

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

January 22, 2021

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

Board Members:

SUBJECT: APPROVE GRANT AWARDS FROM AVAILABLE FUNDS IN THE LAND CONSERVATION FUND, AS REQUESTED IN APPLICATIONS TO THE FISCAL YEAR 2021 LEGACY LAND CONSERVATION PROGRAM AND AS RECOMMENDED BY THE LEGACY LAND CONSERVATION COMMISSION, FOR THE ACQUISITION OF INTERESTS AND RIGHTS IN SPECIFIC PARCELS OF LAND HAVING VALUE AS A RESOURCE TO THE STATE, FOR:

- A. KE AO HĀLI'I (SAVE THE HĀNA COAST), \$1,581,700, FOR THE ACQUISITION OF APPROXIMATELY 30.3 ACRES AT HĀNA, MAUI (MAKA'ALAE LANDS), TAX MAP KEY NUMBERS (2) 1-4-012:002 AND (2) 1-4-010:030, :032, AND :034
- B. ALA KAHAKAI TRAIL ASSOCIATION, \$1,475,000, FOR THE ACQUISITION OF APPROXIMATELY 1,841.3 ACRES AT KA'Ū, HAWAII (KIOLAKA'A), TAX MAP KEY NUMBERS (3) 9-4-001:008, :009, :016, AND :017 (AND :023, PENDING FINAL COUNTY ENROLLMENT OF NEW PARCEL)
- C. ALA KAHAKAI TRAIL ASSOCIATION, \$875,000, FOR THE ACQUISITION OF APPROXIMATELY 348 ACRES AT KA'Ū, HAWAII (MANĀKA'A FISHING VILLAGE), TAX MAP KEY NUMBER (3) 9-5-010:026
- D. KE AO HĀLI'I (SAVE THE HĀNA COAST), \$1,863,300, FOR THE ACQUISITION OF APPROXIMATELY 32.7 ACRES AT HĀNA, MAUI (MOKAE LANDS), TAX MAP KEY NUMBERS (2) 1-4-010:008, :009, :010, AND :012
- E. MOLOKAI LAND TRUST, \$1,100,000, FOR THE ACQUISITION OF APPROXIMATELY 1,816 ACRES AT KONA, MOLOKAI (MAPULEHU: VALLEY TO SUMMIT), TAX MAP KEY NUMBERS (2) 5-7-005:002 AND :027

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- F. DIVISION OF FORESTRY AND WILDLIFE, \$2,000,000, FOR THE ACQUISITION OF APPROXIMATELY 11,020 ACRES AT WAILUKU, MAUI (NĀ WAI 'EHĀ), TAX MAP KEY NUMBERS (2) 3-2-014:001, (2) 3-3-003:003, AND (2) 3-5-003:001
- G. DIVISION OF FORESTRY AND WILDLIFE, \$500,000, FOR THE ACQUISITION OF A CONSERVATION EASEMENT OVER APPROXIMATELY 2,780 ACRES AT KONA, HAWAI'I (HĀLOA 'ĀINA – ROYAL HAWAIIAN SANDALWOOD), TAX MAP KEY NUMBERS (3) 7-9-001:013, :014, AND :015
- H. WAIPĀ FOUNDATION, \$600,000, FOR THE ACQUISITION OF APPROXIMATELY 0.25 ACRES AT HALELE'A, KAUAI (HALULU FISHPOND ACCESS), TAX MAP KEY NUMBER (4) 5-6-004:017
- I. HAWAIIAN ISLANDS LAND TRUST, \$700,000, FOR THE ACQUISITION OF A CONSERVATION EASEMENT OVER APPROXIMATELY 17.1 ACRES AT KO'OLAUPOKO, O'AHU (WAIKALUA LOKO I'A), TAX MAP KEY NUMBER (1) 4-5-030:052 (POR)
- J. DIVISION OF FORESTRY AND WILDLIFE, \$1,191,500, FOR THE ACQUISITION OF APPROXIMATELY 0.46 ACRES AT HONUA'ULA, MAUI (KEONE'Ō'IO BAY COASTAL PROTECTION), TAX MAP KEY NUMBER (2) 2-1-004:068

AND

EXEMPT EIGHT PROPOSED AWARDS OF GRANT FUNDS—FOR THE ACQUISITION OF INTERESTS AND RIGHTS IN SPECIFIC PARCELS OF LAND, IDENTIFIED AS ITEMS A, B, C, D, E, F, G, AND J ABOVE (MAKA'ALAE LANDS; KIOLAKA'A; MANĀKA'A FISHING VILLAGE; MOKAE LANDS; MAPULEHU: VALLEY TO SUMMIT; NĀ WAI 'EHĀ; HĀLOA 'ĀINA – ROYAL HAWAIIAN SANDALWOOD; AND KEONE'Ō'IO BAY COASTAL PROTECTION)—FROM THE REQUIREMENT TO PREPARE AN ENVIRONMENTAL ASSESSMENT, PURSUANT TO CHAPTER 343, HAWAI'I REVISED STATUTES AND CHAPTER 11-200.1, HAWAI'I ADMINISTRATIVE RULES.

## SUMMARY

The Division recommends that the Board (1) approve up to \$3,500,000 in Legacy Land Conservation Program grant awards, from available funds in the Land Conservation Fund, as requested in ten applications to the Fiscal Year 2021 Legacy Land Conservation Program and as recommended by the Legacy Land Conservation Commission, for the acquisition of interests and rights in specific parcels of land having value as a resource to the State, and (2) exempt eight awards of Fiscal Year 2021 grant funds from the requirement to prepare an environmental assessment, pursuant to State environmental

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review law. These grant awards contribute to important public-private stimulus packages that help to reshape and diversify our economy and strengthen our resilience against economic downturns.

### BACKGROUND

In 2012, the Board adopted regulations implementing the provisions of Hawai'i Revised Statutes ("Haw. Rev. Stat.") Chapter 173A, Acquisition of Resource Value Lands, that include a delegation of authority to the Division of Forestry and Wildlife for the administration of the Legacy Land Conservation Program. See Hawai'i Administrative Rules ("Haw. Admin. R.") Section 13-140-3. Haw. Rev. Stat. § 173A-5(f) authorizes the Department to administer and manage the Land Conservation Fund. Under § 173A-5(h), the Land Conservation Fund "shall be used for:

- (1) The acquisition of interests or rights in land having value as a resource to the State, whether in fee title or through the establishment of permanent conservation easements under chapter 198 or agricultural easements;
- (2) The payment of any debt service on state financial instruments relating to the acquisition of interests or rights in land having value as a resource to the State;
- (3) Annual administration costs for the fund, not to exceed five per cent of annual fund revenues of the previous year; and
- (4) Costs related to the operation, maintenance, and management of lands acquired by way of this fund that are necessary to protect, maintain, or restore resources at risk on these lands, or that provide for greater public access and enjoyment of these lands; provided that the costs related to the operation, maintenance, and management of lands acquired by way of this fund do not exceed five per cent of annual fund revenues of the previous year."

### Acquisition of Interests or Rights in Land

Haw. Admin. R. § 13-140-22 directs that "[a]pplicants for land acquisition grants shall submit requests for funding by the annual deadline, using the forms and instructions provided by the department as may be revised from time to time." The Department processes the applications, makes recommendations, and grants awards in accordance with § 13-140-6:

- (b) The department shall recommend to the board specific parcels of land to be acquired. The department shall consult with the senate president and the speaker of the House of Representatives and may consult with the legacy land conservation commission prior to making recommendations.

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(c) Awards shall be subject to the approval of the governor.

Haw. Rev. Stat. § 173A-4.5(a) establishes appraisal processes for the acquisition of land having value as a resource to the State, and § 173A-4.5(b) mandates that "[n]o land shall be purchased for a sum greater than the highest value fixed by any appraisal accepted [by the Board] or performed [by the Board's contractor] under subsection (a)." During post-award due diligence, if a grantee submits an appraisal that is more than one year old, then the Department will require either (a) a letter from the appraiser certifying that market conditions have not changed, significantly, during the post-appraisal period; (b) an update to the appraisal; or (c) a new appraisal. While the amount requested and recommended for each grant award arises from the applicant's current estimate of fair market value, the future expenditure of awarded grant funds can be limited by the approved appraised value and by the amount of matching funds secured for the acquisition. Unexpended grant funds return to the unencumbered and unappropriated cash balance of the Land Conservation Fund.

### Application Process

During public meetings in May 2018, October 2018, and April 2019, the Legacy Land Conservation Program ("LLCP") consulted with the Legacy Land Conservation Commission ("LLCC") and LLCP constituents about the timeline, forms, and procedures for the Fiscal Year 2021 ("FY21") grant application cycle. After the Department approved the timeline and forms, the LLCP posted the application materials and instructions on its website; announced the application schedule in a Department news release (see <https://dlnr.hawaii.gov/dofaw/featured/state-land-board-approves-4-5-million-in-land-conservation-grants>); and notified interested constituents directly via email. Throughout the application process, the LLCP advised applicants that approximately \$3,200,000 in FY21 funding would be available for land acquisition awards, and suggested that applicants consider this funding situation for project planning purposes. The LLCP received twelve timely applications for land acquisition awards before the deadline of July 22, 2019, with funding requests that ranged from \$66,500 to \$2,400,000 and totaled \$14,353,000.

### Agency Consultation

As required by Haw. Rev. Stat. § 173A-5(i)(7), each application for land acquisition included the results of applicant consultation with the Department, the Department of Agriculture, and the Agribusiness Development Corporation "regarding the maximization of public benefits of the project, where practicable." The request form for agency consultation suggested "that a consulting agency consider the maximization of public benefits within the context of:

- (a) The criteria that the Legacy Land Conservation Commission (LLCC) may consider in forming its recommendations for acquisitions (Section 13-140-39, Hawaii Administrative Rules, see page 18), particularly:
  - (3) Linkage of protected acreage of similar resources;
  - (4) Opportunities for appropriate public access and enjoyment;
  - (5) Presence of environmental hazards;
  - (9) Urgency of need to acquire;



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- (10) Status and adequacy of management planning;
  - (11) Community support for acquisition;
  - (13) Connection to regional planning and protection efforts; and
  - (14) Capacity for long-term management.
- (b) The lands to which the LLCC shall give priority in its recommendations for acquisition (Section 173A-2.6, HRS) . . . ; and
- (c) The appropriate legal mechanisms to ensure the long-term protection of the land and to preserve the interests of the State (see Section 173A-4, HRS). In particular, would the consulting agency be willing to accept/hold a conservation easement, agricultural easement, deed restriction, or covenant that runs with the land, or would an exemption from the easement requirement be more appropriate?"

The results of applicant consultation with consulting agencies are summarized in the DISCUSSION section, below. The LLCP coordinates consultation within DLNR by (1) distributing each applicant's agency consultation forms throughout Division branches and programs and all other appropriate Department units (including Land Division, Office of Conservation and Coastal Lands, State Historic Preservation Division, Aha Moku Advisory Committee, Division of Aquatic Resources, Commission on Water Resource Management, and Division of State Parks) and (2) synthesizing the responses received for inclusion in the Department's reply to each applicant.

### Application Review, Ranking, and Recommendation

In accordance with Haw. Rev. Stat. § 92-2.5(a)(1), concerning permitted interaction of members to investigate a matter relating to the official business of their board, the LLCC held a public meeting on July 30, 2020 (Meeting 67), during which it assigned eleven groups—composed of two to four commissioners each—as task forces to conduct a field visit at each location proposed in the applications for funding, and appointed a lead commissioner for each group (Agenda Item 3). The LLCC held a second public meeting on September 4, 2019 (Meeting 68), during which each assigned group reported on the findings and recommendations of its respective field visit (Agenda Item 4). The LLCC held a third public meeting on September 4-6, 2019 (Meeting 69) that included discussion about the applications that were the subject of the field visits (Agenda Items 4, 7, and 8).

The LLCC reviewed and ranked the twelve grant applications that it received, incorporating the results of agency consultations, field visits, and public testimony into the recommendation that the LLCC issued on September 6, 2019. The attached LLCC Ranking and Recommendation Summary (**Attachment 1**) also includes maps and photos as submitted in the applications. Note that the Division of Forestry and Wildlife subsequently withdrew its application for Nānu'alele Anchialine Pool Reserve at Hāna, Maui (ranked in last place by the LLCC) after hearing public concerns about proposed State ownership and management of the property. Also, as shown in **Attachment 1**, note that some tax map key numbers and acreages have changed and will change, non-substantively, since the time that the LLCC issued its recommendation.

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In reviewing the applications and advising the Department and the Board, the LLCC is required by statute to give the following lands priority in its recommendations for acquisitions (Haw. Rev. Stat. § 173A-2.6):

- (1) Lands having exceptional value due to the presence of:
  - (A) Unique aesthetic resources;
  - (B) Unique and valuable cultural or archaeological resources; or
  - (C) Habitats for threatened or endangered species of flora, fauna, or aquatic resources;
- (2) Lands that are in imminent danger of development;
- (3) Lands that are in imminent danger of being modified, changed, or used in a manner to diminish its value;
- (4) Lands providing critical habitats for threatened or endangered species that are in imminent danger of being harmed or negatively impacted;
- (5) Lands containing cultural or archaeological sites or resources that are in danger of theft or destruction; and
- (6) Lands that are unique and productive agricultural lands.

### Legislative Consultation

On September 9, 2020, the Department forwarded the LLCC recommendation to the Senate President and the Speaker of the House of Representatives, along with the Department's request for consultation. On September 30, 2020, the Senate President and the Speaker of the House of Representatives held a consultation meeting with the Department Chair, Deputy Director, Division Administrator, and LLCP staff, followed by written replies dated October 1, 2020 that stated "no concerns or objections" about the ten applications that are presented for approval in this Board submittal (**Attachment 2**).

### LEGACY LAND CONSERVATION COMMISSION RECOMMENDATION

As indicated in **Attachment 1**, the LLCC recommended that the Board approve full funding for each application for a land acquisition grant, in the order ranked, as fully as possible. Given the funding currently available for grants from the Land Conservation Fund (up to \$3,500,000 from the operating budget for Fiscal Year 2021), Board approval of the LLCC recommendation would result in awards to:

- (1) Ke Ao Hāli'i, for the acquisition of approximately 30.3 acres at Hāna, Maui (Item A, Maka'ala'e Lands, full award, \$1,581,700);
- (2) Ala Kahakai Trail Association, for the acquisition of approximately 1,841.3 acres at Ka'ū, Hawai'i (Item B, Kiolaka'a, full award, \$1,475,000); and
- (3) Ala Kahakai Trail Association, for the acquisition of approximately 348 acres at Ka'ū, Hawai'i (Item C, Manāka'a Fishing Village, partial award, up to \$875,000);

In order to provide for greater flexibility in the awards program, the LLCC also recommended that the Board:

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- (4) Approve—as a contingency in the event that an awardee is unable to accept its awarded funds—the LLCC recommendation to award remaining, available funds from the Land Conservation Fund, up to the amounts originally requested in the applications, to:
- (i) Ke Ao Hāli'i, as first alternate, for the acquisition of approximately 32.7 acres at Hāna, Maui (Item D, Mokae Lands);
  - (ii) Molokai Land Trust, as second alternate, for the acquisition of approximately 1,816 acres at Kona, Molokai (Item E, Mapulehu: Valley to Summit);
  - (iii) Division of Forestry and Wildlife, as third alternate, for the acquisition of approximately 11,020 acres at Wailuku, Maui (Item F, Nā Wai 'Ehā);
  - (iv) Division of Forestry and Wildlife, as fourth alternate, for the acquisition of a conservation easement over approximately 2,780 acres at Kona, Hawai'i (Item G, Hāloa 'Āina – Royal Hawaiian Sandalwood);
  - (v) Waipā Foundation, as fifth alternate, for the acquisition of approximately 0.25 acres at Halele'a, Kaua'i (Item H, Halulu Fishpond Access);
  - (vi) Hawaiian Islands Land Trust, as sixth alternate, for the acquisition of a conservation easement over approximately 17.1 acres at Ko'olaupoko, O'ahu (Item I, Waikalua Loko I'a); and
  - (vii) Division of Forestry and Wildlife, as seventh alternate, for the acquisition of approximately 0.46 acres at Honua'ula, Maui (Item J, Keone'ō'io Bay Coastal Protection).

In order to facilitate maximum encumbrance of available grant funds, as recommended by the LLCC, the Division recommends that the Board delegate authority to the Chairperson to redirect funding for a discontinued Fiscal Year 2021 award to other Fiscal Year 2021 applications that the Legacy Land Conservation Commission recommended for funding, so as to accomplish full or partial funding for each approved award, in the order ranked by the Commission, up to a total of \$3,500,000 from the Legacy Land Conservation Program budget for Fiscal Year 2021.

## DISCUSSION

The following discussion of individual applications includes summaries of and excerpts from each application, while **Attachment 3** provides key sections from each application that address Importance and Threats (Section G), Stewardship and Management (Section H), and Cultural and Historical Significance (Section I). In preparing today's Board submittal, LLCP consulted with staff from the Aha Moku Advisory Committee ("AMAC") and the Office of Hawaiian Affairs ("OHA") about (1) community concerns specific to certain applications and (2) broader programmatic concerns about cultural resource protection, public access, and applicant management capacity and approaches. For the three top-ranked applications,

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in particular (Items A, B, and C, below), please note additional discussion of such concerns. For items B and C, AMAC gathered input from Ka'ū generational families that are connected with the ahupua'a that hold the lands proposed for acquisitions that will be shared during this Board meeting. OHA, in general, reiterated its support for these top-ranked FY21 LLCP grant applications, and for land acquisition via conservation transactions that preclude subdivision, speculation, and changes in the character of use on resource-value properties. Noting the heightened threats to cultural resources that arise from technological advances in the availability of resource locational data and from increased public access to resource locations, OHA stressed the importance of education, planning guidelines, access protocols, and community involvement for proper stewardship of resource-value lands.

Based on the Board's previous resolution of concerns about public access (meeting held April 24, 2020, Item C-3), Recommendation 1(c), below, proposes that each FY21 LLCP grant agreement include a clause that states: "After a community engagement process, and in the interim during the process, the Awardee shall implement reasonable managed public access, mauka-makai and lateral, on a nondiscriminatory basis." After consultation with the Deputy Attorney General assigned to the LLCP, Recommendation 1(c) also proposes that each FY21 LLCP grant agreement include a signature from each prospective easement holder as a Consenting Party to the Grant Agreement, with regard to standard State requirements for (1) Board approval to dispose of, encumber title/interests in, or convert the use of the conservation easement, and (2) revenue sharing with the State for the net proceeds of an easement sale. Note that the LLCP is already implementing this proposal for FY20 grant agreements.

**A. Maka'alae Lands:** Ke Ao Hāli'i (Save the Hāna Coast) applied for \$1,581,700 to acquire approximately 30.3 acres at Hāna, Maui for eight of the nine Legacy Land resource preservation purposes established in subsection 173A-5(g), Hawai'i Revised Statutes ("Haw. Rev. Stat.") (see Application, Section D):

- (1) Watershed protection
- (2) Coastal areas, beaches, and ocean access
- (3) Habitat protection
- (4) Cultural and historical sites
- (5) Recreational and public hunting areas
- (7) Natural areas;
- (8) Agricultural production
- (9) Open spaces and scenic resources

Section C.15 of the Maka'alae application explains that the four parcels in this application are part of a larger 150-acre area (eighteen parcels) that KAH is working to protect and place into conservation. The total area stretches from Mokae, adjacent to Hāmoa Beach, to Waioka Pond (Venus Pool), between the ocean and the Hāna Highway. KAH has successfully completed purchase contracts and acquisitions within much of this area, but some of the properties remain listed for sale on the open market. The four Maka'alae parcels are a combination of oceanfront pastureland (intermittently used for grazing cattle) and remnant historical and cultural features, including the ruins of the Reciprocity Sugar Mill (closed 1902), old stables, and other settlements. The other areas, adjacent to Waioka

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Stream, are rocky, more heavily treed, subject to flooding, and have been identified as archaeologically significant. The coastal area consists of tide pools and rocky outcroppings with easy access to the sea. These are prime fishing and gathering spots for Hana residents. A line of Cook Pines just inshore from the beach provides excellent shade and is a popular camping spot for local families.

At Meeting 69 of the Legacy Land Conservation Commission (September 4-6, 2019), presenters for the applicant included Ke Ao Hāli'i Board members Robin Rayner, Scott Crawford (Chair), Chad Meyer, and Dawn Lono; Roger Lane (KAH fundraising); and lineal descendants of the area. State Senator Kalani English expressed his support in a pre-recorded video, and Duane Lammers (Manager, Hana Ranch Agriculture), Roxie Silva (The Nature Conservancy), and Laura Kaakua (Hawaiian Islands Land Trust) provided additional information and testimony in support of the application.

The application included a two-page organizational budget for 2019 and 2020; letters of support from Senator English, Maui County Council member Shane Sinenci, Chris Sanita (Principal, Hana High and Elementary School), Hāna Business Council, Hana Ranch Agriculture, Hana Youth Center, realtors Lisa Starr Land Company and Chris Harrington Pryor (Keller Williams Realty Maui), Christopher E. Bird, PhD (Texas A&M University), Marie Orr (Kaimipono Consulting), Kua'āina Ulu 'Auamo, Ma Ka Hana Ka 'Ike, Maui Nui Marine Resource Council, and Nā Mamo O Mū'olea; 33 letters from Hana High School Students to Maui Mayor Arakawa requesting support for the acquisition of Maka'alaie Lands with Maui County Open Space funds; and a report of over 500 paper signatures and 1,363 electronic signatures to a petition supporting the allocation of funds for the acquisition of lands at Maka'alaie from Maui County Open Space funds ("Protection of Maka'alaie Lands, Hana, Maui"), available at: <https://www.change.org/p/mayor-of-maui-county-and-county-council-budget-committee-protection-of-maka-alaie-lands-hana-maui>. Testimony opposing the application was limited to numerous emails received from Guy Aina against the proposed acquisition of "stolen lands."

Maui County's Fiscal Year 2021 budget for its Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund appropriates up to \$1,500,000 for a grant to acquire the four parcels recommended in today's Board submittal, plus one additional parcel (available at: <https://www.mauicounty.gov/DocumentCenter/View/122408/004-FY21-Appendix-A-Part-II-Special-Purpose-Revenues>, see page 52, Item I(5)). KAH expects that total matching funds estimated at \$1,571,000 (50% of total project costs) would be provided through this County grant and private donations of cash and in-kind services.

Key requirements for the Maui County grant program include (1) an application that includes a brief overview of a long-term management plan for the subject property; (2) a grant agreement provision that "title to or other interest in property acquired . . . shall be held in perpetuity by grantee unless conveyed to the County of Maui or another qualified land conservation organization or agency approved by the County Council"; (3) conveyance of a conservation easement to the County, containing restrictive covenants such as "[t]he general public shall be allowed reasonable access to this property, provided that access may be limited or controlled for cultural and environmental resource protection and public safety"; and (4) annual reports for the first three years documenting progress toward implementation of the long-term management plan and compliance with grant terms

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and conditions (*available at:*

[https://library.municode.com/hi/county\\_of\\_mau/code/code\\_of\\_ordinances?nodeId=TIT3REFI\\_CH3.88OPSPNARECURESCVIPRFU](https://library.municode.com/hi/county_of_mau/code/code_of_ordinances?nodeId=TIT3REFI_CH3.88OPSPNARECURESCVIPRFU), see §§ 3.88.040 C.4; 3.88.070 A.2; 33.88.070 B.3; and 3.88.070 A.2). In conjunction with the recently completed Mokae I acquisition

(summarized below), Maui County approved KAH's "Mokae and Maka'ala'e Management Plan" (dated November 20, 2019, *available at:*

<https://www.mauicounty.gov/DocumentCenter/View/120603/Reso-19-186>), which is likely the same as or similar to management plan that Maui County would accept for the acquisition proposed here at Maka'ala'e.

The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:

Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	We do not object to the proposed project.  Comments attached.	Division of Aquatic Resources: <b>"DAR is very supportive of this effort and any future efforts to use legacy land funds to help acquire important coastal lands . . . ."</b> Please see <b>Attachment 3(a)</b> , DAR# 5947:5.  <u>Commission on Water Resource Management:</u> Standard Regulatory Language.  <u>Division of Forestry &amp; Wildlife, Maui Nui Branch:</u> <b>"We emphasize the importance of the public benefits that this proposed application will provide by creating and protecting opportunities for communities to experience natural areas."</b> Please see <b>Attachment 3(a)</b> , memo dated June 20, 2019.
Department of Agriculture	Comments attached.	Requests more information about the parcels listed; the planned conservation/agricultural easement; the existing cattle operation (acres and number of cattle grazed, management plan for the ranch, and how they will operate in conjunction with other proposed uses such as habitat preservation); and applicant's current and past land management experience.
Agribusiness Dev. Corp.	Not indicated on Form 5c signature page (did not comment).	

Ke Ao Hāli'i ("KAH")—a returning applicant—received a Fiscal Year 2019 grant from the Land Conservation Fund and successfully completed its acquisition of the "Mokae I" property at Hāna, Maui (application entitled "Mokae to Maka'ala'e Lands," with a conservation easement held by Hawaiian Islands Land Trust as Administrative Holder and County of Maui as Co-Holder) within five months from the effective date of that grant agreement. Since that time, KAH has published and implemented, at Mokae I, its

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"Mokae/Kaholiki Access Policy & Code of Conduct", available at:

<https://savehanacoast.org/wp-content/uploads/2020/09/Ke-Ao-Ha%CC%84li%E2%80%981-pager0SCedit.pdf>.

KAH conducts community work days on the property and received \$20,000 of CARES Act funding that supported two months of work/training by an eight-person field crew of local residents; fencing materials for future use in boundary control and cultural resource protection; and landscape maintenance tools and supplies. While vehicular access is prohibited pending further investigation, planning, and implementation for cultural resource protection, pedestrian access remains open for all to enjoy.

