on lands acquired by LLC grant recipients, and to grant exemptions from the easement requirements. The Department advises that the deed restrictions that the LLC customarily imposes on grant recipients—as bolstered by statutory and contractual provisions—are sufficient to ensure the long-term protection of land having value as a resource to the State and preserve the interests of the State for the recommended FY17 grant awards, and recommends that the Board exempt the awardees from additional easement requirements. The Department notes that of the two grant applications recommended for FY18 funding, one is for a fee acquisition to be held by a nonprofit land conservation organization, with a conservation easement to be provided to a county government and/or another nonprofit land conservation organization; and one is for a conservation easement to be held by a nonprofit land conservation organization.

Chapter 343, Hawai‘i Revised Statutes, Environmental Review

At its meeting of May 28, 2017, under agenda item C-1, Recommendation 8, the Board declared that each approved award of FY17 grant funds from the Legacy Land Conservation Program to a nonprofit land conservation organization for land acquisition will probably have minimal or no significant effects on the environment; is an action for the award of grants under Haw. Rev. Stat. Chapter 173A that does not fund an activity that causes any material change of use of land or resources beyond that previously existing; and is exempt from the preparation of an environmental assessment in accordance with Sections 343-5 and 343-6, HRS; Section 11-200-8, HAR; and Exemption Class 1, Action Type 49 on the Exemption List for the Department of Land and Natural Resources, reviewed and concurred on by the Environmental Council on June 5, 2015.

A Declaration of Exemption for each award is attached (Attachment II).

RECOMMENDATIONS

That the Board:

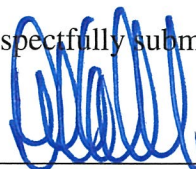
- 1) Authorize the Chairperson to encumber FY18 funds with the Ala Kahakai Trail Association, for the acquisition of 2,209.307 acres at Kāhilipali Nui and Kāhilipali‘iki, Ka‘ū, Hawai‘i, and to enter into a grant agreement and encumber FY18 funds with the Hawaiian Islands Land Trust for the acquisition of a conservation easement over 6.12 acres at Ke‘anae, Hana, Maui

using a total of \$2,110,000 from the Land Conservation Fund, subject to:

- a. compliance with Chapter 173A, HRS;
- b. compliance with Chapter 343, HRS;
- c. execution of a Grant Agreement with the BLNR;
- d. certification of an appraisal by the Department;
- e. insertion of Legacy Land Conservation Program restrictions and covenants into the deeds as a condition of contractual agreements with the grant recipients;
- f. approval of the Grant Agreement and of the Deeds by the Attorney General’s office;

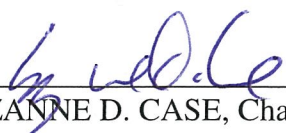
- g. the availability of funds;
 - h. the approval of the Governor; and
 - i. such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 2) Authorize the Department to proceed with all due diligence and negotiations that may be necessary to carry out the Legacy Land Conservation Program grant and acquisition, approved by the Board and the Governor, with the Hawaiian Islands Land Trust for the acquisition of a conservation easement over 6.12 acres at Ke‘anae, Hana, Maui.

Respectfully submitted,



DAVID G. SMITH, Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

ATTACHMENTS:

- Attachment I: Request for approval and release of grants from the Land Conservation Fund for fiscal year 2017 Legacy Land Conservation Program land acquisition projects (with Attachment 1: Table of Applications Reviewed by the Legacy Land Conservation Commission)
- Attachment II: DLNR Declarations of Exemption for the award of grants under Haw. Rev. Stat. Chapter 173A

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DRF 4693
S: 6/6/17

May 26, 2017, Memorandum from the Department of Land and Natural Resources
Request for approval of Fiscal Year 2017 Legacy Land Conservation Program grants

May 26, 2017

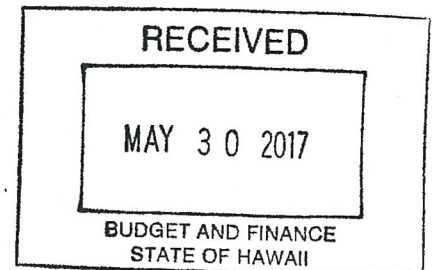
MEMORANDUM

TO: THE HONORABLE DAVID Y. IGE
Governor, State of Hawaii

THROUGH: THE HONORABLE WESLEY MACHIDA
Department of Budget and Finance

FROM: SUZANNE D. CASE, Chairperson *[Signature]* DGS
Department of Land and Natural Resources

