

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

August 24, 2018

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

Board Members:

**SUBJECT:** APPROVE A GRANT FROM AVAILABLE FUNDS IN THE LAND CONSERVATION FUND, AS REQUESTED IN A 2017-2018 APPLICATION TO THE LEGACY LAND CONSERVATION PROGRAM, FOR THE ACQUISITION OF INTERESTS IN SPECIFIC PARCELS OF LAND BY FRIENDS OF AMY B.H. GREENWELL ETHNOBOTANICAL GARDEN, \$659,485.38 FOR THE ACQUISITION 13.6 ACRES AT KONA, HAWAI'I (AMY B.H. GREENWELL ETHNOBOTANICAL GARDEN), TAX MAP KEY NUMBERS (3) 8-2-013-002, (3) 8-2-013-003, (3) 8-2-013-014, (3) 8-2-014-043, and (3) 8-2-015-059

**SUMMARY**

The Division recommends that the Board approve full funding for a Legacy Land Conservation Program grant, from available Fiscal Year 2019 (FY19) funds in the Land Conservation Fund, for the acquisition of specific parcels of land as requested in an application that the Board and the Governor previously approved for funding.

Due to shortfalls in the availability of FY18 funding for land acquisition, the full amounts requested in the 2017-2018 applications for land acquisition could not be accommodated within the FY18 budget allotment. Therefore, the Division recommends that the Board award FY19 funding that is now available for land acquisition to provide the full amount requested in the 2017-2018 application, as recommended by the Legacy Land Conservation Commission.

**BACKGROUND**

At its meeting on April 27, 2018, under Agenda Item C-1, the Board approved, unanimously as submitted, the Division's recommendations to:

- 2) Authorize the Chairperson to enter into [a] agreements and encumber FY18 and FY19 funds with (a) Wai'anae Community Redevelopment Corporation for \$750,000 for the acquisition of 21 acres at Wai'anae, O'ahu, with a conservation easement held by The Trust for Public Land, Hawaiian Islands Land Trust, or other suitable entity; and (b) Friends of Amy B.H. Greenwell Ethnobotanical Garden for \$750,000 for the acquisition of 13.6 acres at Kona, Hawai'i, with a conservation easement held by the County of

Hawai'i or other suitable entity, using a total of \$1,500,000 from the Land Conservation Fund, subject to [standard conditions].

5) Require the imposition of Legacy Land Conservation Program restrictions and covenants into the deeds for each completed acquisition of land or interests in land as a condition of contractual agreements with the grant recipients, and exempt each acquisition from any additional conservation easements that may be required under Section 173A-4, Hawai'i Revised Statutes.

7) Declare that each approved 2017-2018 award of 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, Hawai'i Revised Statutes; Section 11-200-8, Hawai'i Administrative Rules; 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.

8) Authorize the Department to proceed with all due diligence and negotiations that may be necessary to carry out the 2017-2018 Legacy Land Conservation Program grants and acquisitions approved by the Board and the Governor.

On June 6, 2018, Governor Ige approved the Division's request for approval and release of funding for five grants from the Land Conservation Fund for 2017-2018 Legacy Land Conservation Program, as appropriated by the Legislature for the Fiscal Biennium 2018-2019, subject to noted contingencies (please see Exhibit I). Based on these approvals and available funds, the Division encumbered \$90,514.62 in Fiscal Year 2018 (FY18) funding for the acquisition of Amy B.H. Greenwell Garden Ethnobotanical Garden (AGEG). In order to provide the amount originally requested in the application and recommended by the Legacy Land Conservation Commission (\$750,000), the Division requests approval for an additional award of \$659,485.38 in FY19 funding for the AGEN acquisition.