**B.\* Kiolaka'a:** Ala Kahakai Trail Association ("ATA") applied for \$1,475,000 to acquire approximately 1,841.3<sup>1</sup> acres at Ka'ū, Hawai'i for all nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (see Application, Section D):

- (1) Watershed protection;
- (2) Coastal areas, beaches, and ocean access;
- (3) Habitat protection;
- (4) Cultural and historical sites;
- (5) Recreational and public hunting areas;
- (6) Parks;
- (7) Natural areas;
- (8) Agricultural production; and
- (9) Open spaces and scenic resources.

Section C.15 of the application explains that Kiolaka'a is an undeveloped property south of Wai'ōhinu Town which includes makai portions of Kiolaka'a and Wai'ōma'o ahupua'a. Beginning at Ka'alu'alu Bay, it stretches over 4.5 miles inland to the 700 foot elevation. In ancient times, the bay was an important landing for canoes. Its surrounding waters and fishpond provided an abundance of marine resources. During the plantation era, the lands were used to pasture cattle and goats, starting with Ka'alu'alu Ranch. Ka'alu'alu became the main port in Ka'ū for the import of goods and export of cattle. The landscape is partially covered by a pahoe-hoe lava flow, two a'a lava flows, and wind deposited Pahala ash and sand from Waikapuna. The mauka portion supports an intact native dryland forest with many rare species while the makai portion includes native coastal plants which flourish among the cultural sites and extensive ancient trail network. Kapenako waterhole provides potable water and its anchialine pools are home to 'ōpae 'ula. Mauka portions of the property are

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<sup>1</sup> The County of Hawai'i created, just recently, a new tax map key parcel for a pre-existing lot of record that was located within a larger, pre-existing tax map key parcel identified in the grant application for the subject property. One more new tax map key parcel is pending final enrollment. Additional tax map key numbers for these two new parcels are incorporated in the title for this agenda item (page 1 of this submittal) and in **Attachment 1** (table of recommended awards). New surveys completed for these two new parcels resulted in a minor change of parcel and property acreage that would be further documented in the grant agreement that would follow Board approval of this grant award, and that would be recorded in the final deed of conveyance to Ala Kahakai Trail Association.

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licensed for cattle grazing. Ka'alu'alu is a popular camping spot for the community. The makai areas are used for beach access, hiking, fishing and gathering.

At Meeting 69 of the Legacy Land Conservation Commission (held September 4-6, 2019), presenters for the applicant included Keoni Fox (ATA) and Reyna Ramolette Hayashi (The Trust for Public Land). Michelle Galimba (VP, Kuahiwi Ranch) testified in support of the application, which also included a letter of support from the Office of Hawaiian Affairs, 166+ signatures on a "Community Statement to Protect Manāka'a Fishing Village and Kaunāmano in Ka'ū," and nine "Keiki Support Statements."

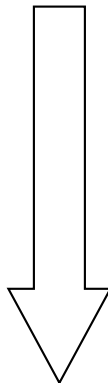
The applicant expects that matching funds estimated at \$1,551,000 (51% of total project costs) would be provided as cash from (1) the County of Hawai'i Public Access, Open Space and Natural Resources Preservation fund (\$1,475,000), with the County holding a conservation easement over the property; (2) The Trust for Public Land and ATA (\$58,000); and (3) the landowner/seller (\$18,000). The County of Hawai'i Public Access, Open Space and Natural Resources Preservation Commission placed this acquisition #2 on its 2020 Prioritized List (email from County of Hawai'i received November 10, 2020).

The next steps in the County process (see Hawai'i County Code Section 2-218, *available at* <https://www.hawaiicounty.gov/home/showpublisheddocument?id=302516>) are:

- Mayor submits the Prioritized List, with comments and recommendations, to the County Council;
- County Council adopts a resolution that authorizes the Director of Finance to negotiate for acquiring the property.

Key requirements for the County of Hawai'i program include that a recorded deed of land conveyance or easement conveyance must state that the property "shall be held in perpetuity for the use and enjoyment of the people of Hawai'i County and may not be sold, mortgaged, transferred or traded in any way." See Hawai'i County Charter Sections 10-15(h) and (i), *available at*: <http://records.hawaiicounty.gov/weblink/1/edoc/85177/Hawaii%20County%20Charter,%20Section%2010-15.pdf>.

The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:





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Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	We do not object to the proposed project.  Comments attached.	<u>Division of Aquatic Resources:</u> <b>"Overall, acquiring these parcels of land . . . will benefit [Hawaiian anchialine ecosystems] for future generations, and the betterment of our island ecosystem as a whole."</b> Please see <b>Attachment 3(b)</b> , DAR# 5947:3.  <u>Commission on Water Resource Management</u> Standard Regulatory Language, plus: We did not find any water delivery infrastructure or improvements nor significant features that may provide additional public benefit. There are several streams that run through parcel (3) 9-4-001:009. The streams are located on the southern and western-central portion of the property. The streams do not have official names.
Department of Agriculture	Comments attached.	Requests more information on the Andrade and Lando Ranch operation (acres and number of cattle grazed, number of years leased, and contact/consultation about the proposed acquisition) and the management plan for the ranch and how they will operate in conjunction with other proposed uses such as habitat preservation. Notes a discrepancy between acreage stated in the application and acreage derived from County property tax records.
Agribusiness Dev. Corp.	We do not object to the proposed project.	

Ala Kahakai Trail Association ("ATA") is a returning applicant that received three prior grant awards from the Land Conservation Fund for land acquisition – a Fiscal Year 2012 grant for Kaiholena (South) at Kohala, Hawai'i (completed, with a conservation easement held by Hawaiian Islands Land Trust); a Fiscal Year 2017 grant for Waikapuna at Ka'ū, Hawai'i (completed, with a conservation easement held by County of Hawai'i); and a Fiscal Year 2020 grant for Kaunāmano, also at Ka'ū, Hawai'i (with a conservation easement held by County of Hawai'i, pending). Prior to approving the grant for Kaunāmano—under Item C-3 at its meeting held April 24, 2020—the Board heard public complaints about ATA's management of Waikapuna and public concerns about/opposition to Kaunāmano and other proposed ATA acquisitions, including a request for a contested case hearing that the Board denied. In response, the Board amended the Department's recommendation to require that the grant agreement with ATA for Kaunāmano include a clause stating that "[A]fter a community engagement process, and in the interim during the process, the Awardee shall implement reasonable managed public access, mauka-makai and lateral, on a nondiscriminatory basis." (see Minutes, available at <https://dlnr.hawaii.gov/wp->

## FISCAL YEAR 2021 LEGACY LAND CONSERVATION PROGRAM

<content/uploads/2020/06/Minutes-200424.pdf>). The Division's recommendation for today's Board action is to adopt this requirement for each approved application.

For Waikapuna—as will likely be for Kaunāmano and other acquisitions funded by County of Hawai'i—the community engagement process includes developing a management plan, as required by County of Hawai'i under the conservation easement. ATA informed LLCP that ATA established a Stewardship Committee, composed of area residents, that is assisting such efforts. In the meantime, LLCP has learned of new complaints about public access difficulties at Waikapuna and has discussed the situation with ATA, County of Hawai'i, OHA, and Aha Moku.

**Attachment 3(b)** includes ATA's "Property Access Permit, Rules and Waiver of Liability" that is presently in use for Waikapuna, which ATA notes is adapted from a similar form that was used by the previous private landowner. According to ATA:

- ATA reviews and approves requests for access on a first-come, first-serve basis;
- camping is limited to one group at a time, weekends only;
- vehicular access is allowed for day use, when it doesn't conflict with ranching operations;
- pedestrian access is open along the shoreline;
- ATA installed signage to help deter overflow camping and vehicles arriving from Kamilo and Ka'alualu; and
- rumors that ATA charges hundreds of dollars for camping access are untrue.

In discussing these issues with staff from the Office of Hawaiian Affairs ("OHA"), OHA reiterated its support for the land acquisitions completed, pending, and proposed by ATA, noting that what ATA wants to do is in line with OHA's mission.

**C. Manāka'a Fishing Village:** Ala Kahakai Trail Association ("ATA") applied for \$875,000 to acquire approximately 348 acres at Ka'ū, Hawai'i for all nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (see Application, Section D):

- (1) Watershed protection;
- (2) Coastal areas, beaches, and ocean access;
- (3) Habitat protection;
- (4) Cultural and historical sites;
- (5) Recreational and public hunting areas;
- (6) Parks;
- (7) Natural areas;
- (8) Agricultural production; and
- (9) Open spaces and scenic resources.

Section C.15 of the application explains that the 348-acre property is an undeveloped coastal parcel 1.5 miles south of Nā'ālehu Town, in Ka'ū, Hawai'i Island, in the ahupua'a of Kāwala. Manāka'a Fishing Village sits on the cliffs overlooking Waikapuna. In ancient times, the property was home to Native Hawaiians who fished and gathered shellfish and limu at

## *FISCAL YEAR 2021 LEGACY LAND CONSERVATION PROGRAM*

the shoreline below the pali. During the Plantation era, the property was used to pasture cattle and goats. Later, it was used to grow sugar and experimental crops by C. Brewer and its successor, Ka'ū Agribusiness. Today, the western portion is a mix of pasture grass, haole koa, and christmas berry. The eastern portion is primarily pasture grass with some haole koa. While the native dryland forest was lost during the plantation era, bluffs at Māniana Pali are strongholds for native coastal vegetation.

Since 2012, Kuahiwi Ranch has leased the property for cattle grazing. Kuahiwi Ranch also leases pasture lands to the east at Kaunāmano [acquisition by ATA pending, as approved by the Board earlier this year, with a conservation easement to be held by County of Hawai'i] and west at Waikapuna [acquisition by ATA completed, as approved by the Board in 2017, with a conservation easement held by the County of Hawai'i]. Last year, the ranch purchased 800 acres of land in Kāwala, mauka of the subject parcel [now subject to a post-purchase conservation easement held by ATA and Ho'omalū Ka'ū]. The makai areas are currently used for cultural access, hiking along the Ala Kahakai Trail, and subsistence fishing and gathering.

At Meeting 69 of the Legacy Land Conservation Commission (held September 4-6, 2019), presenters for the applicant included Keoni Fox (ATA) and Reyna Ramolette Hayashi (The Trust for Public Land). Michelle Galimba (VP, Kuahiwi Ranch) testified in support of the application, which also included a letter of support from the Office of Hawaiian Affairs, 166+ signatures on a "Community Statement to Protect Manāka'a Fishing Village and Kaunāmano in Ka'ū," and nine "Keiki Support Statements."

The applicant expects that matching funds estimated at \$938,000 (52% of total project costs) would be provided as cash from (1) the County of Hawai'i Public Access, Open Space and Natural Resources Preservation fund (\$875,000), with the County holding a conservation easement over the property; (2) The Trust for Public Land and ATA (\$46,500); and (3) the landowner/seller (\$16,500). In its 2019 Annual Report to the Mayor, the County of Hawai'i Public Access, Open Space and Natural Resources Preservation Commission placed this acquisition #1 on its 2019 Prioritized List (*available at: <http://records.hawaiicounty.gov/web/1/doc/101885/Page1.aspx>*, see pages 6-8).

As noted above for item 3 (Kiolaka'a), the next steps in the County process for Manaka'a are:

- Mayor submits the Prioritized List, with comments and recommendations, to the County Council;
- County Council adopts a resolution that authorizes the Director of Finance to negotiate for acquiring the property; and
- the recorded deed of land conveyance or easement conveyance must state that the property "shall be held in perpetuity for the use and enjoyment of the people of Hawai'i County and may not be sold, mortgaged, transferred or traded in any way."

The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:

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Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	<p>We do not object to the proposed project.</p> <p>Comments attached.</p>	<p><u>Division of Aquatic Resources:</u> <b>"this area warrants further protection from development and other anthropogenic disturbances. In particular, the relatively intact coastal marine resources of Manaka'a Fishing Village is critical to subsistence fishing and to the livelihood of the local community, which is becoming increasingly rare across the State of Hawaii."</b> Please see <b>Attachment 3(c)</b>, DAR# 5947:1.</p> <p><u>Commission on Water Resource Management:</u> Standard Regulatory Language, plus: We did not find any water delivery infrastructure or improvements nor significant features that may provide additional public benefit. There is a stream that runs the eastern portion of the property. The stream does not have an official name.</p>
Department of Agriculture	Comments attached.	Requests more information on the Kuahiwi Ranch operation (acres and number of cattle grazed, number of years leased, and contact/consultation about the proposed acquisition) and the management plan for the ranch and how they will operate in conjunction with other proposed uses such as habitat preservation.
Agribusiness Dev. Corp.	We do not object to the proposed project.	

As noted above for item 3 (Kiolaka'a), Ala Kahakai Trail Association is a returning applicant that received three prior grant awards from the Land Conservation Fund for land acquisition; will be required by County of Hawai'i to develop a management plan for the property at Manaka'a; and faces challenges from within the local community about its ownership and management of properties acquired with grants from the Land Conservation Fund.

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**D. Mokae Lands:** Ke Ao Hāli'i (Save the Hana Coast) applied for \$1,863,300 to acquire approximately 32.7 acres at Hāna, Maui for seven of the nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (see Application, Section D):

- (1) Watershed protection
- (2) Coastal areas, beaches, and ocean access
- (3) Habitat protection
- (4) Cultural and historical sites
- (7) Natural areas
- (8) Agricultural production
- (9) Open spaces and scenic resources

Section C.15 of the application explains that the four parcels in this application are part of a larger 150-acre area (eighteen parcels) that Ke Ao Hāli'i ("KAH") is working to protect and place into conservation. The total area stretches from Mokae, adjacent to Hāmoa Beach, to Waioka Pond (Venus Pool), between the ocean and the Hāna Highway. KAH has successfully completed purchase contracts and acquisitions within much of this area, but some of the properties remain listed for sale on the open market.

Three of the four parcels are a combination of ocean front pastureland, intermittently used for grazing cattle, and cultural/historic landscapes that include a number of historic settlement sites and the ruins of a manager's building. The southern property line of parcel (2) 1-4-010:012 abuts the intermittent Waiokapia Stream, but the banks are high and less inclined to flooding. The coast includes the pool from the stream, but otherwise is a rough pebble beach with easy access to the sea and is frequented by surfers. These are prime fishing spots for Hana residents and a popular camping spot for local families.

At Meeting 69 of the Legacy Land Conservation Commission (held September 4-6, 2019), presenters for the applicant included KAH Board members Robin Rayner, Scott Crawford (Chair), Chad Meyer, and Dawn Lono; Roger Lane (KAH fundraising); and lineal descendants of the area. State Senator Kalani English expressed his support in a pre-recorded video, and Duane Lammers (Manager, Hana Ranch Agriculture), Roxie Silva (The Nature Conservancy), and Laura Kaakua (Hawaiian Islands Land Trust) provided additional information and testimony in support of the application.

The application included a two-page organizational budget for 2019 and 2020; letters of support from Senator English, Maui County Council member Shane Sinenci, Chris Sanita (Principal, Hana High and Elementary School), Hāna Business Council, Hana Ranch Agriculture, Hana Youth Center, realtors Lisa Starr Land Company and Chris Harrington Pryor (Keller Williams Realty Maui), Christopher E. Bird, PhD (Texas A&M University), Marie Orr (Kaimipono Consulting), Kua'āina Ulu 'Auamo, Ma Ka Hana Ka 'Ike, Maui Nui Marine Resource Council, Nā Mamo O Mū'olea; 33 letters from Hana High School Students to Maui Mayor Arakawa requesting support for the acquisition of Maka'ala'e Lands with Maui Open Space Funds; and a report of over 500 paper signatures and 1,363 electronic signatures to a petition supporting the allocation of funds for the acquisition of lands at Maka'ala'e from the County's Open Space Fund ("Protection of Maka'ala'e Lands, Hana, Maui"), available at: <https://www.change.org/p/mayor-of-maui-county-and-county-council->

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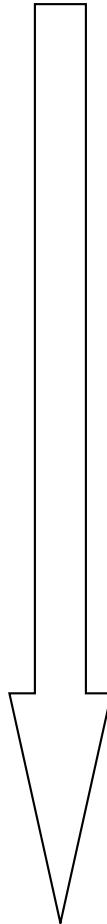
budget-committee-protection-of-maka-alae-lands-hana-maui. Numerous emails received from Guy Aina expressed opposition to the proposed acquisition of "stolen lands."

Maui County's Fiscal Year 2021 budget for its Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund includes up to \$2,100,000 for an acquisition that includes the four parcels recommended in today's Board submittal, plus one additional parcel (*available at:*

<https://www.mauicounty.gov/DocumentCenter/View/122408/004-FY21-Appendix-A-Part-II-Special-Purpose-Revenues>, see page 54, Item I(8)). The applicant expects matching funds estimated at 51.4% of total project costs through a grant from the Maui County Open Space Fund and a combination of private donations of cash and in-kind services.

As noted for item 1, above, the County grant program requires (1) an application that includes a brief overview of a long-term management plan for the subject property; (2) conveyance of a conservation easement to the County, containing restrictive covenants such as "[t]he general public shall be allowed reasonable access to this property, provided that access may be limited or controlled for cultural and environmental resource protection and public safety"; and (3) annual reports for the first three years documenting progress toward implementation of the long-term management plan and compliance with grant terms and conditions.

The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:



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Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	<p>We do not object to the proposed project.</p> <p>Comments attached.</p>	<p><u>Division of Aquatic Resources:</u> <b>"These coastal lands are very important for the local Hana community to recreate, and practice customary gathering and subsistence harvest. It is important to keep these lands in open conservation use, allowing for continued and controlled access."</b> Please see <b>Attachment 3(d)</b>, DAR# 5947:5.</p> <p><u>Commission on Water Resource Management:</u> Standard Regulatory Language, plus: Kapi'a Stream runs along the southern boundary of TMK (2) 1-4-010:012.</p> <p><u>Division of Forestry &amp; Wildlife, Maui Nui Branch:</u> <b>"Our biological assessments indicate that the subject lands support priority values, with a high potential to provide habitat and connectivity for native flora and fauna in the area, including threatened and endangered species. Our surveys noted a number of locations where opportunities to protect and restore endangered plants and seabirds could be initiated. We believe that acquisition of those lands by this applicant, as part of the suite of connected lands in the area, holds the best potential to ensure that those opportunities for native species protection are realized."</b> Please see <b>Attachment 3(d)</b>, memo dated June 20, 2019.</p>
Department of Agriculture	Comments attached.	Requests more information on the planned conservation/ agricultural easement; the existing cattle operation (acres and number of cattle grazed, management plan for the ranch, and how they will operate in conjunction with other proposed uses such as habitat preservation); and applicant's current and past land management experience.
Agribusiness Dev. Corp.	We do not object to the proposed project.	

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**E. Mapulehu: Valley to Summit:** Molokai Land Trust applied for \$1,100,000 to acquire approximately 1,816 acres at Kona, Molokai. This application was ranked second for Fiscal Year 2020 ("FY20"), and received a FY20 partial grant award for \$900,000, so a Fiscal Year 2021 grant, if awarded, is limited to \$200,000. The application addresses eight of the nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (see Application, Section D):

- (1) Watershed protection
- (2) Coastal areas, beaches, and ocean access
- (3) Habitat protection
- (4) Cultural and historical sites
- (5) Recreational and public hunting areas
- (7) Natural areas
- (8) Agricultural production
- (9) Open spaces and scenic resources

Section C.15 of the application locates the property [two parcels] in East Moloka'i, east of Kalua'aha and west of 'Ōhi'a branch of the Moloka'i Forest Reserve. The makai border of the property begins at East Kamehameha V Highway, a few hundred yards from the ocean, and extends to the summit of East Moloka'i. The lower property contains the platform of 'Ili'iliopae Heiau, a training area for Kahuna and a sacrificial heiau. The lower property was also used for kalo cultivation, likely, to some extent in lo'i along Mapulehu Stream and its tributaries. The upper property is largely watershed, which was likely more robust before western contact, the introduction of cattle and other invasive species, and climate changes that reduced precipitation on East Moloka'i. Historical human activity on the upper property likely included agricultural use at lower elevations, hunting, and gathering of materials for daily use and cultural use. After western contact, the population of Moloka'i decreased considerably, and with the spread of Christianity, 'Ili'iliopae fell into disuse. The property was thereafter used for ranching, a dairy, and orchard land, as well as for dwellings located on the property and in surrounding and inholding parcels.

At Meeting 69 of the Legacy Land Conservation Commission (held September 4-6, 2019), presenters for the applicant included Molokai Land Trust Board members (George Benda, President, and Davianna McGregor), staff (Kali Arce), and partners (Stephen Rafferty, The Trust for Public Land). Dr. Emmett Aluli testified in support of the application, which also included approved annual budgets for FY19 and FY20 and letters of support from Dr. Emmett Aluli, Patrick V. Kirch, the Pacific Islands Fish and Wildlife Office (U.S. Department of the Interior, Fish and Wildlife Service), and Collette Machado (President, Ke Kua'aina Hanauna Hou).

At its meeting held December 11, 2020, under agenda item C-3, the Board awarded a subgrant to MLT that will provide \$1,800,000 in matching funds from the U.S. Department of Interior (Fish and Wildlife Service, Endangered Species Section 6 Recovery Land Acquisition). Maui County's Fiscal Year 2021 budget for its Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund includes up to \$1,200,000 for this acquisition (*available at:*

<https://www.mauicounty.gov/DocumentCenter/View/122408/004-FY21-Appendix-A-Part-II->

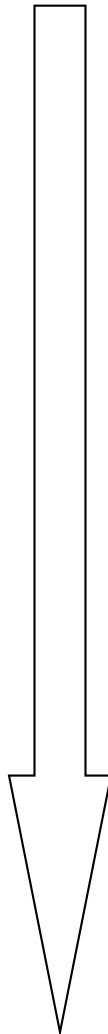


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Special-Purpose-Revenues, see page 53, Item I(4)). The applicant estimates that matching funds from all sources would provide 70% of total estimated project costs.

Under federal and State requirements for the Recovery Land Acquisition grant, the deed of purchase will identify the federal interest in the real property, and the U.S. Fish and Wildlife Service must approve a draft management plan before closing. Key requirements for the County grant program include (1) an application that includes a brief overview of a long-term management plan for the subject property; (2) conveyance of a conservation easement to the County, containing restrictive covenants such as "[t]he general public shall be allowed reasonable access to this property, provided that access may be limited or controlled for cultural and environmental resource protection and public safety"; and (3) annual reports for the first three years documenting progress toward implementation of the long-term management plan and compliance with grant terms and conditions (*available at: [https://library.municode.com/hi/county\\_of\\_maui/codes/code\\_of\\_ordinances?nodeId=TIT3RE\\_FI\\_CH3.88OPSPNARECURESCVIPRFU](https://library.municode.com/hi/county_of_maui/codes/code_of_ordinances?nodeId=TIT3RE_FI_CH3.88OPSPNARECURESCVIPRFU)*, see §§ 3.88.040 C.4; 3.88.070 B.3; and 3.88.070 A.2).

The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:



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Agency	Agency Response	Agency Comments <i>[Applicant Responses]</i>
Department of Land and Natural Resources*	We do not object to the proposed project.  Comments attached.	<u>Commission on Water Resource Management</u> Standard Regulatory Language, plus: Our records indicate that there are three wells on parcel (2) 5-7-005:002. Two wells (Well number 4-0448-002 and 004) are owned by Pearl Hodgins ETAL. There are no records indicating usage during the year 2018. The third well (Well number 4-0448-006) is owned by Diana Chong. There are no records indicating usage during the year 2018. Our records indicate that there is a well on parcel (2) 5-7-005: 27. The well (Well number 4-0549-001) is owned by Pearl Hodgins ETAL and is filed under WUPA No. 00310.  <i>[Applicant's understanding is that there is currently a historically used stream diversion for irrigation, and will investigate whether the wells are or can be operable.]</i>
Department of Agriculture	Comments attached.	Provides information on land use classification, soil ratings, soil characteristics, and irrigation needs; advises that the applicant should be prepared to explain how the agricultural production areas will be managed to allow a balance between commercial agricultural production with protecting historic cultural sites.  <i>[Management to allow balance will be part of the community planning process.]</i>
Agribusiness Dev. Corp.	We do not object to the proposed project.	

\*After the Legacy Land Conservation Commission issued its recommendation, the Department's Historic Preservation Division completed a review of its records, which indicate that Mapulehu Ahupua'a is part of the Hōkūkano-'Ualapu'e Complex which was listed on the National Register of Historic Places on October 15, 1966 (NRHP 66000304). The historic Hōkūkano-'Ualapu'e Complex is a discontinuous district made up of 7 heiau and 2 fishponds which are all significant for their size, quality, setting, association, and information potential. This complex is one of the most important archaeological complexes in Hawai'i. 'Ili'iliopae Heiau (SIHP 50-60-04-200), Wailau Trail (SIHP 50-60-04-201), and the Kūlahaloa Bell Stone (SIHP 50-60-05-198) are located within the subject TMKs.

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**F. Nā Wai 'Ehā:** The Division of Forestry and Wildlife ("DOFAW") applied for \$2,000,000 to acquire approximately 11,020 acres at Wailuku, Maui, for seven of the nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (Application, Section D):

- (1) Watershed protection
- (3) Habitat protection
- (4) Cultural and historical sites
- (5) Recreational areas
- (7) Natural areas
- (8) Agricultural production
- (9) Open spaces and scenic resources

Section C.15 of the application explains that the three parcels proposed for acquisition span over eleven thousand acres from across the West Maui Mountains north of Waihe'e all the way to Wailuku, on the island of Maui. It is strategically adjacent to a Natural Area Partnership Preserve, a Natural Area Reserve, and a Forest Reserve. These parcels are in the Conservation District, Resource subzone. The lands are actively managed by the West Maui Mountains Watershed Partnership but they are closed to the public. The West Maui Watershed is home to thousands of species of native plants, birds, snails, insects, and other invertebrates. All native Hawaiian species are relatively rare in the world, and there are at least eighteen plant species that are endemic to West Maui in particular, making them especially extraordinary. The watershed encompasses an array of vegetation communities that are arranged across climatic and elevation zones. Studies in the West Maui Watershed have already contributed to an improved understanding of evolution, unique genetic information transfer, and other central biological concepts.