SUBJECT: Request for approval and release of grants from the Land Conservation Fund for
Fiscal Year 2017 Legacy Land Conservation Program land acquisition projects



The Department of Land and Natural Resources (Department) requests approval and release of funding for three grants, totaling \$2,338,346, from the Land Conservation Fund. One grant to the Department, for \$1,500,000, will pay for debt service on State financial instruments relating to the acquisition of interests or rights in land having value as a resource to the State, specifically the Turtle Bay reimbursable general obligation bond. Three other grants, totaling \$838,346, to State agencies and nonprofit land conservation organizations, will pay for the protection, through acquisition, of lands having value as a resource to the State. The funding is provided through the annual Legacy Land Conservation Program (LLCP), authorized by Chapter 173A, Hawai'i Revised Statutes (HRS).

At its meeting on May 26, 2016, under Agenda Item C-1, the Board of Land and Natural Resources (Board) approved funding for four applications that were submitted to the Legacy Land Conservation Program by the Fiscal Year 2017 application deadline. These applications were selected through a process that included review and recommendations from the Legacy Land Conservation Commission (Section 173A-2.5, HRS) and consultation with the President of the Senate and Speaker of the House of Representatives (Section 173A-9, HRS). The approved applications are listed below, with the applications for land acquisition numbered and listed in the order of priority recommended by the Legacy Land Conservation Commission.

Debt Service Recommendation

Turtle Bay Makai – Kahuku Kawela Forever: The Trust for Public Land and the Department of Land and Natural Resources, at \$1,500,000 for payment of debt service on the Turtle Bay reimbursable general obligation bond, pursuant to subsection 171-171(c), HRS and Section 173A-13, HRS.

Land Acquisition Recommendation

1. **Waikapuna:** Ala Kahakai Trail Association and The Trust for Public Land, at \$100,000 for acquisition of 2,209.307 acres in Ka‘ū, Island of Hawai‘i, for the protection of watersheds, coastal areas, beaches and ocean access, habitat and natural areas, agricultural production, cultural and historic sites, open spaces and scenic resources, and recreational areas.

The Board also approved—as the first alternate contingency in the event that an awardee is unable to accept its awarded funds—an additional award of \$738,346 for this acquisition.

2. **Addition to Mauka Kea Forest Reserve, Upper Kūka‘iau Ranch Acquisition:** The Division of Forestry and Wildlife, at \$738,346 for acquisition of 4,469.585 acres in Hāmākua, Island of Hawai‘i, for the protection of watersheds, habitat and natural areas, agricultural production, cultural and historic sites, open spaces and scenic resources, and recreational areas.
3. **Kepler Ke‘anae Lo‘i Easement:** Hawaiian Islands Land Trust—as the second alternate contingency in the event that an awardee is unable to accept its awarded funds—at \$210,000 for the acquisition of a conservation easement over 6.12 acres of agricultural land at Ke‘anae, Hana, Maui.

The Commission recommended these four grants for funding, as funds are available: first, for the payment of debt service on the Turtle Bay reimbursable general obligation bonds (\$1.5 million), and thereafter for full funding of the top three proposed land acquisition projects, in the order ranked by the Commission at a public meeting on December 13, 2016 (Attachment 1).

Following the Commission meeting, the Department sought the consultation of Speaker of the House of Representatives Joseph Souki and Senate President Ronald Kouchi regarding the Commission’s recommendations, pursuant to Chapter 173A, HRS. The legislators—in letters dated February 1, 2017, and February 24, 2017, respectively—offered no objections or comments to the grants recommended by the Commission (included as part of Attachment 2).

The Department requests approval and release of funds for the grants listed above, subject to the noted contingencies. This request includes four grants, totaling \$2,338,346, from the Land Conservation Fund to two nonprofit land conservation organizations and one State agency for the protection, through acquisition, of lands having value as a resource to the State.