## 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 2019 (FY19) funds in the Land Conservation Fund for grants for land acquisition, the Division seeks approval from the Board and Governor Ige for FY19 funding needed to complete the acquisition of Amy B. H. Greenwell Ethnobotanical Garden, as originally requested in the 2017-2018 grant application. Due to shortfalls in the availability of FY18 funding for land acquisition, the full amount requested in the 2017-2018 application could not be accommodated within the FY18 budget allotment.

The 2017-2018 grant application from Friends of Amy B.H. Greenwell Ethnobotanical Garden (Friends) requested \$750,000 to acquire 13.6 acres at Kona, Hawai'i, for seven of the nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (see Application, Section D):

- (1) Habitat protection;
- (2) Cultural and historic sites;
- (3) Recreational and public hunting areas;
- (4) Parks;
- (5) Natural areas;
- (6) Agricultural production; and
- (7) Open spaces or scenic resources.

The applicant’s Project Description (Application, Sections G-I) explained that the Amy B.H. Greenwell Ethnobotanical Garden, located in the heart of Captain Cook, Hawai‘i, consists of one separate small parcel that holds Pa‘ikapahu Heiau and four other parcels, set amongst remnants of the Kona Field System of traditional Hawaiian agriculture, that contain over 250 native plant species, many of which are rare and endangered. The applicant expressed that “[t]he major threat to the Garden is the sale of it by Bishop Museum to an entity who will not follow the terms of the restricted warranty deeds.” The Friends hopes to re-open the garden to visitors and reinstate successful programs such as plant sales, tours, educational and research opportunities, and use for special events and celebrations.

Matching funds estimated at 55.3% of the total project cost would be provided through acquisition of a conservation easement by Hawai‘i County (pending) and cash from private donations (pending and secured).

The Friends compiled and submitted forty-seven letters of support from individuals and organizations to the Legacy Land Conservation Commission (LLCC)—including letters from Hawaii County Council members Maile David (District 6) and Karen Eoff (District 8); State Representative Nicole Lowen (District 6); State Senator Joshua Green (District 8); Kona Soil and Water Conservation District Board of Directors; and Chipper Wichman (National Tropical Botanical Garden). The LLCC also received written testimony in support from Bobby Camara, and Friends Board members Maile Melrose, Meg Greenwell, Janet Britt, Pat Todd, and Jim Todd delivered spoken testimony in support.

The applicant did not consider and incorporate responses from consulting State agencies (Application, Section K) because the agencies did not comment on the application, as summarized in the following table:

Agency	Agency Response
Department of Land and Natural Resources	We do not object to the proposed project
Department of Agriculture	We do not wish to comment on the proposed project.
Agribusiness Development Corporation	We do not wish to comment on the proposed project

Chapter 343, Hawai‘i Revised Statutes, Environmental Review

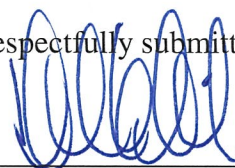
A Declaration of Exemption for the subject award is provided as Exhibit II.

RECOMMENDATIONS

That the Board:

- 1) Authorize the Chairperson to encumber FY19 funds with the Friends of Amy B.H. Greenwell Ethnobotanical Garden, for the acquisition of 13.6 acres at Kona, Hawai'i, using a total of \$659,485 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.

Respectfully submitted,



\_\_\_\_\_  
DAVID G. SMITH, Administrator

APPROVED FOR SUBMITTAL:



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

EXHIBITS:

- Exhibit I: Request for approval and release of grants from the Land Conservation Fund for 2017-2018 Legacy Land Conservation Program (without attachments)
- Exhibit II: DLNR Declaration of Exemption for the award of grants under Haw. Rev. Stat. Chapter 173A