At Meeting 69 of the Legacy Land Conservation Commission (held September 4-6, 2019, Scott Fretz (Maui Nui Branch Manager) presented the application for DOFAW, and Peter Landon (DOFAW staff) testified in support as a private citizen. The applicant expects that matching funds estimated at \$8,000,000 (80% of project costs) would be provided from federal, State, and county sources, and \$3,000,00 of this is now on the federal priority list for the FY2021 Land and Water Conservation Fund. The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:

Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	We do not object to the proposed project.  Comments attached.	<u>Commission on Water Resource Management:</u> Please see <b>Attachment 3(f)</b> .
Department of Agriculture	We do not wish to comment on the proposed project.	
Agribusiness Dev. Corp.	We do not object to the proposed project.	

## FISCAL YEAR 2021 LEGACY LAND CONSERVATION PROGRAM

**G.\* Hāloa 'Āina – Royal Hawaiian Sandalwood:** The Division of Forestry and Wildlife ("DOFAW") applied for \$500,000 to acquire a conservation easement over approximately 2,780 acres at Kona, Hawai'i, for seven of the nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (Application, Section D):

- (1) Watershed protection
- (3) Habitat protection
- (4) Cultural and historical sites
- (5) Recreational areas
- (7) Natural areas
- (8) Agricultural production
- (9) Open spaces and scenic resources

Section C.15 of the application explains that the property consists of dry montane forest (4,500 – 5,500 ft. elevation) and is located on Hawai'i Island in the South Kona District at the top of the Hokukano watershed. The property is bordered on the west by private conservation lands; Kamehameha Schools lands on the North and East; and the Kealahou Mountain Reserve—protected through a federal/state Forest Legacy Program conservation easement—to the South. The property's dry forests consist of 'ōhi'a (*Metrosideros polymorpha*) and koa (*Acacia koa*), 'iliahi (sandalwood, *Santalum paniculatum*), māmane (*Sophora chrysophylla*), naio (*Myoporum sandwicense*), and understory shrubs such as a'ali'i (*Dodonea viscosa*). The forest condition was severely degraded due to 150 years of forest clearing and uncontrolled grazing by domestic cattle, and the more recent impact of feral sheep. Since 2010, management by the current owners has significantly rejuvenated the forest by fencing and removal of domestic and feral ungulates, resulting in the regeneration of native trees, particularly māmane. Additionally, harvest of dead and dying 'iliahi (sandalwood) results in regeneration of trees through root sprouting.

Hāloa 'Āina, a family owned native Hawaiian company, is utilizing innovative, sustainable forest management to yield the most abundant regeneration of native sandalwood in the state (Application, Section G). Dry forest here connects to the Hawai'i Volcanoes National Park through Kamehameha Schools land, and is adjacent to two properties conserved with easements held by the Department through the federal/state Forest Legacy Program (Application, Section I). However, Hāloa 'Āina is at high risk for conversion with high land value speculation, active subdivision, and sales in adjacent areas (Application, Section G). Acquisition of this conservation easement would forfeit the right of the landowner to subdivide, protecting the property from development in perpetuity, and would require the implementation of a long-term forest management plan (Application, Section J). Public benefits would include enhancing existing restoration efforts that increase fog water capture and groundwater recharge and that regenerate cultural resources for future generations. This provides a good example of forest restoration to influence neighboring landowners, and facilitates continued visits, access, and educational and volunteer opportunities for local community organizations, partners, students, researchers, youth groups, and cultural groups (Application, Section K).

At Meeting 69 of the Legacy Land Conservation Commission (held September 4-6, 2019), presenters for the applicant included Tanya Rubenstein (DOFAW) and Wade Lee

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(Hāloa 'Āina). Mr. Lee provided the Commission with a link to a recent Sandalwood Documentary video, *available at*: <https://f.io/kah6AHmG>. The applicant expects that matching funds estimated at \$3,910,250 (89% of total project costs) would be provided through (1) a grant from the U.S. Department of Agriculture, Forest Service Forest Legacy Program (\$1,500,000);<sup>2</sup> (2) a State Capital Improvement Project appropriation (\$1,000,000 from above the spending ceiling of the Land Conservation Fund); and (3) other federal, county, and private sources (\$910,250). In its 2019 Annual Report to the Mayor, the County of Hawai'i Public Access, Open Space and Natural Resources Preservation Commission placed this acquisition #2 on its 2019 Prioritized List (*available at*: <http://records.hawaiicounty.gov/weblink/1/doc/101885/Page1.aspx>, see pages 9-10), and the County Council recently adopted Resolution 667-20, which authorizes the County Department of Finance to enter into negotiations for the acquisition and initiate any funding mechanisms required (*available at*: <http://records.hawaiicounty.gov/Weblink/DocView.aspx?id=998276&searchid=5435d308-f776-4fae-8e39-279524d6322c&dbid=0>). Key requirements for the County of Hawai'i program include that a recorded deed of easement conveyance must state that the property "shall be held in perpetuity for the use and enjoyment of the people of Hawai'i County and may not be sold, mortgaged, transferred or traded in any way." See Hawai'i County Charter Sections 10-15(i), *available at*: <http://records.hawaiicounty.gov/weblink/1/edoc/85177/Hawaii%20County%20Charter,%20Section%2010-15.pdf>.

The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:

Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	We do not object to the proposed project.  Comments attached.	<u>Commission on Water Resource Management Standard Regulatory Language</u> , plus: We did not find any water delivery infrastructure or improvements nor significant features that may provide additional public benefit. Our records do not indicate any streams or surface water sources present on the properties.
Department of Agriculture	We do not wish to comment on the proposed project.	
Agribusiness Dev. Corp.	Not indicated on signature page.	

\*Note that the Legacy Land Conservation Commission ranked this application tied with an application from Ala Kahakai Trail Association for \$2,400,000 to acquire approximately 1,363 acres at Ka'ū, Hawai'i (Kaunāmano). The Fiscal Year 2020 ("FY20") Kaunāmano application ranked first for that year and received a full award of FY20 grant funds for the acquisition, and thus is not presented for action in this submittal.

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<sup>2</sup> \$3,000,000 in matching funds is now secured from the federal Forest Legacy Program.

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**H. Halulu Fishpond Access:** Waipā Foundation applied for \$600,000 to complete a partially-funded acquisition (\$50,000 from Fiscal Year 2019 grant awards) of approximately 0.25 acres at Halele'a, Kaua'i for seven of the nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (Application, Section D):

- (1) Watershed protection
- (2) Coastal areas, beaches, and ocean access
- (3) Habitat protection
- (4) Cultural and historical sites
- (7) Natural areas
- (8) Agricultural production; and
- (9) Open spaces and scenic resources.

Section C-15 of the application explains that Halulu Fishpond Access sits within the coastal plain of Waipā ahupua'a and includes a portion of Halulu Fishpond fed by Wai'oli Stream and emptying into Hanalei Bay, with important estuarine habitat for many native fish such as 'ama'ama and āholehole. The land is currently vacant and overgrown with tall non-native trees, although Waipā Foundation uses the land for access to its management activities at Halulu Fishpond and Hanalei Bay. The area surrounding Halulu provides valuable ecosystem services and community spaces for festivals, gatherings, and educational programs (Application Section C). Waipā Foundation already manages a majority of the Waipā ahupua'a, so acquiring the access would connect the landscapes promoting contiguous and integrated watershed management. The property also demonstrates cultural and land tenure history, being previously awarded as a kuleana lot. If the Halulu Fishpond Access property is not protected and acquired by Waipā Foundation, it would likely be purchased for residential development and use. A real threat is the local community losing shoreline access, provoking community conflict (Application, Section G). Waipā Foundation would incorporate Halulu Fishpond Access into its Master Site Plan and Strategic Plan (Application, Section H), and public benefits would include safeguarding community access to Halulu Fishpond and Hanalei Bay—to protect against harm to resources and culturally inappropriate uses—and managing access for public use during community festivals and educational, recreational, and youth programs (Application, Section K).

Stacy Sproat-Beck (Executive Director, Waipā Foundation) presented the application at Meeting 69 of the Legacy Land Conservation Commission (held September 5-6, 2019), including 530 signatures on a "Petition Supporting State/County Funding for The Waipā Foundation to Buy Halulu Fishpond Access and Kaluanono."

The applicant expects that matching funds estimated at \$561,500 (45% of total project costs, pending) would be provided as (1) a grant from the County of Kaua'i Open Space Fund (\$540,000), with the County holding a conservation easement over the property; (2) cash from The Trust for Public Land and Waipā Foundation (\$20,000); and (3) cash from the landowner/seller (\$1,500). Because the applicant has an existing contract with the State to fund the acquisition of a nearby property from the same landowner (LLCP 15-01, Kaluanono), both the landowner and the County prefer that the two properties be conveyed in a single transaction. The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:

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Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	We do not object to the proposed project.  Comments attached.	<u>Division of Aquatic Resources</u> : <b>"While there will be no direct or indirect impacts to aquatic resources . . . [the] land[s] are very important to keep as public trust lands and not be developed."</b>  <u>Commission on Water Resource Management Standard Regulatory Language</u> , plus: We reviewed the parcels and did not find any water delivery infrastructure or improvements nor significant features that may provide additional public benefit. Our records do not indicate any wells, streams or surface water sources present on the properties.
Department of Agriculture	We do not wish to comment on the proposed project.	
Agribusiness Dev. Corp.	We do not object to the proposed project.	

I. **Waikalua Loko I'a**: Hawaiian Islands Land Trust applied for \$700,000 to acquire a conservation easement over approximately 17.1 acres at Ko'olaupoko, O'ahu for eight of the nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (Application, Section D):

- (1) Watershed protection
- (2) Coastal areas, beaches, and ocean access
- (3) Habitat protection
- (4) Cultural and historical sites
- (5) Recreational areas
- (7) Natural areas
- (8) Agricultural production
- (9) Open spaces and scenic resources

Section C.15 of the application notes that Waikalua Loko I'a is one of the few remaining traditional Hawaiian fishponds on the island of O'ahu. The property is an important access point to the shoreline along Kāne'ohe Bay for traditional and customary purposes, as well as current recreational users and fishermen. Currently used as an educational and cultural learning center, the fishpond also serves as a critical sediment basin to slow down and reduce pollutants from entering Kāne'ohe Bay. Section J of application indicates that the proposed conservation easement would reserve the rights of the grantor to conduct habitat and fishpond restoration activities, remove non-native plant and animal species, and conduct recreational and educational activities including educational programs for local schools and community volunteer stewardship programs. The proposed conservation easement would prohibit subdivision of the property; construction of additional buildings,

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structures, and vehicular roads on a portion of the property; and excavating and removal of topsoil, sand, gravel, or rock from the property.

At Meeting 69 of the Legacy Land Conservation Commission (held September 4-6, 2019), presenters for the applicant included Mrs. Laura Kaakua (Hawaiian Islands Land Trust) and Mr. Herb Lee, Jr. (Waikalua Loko Fishpond Preservation Society and Pacific American Foundation), with video testimony and letters provided by numerous supporters. The application included a draft two-page operating budget for 2020 and 2021. The applicant expects that matching funds estimated at \$840,000 (55% of project costs) would be provided by the City & County of Honolulu (Clean Water and Natural Lands Fund) and donations and grants from private sources. If the City Clean Water and Natural Lands Fund provides funding for the acquisition, then the City will co-hold the conservation easement with HILT.

The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized in the following table:

Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	We do not object to the proposed project.  Comments attached.	<u>Commission on Water Resource Management</u> Standard Regulatory Language, plus: We did not find any water delivery infrastructure or improvements nor significant features that may provide additional public benefit. Our records indicate that the Kawa stream runs through the property. Furthermore, our records indicate a pond located at the south-eastern portion of the property.
Department of Agriculture	We do not wish to comment on the proposed project.	
Agribusiness Dev. Corp.	Not indicated on Form 5c signature page (no comments).	

Note that during the post-application period, the former landowner completed a subdivision of the property; Pacific American Foundation completed its purchase of one of the lots created by the subdivision; and the City and County of Honolulu assigned a new tax map key number to that lot, as reflected in the agenda title for this submittal and in the table of applications presented as **Attachment 1**.

**J. Keone'ō'io Bay Coastal Protection:** The Division of Forestry and Wildlife ("DOFAW") applied for \$1,191,500 to acquire approximately 0.46 acres at Honua'ula, Maui for six of the nine Legacy Land resource preservation purposes established in Haw. Rev. Stat. § 173A-5(g) (Application, Section D):

- (2) Coastal areas, beaches, and ocean access
- (3) Habitat protection
- (4) Cultural and historical sites



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- (5) Recreational and public hunting areas
- (7) Natural areas
- (9) Open spaces and scenic resources

Section C.15 of the application explains that the coastal parcel is located at Keone'ō'io Bay, south of the town of Wailea at the end of Mākena Alanui Road at 20°35'54"N 156°25'12"W on the island of Maui. It is strategically adjacent to the highly used Keone'ō'io Bay and Hoapili Trail access points. This undeveloped, private lot in the Conservation District, Resource subzone, is surrounded by a rock wall and public access is discouraged. The southwest corner of the parcel provides ocean access, and the property also comes with an easement access to the fishponds located at the western end of the bay, and also provides access to the eastern edge of 'Ahihi-Kina'u Natural Area Reserve. To the northwest of the property are several privately held developed parcels. The northeast and south sides of the parcel are highly used unencumbered State land.

At Meeting 69 of the Legacy Land Conservation Commission (held September 4-6, 2019), Peter Landon (DOFAW staff) presented the application. The applicant expects that matching funds estimated at \$378,000 (24% of project costs) would be provided by land value donation (\$375,000) and other sources. The applicant considered and incorporated responses from consulting State agencies (Application, Section K) as summarized below:

Agency	Agency Response	Agency Comments
Department of Land and Natural Resources	We do not object to the proposed project.  Comments attached.	<u>Division of Aquatic Resources</u> : <b>"We are very supportive of this proposed action and are committed to continuing to work with DOFA W in partnership on the management of the important marine resources in this area."</b> Please see <b>Attachment 3(j)</b> , DAR# 5947-6  <u>Commission on Water Resource Management</u> Standard Regulatory Language, plus: We did not find any water delivery infrastructure or improvements nor significant features that may provide additional public benefit. Our records do not indicate any streams or surface water sources present on the properties.
Department of Agriculture	We do not wish to comment on the proposed project.	
Agribusiness Dev. Corp.	We do not object to the proposed project.	

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### Conservation Easements, Agricultural Easements, Deed Restrictions, and Covenants

Under Haw. Rev. Stat. §§ 173A-4(c) and (d), a recipient of funds from the LLCP 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, § 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 LLCP funding record a deed of conveyance that includes restrictions and covenants that meet the requirements of § 173A-4. Similar to many federal land acquisition programs, the LLCP 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 acquired interests and rights in land. These statutory restrictions include (1) a requirement that the Board approve disposition of the land (§§ 173A-4 and 173A-9) and (2) post-disposition payback provisions (§ 173A-10). 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 a conservation easement on land acquired by LLCP grant recipients, and to grant exemptions from the easement requirements. The Department advises that the deed restrictions that the LLCP customarily imposes on grant recipients—as bolstered by statutory and contractual provisions—are generally sufficient to ensure the long-term protection of land having value as a resource to the State and to preserve the interests of the State, and the Department frequently recommends that the Board exempt an awardee from additional easement requirements.

The Division advises that additional easement requirements should not apply to the two Fiscal Year 2021 grant applications that propose the acquisition of a conservation easement, only (Hāloa 'Āina, Hawai'i, and Waikalua Loko I'a, O'ahu). Of the remaining eight applications recommended for funding, the Division advises that the Board exempt the two State grants (Nā Wai 'Ehā and Keone'ō'io Bay Coastal Protection, Maui) from the easement requirement, which would be for lands that would be held and managed by the Department. If federal matching funds are used for these acquisitions, then it is likely that the deed of conveyance to the State would include restrictions mandated by a federal natural resource

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agency, and if county matching funds are used, it is likely that the property would be encumbered with a conservation easement held by the county that provides the matching funds.

The Division advises that the Board require, for the remaining six applications recommended for funding, that each awardee provide a conservation easement to an appropriate land conservation organization or a county, state, or federal natural resource conservation agency. As advised by the Deputy Attorney General assigned to the LLCP, the Division now requires that each prospective easement holder sign the LLCP grant agreement as a Consenting Party.

### Items A and D. Ke Ao Hāli'i (Save the Hāna Coast) – Maka'ala'e Lands and Mokae Lands:

Each grant is for the acquisition of fee title by a nonprofit land conservation organization. Each application included a letter indicating that Hawaiian Islands Land Trust ("HILT") is willing to hold a conservation easement over the property, as reconfirmed by HILT at the Legacy Land Conservation Commission meetings in September 2019. HILT already holds conservation easements over other nearby properties, including one easement that HILT co-holds with Maui County on a property that Ke Ao Hāli'i acquired in 2020 with grants from the LLCP and the Maui County Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund ("County Open Space Fund"). If the County Open Space Fund provides funding for one of these acquisitions, then Maui County Code requires the conveyance of a conservation easement to the County (see § 3.88.070 B, *available at*: [https://library.municode.com/hi/county\\_of\\_maui/codes/code\\_of\\_ordinances?nodeId=TIT3REFI\\_CH3.88OPSPNARECURESCVIPRFU\\_3.88.020PU](https://library.municode.com/hi/county_of_maui/codes/code_of_ordinances?nodeId=TIT3REFI_CH3.88OPSPNARECURESCVIPRFU_3.88.020PU)), which the County would likely co-hold with HILT.

### Items B and C. Ala Kahakai Trail Association – Kiolaka'a and Manāka'a Fishing Village:

Each grant is for the acquisition of fee title by a nonprofit land conservation organization. Each application included a letter indicating that the County of Hawai'i is willing to hold a conservation easement over the property. The County holds a conservation easement over a nearby property at Waikapuna, recently acquired by Ala Kahakai Trail Association ("ATA"), with grant assistance from the Land Conservation Fund (LLCP 17-01), and is poised to hold a conservation easement over another nearby property at Kaunāmano, pending acquisition by ATA with grant assistance from the Land Conservation Fund (LLCP 20-01).

### Item E. Molokai Land Trust – Mapulehu Valley to Summit:

This grant is for the acquisition of fee title by a nonprofit land conservation organization. It is likely that the deed of conveyance would include restrictions mandated by federal agency sponsors. The application included a letter indicating that Hawaiian Islands Land Trust ("HILT") is willing to hold a conservation easement over the property, as reconfirmed by HILT at the Legacy Land Conservation Commission meeting in September 2019. If the Maui County Open Space Fund provides funding for this acquisition, then Maui County Code requires the conveyance of a conservation easement to the County (see § 3.88.070 B,

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available at:

[https://library.municode.com/hi/county\\_of\\_mauui/codes/code\\_of\\_ordinances?nodeId=TIT3RE\\_FI\\_CH3.88OPSPNARECURESCVIPRFU\\_3.88.020PU](https://library.municode.com/hi/county_of_mauui/codes/code_of_ordinances?nodeId=TIT3RE_FI_CH3.88OPSPNARECURESCVIPRFU_3.88.020PU)), which the County would likely co-hold with HILT.

### Item H.            Waipā Foundation – Halulu Fishpond Access:

This grant is for the acquisition of fee title by a nonprofit land conservation organization. The application included a letter indicating that the County of Kaua'i is willing to hold a conservation easement over the property.

## Chapter 343, Hawai'i Revised Statutes, Environmental Review

### **1.     Statutory Exemptions**

Section 343-5(a), Hawai'i Revised Statutes ("Haw. Rev. Stat.") provides, in part, that an environmental assessment is not required for an action that proposes the use of state funds for the acquisition of unimproved real property. However, Chapter 343 does not define "unimproved real property." Regardless of this definitional uncertainty, the Division advises that the results of the application process indicate that none of the properties that the Legacy Land Conservation Commission (LLCC) recommended for acquisition are "unimproved."

Two of the ten properties that the LLC recommended for acquisition involve the proposed use of a Hawaiian fishpond (Halulu Fishpond Access and Waikalua Loko I'a Conservation Easement). Under Haw. Rev. Stat. § 183B-2:

[t]he proposed reconstruction, restoration, repair, or use of any Hawaiian fishpond shall be exempt from the requirements of chapter 343; provided that it will comply with the following conditions:

- (1) The fishpond is not adjacent to a sandy beach;
- (2) The fishpond stocks only native aquatic organisms;
- (3) The fishpond does not operate as an intensive culture system in which cultured organisms require frequent or periodic artificial feeding, artificial aeration of water, or artificial pumping of water through the fishponds for their growth and survival;
- (4) Bulk chemicals are not added to the water for the control of pathogens or parasites;
- (5) Coastal access is allowed to any person mauka of the fishpond and makai of walls;
- (6) The fishpond and its operations do not harm any threatened or endangered species; and
- (7) The fishpond is not used for water recreational purposes except those recreational activities customarily and traditionally practiced in Hawaiian fishponds prior to 1778.

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Based on the results of the application process, the Division advises—as we did for the FY20 applications for these same acquisitions—that the proposed grant awards for acquisition of Halulu Fishpond Access and Waikalua Loko I'a Conservation Easement are exempt from the requirements of Chapter 343.

### **2. Administrative Exemptions**

#### Routine Activities and Ordinary Functions (de minimis activity)

For the remaining eight properties that the LLCC recommended for acquisition, Haw. Rev. Stat. § 343-6(a)(2) provides for "procedures whereby specific types of actions, because they will probably have minimal or no significant effects on the environment, are declared exempt from the preparation of an environmental assessment." The recent repeal of Chapter 11-200, Hawai'i Administrative Rules ("Haw. Admin. R.") and the adoption of Haw. Admin. R. § 11-200.1 (new chapter cited below) established new procedures that simplify the Department's process for exempting the use of state funds for a land acquisition grant—awarded through the Legacy Land Conservation Program—from the preparation of an environmental assessment by securing concurrence from the Environmental Council for a two-part "exemption list" as defined in § 11-200.1-2 and implemented as follows:

§ 11-200.1-16 Exemption lists. (a) Each agency, through time and experience, may develop its own exemption list consistent with both the letter and intent expressed in this subchapter and in chapter 343, HRS, of: (1) Routine activities and ordinary functions within the jurisdiction or expertise of the agency that by their [de minimis] nature do not have the potential to individually or cumulatively adversely affect the environment more than negligibly and that the agency considers to not rise to the level of requiring chapter 343, HRS, environmental review . . . .

(b) An agency may use part one of its exemption list, developed pursuant to subsection (a)(1), to exempt a specific activity from preparation of an EA and the requirements of section 11-200.1-17 [Exemption Notices] because the agency considers the specific activity to be de minimis.

However, under § 11-200.1-15, an exemption is inapplicable "when the cumulative impact of planned and successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment."

On March 3, 2020, the Environmental Council concurred with the Department's new two-part exemption list, and on November 10, 2020, the Environmental Council concurred with a revised version. The list includes, under Exemption Class 1 (Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing), PART 1:

- Action Type 38, "[a]cquisition of land or interests in land," and

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- Action Type 42, "[t]he award of grants under Haw. Rev. Stat. Chapter 173A [Acquisition of Resource Value Land] provided that the grant does not fund **an activity that causes any material change of use of land or resources beyond that previously existing**" (emphasis added).

At its meeting held April 24, 2020, under agenda item C-3, the Board approved the Division's recommendation to exempt the award of FY20 grants for six of the proposed land acquisitions presented in today's submittal (Items A, C, E, F, G, and J) from the requirement to prepare an environmental assessment, under Action Type 42 for all grants and Action Type 38 for grants to a State agency (Items F, G, and J).

### Use of Prior Exemptions (for Items A, C, E, F, G, and J)

Haw. Admin. R. § 11-200.1-11 describes a process that allows an agency to use "prior exemptions, findings of no significant impact, or accepted environmental impact statements to satisfy chapter 343, HRS, for proposed actions." In accordance with this process, after conducting the "careful examination and comparison" and "thorough review" required by § 11-200.1-11(d), the Division believes that each previous determination considered for Items A, C, E, F, G, and J is substantially relevant to the corollary action that is currently being considered for each of these items (Id.) and that additional environmental review is not required for the proposed award of grants from the FY21 Land Conservation Fund for Items A, C, E, F, G, and J because each proposed action (grant award):

- "is substantially similar to . . . an action that received an exemption" (§ 11-200.1-11(a)(1)), and
- "is anticipated to have direct, indirect, and cumulative effects similar to those analyzed in a prior exemption" (§ 11-200.1-11(a)(2)), which in this case is based upon the Department's determination that each proposed action, as analyzed for a prior exemption, was de minimis pursuant to § 11-200.1-16 and was not inapplicable under § 11-200.1-17.

Exemptions for Items B (Kiolaka'a) and D (Mokae Lands) under Action Type 42, "the grant does not fund an activity that causes any material change of use of land or resources beyond that previously existing."

The governing authorities for Action Type 42 (Chapter 343, Haw. Rev. Stat.; Chapter 11-200.1, Haw. Admin. R.; and the Department Exemption List) do not define "material change of use," and the Board and the State courts have not addressed the interpretation and application of this exemption. The Division believes (1) that the "activity" of land acquisition funded by a grant from the Legacy Land Conservation Program merely enables the possibility of—rather than "causes" with certainty—a future "change of use" action by an awardee that takes ownership of a property, and (2) that such land acquisition is thus exempt from the preparation of an environmental assessment. Importantly, a post-acquisition "change of use" action would be subject to environmental review requirements under Chapter 343, subsequent to and independent of the acquisition, if applicable at that time to that action.

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Based on the applications, presentations, and public comments received by the Division during the grant application process, the Division concludes that the mere acquisition of interests in land funded by each grant to a state agency or nonprofit land conservation organization, in and of itself, is not an activity that causes any material change of use of land or resources beyond that previously existing. Moreover—as authorized under Haw. Admin. R. § 13-140-24(a)(8)—the Division may require awardees to meet any requirements of Chapter 343 prior to disbursing funds for land acquisition grants. Internally, the Department's Land Division imposes the same requirement on land acquisition by a State agency. In any case, it is important to distinguish that post-acquisition management activity described in an application is aspirational, not obligatory, and does not represent an irrevocable commitment that would be enforceable under a Legacy Land Conservation Program grant agreement. Also, for a proposed acquisition that requires environmental review under Chapter 343, the Division believes that the action of awarding State grant funds for land acquisition (a) is not related to the significance of "cumulative impact of planned and successive actions in the same place, over time," and (b) "will not be significant in a particularly sensitive environment" pursuant to Haw. Admin. R. § 11-200.1-15.