The commitment of these funds will help secure an estimated \$45,624,961 in matching federal, county, and private funds towards the protection of approximately 7,306 acres of threatened or unique natural, cultural, recreational, and agricultural resources. The Department would be pleased to provide additional information. Please contact David Smith, Administrator, Division of Forestry and Wildlife, at 225-5614, for any questions regarding these grants.

Attachments:

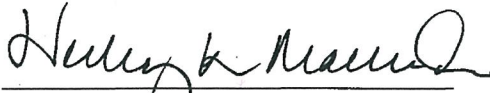
Attachment 1: Table of applications reviewed by the Legacy Land Conservation Commission

Attachment 2: Board of Land and Natural Resources submittal (Item C-1), as approved with amendments to original submittal, May 26, 2017

RECOMMEND:

☒ APPROVED

☐ DISAPPROVED


WESLEY MACHIDA
Director, Dep't of Budget and Finance

6/16/17
Date

☒ APPROVED

☐ DISAPPROVED


DAVID Y. IGE
Governor, State of Hawaii

Jun 21, 2017
Date

Legacy Land Conservation Commission, Recommendations and Rankings, December 13, 2016

At its meeting on December 16, 2016, the Legacy Land Conservation Commission recommended that the Board of Land and Natural Resources grant four awards from available funds in the Land Conservation Fund: first, for the payment of debt service on the Turtle Bay reimbursable general obligation bonds (\$1.5 million), and thereafter for full funding of the top three proposed land acquisition projects, in the order ranked by the Commission, as described below. The total amount that applicants requested for these four awards was \$ 4,448,346 (sum of the **bold** figures in the column labeled "Legacy Land \$"). At present, the estimated funding available for grants in Fiscal Year 2017 is limited to \$ 2,234,309.

Implementing the Commission's recommendations under this limitation would result in:

- (1) an award of the requested amount for the payment of debt service on the Turtle Bay reimbursable general obligation bonds (\$1.5 million), and
- (2) a partial award of \$ 734,309 for land acquisition at Waikapuna, Ka'u, Hawai'i.

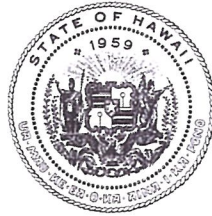
The Commission explained that it based its recommendations on an assumption that approximately \$4.5 million—the historical level of annual funding available for grants—would be made available for the four awards described below by restoring, in FY18, \$ 2,228,250 of FY15 funds that lapsed in FY16 during a prolonged period of multiple staff vacancies in the Division of Forestry and Wildlife.

Rank	Project Title	Applicant(s)	District & Island	Fee/ Easement/ DebtServ	Entity that will hold (Fee and Easement)	Acres	Match \$	Legacy Land \$	Total Cost \$
	Turtle Bay Makai - Kahuku Kawela Forever	The Trust for Public Land +Hawai'i DLNR	Ko'olaupua, North Shore of O'ahu	DebtServ	State of Hawai'i (Fee and Easement) City and County of Honolulu (Fee)	621.439	\$36,663,356 (includes \$1.5 million from FY16 Legacy Land)	\$1,500,000	\$38,163,356
1	Waikapuna	Ala Kahakai Trail Association + The Trust for Public Land.	Ka'u, Hawai'i	Fee	Ala Kahakai Trail Association (Fee) Ala Kahakai National Historic Trail (Easement)	2,209.307	\$4,261,000	\$2,000,000	\$6,261,000
2	Addition to Mauna Kea Forest Reserve, Upper Kūka'i'au Ranch Acquisition	Hawai'i DLNR, Division of Forestry and Wildlife	Hāmākua, Hawai'i	Fee	Hawai'i DLNR (The Nature Conservancy holds an existing easement over the two largest parcels)	4,469.585	\$2,393,988	\$738,346	\$3,132,334
3	Kepler Ke'anae Lo'i	Hawaiian Islands Land Trust	Hana, Maui	Easement	Hawaiian Islands Land Trust	6.120	\$306,617	\$210,000	\$516,617

Legacy Land Conservation Commission, Recommendations and Rankings, December 13, 2016