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



August 24, 2018  
DOFAW, Exhibit I

Bif: 5179  
S: 5/14



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

ROBERT K. MASUDA  
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

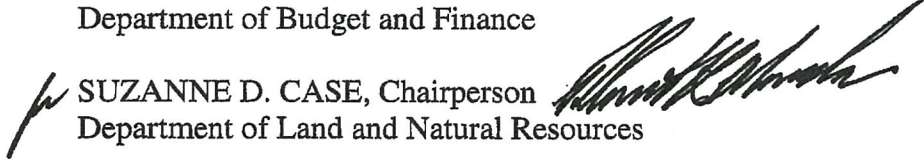
April 30, 2018, Memorandum from the Department of Land and Natural Resources  
Request for approval of 2017-2018 Legacy Land Conservation Program grants

April 30, 2018

MEMORANDUM

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

THROUGH: THE HONORABLE LAUREL A. JOHNSTON  
Department of Budget and Finance

FROM:  SUZANNE D. CASE, Chairperson  
Department of Land and Natural Resources

SUBJECT: Request for approval and release of grants from the Land Conservation Fund  
for 2017-2018 Legacy Land Conservation Program

The Department of Land and Natural Resources (Department) requests approval and release of funding for five grants, totaling \$3,000,000, from the Land Conservation Fund. One grant to the Department, for \$1,500,000, will pay for annual 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 bonds. Four other grants to State agencies and nonprofit land conservation organizations —totaling \$1,500,000—will pay for the protection, through acquisition, of lands having value as a resource to the State. The funding is provided through the Legacy Land Conservation Program, authorized by Chapter 173A, Hawai'i Revised Statutes (HRS), as appropriated by the Legislature for the Fiscal Biennium 2018-2019.

At its meeting on April 27, 2018, under Agenda Item C-1, the Board of Land and Natural Resources (Board) approved funding for five applications that were submitted to the Legacy Land Conservation Program by the 2017-2018 application deadline. The Board selected these applications for funding through a rigorous public process that included:

- (a) consultation with the staff of the Department, the Department of Agriculture, and the Agribusiness Development Corporation regarding the maximization of public benefits of the project (*see* Subsection 173A-5(i), paragraph (7), HRS);

- (b) review and recommendation by the Legacy Land Conservation Commission (*see* Section 173A-2.5, HRS);
- (c) advice from agencies, and from other entities that have jurisdiction and expertise, about the propriety of exempting a proposed project from the requirement to prepare an environmental assessment (*see* subsection 343-6(a), paragraph (2), HRS and subsection 11-200-8(a), Hawai'i Administrative Rules); and
- (d) consultation with the President of the Senate and Speaker of the House of Representatives (*see* 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.a. MA'O Farms:** Wai'anae Community Redevelopment Corporation, at \$750,000 for acquisition of 21.1 acres in Wai'anae, Island of O'ahu, for the preservation of agricultural production and open spaces and scenic resources.

**1.b. Amy B.H. Greenwell Ethnobotanical Garden:** Friends of Amy B.H. Greenwell Ethnobotanical Garden, at \$750,000 for acquisition of 13.6 acres in Kona, Island of Hawai'i, for the preservation of habitat protection, cultural and historical sites; recreational and public hunting areas; parks; natural areas; agricultural production; and open spaces and scenic resources.

**3. Kamehamenui Forest:** Division of Forestry and Wildlife—as the first alternate contingency in the event that an awardee is unable to accept its awarded funds—at up to \$1,500,000 (partial award) for the acquisition of 3,277 acres of agricultural land in Kula, Island of Maui, for the preservation of watershed protection; habitat protection; recreational and public hunting areas; natural areas; agricultural production; and open spaces and scenic resources.

**4. Ho'omau Forest and Ranch Conservation Easement:** The Nature Conservancy and the Division of Forestry and Wildlife—as the first alternate contingency in the event that an awardee is unable to accept its awarded funds—at up to \$500,000 (combined total for two grants) for the acquisition of two conservation easements over 993 acres of agricultural land in Kona, Island of Hawai'i, for the preservation of watershed protection; habitat protection; natural areas; and open spaces and scenic resources.