Therefore, the Division believes the proposed awards of State grant funds for land acquisition at Kiolaka'a, Ka'ū, Hawai'i (Item 2) and at Mokae Lands, Hāna, Maui (Item 4), through the Legacy Land Conservation Program (using the Fiscal Year 2021 Land Conservation Fund), are exempt from the requirement to prepare an environmental assessment, pursuant to State environmental review law.

## RECOMMENDATIONS

That the Board:

- 1) Authorize the Chairperson to enter into agreements and encumber Fiscal Year 2021 funds from the Land Conservation Fund with Ke Ao Hāli'i for \$1,581,700 for the acquisition of approximately 30.3 acres at Hāna, Maui, with a conservation easement held by Hawaiian Islands Land Trust and co-held by the County of Maui if the County so requires (Item A, Maka'ala'e Lands); Ala Kahakai Trail Association for \$1,475,000 for the acquisition of approximately 1,841.3 acres at Ka'ū, Hawai'i, with a conservation easement held by the County of Hawai'i (Item B, Kiolaka'a); and Ala Kahakai Trail Association for up to \$875,000 for the acquisition of approximately 348 acres at Ka'ū, Hawai'i, with a conservation easement held by the County of Hawai'i (Item C, Manāka'a Fishing Village) – together using a total of up to \$3,500,000 from beneath the Fiscal Year 2021 spending ceiling for the Legacy Land Conservation Program, subject to:
  - a. compliance with Chapter 173A, Hawai'i Revised Statutes;
  - b. compliance with Chapter 343, Hawai'i Revised Statutes;
  - c. execution of a Grant Agreement with the Board, including:
    - (i) a clause stating that "[A]fter a community engagement process, and in the interim during the process, the Awardee shall implement reasonable managed public access, mauka-makai and lateral, on a nondiscriminatory basis", and

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- (ii) a signature from each prospective easement holder as a Consenting Party to the Grant Agreement;
  - 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) Approve—as a contingency in the event that an awardee is unable to accept its awarded funds—the Legacy Land Conservation Commission recommendation to award remaining, available Fiscal Year 2021 funds from the Land Conservation Fund, up to the amounts originally requested in the applications, but not to exceed \$3,500,00 from beneath the Fiscal Year 2021 spending ceiling for the Legacy Land Conservation Program, to:
- a. Ke Ao Hāli'i, as first alternate, for the acquisition of approximately 32.7 acres at Hāna, Maui, with a conservation easement held by Hawaiian Islands Land Trust or other suitable entity, and co-held by the County of Maui if the County so requires (Item D, Mokae Lands);
  - b. Molokai Land Trust, as second alternate for the acquisition of approximately 1,816 acres at Kona, Molokai (Item E, Mapulehu: Valley to Summit, award limited to \$200,000);
  - c. The Division of Forestry and Wildlife, as third alternate, for the acquisition of approximately 11,020 acres at Wailuku, Maui (Item F, Nā Wai 'Ehā);
  - d. The Division of Forestry and Wildlife, as fourth alternate, for the acquisition of a conservation easement over approximately 2,780 acres at Kona, Hawai'i (Item G, Hāloa 'Āina);
  - e. Waipā Foundation, as fifth alternate, for the acquisition of approximately 0.25 acres at Halele'a, Kaua'i, with a conservation easement held by the County of Kaua'i or other suitable entity, and co-held by the County of Kaua'i if the County so requires (Item H, Halulu Fishpond Access);
  - f. Hawaiian Islands Land Trust, as sixth alternate, for the acquisition of a conservation easement over approximately 17.1 acres at Ko'olaupoko, O'ahu, to be co-held by the City and County of Honolulu if the City so requires (Item I, Waikalua Loko I'a); and
  - g. The Division of Forestry and Wildlife, as seventh alternate, for the acquisition of approximately 0.5 acres at Honua'ula, Maui (Item J, Keone'ō'io Bay Coastal Protection),

subject, as applicable, to conditions a-i as stated in Recommendation 1, above, and to all other standard conditions governing Legacy Land Conservation Program grant agreements and Department land acquisitions.



## *FISCAL YEAR 2021 LEGACY LAND CONSERVATION PROGRAM*

- 3) Delegate authority to the Chairperson to redirect funding for a discontinued Fiscal Year 2021 award to other Fiscal Year 2021 applications that the Legacy Land Conservation Commission recommended for funding, so as to accomplish partial or full funding for each approved award in the order ranked by the Commission, up to a total of \$3,500,000 from the budget for Fiscal Year 2021.
- 4) 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 of a conservation easement and each acquisition by a State agency from any additional conservation easements that may be required under Section 173A-4, Hawai'i Revised Statutes.
- 5) Exempt the following eight proposed uses of State funds (for Fiscal Year 2021 Legacy Land Conservation Program grant awards from the Land Conservation Fund to acquire interests and rights and interests in land having value as a resource to the State) from the requirement to prepare an environmental assessment, in accordance with Sections 343-5 and 343-6, Hawai'i Revised Statutes; Sections 11-200.1-1, -2, -8, -13, -14, -15, and -16, Hawai'i Administrative Rules; and the Department of Land and Natural Resources Exemption List, reviewed and concurred on by the Environmental Council on November 10, 2020:

### Exemption Class 1, PART 1, Action Type 42

Item A.	LLCP 21-01	Ke Ao Hāli'i (Maka'ala'e Lands)*
Item B.	LLCP 21-02	Ala Kahakai Trail Association (Kiolaka'a)
Item C.	LLCP 21-03	Ala Kahakai Trail Association (Manāka'a Fishing Village)*
Item D.	LLCP 21-04	Ke Ao Hāli'i (Mokae Lands)
Item E.	LLCP 21-05	Molokai Land Trust (Mapulehu: Valley to Summit)*

### Exemption Class 1, PART 1, Action Types 38 and 42

Item F.	LLCP 21-06	Department of Land and Natural Resources, Division of Forestry and Wildlife (Nā Wai 'Ehā)*
Item G.	LLCP 21-08T	Department of Land and Natural Resources, Division of Forestry and Wildlife (Hāloa 'Āina – Royal Hawaiian Sandalwood)*
Item J.	LLCP 21-11	Department of Land and Natural Resources, Division of Forestry and Wildlife (Keone'ō'io Bay Coastal Protection)*

\*Prior exemption from the Board for proposed use of Fiscal Year 2020 funds (April 24, 2020, Item C-3).

*FISCAL YEAR 2021 LEGACY LAND CONSERVATION PROGRAM*

- 6) Authorize the Department to proceed with all due diligence and negotiations that may be necessary to carry out the Fiscal Year 2021 Legacy Land Conservation Program grants and acquisitions approved by the Board and the Governor.

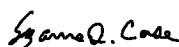
Respectfully submitted,



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DAVID G. SMITH, Administrator

APPROVED FOR SUBMITTAL:



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

ATTACHMENTS:

- Attachment 1:** Table of recommended awards for the Fiscal Year 2021 Legacy Land Conservation Program, with project maps and photos attached for Items A–J
- Attachment 2:** Consultation Letters from the President of the Senate (October 1, 2020) and the Speaker of the House of Representatives (October 1, 2020)
- Attachment 3:** Application Sections G, H, I; DLNR Agency Consultation Comments; and supporting materials for applications for Items A–J

**Attachment 1**  
**January 8, 2020**

**Table of recommended awards  
for the Fiscal Year 2021  
Legacy Land Conservation Program**

**(5 pages, followed by maps and photos  
for projects A - J)**

Legacy Land Conservation Commission Ranking and Recommendation Summary, Fiscal Year 2021

Meeting 69, Agenda Items 7-8

\*Commission Recommendation: Approve funding for each application, in the order ranked, as fully as possible.  
As a contingency, if a higher-ranked application does not proceed with its funding award, then award funding for lower-ranked applications, in the order ranked, as fully as possible.

Attachment 1  
January 22, 2020

Text in *italics* indicates revised information, as requested by applicant during the meeting or corrected/updated by staff.

Item	Rank	Application	Applicant	District, Island	Type	Description	Acres <i>approx</i>	State Land Use District	County Zoning	Matching \$ <b>Match %</b> <i>(rounded)</i>	LLCP \$	TOTAL \$
4E	1	Maka‘alaie Lands	Ke Ao Hāli‘i (KAH-Save Hana Coast)	Hāna, Maui	Fee + Easement (Hawaiian Islands Land Trust)	<p>The 4 parcels in this application are part of a larger 18 parcel area KAH is working to protect &amp; place into conservation. The total area stretches from Mokaie, adjacent to Hamoa Beach, to Waioka Pond (Venus Pool) &amp; is bound by the ocean, &amp; the Hana Highway. KAH has a Purchase Contracts on both ends of this 150 acre area (Mokaie 004 and Waioka Pond 002) with plans to take ownership by Dec. 2019 while continuing to work towards control of the parcels in between. Ignoring KAH’s efforts, the owners continue to market these same properties for sale.</p> <p>The 4 parcels are a combination of ocean front pastureland, intermittently used for grazing cattle &amp; include the ruins of the Reciprocity Sugar Mill (closed 1902), old stable and other settlements. The other areas, adjacent to Waiokapia Stream are rocky, more heavily treed, subject to flooding and have been identified as archaeological significant (Cleghorn and Rogers).</p> <p>The coastal area consists of tide pools and rocky outcroppings with easy access to the sea. These are prime fishing &amp; gathering spots for Hana residents. A line of Cook Pines just inshore from the beach provides excellent shade &amp; is a popular camping spot for local families.</p> <p><b>TMKs: (2) 1-4-012:002 (<i>replaced parcel (2) 1-4-010:014</i>); (2) 1-4-010:030, :032, :034</b></p>	30.34	Agricultural + Conservation (Limited Subzone)	AG + SMA	\$1,571,000 <b>50%</b>	<b>\$1,581,700</b>	\$3,152,700
4C	2	Kiolaka‘a	Ala Kahakai Trail Association	Ka‘ū, Hawai‘i	Fee + Easement (County of Hawai‘i)	<p>Kiolaka‘a is an undeveloped property south of Wai‘ōhinu Town [three parcels] which includes makai portions of Kioloka‘a and Wai‘ōma‘o ahupua‘a. Beginnnng at Ka‘alu‘alu Bay, it stretches over 4.5 miles to the 700 foot elevation. In ancient times, the bay was an important landing for canoes. Its surrounding waters and fishpond provided an abundance of marine resources. During the plantation era, the lands were used to pasture cattle and goats starting with Ka‘alu‘alu Ranch. Ka‘alu‘alu became the main port in Ka‘ū for the import of goods and export of cattle.</p> <p>The landscape is partially covered by a pahoehoe lava flow, two a‘a lava flows, and wind deposited Pahala ash and sand from Waikapuna. The mauka portion supports an intact native dryland forest with many rare species while the makai portion includes native coastal plants which flourish among the cultural sites and extensive ancient trail network. Kapenako waterhole provides potable water and its anchialine pools are home to ‘ōpae ‘ula. Mauka portions of the property are licensed for cattle grazing. Ka‘alu‘alu is a popular camping spot for the community. The makai areas are used for beach access, hiking, fishing and gathering. <b>TMKs: (3) 9-4-001:008, :009, :016 (<i>newly subdivided from :009</i>), :017 (<i>and :023, pending subdivision of :017</i>)</b></p>	1,841.28	Agricultural + Conservation (Resource Subzone)	A-20a + SMA	\$1,551,000 <b>51%</b>	<b>\$1,475,000</b>	\$3,026,000

Legacy Land Conservation Commission Ranking and Recommendation Summary, Fiscal Year 2021

Meeting 69, Agenda Items 7-8

Item	Rank	Application	Applicant	District, Island	Type	Description	Acres <i>approx</i>	State Land Use District	County Zoning	Matching \$ <b>Match %</b> <i>(rounded)</i>	LLCP \$	TOTAL \$
4A	3	Manāka‘a Fishing Village	Ala Kahakai Trail Association	Ka‘ū, Hawai‘i	Fee + Easement (County of Hawai‘i)	<p>The 348-acre property is an undeveloped coastal parcel 1.5 miles south of Nā‘ālehu Town, in Ka‘ū, Hawai‘i Island, in the ahupua‘a of Kāwala. Manāka‘a Fishing Village sits on the cliffs overlooking Waikapuna. In ancient times, the property was home to Native Hawaiians who fished and gathered shellfish and limu at the shoreline below the pali. During the Plantation era, the property was used to pasture cattle and goats. Later, it was used to grow sugar and experimental crops by C. Brewer and its successor, Ka‘ū Agribusiness.</p> <p>Today, the western portion is a mix of pasture grass, haole koa, and christmas berry. The eastern portion is primarily pasture grass with some haole koa. While the native dryland forest was lost during the plantation era, Māniana Pali’s bluffs are strongholds for native coastal vegetation.</p> <p>Since 2012, Kuahiwi Ranch has leased the property for cattle grazing. Kuahiwi Ranch also leases pasture lands to the east at Kaunāmano and west at Waikapuna. Last year, the ranch purchased 800 acres of land in Kāwala, mauka of the subject parcel. The makai areas are currently used for cultural access, hiking along the Ala Kahakai Trail, subsistence fishing and gathering.</p> <p><b>TMK: (3) 9-5-010:026</b></p>	348.03 <i>(based on new survey-docs of record indicate 281+)</i>	Agricultural (including IAL) + Conservation (Resource Subzone)	A-20a	\$938,000 <b>52%</b>	<b>\$875,000</b>	\$1,813,000
4F	4	Mokae Lands	Ke Ao Hāli‘i (KAH-Save Hana Coast)	Hāna, Maui	Fee + Easement (Hawaiian Islands Land Trust)	<p>The 4 parcels in this application are part of a larger 18 parcel area KAH is working to protect &amp; place into conservation. The total area stretches from Mokae, adjacent to Hamoa Beach, to Waioka Pond (Venus Pool) &amp; is bound by the ocean, &amp; the Hana Highway. KAH has a Purchase Contracts on both ends of this 150 acre area (Mokae 004 and Waioka Pond 002) with plans to take ownership by Nov,. 2019 while continuing to work towards control of the parcels in between. Ignoring KAH’s efforts, the owners continue to market these same properties for sale.</p> <p>Three of the four parcels are a combination of ocean front pastureland, intermittently used for grazing cattle &amp; include a number of historic settlement sites (Cleghorn &amp; Rogers) and a managers building (ruins). The southern property line of parcel (2)1-4-010:012 abuts the intermittent Waiokapia Stream, but the banks are high and less inclined to flooding. The coast includes the pool from the stream, but otherwise is a rough pebble beach with easy access to the sea and is frequented by surfers. These are prime fishing spots for Hana residents &amp; a popular camping spot for local families.</p> <p><b>TMKs: (2) 1-4-010:008, :009, :010, :012</b></p>	32.71	Agricultural + Conservation (Limited Subzone)	AG + SMA	\$1,971,000 <b>51.4%</b>	<b>\$1,863,300</b>	\$3,834,300

Legacy Land Conservation Commission Ranking and Recommendation Summary, Fiscal Year 2021

Meeting 69, Agenda Items 7-8

Item	Rank	Application	Applicant	District, Island	Type	Description	Acres <i>approx</i>	State Land Use District	County Zoning	Matching \$ <b>Match %</b> <i>(rounded)</i>	LLCP \$	TOTAL \$
4J	5	Mapulehu	Moloka'i Land Trust	Kona, Moloka'i	Fee + Easement (Hawaiian Islands Land Trust)	<p>East Moloka'i, east of Kalua'aha and west of 'Ohi'a branch of the Moloka'i Forest Reserve [two parcels]. The makai border of the property begins at East Kamehameha V Highway, a few hundred yards from the ocean, and extends to the summit of East Moloka'i. The lower property contains the platform of 'Ili'iliopae Heiau, which was a training area for Kahuna and a sacrificial heiau. The lower property was also used for kalo cultivation and was likely to some extent in lo'i along Mapulehu Stream and its tributaries.</p> <p>The upper property is largely watershed, which was likely more robust before western contact, the introduction of cattle and other invasive species, and climate changes that reduced precipitation on East Moloka'i. Historical human activity on the upper property likely included agricultural use at lower elevations, and hunting, and gathering of materials for daily use and cultural use.</p> <p>After western contact, the population of Moloka'i decreased considerably, and with the spread of Christianity, 'Ili'ili'opae fell into disuse. The property was thereafter used for ranching, a dairy, and orchard land, as well as for dwellings located on the property and in surrounding and inholding</p> <p><b>TMKs: (2) 5-7-005:002, :027</b></p>	1,816	Agricultural + Conservation (Resource Subzone)	AG + C (Open Space)	\$2,600,000 <b>70.3%</b>	<b>\$1,100,000</b>	\$3,700,000
4I	6	Na Wai 'Ehā	State DLNR, Division of Forestry and Wildlife	Wailuku, Maui	Fee	<p>The three parcels span over eleven thousand acres from across the West Maui Mountains north of Waihee all the way to Wailuku, on the island of Maui. It is strategically adjacent to a Natural Area Partnership Preserve, a Natural Area Reserve and a Forest Reserve. These parcels are in the Conservation District, Resource subzone. They lands are actively managed by the West Maui Mountains Watershed Partnership but they are closed to the public. The West Maui Watershed is home to thousands of species of native plants, birds, snails, insects and other invertebrates. All native Hawaiian species are relatively rare in the world, and there are at least 18 plant species that are endemic to West Maui in particular, making them especially extraordinary. The watershed encompasses an array of vegetation communities that are arranged across climatic and elevation zones. Studies in the West Maui Watershed have already contributed to an improved understanding of evolution, unique genetic information transfer and other central biological concepts.</p> <p><b>TMKs: (2) 3-2-014:001; (2) 3-3-003:003; (2) 3-5-003:001, --003</b></p>	11,020	Conservation (Protective and Resource Subzones)	Interim + SMA	\$8,000,000 <b>80%</b>	<b>\$2,000,000</b>	\$10,000,000
4B	8 (tie)	Kaunāmano	Ala Kahakai Trail Association	Ka'ū, Hawai'i	Fee + Easement (County of Hawai'i)	<p>Kaunāmano is an undeveloped coastal property [five parcels] east of Nā'ālehu and south of Honu'apo. From the shore, it stretches almost 2 miles to the 600 foot elevation. In ancient times, the land supported a thriving community with vast resources including fertile soil, prime fishing grounds and underground freshwater springs. The land contains a high concentration of cultural sites including two large settlement areas at Pā'ula and Pauku, numerous heiau, habitation caves, a rock paved anchialine pool, a lua training area associated with the nearby makahiki grounds, and almost three miles of the ala kahakai trail. Since the plantation era, the land has been used for cattle grazing.</p> <p>The four miles of coastline provides excellent habitat for native coastal plants and nesting seabirds. The anchialine pond within Puhī'ula teems with 'ōpae'ula. Kaunāmano's marine ecosystem is home to humpback whales, dolphins, endangered monk seals and Hawksbill turtles, threatened green sea turtles, an abundance of native fish, limu and shellfish. Makai areas are used for cultural access, hiking, and subsistence fishing and gathering. The entire property is leased to Kuahiwi Ranch for cattle grazing.</p> <p><b>TMKs: (3) 9-5-011:001, :004, :005, :006; (3) 9-5-012:001</b></p>	1,363	Agricultural (including IAL) + Conservation (Resource Subzone)	A-20a	\$3,701,000 <b>61%</b>	<b>\$2,400,000</b>	\$6,101,000

Legacy Land Conservation Commission Ranking and Recommendation Summary, Fiscal Year 2021

Meeting 69, Agenda Items 7-8

Item	Rank	Application FYs	Applicant	District, Island	Type	Description	Acres <i>approx</i>	State Land Use District	County Zoning	Matching \$ Match % <i>(rounded)</i>	LLCP \$	TOTAL \$
4D	8 (tie)	Hāloa 'Āina – Royal Hawaiian Sandalwood	State DLNR, Division of Forestry and Wildlife	Kona, Hawai'i	Easement	<p>The property consists of dry montane forest (4,500 – 5,500 ft elevation) and is located at on Hawaii Island in the South Kona District at the top of the Hokukano watershed. The property is bordered on the west by private conservation lands, Kamehameha Schools (KS) lands on the North and East, and the Kealahou Mountain Reserve, protected through a Forest Legacy Program conservation easement to the South. The property's dry forests consist of 'ōhi'a (Metrosideros polymorpha) and koa (Acacia koa), sandalwood or 'iliahi (Santalum paniculatum), māmane (Sophora chrysophylla), Naio (Myoporum sandwichensis) and understory shrubs such as a'ali'i (Dodonea viscosa).</p> <p>The forest condition was severely degraded due to 150 years of forest clearing and uncontrolled grazing by domestic cattle, and the more recent impact of feral sheep grazing. Since 2010, management by the current owners has significantly rejuvenated the forest by fencing and removal of domestic and feral ungulates, resulting in the regeneration of native trees, particularly māmane. Additionally, harvest of dead and dying sandalwood or 'iliahi results in regeneration of trees through root sprouting.</p> <p><b>TMKs: (3) 7-9-001:013, :014, :015</b></p>	2,780	Agricultural	Ag20 ----- Extensive agriculture	\$3,910,250 <b>89%</b>	<b>\$500,000</b>	\$4,410,250
4L	9	Halulu Fishpond Access	Waipā Foundation	Halele'a, Kaua'i	Fee + Easement (County of Kaua'i)	<p>Halulu Fishpond Access sits within the coastal plain of Waipā ahupua'a. It includes a portion of Halulu Fishpond, fed by Wai'oli Stream, and emptying into Hanalei Bay. The land is vacant and overgrown with tall non-native trees that block Halulu Fishpond from the adjacent highway. A portion of the land is used by Waipā Foundation to access Halulu Fishpond and Hanalei Bay, and another portion is part of Halulu Fishpond which Waipā Foundation manages. Human activity on the property itself is restricted to the above current uses, but the lands around Halulu Fishpond are used by hundreds during Waipā Foundation's community festivals and gatherings, and in their educational programs.</p> <p><b>TMK: (4) 5-6-004:017</b></p>	0.25	Agricultural	Agricultural + SMA	\$561,500 <b>45%</b>	<b>\$600,000</b> (+50,000 from FY19)	\$1,211,500
4K	10	Waikalua Loko I'a	Hawaiian Islands Land Trust	Ko'olaupoko, O'ahu	Easement	<p>The Waikalua Loko I'a is one of the few remaining traditional Hawaiian fishponds on the island of Oahu. The property is an important access point to the shoreline along Kaneohe Bay for traditional and customary purposes, as well as current recreational users and fishermen. Currently used as an educational and cultural learning center, the fishpond also serves as a critical sediment basin to slow down and reduce pollutants from entering Kaneohe Bay.</p> <p><b>TMK: (1) 4-5-030:052 (por) (newly subdivided from :001)</b></p>	17	Conservation (Resource)	Preservation	\$840,000 <b>54.6%</b>	<b>\$700,000</b>	\$1,540,000
4H	11	Keone'ō'io Bay Coastal Protection	State DLNR, Division of Forestry and Wildlife	Honua'ula, Maui	Fee	<p>The coastal parcel at Keoneoio Bay, south of the town of Wailea at the end of Mākena Alanui Road at 20°35'54"N 156°25'12"W on the island of Maui. It is strategically adjacent to the highly used Keoneoio Bay and Hoapili Trail access points. This undeveloped lot is in the Conservation District, Resource subzone. The southwest corner of the parcel provides ocean access and the property also comes with an easement access to the fishponds located at the western end of the bay and also provides access to the eastern edge of Ahihi-Kinau Natural Area Reserve. To the north west of the property are several privately held developed parcels. The north east and south sides of the parcel are highly used unencumbered state land. This private property is surrounded by a rock wall and public access is discouraged.</p> <p><b>TMK: (2) 2-1-004:068</b></p>	0.46	Conservation (Resource Subzone)	PK (Park) + SMA	\$378,000 <b>24%</b>	<b>\$1,191,500</b>	\$1,569,500

Legacy Land Conservation Commission Ranking and Recommendation Summary, Fiscal Year 2021

Meeting 69, Agenda Items 7-8

Item	Rank	Application FYs	Applicant	District, Island	Type	Description	Acres <i>approx</i>	State Land Use District	County Zoning	Matching \$ Match % <i>(rounded)</i>	LLCP \$	TOTAL \$
4G	12	Nānu'ālele Anchialine Pool Reserve	State DLNR, Division of Forestry and Wildlife	Hāna, Maui	Fee	Coastal parcel on Nanualele Point, the northern point of Hana bay, Hana on the island of Maui, contains unique windward anchialine pools, land-locked small bodies of water that connect to the ocean subterraneously and provide habitat for extremely rare plants and animals. This undeveloped area is in the Conservation District, Resource subzone. Nanualele represents a pocket of rare coastal hala forest ecosystem surrounded by developed parcels on the mauka side and unencumbered state land on the Makai side. This private property is currently unused and public access is discouraged.  TMK: (2) 1-3-007:024	9.78	Conservation (Resource Subzone)	Interim + SMA	\$1,700,002  2556% land donation	\$66,500	\$66,500