Rank	Project Title	Applicant(s)	District & Island	Fee/ Easement/ DebtServ	Entity that will hold	Acres	Match \$	Legacy Land \$	Total Cost \$
4	Hāloa 'Āina – Royal Hawaiian Sandalwood	Hawai'i DLNR, Division of Forestry and Wildlife	South Kona, Hawai'i	Easement	Hawai'i DLNR	2,780.000	\$3,334,000	\$1,000,000	\$4,344,000
5	Ho'oulu 'Āina, Growing Futures for All	The Living Pono Project	Waiehu, Maui	Fee	The Living Pono Project	240.090	\$883,830	\$2,648,514	\$3,531,352

DAVID Y. IGE
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 26, 2017

DECLARATION OF EXEMPTION
from the requirement to prepare an environmental assessment
as authorized under Chapter 343, Hawai'i Revised Statutes
and Chapter 11-200, Hawai'i Administrative Rules

Proposed Action: Legacy Land Conservation Program, Fiscal Year 2017 Grant to Ala Kahakai Trail Association
Location: Ka'u, Hawai'i
TMK: TMK: (3) 9-5-007:016
Description: Grant of \$2,000,000 from the Land Conservation Fund to Ala Kahakai Trail Association for the acquisition of 2,209+ acres of land.

Pending approval by the Board of Land and Natural Resources and subsequent completion of the terms of the grant agreement, Ala Kahakai Trail Association (AKTA) would receive \$2,000,000 through the Legacy Land Conservation Program for the acquisition of 2,209+ acres of land.

The subject property, TMK (3) 9-5-007:016, is used for agricultural (pasture license), conservation, cultural practice, coastal access, and telecommunication (ground lease) purposes. The AKTA will continue to use the property of these purposes, subject to the Legacy Land Conservation Program deed restrictions and covenants and a conservation easement provided by AKTA to the County of Hawai'i and/or another nonprofit land conservation organization.

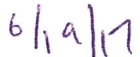
DLNR Agency Exemption List: June 5, 2015
Exemption Class: 1
Action Type: 49
Description: The award of grants under Haw. Rev. Stat. Chapter 173A provided that the grant does not fund an activity that causes any material change of use of land or resources beyond that previously existing.
Advising: DLNR (six organizational units), Counties (Hawai'i), and three other State agencies and entities (DOH, DHHL, OHA)

The proposed action is a stand-alone, one-time award of funds for land acquisition that does not involve cumulative impacts from planned, successive actions of the same kind, in the same place, over time. Impacts of the proposed action, with respect to any particularly sensitive environment, will not be significant.

I have considered the potential effects of the above listed action as provided by Chapter 343, HRS and Chapter 11-200, HAR. I declare that this action will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under the Division of Forestry and Wildlife Exemption Class 1, Action Type 49.