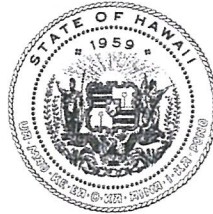
The Commission recommended these four grants for funding, as funds are available: first, for the payment of debt service on the Turtle Bay reimbursable general obligation bonds (\$1.5 million), and thereafter for full funding of the top four proposed land acquisition projects, in the order



DAVID Y. IGE  
GOVERNOR OF HAWAII



**August 24, 2018**  
**DOFAW, Exhibit II**



**STATE OF HAWAI'I**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
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ROBERT K. MASUDA  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**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, Grant to the Friends of Amy B.H. Greenwell Ethnobotanical Garden (Fiscal Biennium 2018-2019)  
Location: Kona, Hawai'i  
TMKs: (3) 8-2-013-002, (3) 8-2-013-003, (3) 8-2-013-014, (3) 8-2-014-043, and (3) 8-2-015-059  
Description: Grant of \$750,000 from the Land Conservation Fund to the Friends of Amy B.H. Greenwell Ethnobotanical Garden for the acquisition of 13.6 acres of land.

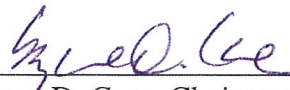
Pending approval by the Board of Land and Natural Resources and subsequent completion of the terms of the grant agreement, the Friends of Amy B.H. Greenwell Ethnobotanical Garden (Friends) would receive \$750,000 through the Legacy Land Conservation Program for the acquisition of 13.6 acres of land.

The subject property consists of three contiguous parcels and two separate parcels, one of which holds a heiau. Bishop Museum owns the property and operated the three contiguous parcels as an ethnobotanical garden that was open for public visits and education until about January 2016. The Friends will reopen the Garden under new leadership, subject to existing deed restrictions, Legacy Land Conservation Program deed restrictions and covenants, and a conservation easement held by Hawai'i County or a nonprofit land conservation organization, as necessary.

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 (seven organizational units), County of Hawai'i, and four other State agencies (DOA, 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 because the award of funds, in and of itself, does not cause changes to the environment.**

*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 Department of Land and Natural Resources Exemption Class 1, Action Type 49.*