**Attachment 1(A)**  
**Maka'ala'e Lands**  
**Hana, Maui**  
**Maps & Photos**

# LLCP FY21 - Maka'alae Lands - Hana, Maui

## Ke Ao Hali'i (KAH- Save Hana Coast)

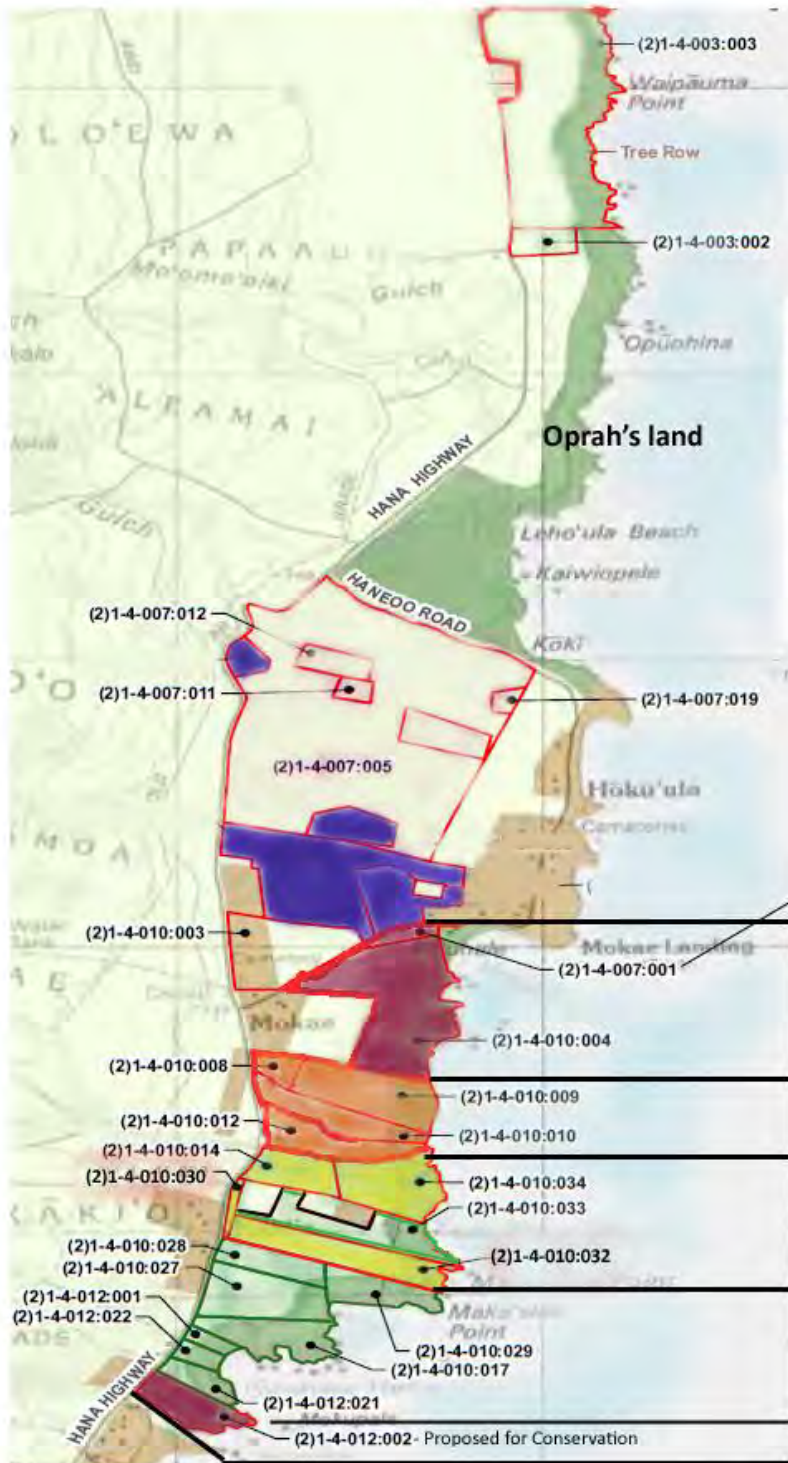
### Hāna Maui

## 400 acres Coastal Pasture Lands Under Threat of Development

July 2019



## Ke Ao Hali'i Save Hana Coast



#### LEGEND

- Parcels for sale
- Parcels with Conservation Easement
- Parcels sold to private party
- Parcels under KAH purchase agreement
- Agricultural
- Rural
- Conservation

lands donated by sell

**Grant awarded FY2019**  
Legacy Land Conservation Program  
Secured Maui OSF for  
matching funds-FY20

Legacy Land Conservation Program  
FY21 Grant Application  
Proposed Maui OSF FY21-  
matching funds

Legacy Land Conservation Program-  
FY20 & FY21 Grant Application  
Secured Maui Open Space Fund-  
Matching Funds- FY20

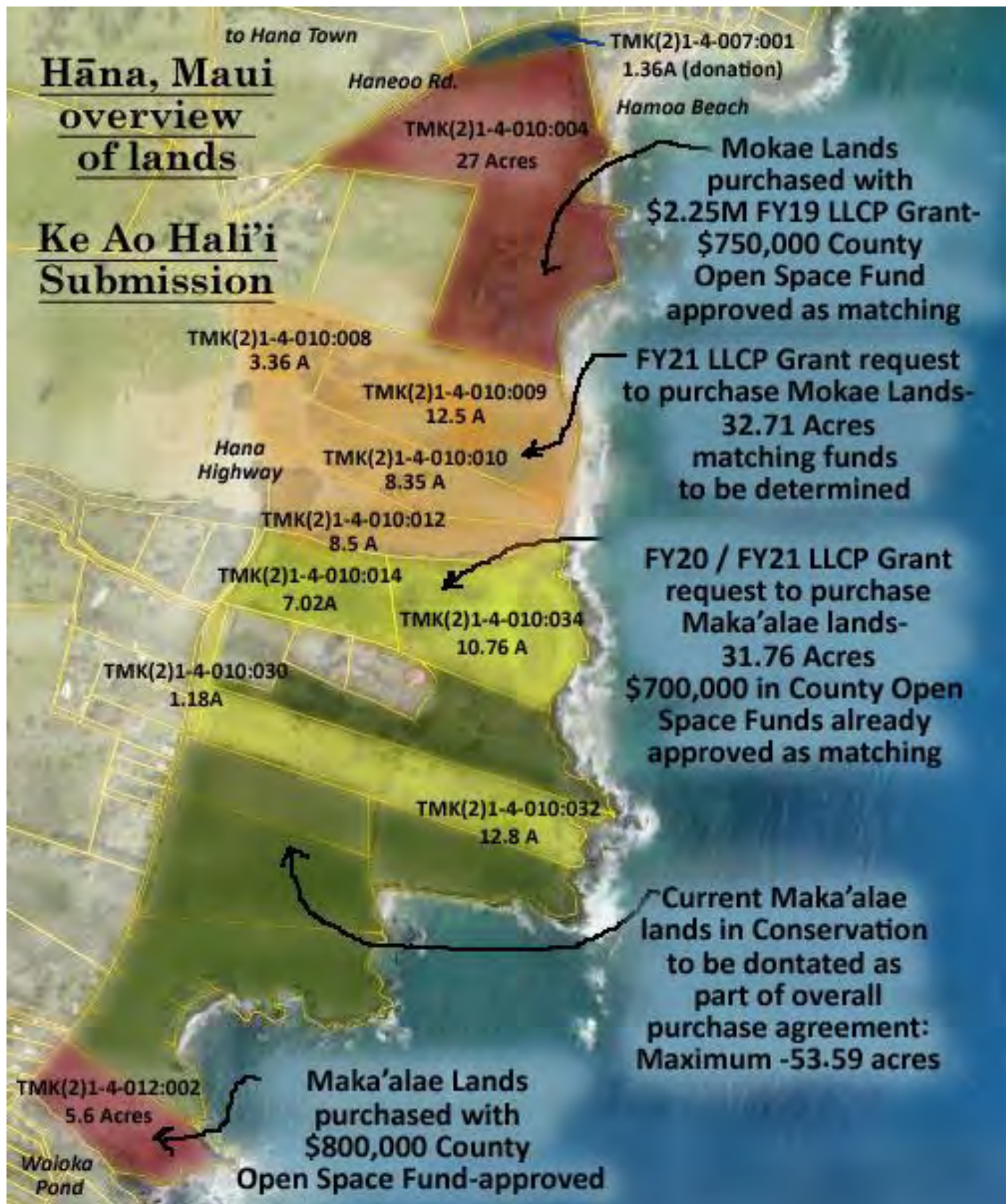
Conservation lands-  
Seller agrees to donated

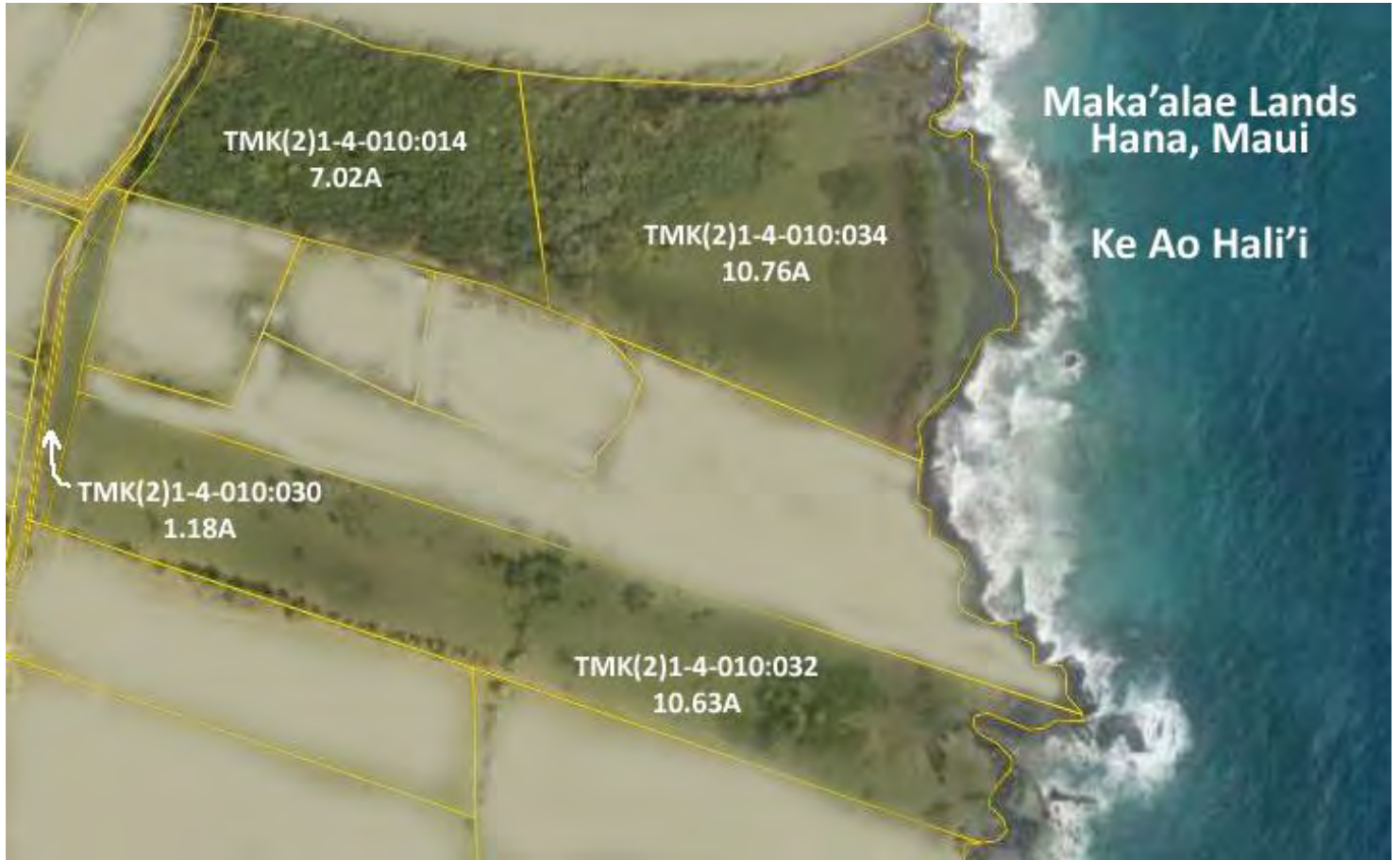
Secured Maui Open Space Fund- FY20



# Hāna, Maui overview of lands

## Ke Ao Hali'i Submission







**Maka'alae Lands**

**Hana, Maui**

**Ke Ao Hali'i**



**Portuguese Oven**









**Carin anchor for sugar mill chimney**

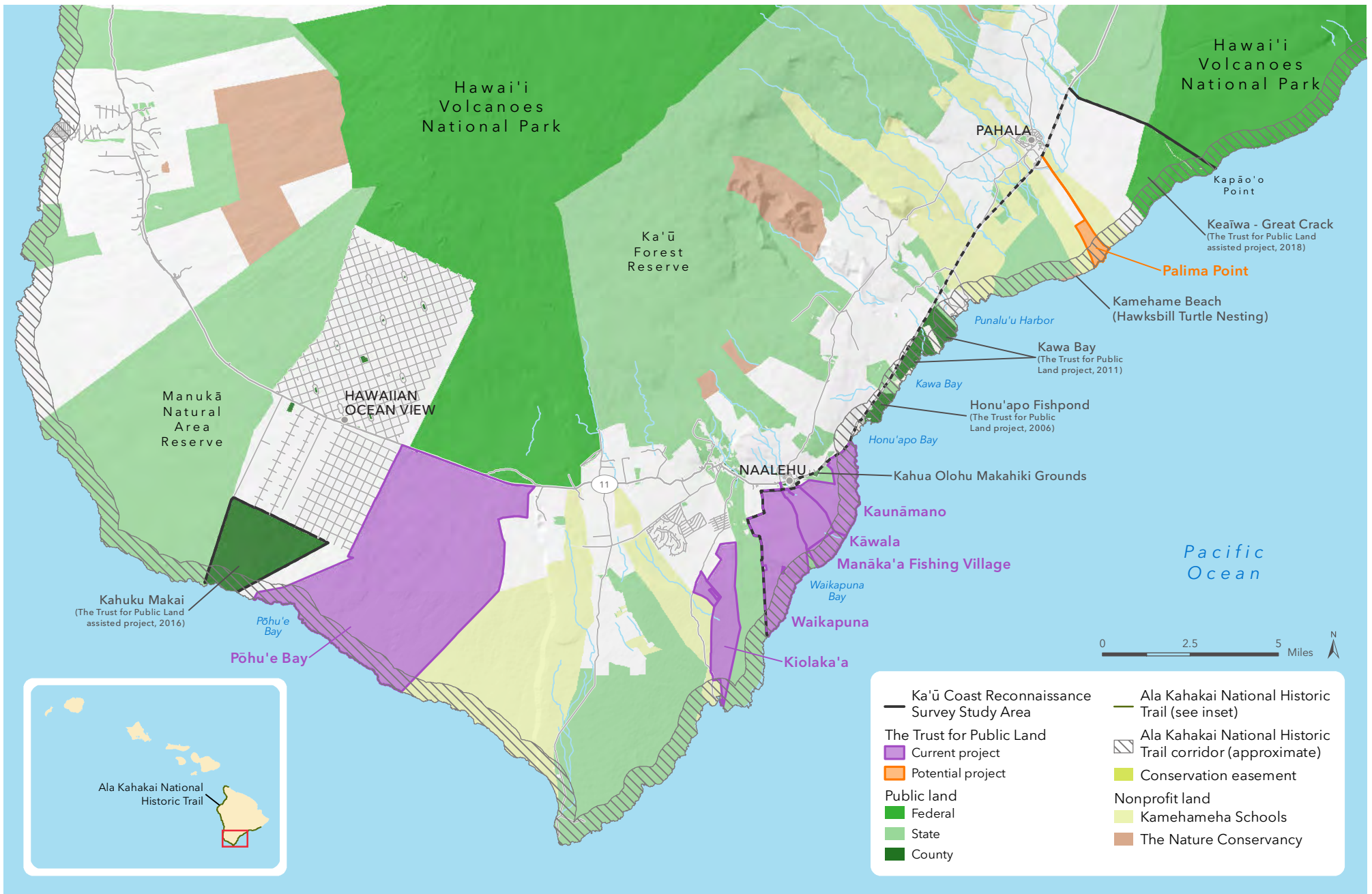


**Sugar Mill Ruin - Chimney base**



**Attachment 1(B)**  
**Kiolaka'a**  
**Ka'u, Hawai'i**  
**Maps & Photos**





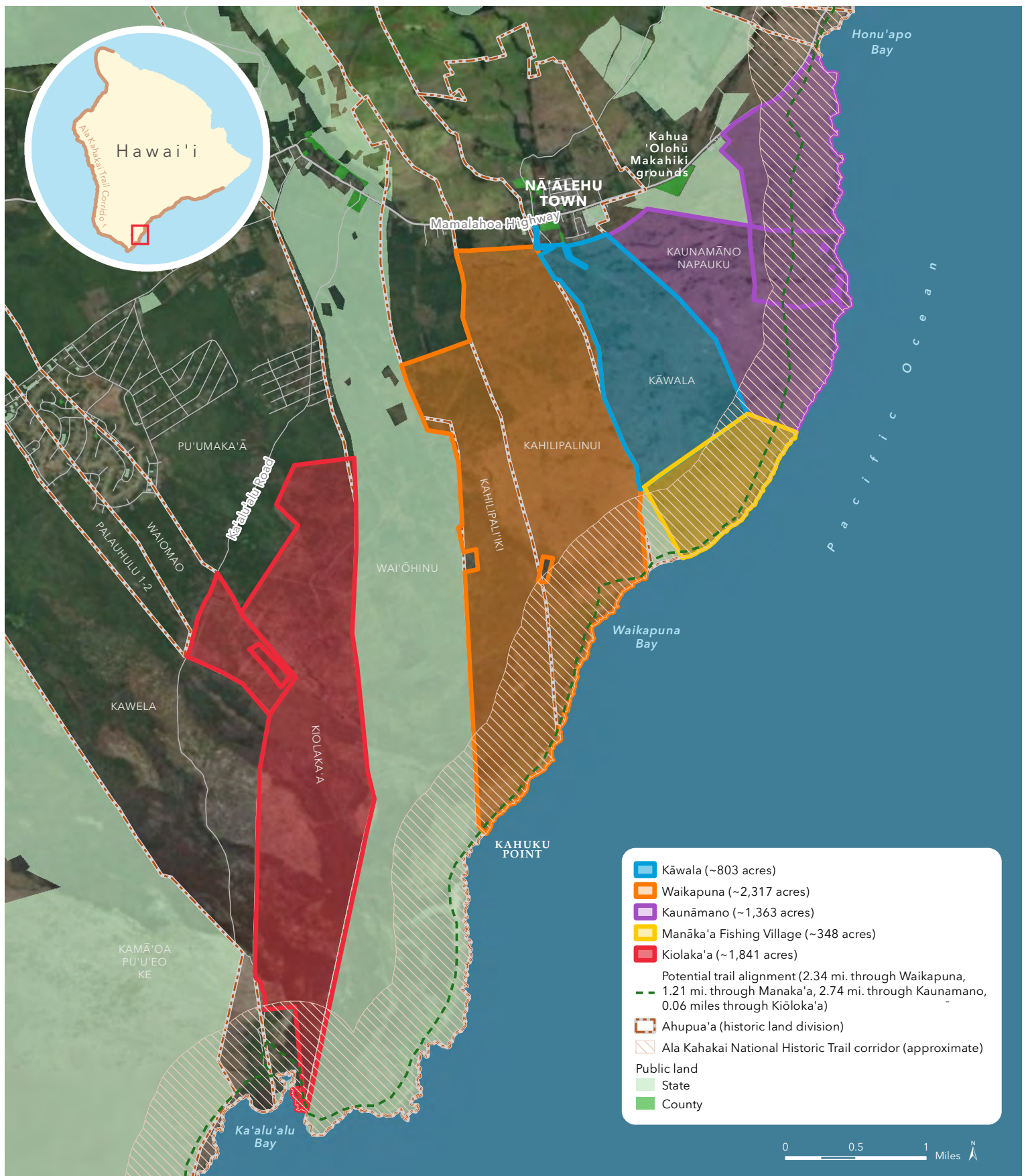
# Ka'ū Coastline

KA'Ū COSTLINE, ISLAND OF HAWAI'I

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LAND



# Protecting Ka'ū's Coast

WAIKAPUNA, KĀWALA, KAUNĀMANO, MANĀKA'A FISHING VILLAGE, AND KIOLAKA'A, HAWAII ISLAND

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THE TRUST FOR PUBLIC LAND



Lua Nunu o Kamakalepo



Kapenako spring and anchialine pond complex





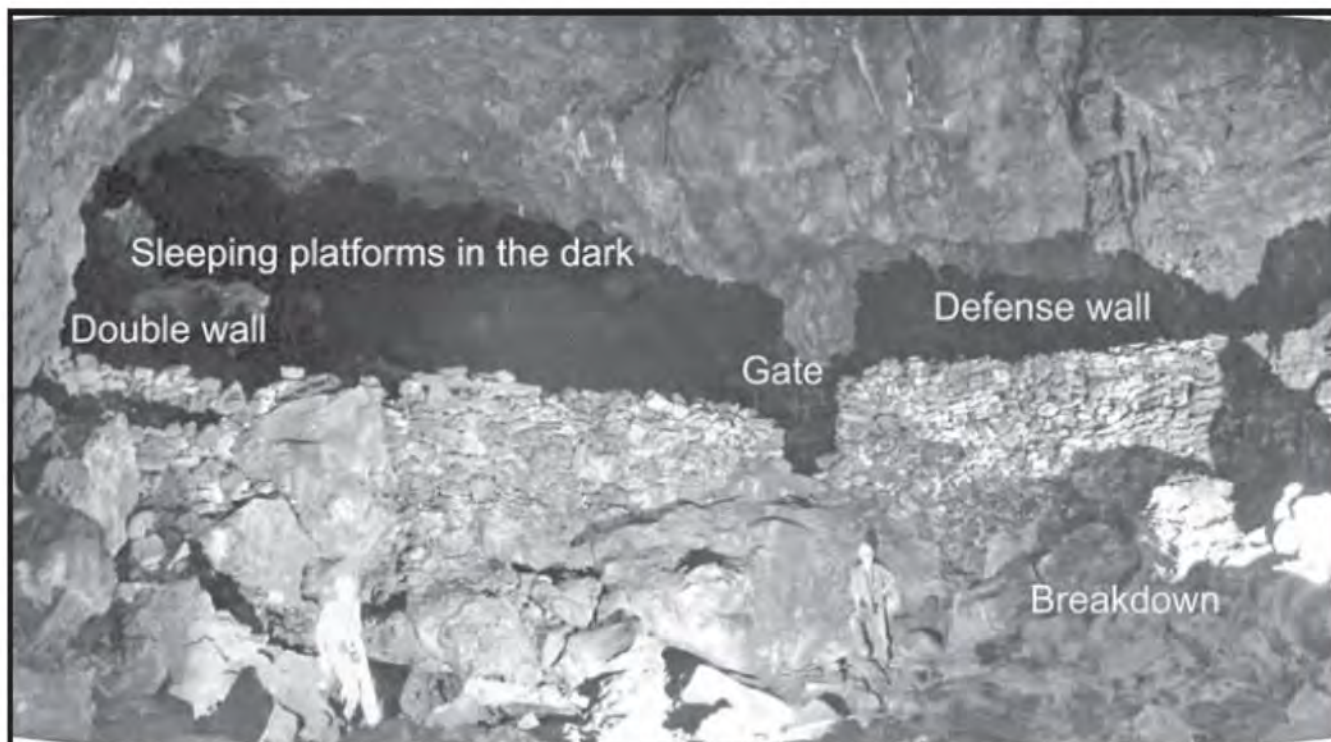


Figure 4: View mauka of the 25 m long defense wall in the Lua Nunu o Kamakalepo Mauka Cave. Note persons for scale and gate at the center of the wall.



Figure 10. View of the underground lake in Waipouli from the entrance (note small rubber dingy in about a distance of 30 m from the lake shore).