Suzanne D. Case, Chairperson



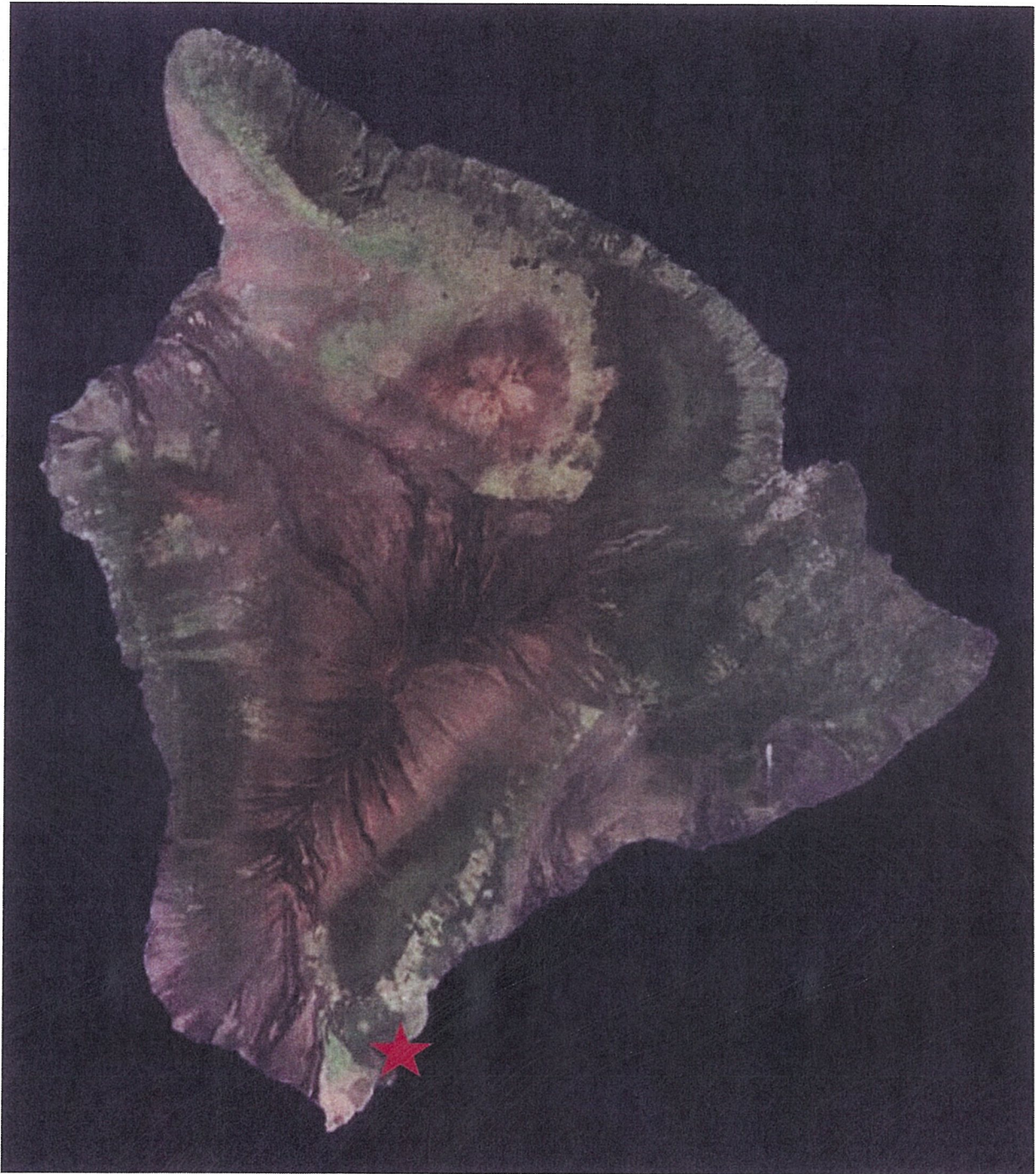
Date

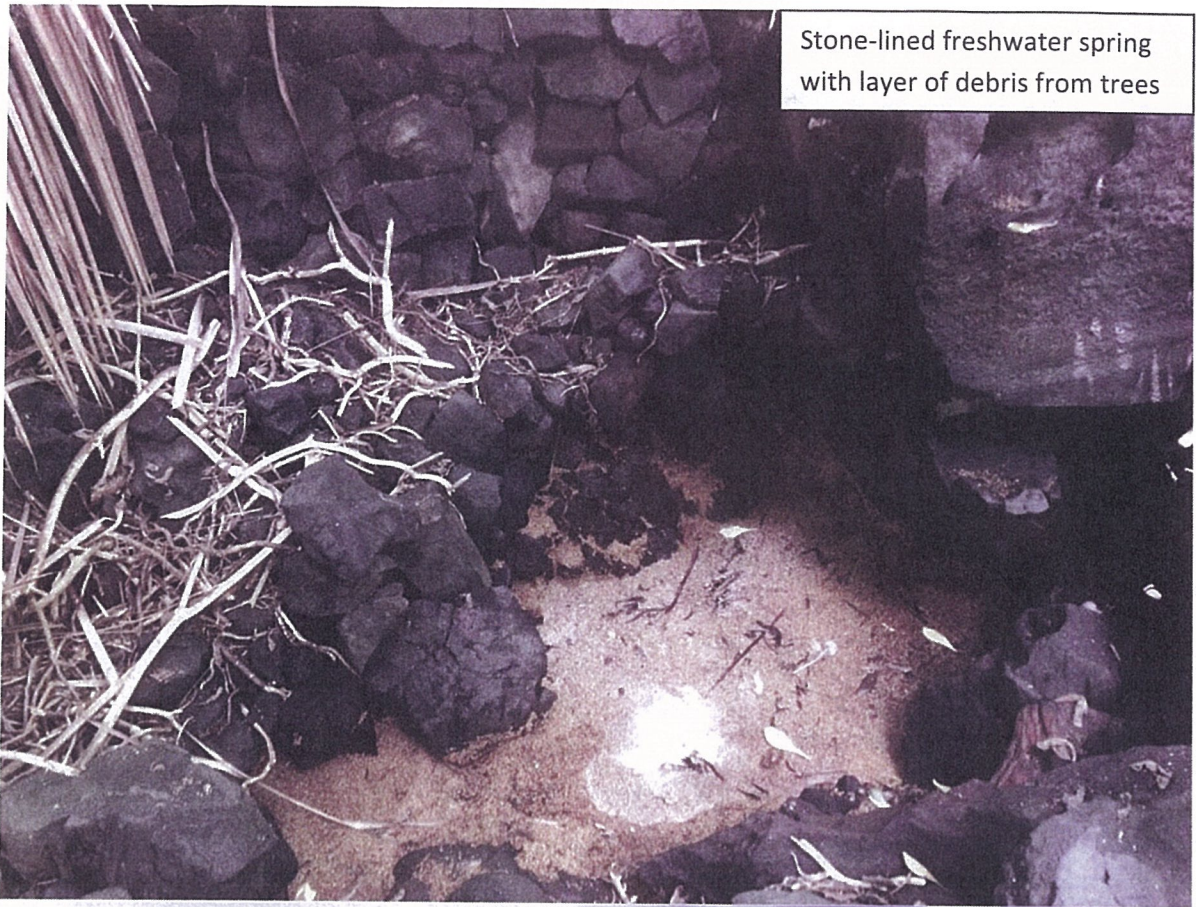
Original: Agency file
Copy: Project file