\_\_\_\_\_  
Suzanne D. Case, Chairperson

5/10/18

Date

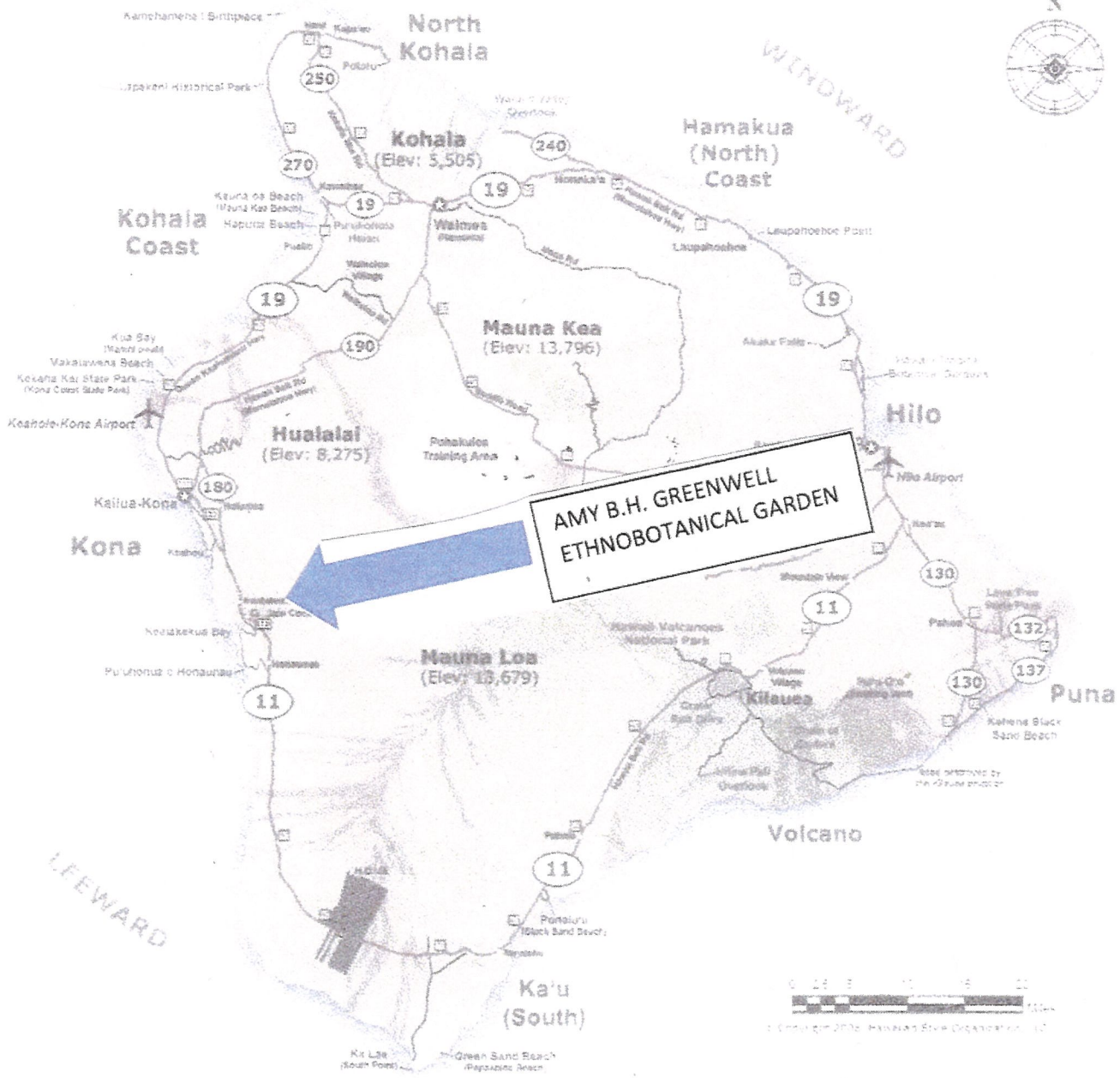
Original: Agency file

Copy: Project file

Attachment A: Map

Attachment B: Pictures



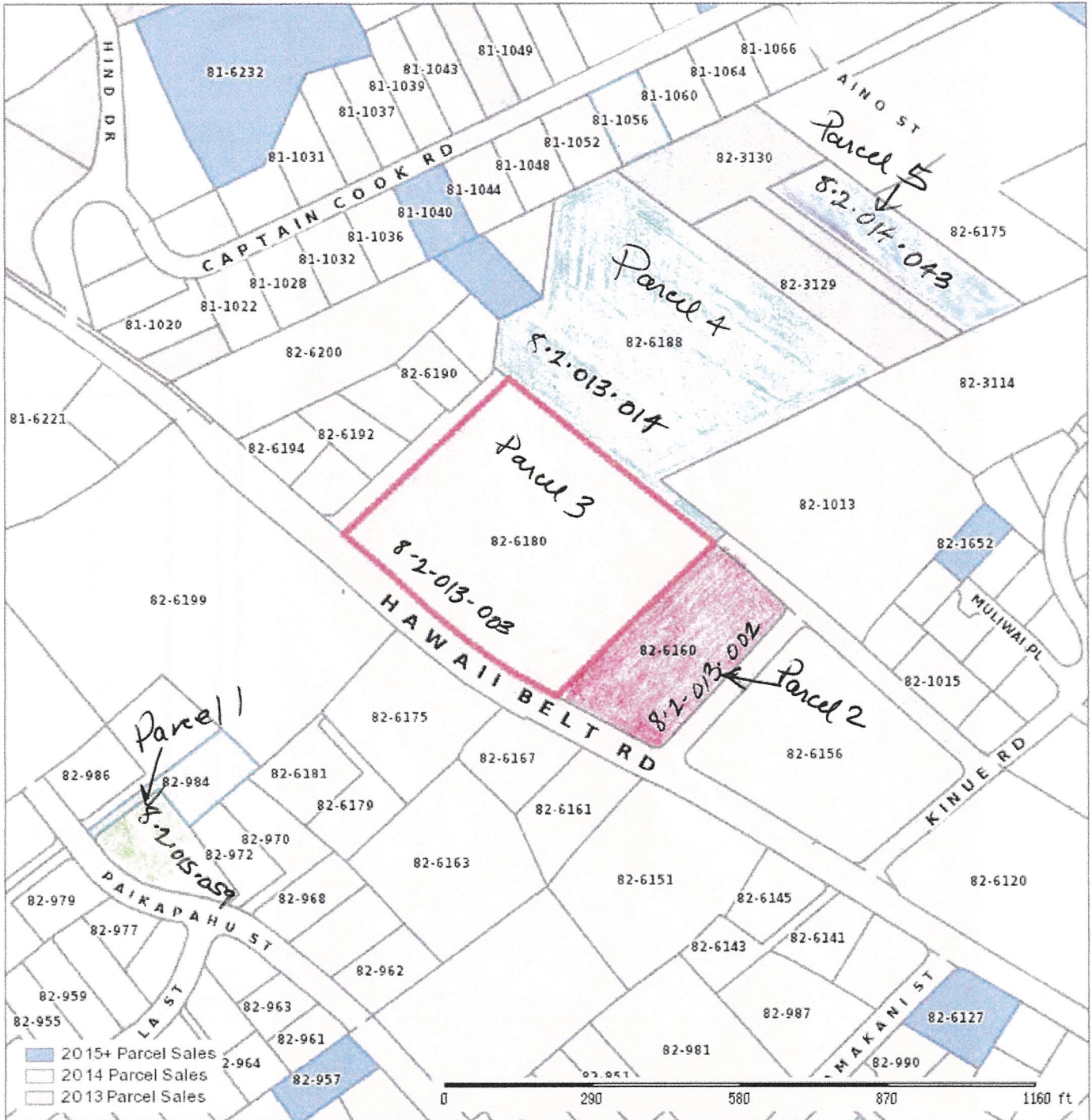


AMY B.H. GREENWELL  
ETHNOBOTANICAL GARDEN

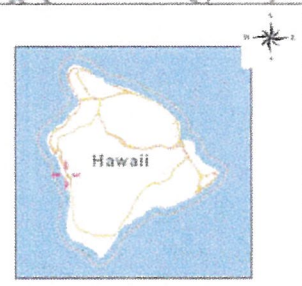
AMY B. H. GREENWELL  
ETHNOBOTANICAL  
GARDENS



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agg all			
Parcel: 820130030000 Acres: 4.802			
Name:	B P BISHOP MUSEUM	Land Value	254100
Site:	82-6180 HAWAII BELT ROAD	Land Exemption	254100
Sale:		Taxable Land Value	0
Mail:	1525 BERNICE ST HONOLULU, HI 96817-2704	Building Value	118200
		Building Exemption	118200
		Taxable Bldg. Value	0
		Total Taxable Value	0



\*Hawaii County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. The 'parcels' layer is intended to be used for visual purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. The 'parcels' data layer does not contain metes and bounds described accuracy therefore, please use caution when viewing this data. Overlaying this layer with other data layers that may not have used this layer as a base may not produce precise results. GPS and imagery data will not overlay exactly.  
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**PHOTOGRAPHS OF AMY B.H. GREENWELL ETHNOBOTANICAL  
GARDEN**



**HALA (*Pandanus tectorius*) Screwpine**





**SOUTH END OF GARDEN**