Lama



Wiliwili



Ohe

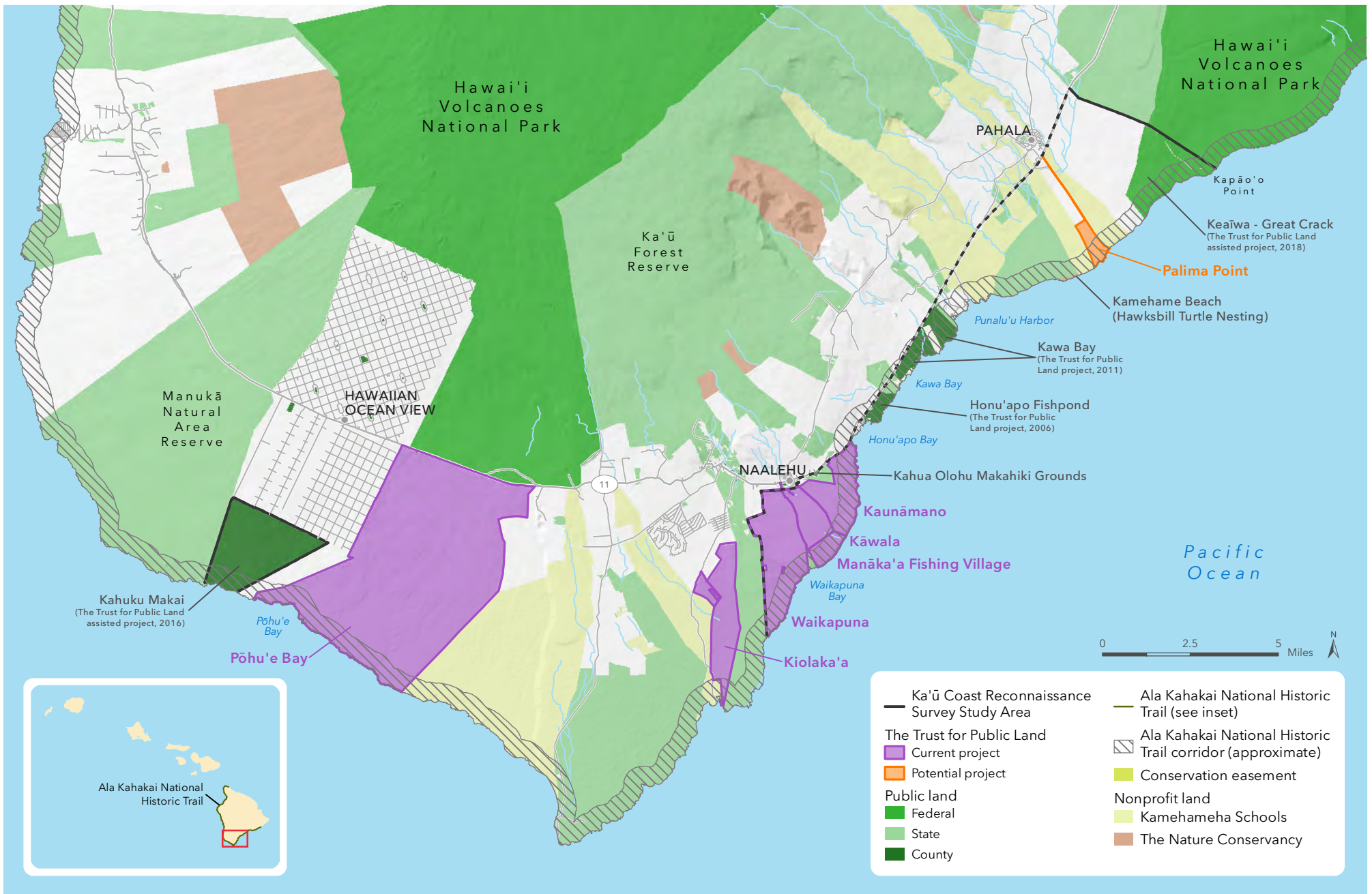


Alahe'e





**Attachment 1(C)**  
**Manaka'a**  
**Ka'u, Hawai'i**  
**Maps & Photos**



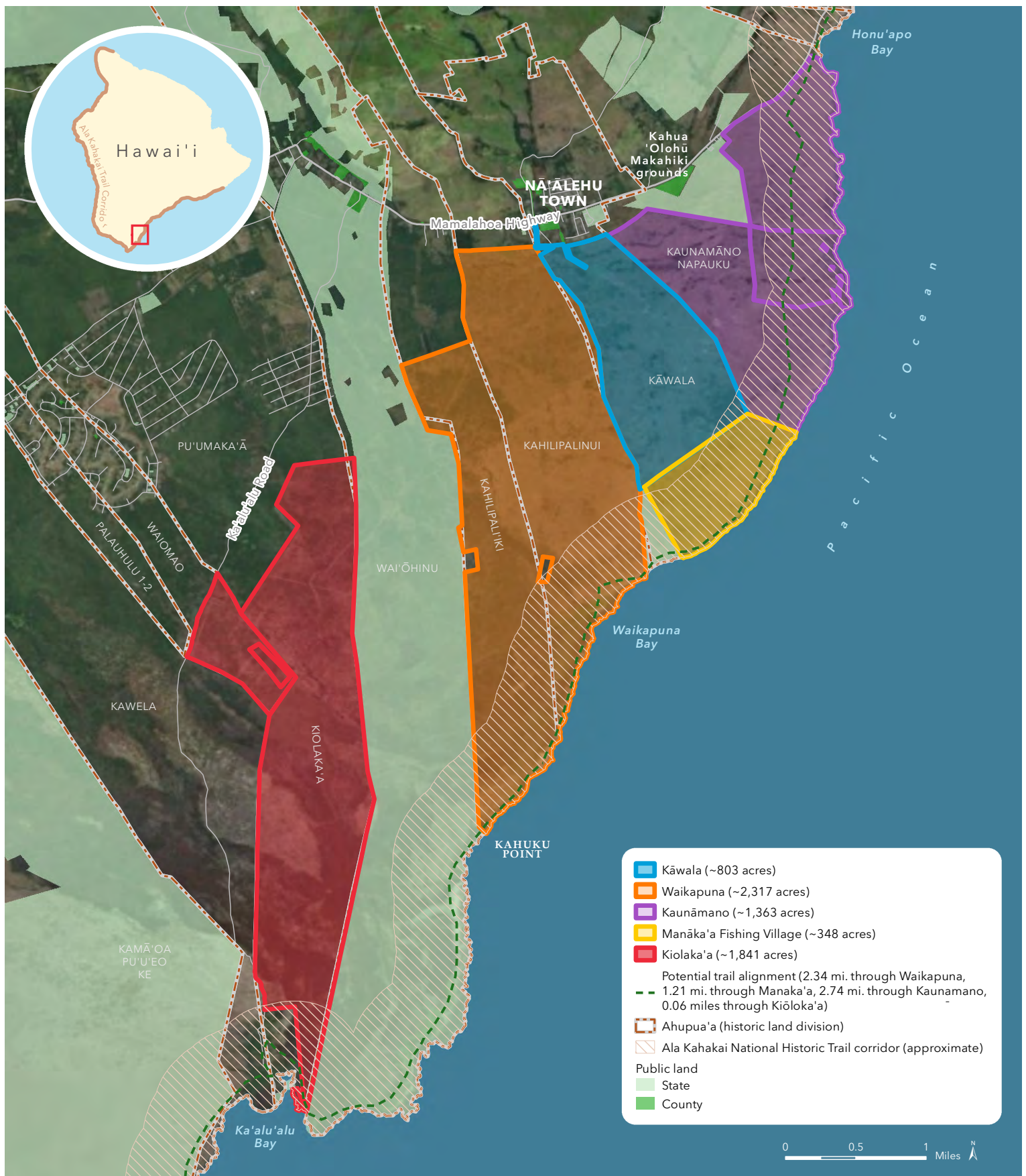
# Ka'ū Coastline

KA'Ū COSTLINE, ISLAND OF HAWAII

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LAND



# Protecting Ka'ū's Coast

WAIKAPUNA, KĀWALA, KAUNĀMANO, MANĀKA'A FISHING VILLAGE, AND KIOLAKA'A, HAWAII ISLAND

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THE TRUST FOR PUBLIC LAND



Maniania Pali

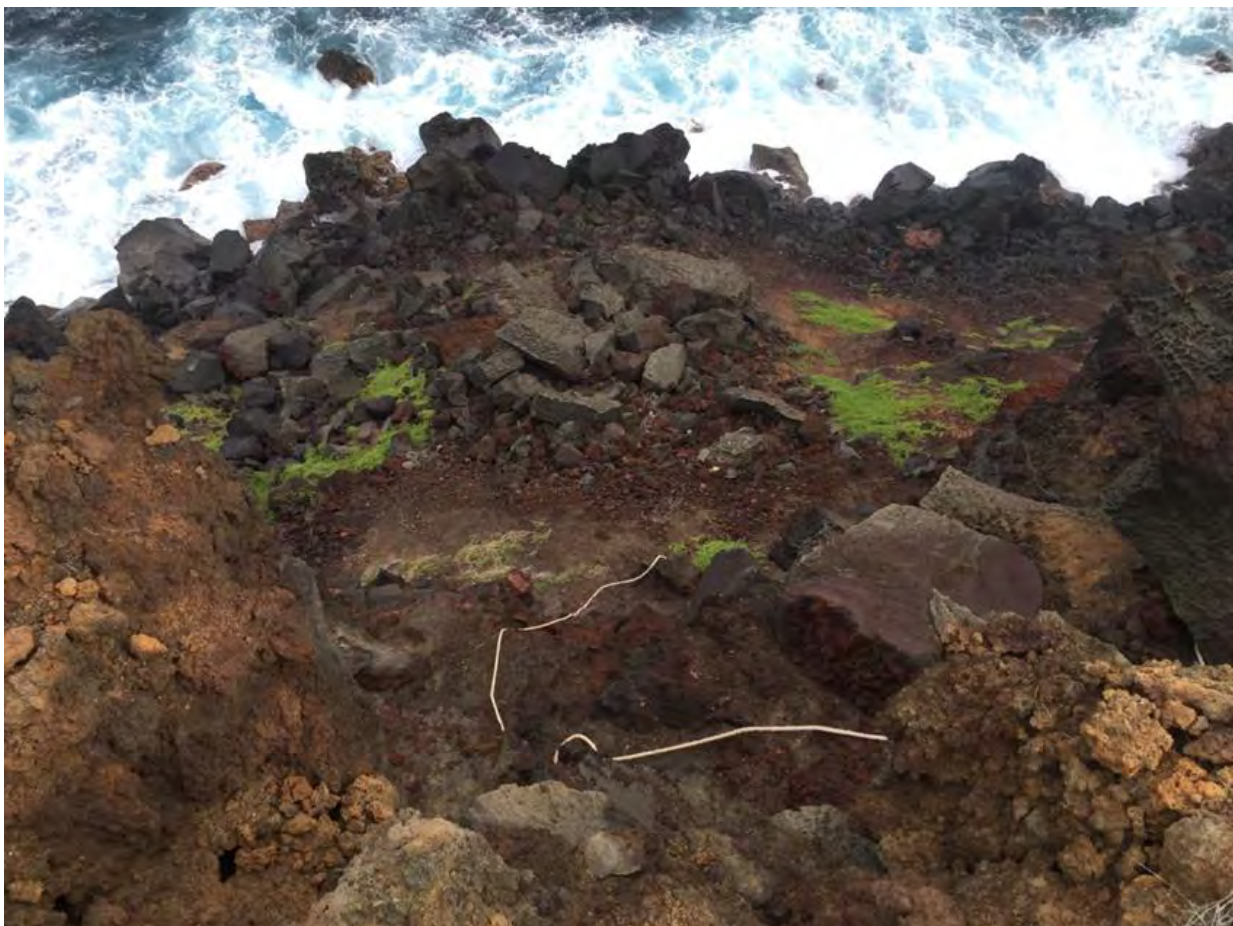




View northeast towards Kilauea



Ancient lawai'a trail to the shoreline





Historic house site



Fishing weight. Possible luhe'e for catching octopus.



**Attachment 1(D)**  
**Mokae Lands**  
**Hana, Maui**  
**Maps & Photos**



# LLCP FY21 Mokae Lands - Hana, Maui

## Ke Ao Hali'i (KAH - Save Hana Coast)

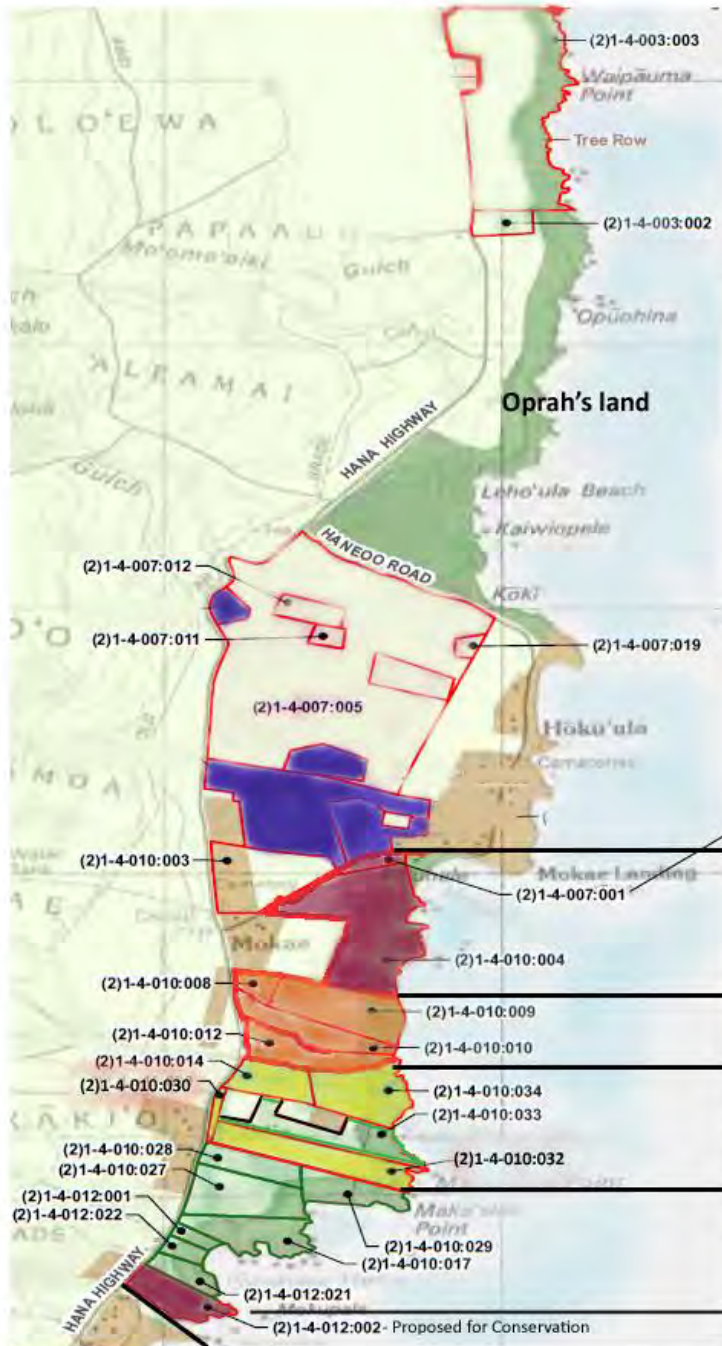
### Hāna Maui

400 acres Coastal Pasture Lands  
Under Threat of Development

July 2019



### Ke Ao Hali'i Save Hana Coast



#### LEGEND

- Parcels for sale
- Parcels with Conservation Easement
- Parcels sold to private party
- Parcels under KAH purchase agreement
- Agricultural
- Rural
- Conservation

lands donated by sell

**Grant awarded FY2019**  
Legacy Land Conservation Program  
Secured Maui OSF for  
matching funds-FY20

Legacy Land Conservation Program  
FY21 Grant Application  
Proposed Maui OSF FY21-  
matching funds

Legacy Land Conservation Program-  
FY20 & FY21 Grant Application  
Secured Maui Open Space Fund-  
Matching Funds- FY20

Conservation lands-  
Seller agrees to donated

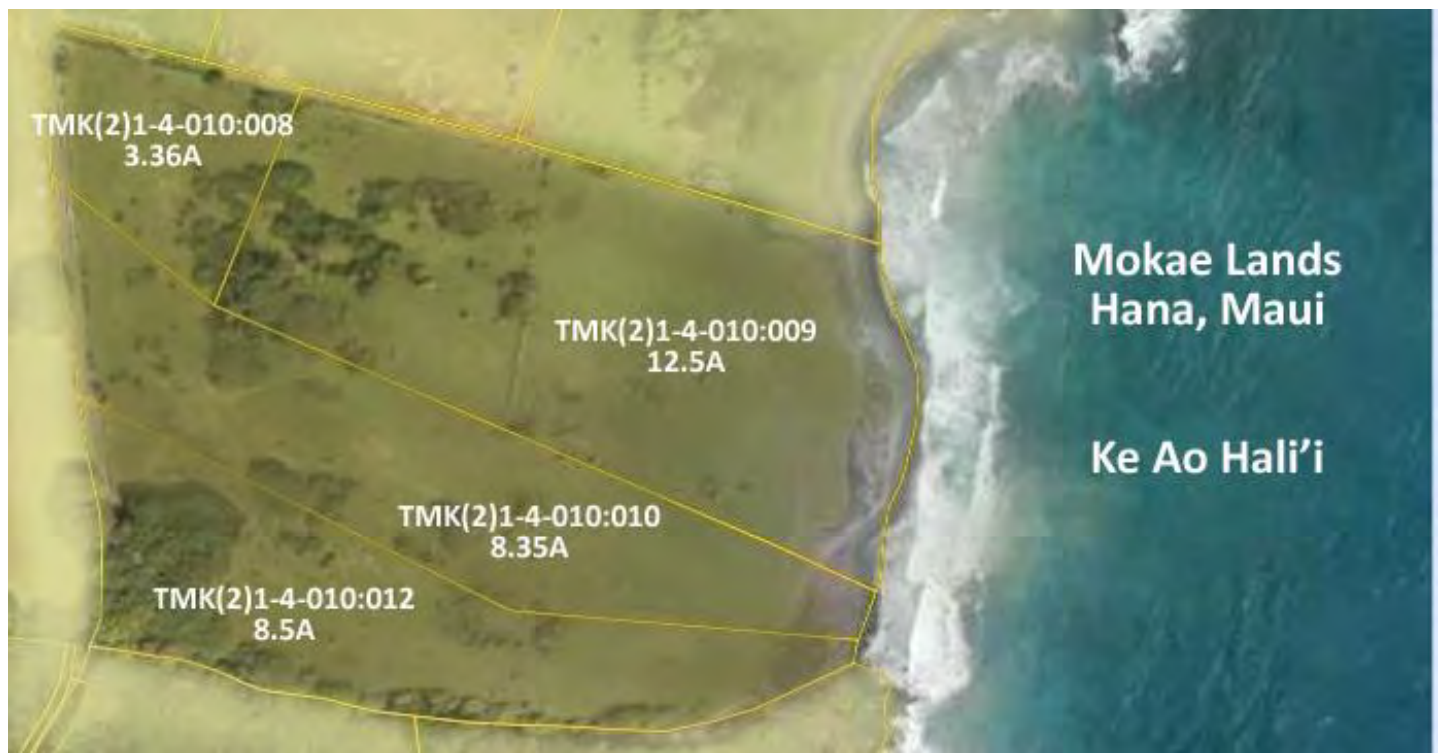
Secured Maui Open Space Fund- FY20

# Hāna, Maui overview of lands

## Ke Ao Hali'i Submission







**Mokae Lands**

**Hana, Maui**

**Ke Ao Hali'i**











**Attachment 1(E)**  
**Mapulehu: Valley to Summit**

**Kona, Molokai**  
**Maps & Photos**



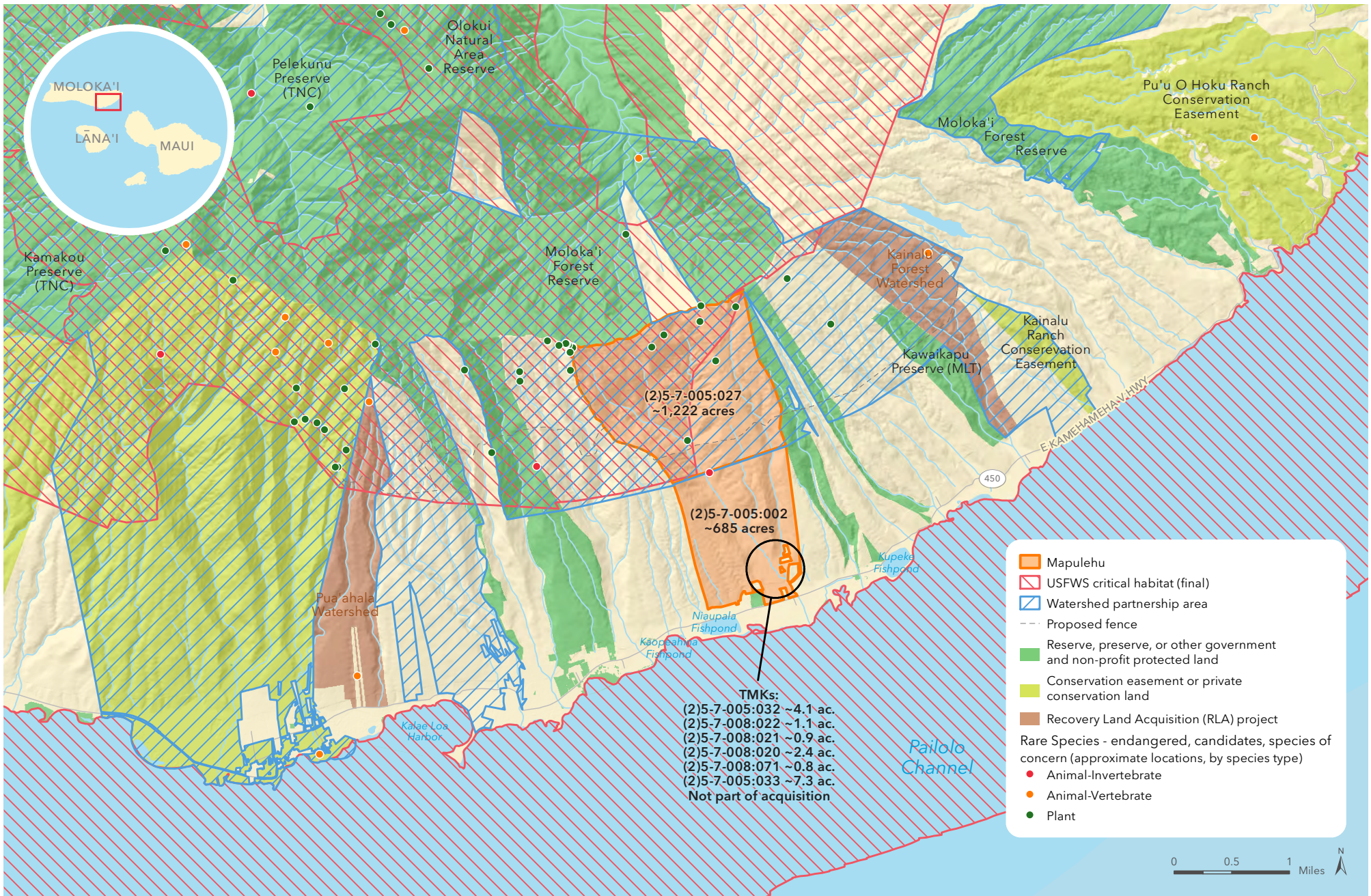


# Mapulehu: Valley to Summit

## ISLAND OF MOLOKA'I, HAWAI'I

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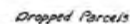
# Mapulehu: Valley to Summit

ISLAND OF MOLOKA'I, HAWAII

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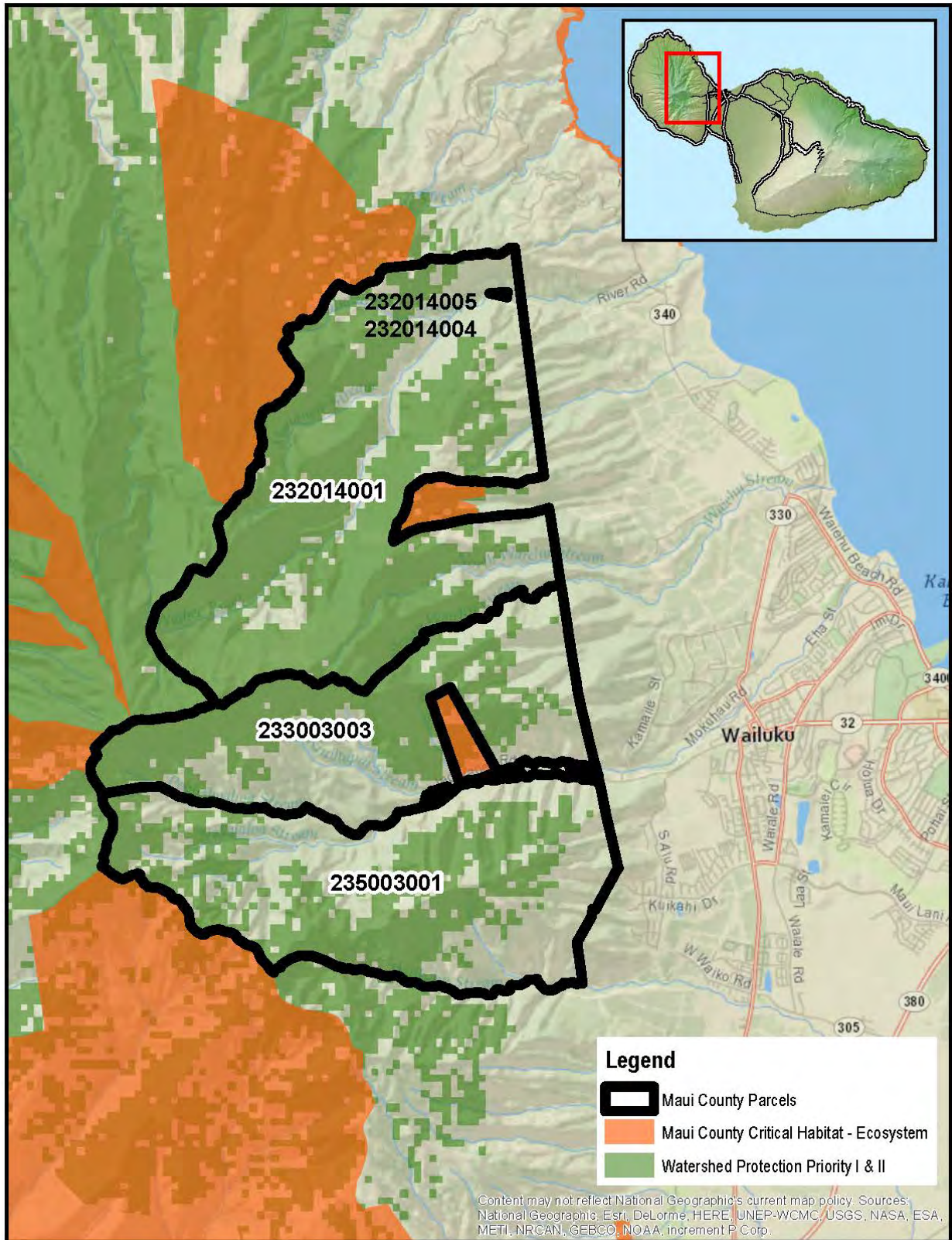








**Attachment 1(F)**  
**Na Wai 'Eha**  
**Wailuku, Maui**  
**Maps & Photos**





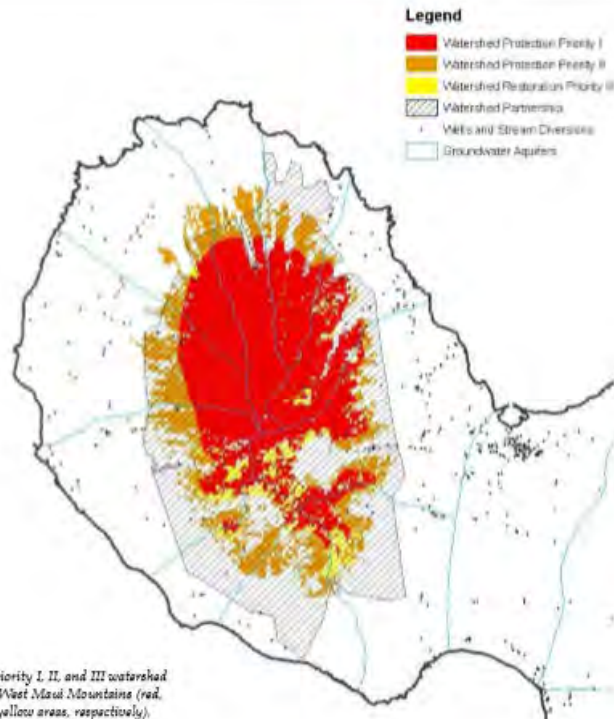


Figure 5. Priority I, II, and III watershed areas in the West Maui Mountains (red, orange and yellow areas, respectively), shown in relation to the WMMWP project area (crosshatched gray), as well as wells, stream diversions, and groundwater aquifers. The WMMWP lands almost fully encompass the Rain Follows the Forest priority watershed areas and provide fresh water for thousands of residents and businesses.