Attachment A: Map
Attachment B: Pictures

Waikapuna General Location Map

Waikapuna, Kāhilipalinui and Kāhilipaliʻiki Ahupuaʻa, Kaʻū, Hawaiʻi Island



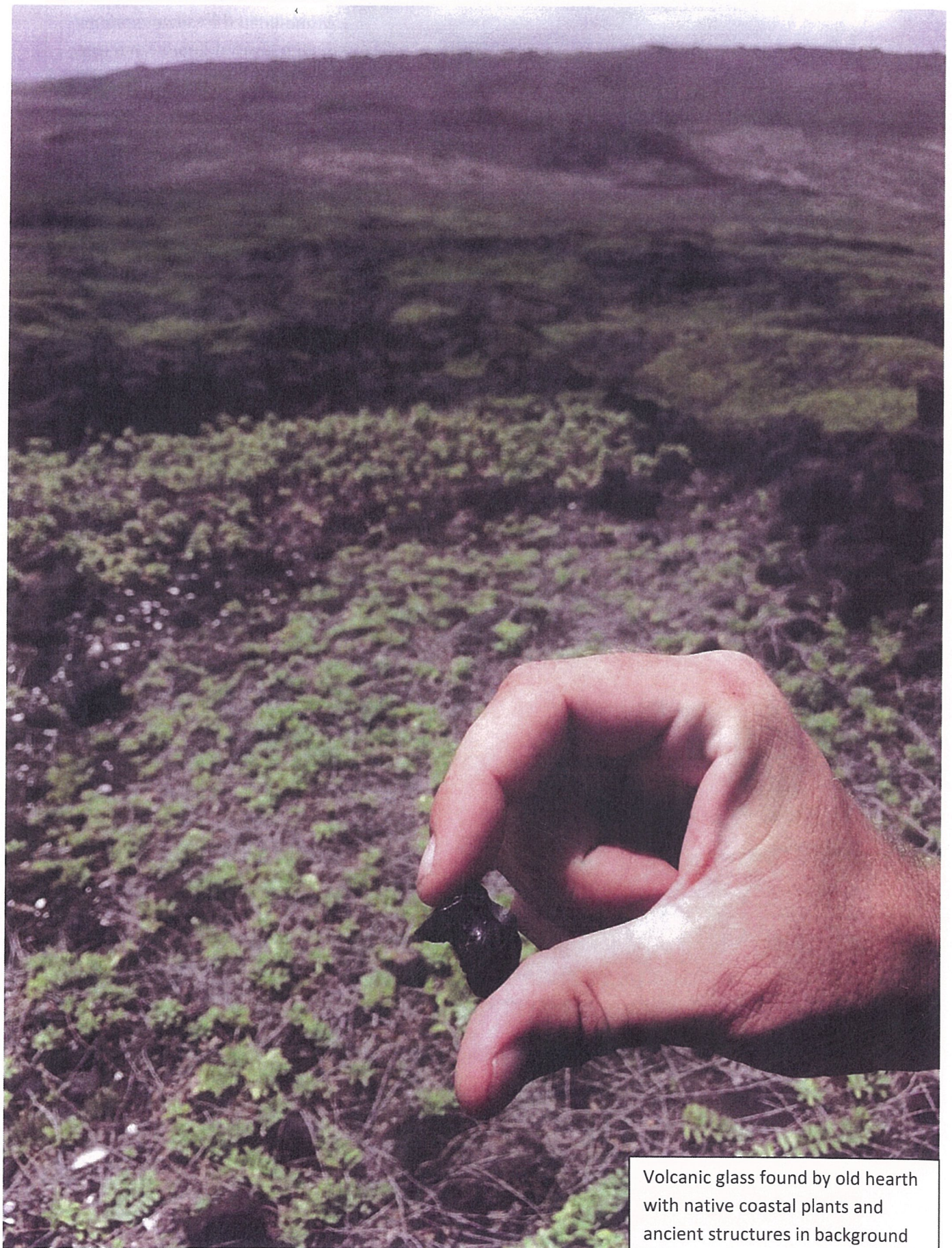


Stone-lined freshwater spring
with layer of debris from trees



Waikapuna bay

WACHSMEYER
10-10-00 10:00 AM



Volcanic glass found by old hearth
with native coastal plants and
ancient structures in background

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 26, 2017

DECLARATION OF EXEMPTION

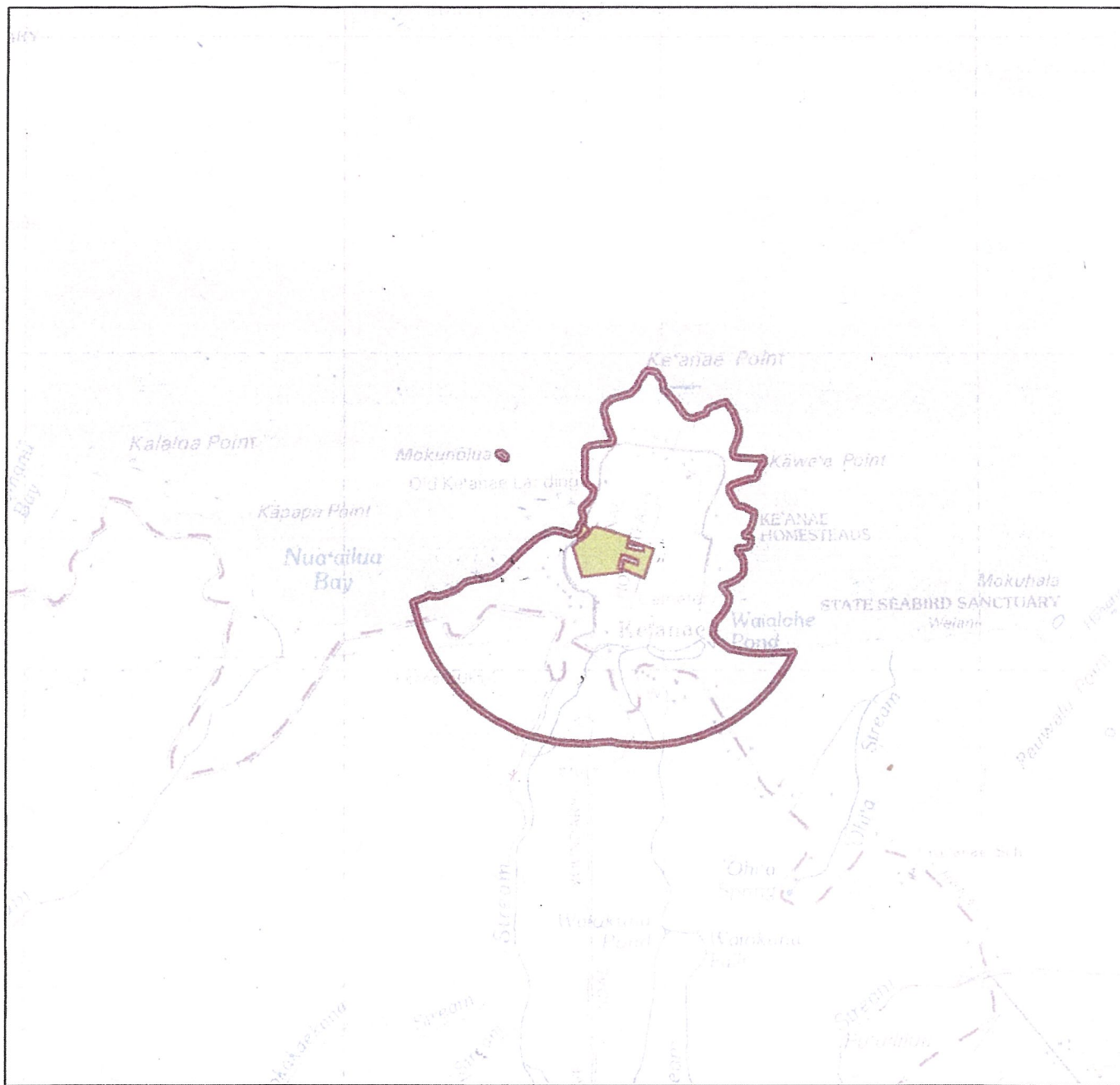
from the requirement to prepare an environmental assessment
as authorized under Chapter 343, Hawai'i Revised Statutes
and Chapter 11-200, Hawai'i Administrative Rules