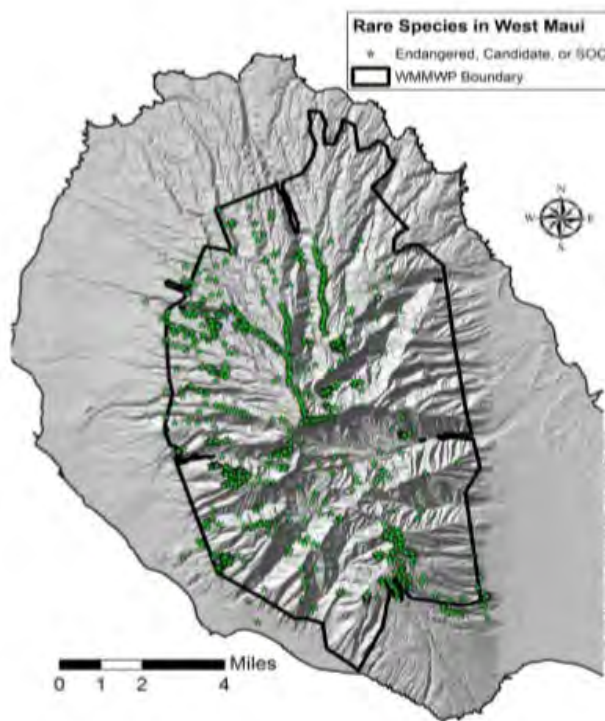


Figure 6. Map of endangered, candidate, and species of concern in the WMMWP project area. Although fences protect many species from feral ungulates, ongoing fencing projects and implementation of other invasive species controls are necessary to protect critical habitats.



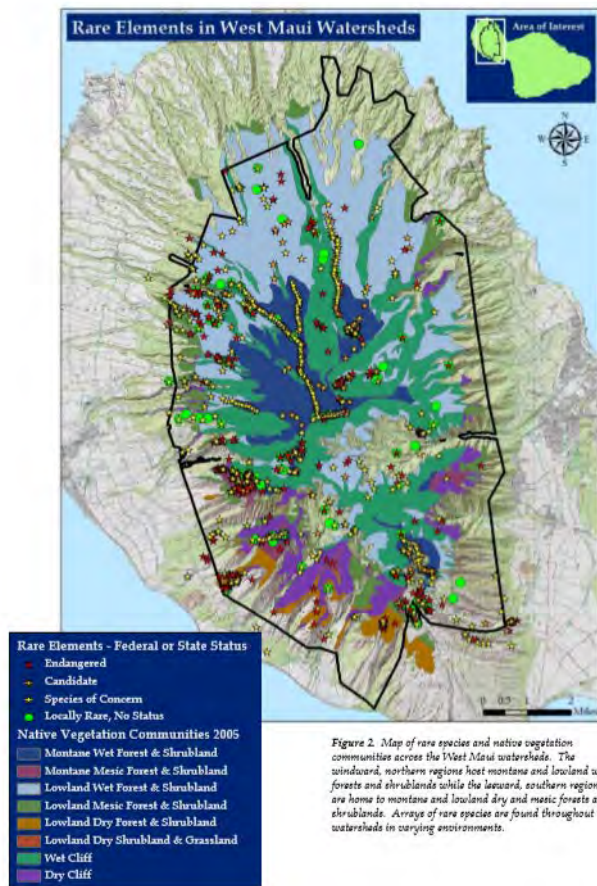


Figure 2. Map of rare species and native vegetation communities across the West Maui watersheds. The windward, northern regions host montane and lowland wet forests and shrublands while the leeward, southern regions are home to montane and lowland dry and mesic forests and shrublands. Arrays of rare species are found throughout the watersheds in varying environments.

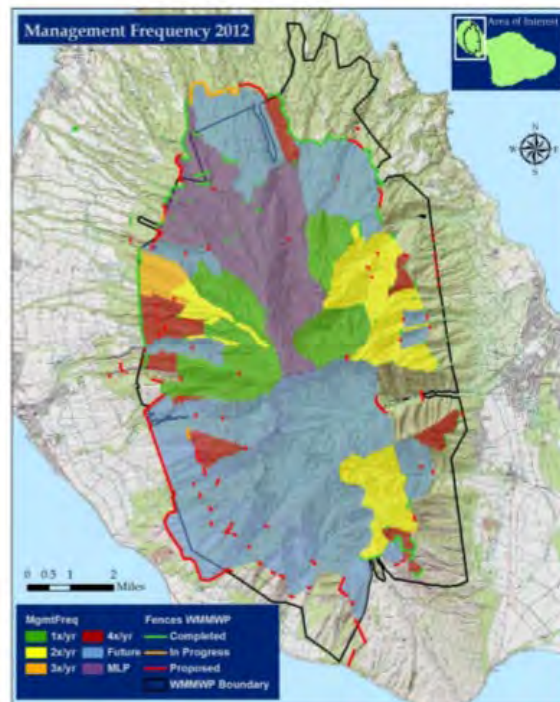


Figure 13. Map showing frequency of animal management and control activities across fenced regions of the WMMWP project area. Depending on the magnitude of ungulate infestations, managed areas are monitored and maintained between one time (green areas) and four times (red areas) per year. Areas in blue have yet to be protected behind strategic boundary fences that are either proposed (red lines) or in progress (orange lines). Active animal management in these areas will commence once the fences are completed. Animal control in the purple areas is managed separately by the Fu'u Kūhū Watershed Preserve team of MLOP.



Wall of Tears, Waihee Valley, Maui



Waihee River, Waihee valley, Maui

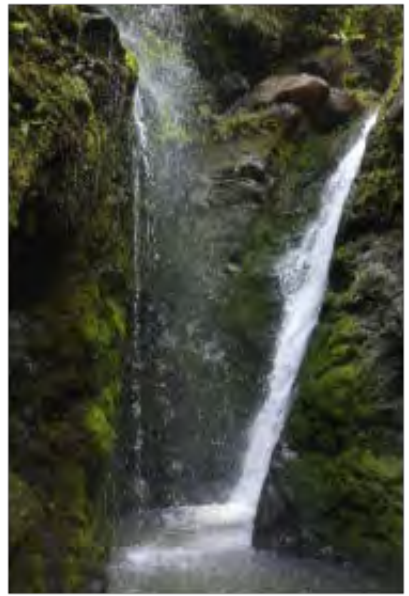




Iao Needle, Iao Valley, Maui




















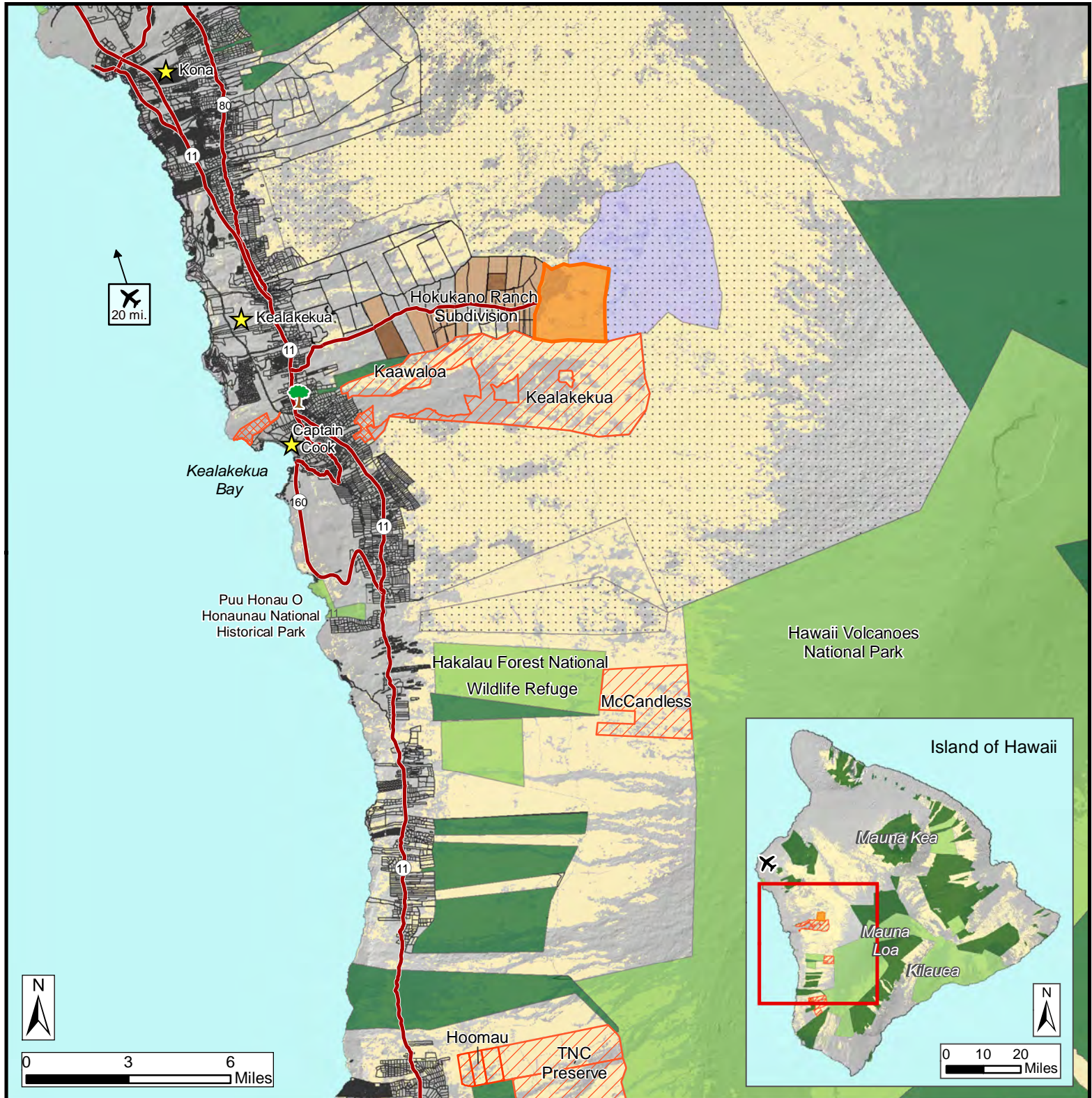
**Attachment 1(G)**  
**Haloa 'Aina**  
**Royal Hawaiian Sandalwood**  
**Conservation Easement**  
**Kona, Hawai'i**  
**Maps & Photos**



# Haloa Aina Forest Legacy Project

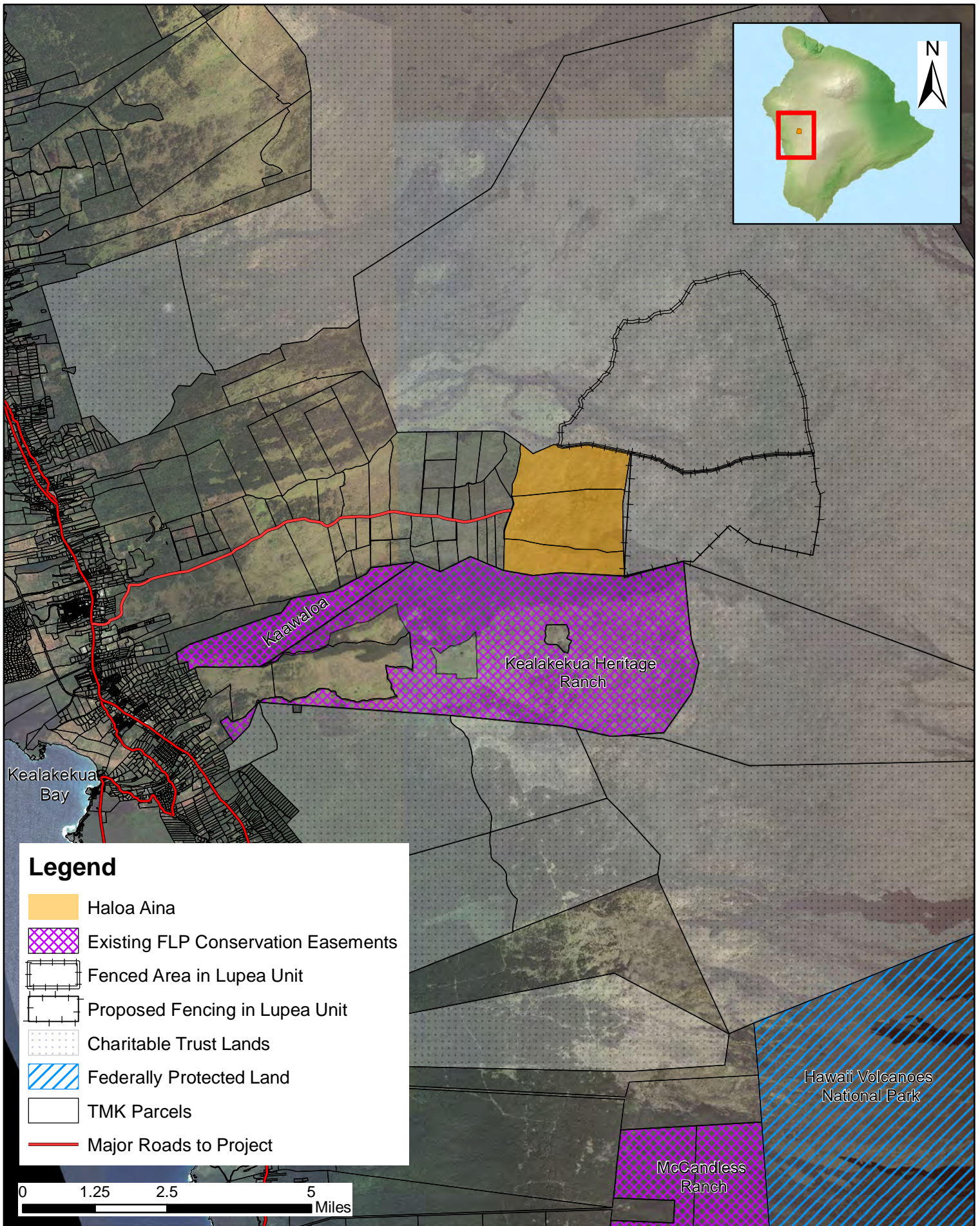
## Legend

- |  |  |  |
|--|--|--|
|  Haloa Aina FLP Project (2,780 acres) |  TMA Dry Forest Restoration Project                       |  Major Roads                              |
|  Existing FLP CEs                     |  KS Lands Managed for Forest Conservation                 |  Development/Housing Lots or Subdivisions |
|  State Reserves                       |  Hawaii Islands Land Trust CEs                            | <b>Hokukano Ranch Subdivision</b>  |
|  Federally Protected Lands            |  FL AON # 1 Priority Landscape (Native Forest in Ag-Zone) |  Remaining Properties for Sale            |
|  Community Forest                     |  Cities and Towns   |  Properties Sold in Last 5 Years          |



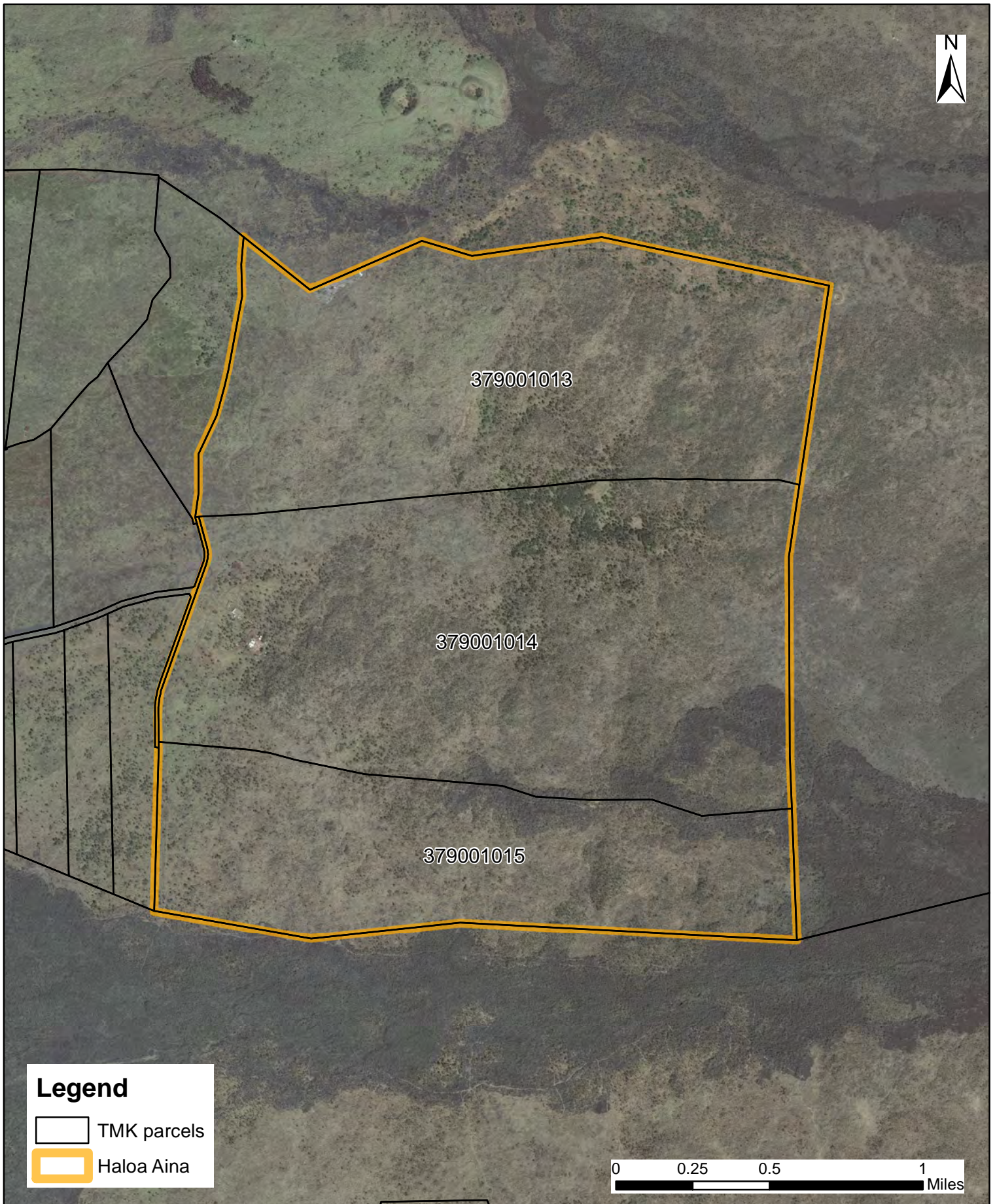


# Haloo Aina - General Location Map





# Haloa Aina - Parcel Map







Overview of dry montane forest landscape towards Mauna Loa



Sandalwood Oil





'iliahi seedlings



'iliahi trees on the property





Koa grove on the property



'iliahi seeds

**Attachment 1(H)**  
**Halulu Fishpond Access**

**Halele'a, Kaua'i**  
**Maps & Photos**





# Waipā Kuleana

WAIPĀ, HALELE'A, KAUA'I, HAWAII

September 20, 2018.

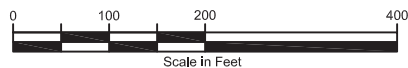


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Image Source: Google Earth 2013



**FORD & ASSOCIATES, INC.**  
ENVIRONMENTAL SCIENTISTS & ENGINEERS

Job Number: 18-1312

Created by: JRC

Date: 4/4/18

Reviewed By: TS

**Subject Property Vicinity Map**

Project: Two Waipa Kuleana Properties  
(TMK No.: [4] 5-6-004: Parcels 010 and 017)  
Waipa, Kauai, Hawaii

Client: The Trust For Public Land

Figure

**2**



## Halulu Fishpond Access Photographs



On the Halulu Fishpond Access property with tall trees on the mauka side of the property, community path through the property, and Halulu Fishpond on and extending beyond the makai side of the property.



Looking at the Halulu Fishpond Access property from the makai side of Halulu Fishpond. Kids walking on the community access path through the property.

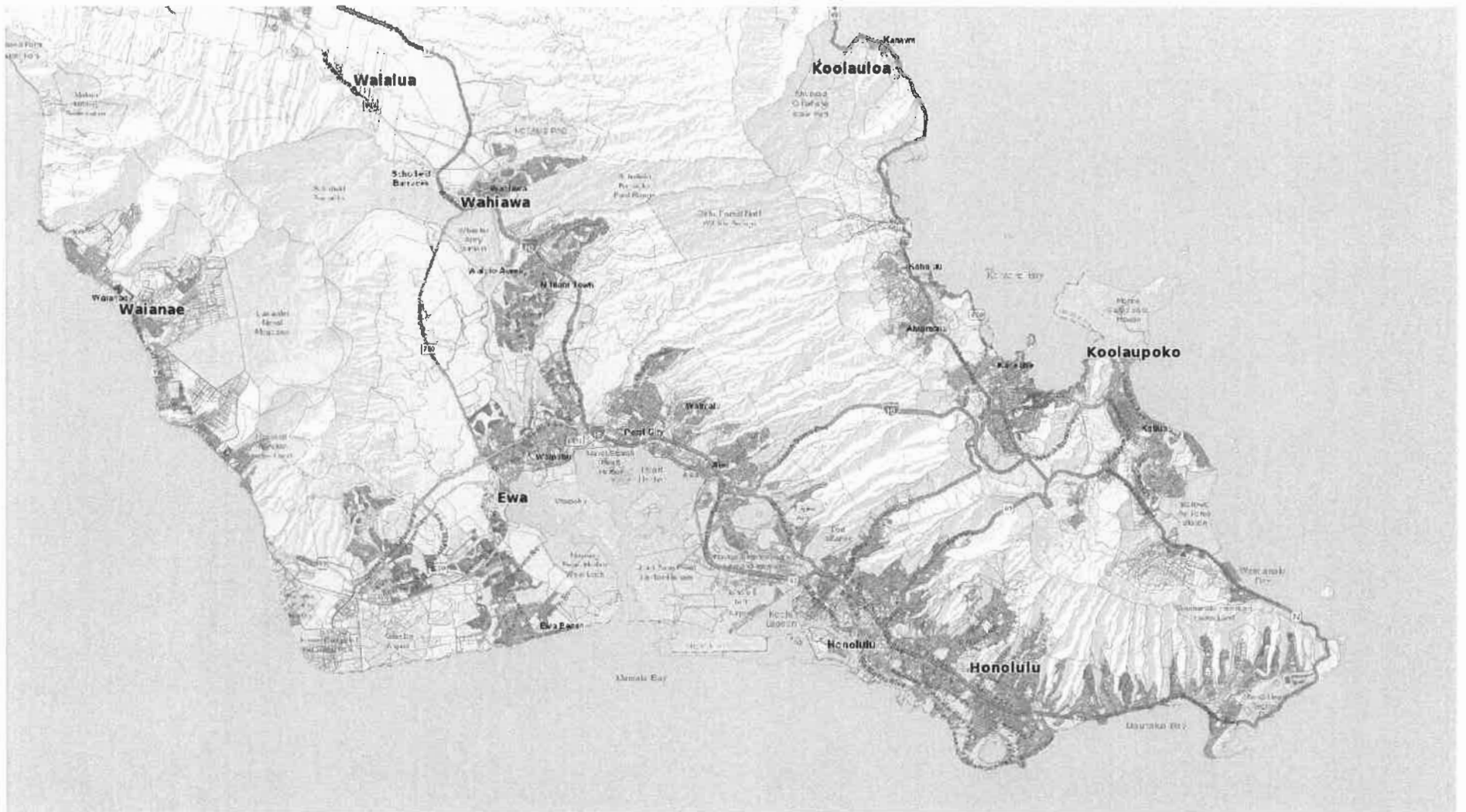




Halulu Fishpond Access property from Kuhio Highway. The parcel is a stark contrast from other makai lots along the highway, which are now mansions.

**Attachment 1(I)**  
**Waikalua Loko I'a**  
**Conservation Easement**  
**Ko'olaupoko, O'ahu**  
**Maps & Photos**



















**Attachment 1(J)**  
**Keone'o'io Bay Coastal Protection**  
**Honua'ula, Maui**  
**Maps & Photos**









View of Property from current parking lot



Wall currently blocking public access





Aerial view of parcel and parking lot

**Attachment 2**  
**January 22, 2020**

**Consultation Letters**  
**from**  
**the President of the Senate**  
**(October 1, 2020)**  
**and**  
**the Speaker of the House of**  
**Representatives (October 1, 2020)**





## The Senate

STATE CAPITOL  
HONOLULU, HAWAII 96813

October 1, 2020

Ms. Suzanne D. Case  
Chairperson  
Department of Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

**RE: Projects for the Fiscal Year 2021 Legacy Land Conservation Program**

Dear Chair Case:

I am in receipt of your letter dated September 9, 2020 regarding the Legacy Land Conservation Commission's recommendation for the funding of projects for the Fiscal Year 2021 Legacy Land Program.

This is to confirm that I have no concerns or objections at this time as it relates to the projects enumerated in the aforementioned letter.

Thank you and should you have any questions with regard to the foregoing, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald D. Kouchi".

RONALD D. KOUCHI  
Senate President  
8<sup>th</sup> Senatorial District- Kauai and Niihau

Cc: Speaker Scott K. Saiki  
Mr. David Penn, DLNR Program Specialist



**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL, ROOM 431  
415 SOUTH BERETANIA STREET  
HONOLULU, HAWAII 96813

October 1, 2020

Ms. Suzanne D. Case, Chairperson  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

Dear Chair Case:

Thank you for your letter date September 9, 2020, in which you submitted for my review the recommendations from the Legacy Land Conservation Commission grants from the Land Conservation Fund to preserve features, functions, and uses of land having value as a resource to the State.