Proposed Action: Legacy Land Conservation Program, Fiscal Year 2017 Grant to Hawaiian Islands Land Trust
Location: Hana, Maui
TMK: (2) 1-1-003:041
Description: Grant of \$210,000 from the Land Conservation Fund to Hawaiian Islands Land Trust for the acquisition of a conservation easement over 6+ acres of land.

Pending approval by the Board of Land and Natural Resources and subsequent completion of the terms of the grant agreement, Hawaiian Islands Land Trust would receive \$210,000 through the Legacy Land Conservation Program for the acquisition of a conservation easement over 6+ acres of land.

The subject property, TMK (2) 1-1-003:041, contains 36 lo'i kalo, 26 of which are farmed by a lessee. The landowner will continue to lease the property for agricultural use, subject to the Legacy Land Conservation Program deed restrictions and covenants and the conservation easement acquired by Hawaiian Islands Land Trust.

DLNR Agency Exemption List: June 5, 2015
Exemption Class: 1
Action Type: 49
Description: The award of grants under Haw. Rev. Stat. Chapter 173A provided that the grant does not fund an activity that causes any material change of use of land or resources beyond that previously existing.
Advising Parties: DLNR (six organizational units), Counties (Maui), and three other State agencies and entities (DOH, DHHL, OHA)



T&E Species Map for: *William Kepler : TMK 211003041*

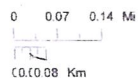
T& E Species Occurrences; accurate to 0.3 miles

None in project area

U.S. Fish & Wildlife Service Critical Habitat

None in project area

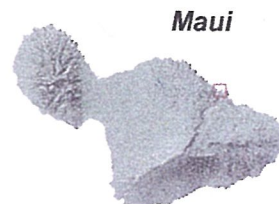
Project Location

 .33-mile project location buffer Project Area

Leo Smock-Randall
NRCS-HI
Kahului Field Office

1:18,500
UTM Zone 4, NAD83

Map prepared by
Island Geographic
January 18, 2009





Another representative view of the Kepler family's taro patches on the Ke'anae Peninsula.



Kepler taro patches; the house on the property is on the left (note: the home itself is excluded from the easement).