Upon review, I currently have no concerns or objections to the recommendations as proposed in your attachment.

If you have any questions or need further assistance, please feel free to contact me at 586-6100.

Sincerely,

Scott K. Saiki  
Speaker of the House

cc: Senate President Ronald D. Kouchi  
Mr. David Penn, DLNR Program Specialist



**Attachment 3**  
**January 22, 2020**

**Application Sections G, H, I and  
DLNR Agency Consultation Comments**

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Applicant: Ke Ao Hali'i ( KAH - Save Hana Coast)

Application Title: Maka'alae Lands - Hana, Maui

Describe the overall significance and importance of the property to be acquired:

For Hana residents, driving south from Hana Town there is one remaining 3.2 mile expanse of undeveloped, stunningly beautiful coastal pastureland with breathtaking sea views that inspire & connect our community to its history, identity, & provide access to important resources. Eventually the open space gives way to the "Gold Coast" with its high hedgerows and large private homes. There are precious few clues indicating the magnificent coastline, & certainly no access. The private homes continue as the norm. Presently actively marketed for sale, these remaining precious pasturelands are a resource threatened by private development.

The significance of these lands is not new to Hana. The brief overview of legendary and traditional accounts described in Section I, indicates the magnitude of Maka'alae, Mokae and Hana in Hawaiian history. The three Heiaus in close proximity: Hale O Lono Heiau, the impressive Kaluanui Heiau & Pakiokio Heiau all carbon dated between the 1400s -1600s.

Walking back up the path from visiting the lands one day, I ran into Edmond Junior, referred to as "Son", with his very young grandson. They were hauling fishing rods, nets, buckets and other assorted gathering items. I was honored to witness this long tradition of coastal knowledge being passed on to the next generation. This young boy will learn to work the coastal lands with his grandfather, his father and eventually pass the knowledge on to his sons & daughters, as it has been for generations.

These lands remain a vital part of Hana's culture and identify for gather rights, spiritual connections to ancestors, and the inspirational beauty they provide. Lineal descendants talk about the springs from Mokae and Aleamae that use to feed the kalo. Off the rocks one could expect, with net or line, to feed their family with an abundance of O'io, Ko'le, omilu, anae and kumu; gathering limu, kohu and Lipoa from the coast, Kala or lipeepee. Shellfish are abundant as well; Lobster, a'ama crab, kupe'e, pupu and Leho. Native trees & plants still visible on the land today include Olona, & Hala, & medicinal plants like Laukahi.

One of our Uncles, raised in Mokae area, insists that along this stretch of ocean are the most important limu beds in Hana (shush... don't tell anyone) because of the freshwater springs that flow into the area and feed them; Limu kohu, lipeepee, lipoa, limu nei. As well as its uses for food, medicine and ceremony, the limu is also food and habitat for the herbivore fish which in turn feed the larger fish and support the whole food chain and abundance in this area.

One can look upon the early development of sugarcane and later cattle ranching as a mixed blessing. Sugarcane started in 1849, cattle ranching followed in 1944. The land was turned over and evidence of the previous Hawaiian settlements disturbed beyond recognition. But, the farmers and ranchers also kept the land open for well over a century.



## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

#1 threat: Development- Today, by far our greatest threat is the owner's effort to actively market for sale these precious lands, & preferably to the highest bidder. According to Maui County Code, Title 19 Zoning, chapter 30A, Agricultural District, the minimum lot size is 2 acres. The maximum number of permitted lots on a parcel from 2 – 31 acres is 7. Thus our groupings of 12, 10 & 7 acres of pristine coastal pastureland can legally be subdivided into a total of 14 lots, each with its own farm dwelling and ohana, resembling the rest of the "Gold Coast". Even with the Shoreline Conservation Zone, access would be difficult and intimidating, and any remaining historic sacred sites would be destroyed or inaccessible.

One of the downsides to the history of sugarcane and cattle ranching is that most indigenous or canoe plants have given way to invasive species. But the ranch uses few pesticides, ensuring the soil is healthy and can certainly support indigenous plant or bird life, if given the opportunity. In fact, some of these traditional plants still hang on right at the pasture edge by the sea.

Our other concerns include fear of over gathering and fishing by outsiders with dire consequences. Uncle E. was raised in Maka'alae, Mokae & Haneo'o. He said they go by PuuikiPali for opihi & fished from there all along the coast back toward Hamoa. "We used to go catch ulua backside of Waioka & from Maka'alae to Lehoula, catch A'ama crab. There's aholepukas, manini houses, enenue galore. Moi at times, we still pick & eat most of those, haueue, plus limu kohu & lipoa. The kupe'e is getting less & less as more hula dancers find out where they can find it, even from the other side of Maui."

And, if it's not residents from Hawaii, Hana is being overrun by visitors looking for the "hidden gems" of Hana. Look no further than Waioka Pond (Venus Pool) which is inundated by hundreds of visitors every day and is not equipped to handle the volume.

On the environmental side, there are concerns over erosion due to sea level rising, tsunamis, and increasing hurricanes, as well as sediment from nearby streams coating reefs which cause damage to coral and will curtail fish food sources.

Should our community be fortunate enough to stop the development, we have within our grasp the resources to honor the ancestors and allow limited gathering rights, while returning the land to a thriving natural environment supporting indigenous vegetation, birds, fishes, microalgae, and crustaceans. But, should this land be sold for development, we will never get it back and the opportunity to restore this land for future generations, in perpetuity, will be lost forever.

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Applicant: Ke Ao Hali'i ( KAH - Save Hana Coast)  
Application Title: Maka'ala'e Lands - Hana, Maui

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

• Goals - Evolving from a huge outcry by our Hāna community, Ke Ao Hali'i (KAH) was only recently formed early in 2018 with the incentive to protect the lands under discussion here. Our initial short term goal is simply to stop the development of this land by securing ownership & establishing conservation status. Our flyer, intended to help communicate our goals to our Hāna neighbors, quotes our mission: "to purchase, preserve & manage Hāna's natural, scenic coastline, saving our cultural history & resources for the benefit & education of future generations." In addition, it addressed four areas of relevance; Historic and Cultural Considerations; Educational Opportunities; Environment Incentives; and Stewardship of the Land (see flyer attachment). This encompasses our general goals, with the intent to further refine as our program evolves.

• Resource management plan- The need to comprehensively address the management of these Lands is recognized as crucial for maintaining their environmental viability. As we secure the lands, we are working diligently to create a multi-tiered and phased Management Plan.

We believe the most effective way to retain the open pastureland will be to continue grazing. We are presently working with BioLogical Capital, who ranch the land now, to develop a lease agreement and grazing plan. We may eventually explore alternate grazing animals whose waste byproducts are more compatible with coastal environment needs. We also plan to, at a minimum, protect by fencing the sacred and sensitive cultural and archaeological sites, pending further investigation if appropriate. Critical components of this plan will be to provide designated habitats to promote healthy native plants, sea and birdlife. We envision a Master Map with specific areas designated to these resources. By far the largest threats to native habitats on Conservation Lands are invasive species and human-caused impacts like overuse of resources, so publishing a Code of Conduct will be crucial. In addition, using Conservation Lands for educational activities and





## Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

# Section H

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

to promote volunteerism is part of our plan. Through classes, field trips and research, stewardship will grow within our community and nurture dedication and commitment in our next generations.

- Funding sources -There has been a community outpour in support of our efforts. A number of altruistic members have been willing to commit funds for start-up, operations & maintenance, including our Realtor who has pledged her fee for this cause; providing us with over \$90,000 in start-up management funds once we take ownership. In addition, our community is quite adept at fund raising & we envision, for example, an annual event held on the land that might support & promote our cultural heritage. We also have a number of experienced grant writers who have offered to help when needed. Our Management Plan will include a budget allowing us to know what funds we need to meet our goals or what we can achieve with funds we have.
- Permit requirements- We do not anticipate a need for any permits since our intension is to maintain cattle grazing for the moment. The land is zoned Agricultural, already fenced & being utilized as such. Details of future plans are still unclear but may require permits.
- Management entity -We are fortunate to have alongside us the following team of experts who are willing & very able to guide & advise KAH: Hāna Ranch- BioLogical Capital currently has a lease with sellers to graze cattle & has agreed to continue this arrangement under new ownership and to offer their expertise in managing the land; so status quo can be maintained while long-term plans are developed. Hawaiian Islands Land Trust will hold the conservation easement on the land & will provide management & planning support. The Nature Conservancy (Maui Marine Program) will act as a consultant & facilitator in the development of a long-term management plan. Na Mamo O Mu'olea will offer their support & guidance as a similar local nonprofit organization with 10+ years of experience managing 70 acres of coastal property nearby, including shoreline management, vegetation management, pasture management & educational programs. Maui Nui Makai Network, comprised of 6 organizations on Maui, Moloka'i & Lana'i who collectively have decades of experience actively management coastal areas, have offered their support of the development of a long-term plan, with the potential for KAH to join as a member of the Network in the future. As such a young organization, KAH's initial in-house management is & will continue to be volunteers & our Board of Directors (also volunteers). As the organization solidifies, builds & strengthens, we will consider hiring a part-time manager to oversee the programs and volunteers.
- Integration of existing cultural resources - One of KAH's main objectives is the protection of 'iwi kupuna (bones of ancestors). We uphold the policy of no disturbance, strict protocols on use of areas known to have 'iwi kupuna & reporting of any new discoveries. An additional aim is to perpetuate access for traditional & cultural practices including fishing & gathering limu. This land, due to cattle grazing, is entirely fenced with 3 gated accesses via grass roads to the coast. The vehicular access through the gates will continue for the community, lineal descendants, & other cultural practitioners with a controlled request system to avoid overuse and also a mandatory Code of Conduct for all visitors. Foot traffic can enter at will, most likely controlled by parking availability. As we refine our program & streamline our goals, KAH, who has some concerns about overuse, will be addressing the question of access in more depth.

## **Section I**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Applicant: Ke Ao Hali'i (KAH - Save Hana Coast)

Application Title: Maka'alae Lands - Hana, Maui

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

Maui Island's political divisions occurred during Kaka'alaneo rule (15 century). Hana was one of 12 districts identified at that time. The current project area is on the windward flank of Haleakalā in the moku of Hāna, the ahupua'a of Kāki'o and 'ili of Maka'alae. Today the area is known as Maka'alae.

Hana moku is considered one of Hawai'i's "wahi pana" (legendary places) due to the volume & significance of local myths. Accounts specific to Hana include: Noenoe & Ka'uiki; Hina climbs the moonbow; The Garden of Kāne and Kanaloa; many stories of Demi-god Maui the Trickster including pushing up the sky from Ka'uiki, pulling the Hawaiian Islands from the sea, & finding the secret of making fire. From the Mokae/Hamoa area are the important legends of Pu'u Ka 'iwi O Pele, Alau Island; & Kū'ula, his son 'Ai'ai and the first fishpond. Local legend also claims Pu'u Hele in Mokae as a place where the spirits of men, after death, were believed to plunge into Po (eternity). "There dwell our ancestors, spiritual parents; our aumakua."

Pre-contact: Hana was one of Maui's major centers of late prehistoric population concentration & political development. It is also home to Pi'ilani Heiau, considered the largest intact sacred sites in the Hawaiian islands (12th century). The importance of Hana during pre-contact can be attributed to the productivity of the ocean enhanced by fishponds, the relatively gentle slopping fertile volcanic soils of the Hana plains, & abundant rain reducing the need for irrigation making Hana one of the richer resource areas within the Hawaiian Islands during ancient times. (Dockall-2005)

Considered a favored residence of the ali'i, Hana offered "an abundance of useful woods for making scaffolds & ladders (for scaling fortresses) & where warriors could procure the best round smooth stones for making slingstones". Hamoa was also a playground for the ali'i who enjoyed water sports & surfing. (Handy 1991)

Traditional accounts concerning the Hana area focus mainly on armed strife between Hawai'i &



## **Section I**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Maui Islands. During the last half of the 18th Century the high chiefs Kahekili of Maui & Kalani'ōpu'u of Hawai'i carried on the battles between Maui & Hawai'i. Kalani'ōpu'u was in control of the Hana & Kipahulu areas from 1759 to 1765 until Kahekili won the battle. However, the Hawai'i forces were able to regain control from 1775 to 1783. In November 1778, Kalani'ōpu'u & Kamehameha were entertained on the British ship Resolution (Cpt. James Cook), while anchored off the Hana coast & were assumed to be chiefs of Hana region. With the death of Kalani'ōpu'u in 1782, Kahekili regained control of Hana, which he retained until his death in 1794, though not without further battles with Hawai'i Island forces. With the death of Kahekili, Kamehameha, whose birth place is 32 miles directly across the 'Alenuihāhā Channel from Maka'alae, gained control of Hana & Maui by 1795. (Cleghorn 1987)

Hana is also the birthplace of Queen Ka'ahumanu, favored wife of Kamehameha I. Hana was her father's land, the ali'i nui Ke'eaumoku Papaiahehe, a close ally of Kamehameha. Upon Kamehameha's death, she became Queen Regent, ruling the Hawaiian Islands until her death in 1832.

1850 to present: Replacing whaling, the sugar industry began in the Hana area about the same time as the Great Mahele, (1850), when 60 acres of cane was cultivated in the Haneo'o-Hāmoa flats makai of the Hana Hwy. By the later part of the century, six sugar companies, including Hana Plantations had taken over large tracts of land. According to the Hawaiian Newspaper articles "Dispatches from East Maui", by 1877, the area of subsistence farmers had been replaced by Kakio Village (Maka'alae) and was crowded with "other people" living in closely constructed wood frame houses and many shops". But, due to labor shortages, the Reciprocity Sugar Mill (ruins still visible today) in Maka'alae closed in 1902. Other sugar companies in Hana continued to operate until the last one was liquidated in 1946. In 1946, the 14,000 acre Hana Plantation was bought for cattle ranching, which still exists today. Lineal descendants of the Mokae and Maka'alae lands talk about the ranch owners not just covering over the wahi pana (sacred sites) & graves, but literally carrying the stones off site to conceal the evidence.

Cleghorn (1987) notes with maps and site analysis the project area of Maka'alae as "Archaeologically Sensitive, requiring more study" and further states "Sugar mill foundations at Maka'alae point, just inland and N of the sugar mill foundations in a grove of false Kamani trees is a complex of numerous stone structure (T-2A) including simple mounds, faced mounds, linear and curvilinear mounds, rectangular platforms and enclosures. Two cement cisterns (one round, one square) and on cement tomb indicate historic period use of the area. One poi pounder fragment was observed. Many structures appear to be graves"

As an indication of the significances of the area, there have been numerous archaeological surveys with specific references to the project area. These include Walker (1931); Nakkim (1970); State Survey (1973); Cleghorn & Rogers (1987); Estioko-Griffin (1987); Kolb & Orr (1993); Sterling (1998); and Dockall, Lee-Greig, & Hammatt, (2005) & are the source of much of information discussed in this Section I.

Noteworthy Mokae areas: Cleghorn & Kolb identify three Heiaus in close proximity: Hale O Lono Heiau, Kaluanui Heiau & Pakiokio Heiau, all in various states of disrepair.

January 8, 2020  
Attachment 3(a)  
Maka'ala'e Lands  
Hana, Maui

DAR# 5947-5

Comments

The coastal lots in question are part of a chunk of open oceanfront lands that are in danger of being purchased and developed. These coastal lands are very important for the local Hana community to recreate, and practice customary gathering and subsistence harvest. It is important to keep these lands in open conservation use, allowing for continued and controlled access. DAR is very supportive of this effort and any future efforts to use legacy land funds to help acquire important coastal lands, maintain these lands in open space, and to allow for continued access by the public for fishing and other ocean related activities. In addition, it is critically important that these types of coastal lands are managed to maintain natural coastal processes that will be adaptive to changing sea levels and increasing coastal erosion.



DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
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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

June 20, 2019

TO: David Penn  
Legacy Land Conservation Program

FROM: Scott Fretz  
Maui Branch Manager

January 8, 2020  
Attachment 3(a)  
Maka'alae Lands  
Hana, Maui

SUBJECT: Comments on grant application by Ke Ao Hali'i for lands at Mokae, Hana, Maui.

Thank you for the opportunity to comment on the subject application submitted to the Department's Legacy Land Conservation Program (LLCP). The Division's Maui Branch is assisting the applicant with assessments of biological resources, particularly with regard to the potential for the subject lands to contribute to the connectivity, protection, and restoration of rare and endangered plants, seabirds, and invertebrates. The Branch strongly supports this proposed acquisition and provides the following comments:

With regard to the criteria that the Legacy Land Conservation Commission (LLCC) may consider in forming its recommendations, we note that the application seeks to acquire lands that will provide, 1) a high degree of linkage of protected acreage of similar resources by connecting lands from Waioka to Hamoa through a series of acquisitions, 2) opportunities for appropriate public access and enjoyment that are under urgent threat of loss if the lands are sold to private interests, and 3) exceptional opportunities for long-term management through community support and engagement.

Our biological assessments indicate that the subject lands support priority values, with a high potential to provide habitat and connectivity for native flora and fauna in the area, including threatened and endangered species. Our surveys noted a number of locations where opportunities to protect and restore endangered plants and seabirds could be initiated. We believe that acquisition of those lands by this applicant, as part of the suite of connected lands in the area, holds the best potential to ensure that those opportunities for native species protection are realized.

Finally, we emphasize the importance of the public benefits that this proposed acquisition will provide by creating and protecting opportunities for communities to experience natural areas. With their stunning beauty, the lands to be protected through this application will enrich our lives, inspire future generations, and foster appreciation and support for the responsible stewardship of the natural resources upon which our society depends.

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Applicant: Ala Kahakai Trail Association & The Trust for Public Land

Application Title: Kioloka'a

Describe the overall significance and importance of the property to be acquired:

A longstanding goal of the Ka'ū community is to permanently preserve its beloved coast, to honor Ka'ū's ancestors and to allow all current and future generations to be nourished by these coastal lands. Kioloka'a is a remote, undeveloped property south of Waihinu Town which includes portions of the ancient Kamakalepo settlement and extensive Lua Nunu cave system whose fortress walls were used to defend Ka'ū during the wars with Kamehameha. Protecting Kioloka'a would preserve Lua Nunu and other cultural sites. The remaining structures of Ka'alu'alu Ranch which was founded by Princess Ruth will also be protected. Together these ancient and historic sites along with their rich history and stories constitute the cultural landscape of Kioloka'a, an important part of Ka'ū heritage.

With few native dryland forests remaining, the forest at Kioloka'a with its rare and endangered species must be protected and stewarded in partnership with other forest conservation organizations. Mauka portions of the property are currently licensed for cattle grazing. Protecting these unique pasture lands would help Ka'ū perpetuate its paniolo (Hawaiian cowboy) tradition, vital to Ka'ū's agricultural economy. Local grass fed beef also contributes to our local food security.

Precious coastal and marine ecosystems at Ka'alu'alu Bay including Kapenako spring, the only potable water source in the area, and its complex of anchialine ponds teeming with pa'ū will be conserved and managed in partnership with the community. A network of coastal and mauka-makai trails traverse throughout the property and many lead to the Kapenako pools including a segment of the Ala Kahakai National Historic Trail and the Ala Loa or Kingdom Road which crossed Ka'alu'alu Bay from Paiaha'a over the ancient fishpond makaha before continuing on to Kamilo. Ka'alu'alu Bay is also home to Hawaiian Hawksbill and green sea turtles, monk seals, humpback whales, diverse fish species, squid, lobster and shellfish. It is the only bay where mullet come to spawn on the Ka'ū coast. Preservation will ensure a pristine marine environment by minimizing soil erosion, sedimentation, runoff and other human disturbances in the bay caused by urban expansion.

The area is also important to the community for subsistence fishing and beach access. Preservation will enable continued public access. The Ka'ū CDP calls for establishing Ka'alu'alu Bay or nearby coastal areas as a remote camping-beach park provided that the State and private landowners can resolve liability and resource management issues. Kioloka'a falls within the 175 mile long Ala Kahakai National Historic Trail corridor, from Upolu Point to Hawai'i Volcanoes National Park. Acquisition would not only protect the Kioloka'a and its immense biocultural resources, it would also conserve a critical land piece in the Ka'ū coast conservation puzzle.



## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

Kiolaka'a is in imminent danger of development. For many years, the Ka'ū community has advocated for the protection of the entire 80 miles of coastline. With the closure of Ka'ū Agribusiness at the turn of the century, several large properties along the coastline were sold to real estate developers and land speculators. This property is a critical piece in the puzzle to protect the coastline. The landowner has completed a boundary survey of the property and created a plan to consolidate and re-subdivide the property into 20 lots. The property is also currently listed for sale for \$2.95M (Attachment A16(f)). However, if we can agree on price and timeline the landowner is willing to sell for preservation. Last year, two adjacent properties known to contain sensitive cultural sites including burial caves, water collection caves, heiau and rare dryland forest plants were listed for short sale. The community was unable to fund the purchase of either property in time. Within a month of purchase, one new owner engaged an excavating company to bulldoze the lot without any archaeological mitigation or grading permit. The community jumped into action to alert authorities after significant bulldozing had already been completed. The property's native habitat and cultural resources are also threatened by environmental hazards including wildfires and lack of a fire management plan. In August 2018, there were two suspicious wildfires which started along Ka'alu'alu Road and quickly spread into the adjacent Palauhulu and Kamehameha Schools' Kawela properties. The County Fire Department employed bulldozers to create firebreaks which resulted in the loss of native trees and destruction of cultural sites including previously identified burials. Other threats include looting of cultural sites and a general lack of property management and oversight near the shoreline. Excavated midden and sifted sand are piled next to cultural sites around the Kapenako waterhole. At a recent visit, holiday campers left piles of trash along the shoreline. A five foot long white tip reef shark was found discarded in the small pond, an unexpected catch that was left for dead rather than released back into the bay. In the mauka area, bulldozers were used recently to construct new fence lines and to expand existing ranch roads without any regard for cultural or natural resources. Rare and endangered dryland plants are currently enclosed within newly fenced cattle pastures. Preservation and proper stewardship of Kiolaka'a will protect both fragile native habitat and the treasured cultural landscape. Other risks include unrestricted access to sensitive cultural sites, theft of artifacts, adverse impacts to cave ecosystems, disturbances to anchialine habitats and damage to the pristine marine environment through sedimentation and proliferation of invasive species. More importantly, we risk the loss of an essential piece in the plan to protect Ka'ū's coast. Development could catalyze a domino effect of subdivision and development of nearby lands - extinguishing the local community's passionate efforts toward an entirely protected Ka'ū coast, and sustained ranching and farming.

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Applicant: Ala Kahakai Trail Association & The Trust for Public Land

Application Title: Kiolaka'a

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

Ala Kahakai Trail Association's (ATA's) vision for Kioloka'a is a protected and living Hawaiian cultural landscape cared for by the Ka'ū community, and connected to the surrounding ahupua'a and the entire island by the Ala Kahakai trail network. The mauka portion will continue to be grazed by cattle for the foreseeable future with pockets of protected areas containing native plants and cultural sites. The entire property will be conserved for cultural practice, subsistence fishing and gathering, enjoyment in nature, and mālama 'āina education. ATA has been working with the community to protect nearby properties which have also been targeted for development. Those lands provide exclusive vehicular access and water lines to Kioloka'a for future stewardship efforts.

ATA will manage the property collaboratively with other protected lands. By employing shared resources, the time and cost effectiveness results in economies of scope.

Rent from pasture licenses will provide a steady source of start-up, operation, and stewardship funding for ATA. It is important that the pasture licenses be allowed to continue. ATA will also pursue stewardship grants from charitable foundations, the County of Hawai'i, and the Ala Kahakai National Historic Trail (a unit of the National Park Service). ATA is committed to community based stewardship. The property will be managed in collaboration with descendants and Ka'ū community volunteers. We hope to partner with other organizations who are active in the area and knowledgeable with stewardship of Ka'ū resources such as the Hawaii Wildlife Fund, The Nature Conservancy of Hawaii, the Cave Conservancy of Hawai'i, and the Ala Kahakai National Historic Trail. ATA will engage with stakeholders to develop a resource management plan for the property within 12 - 18 months after taking ownership. The plan will be based on ATA's resource management values which can be further refined with additional input from descendants and the community. ATA's resource management values and the proposed stewardship actions designed to achieve



## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

those values are as follows:

- (1) Abundant and clean marine environment. (a) Build relationships with Ka'ū fishers and gatherers to document and share information about resources gathered. (b) Partner with marine stewardship groups and scientists to study marine species. (c) Educate campers about the importance of removing all trash upon leaving Ka'alu'alu (Pack it in, pack it out) (d) Compile research data with existing DLNR regulations to create a sustainable fishing and marine stewardship management plan that can be easily shared with those who fish at Ka'alu'alu Bay and incorporated into a larger resource management plan.
- (2) Thriving native coastal plant communities and anchialine ponds. (a) Identify, photo document and map existing native coastal plant communities and ponds. (b) Work in partnership with local community and cultural groups, local volunteers, and the Hawai'i Island botanist/science community to protect existing native coastal plants and expand the habitat by removing surrounding competing non-native plants and planting native species. (c) Propagate seeds from native plant populations found on site, or from surrounding ahupua'a if native populations cease to exist on site. (d) Evaluate the threat to native species by cattle, wild ungulates, and feral animals, and explore solutions to protect native plant communities and seabird nesting sites if necessary. (e) Partner with other environmental groups to create an anchialine pond restoration plan.
- (3) Permanently protected and respected cultural sites and cultural landscape. (a) Complete a full archaeological inventory survey of the entire property. (b) Future plans may include a preservation plan and burial treatment plan. (c) Address possible restoration and/or reuse of sites in the above plans and management plan. (d) Plan for protection of cultural sites in the pasture areas with support from ranch tenants.
- (4) Protected native dryland forest. (a) Complete a biological survey of the property. (b) Work with existing ranchers to explore fencing areas with rare and endangered species to immediately protect existing trees and to promote seed growth. (c) Create a native dryland forest restoration plan which may include removal of ungulates, installation of water infrastructure and fenced preserve areas. (d) Explore carbon credits through native reforestation as a means of providing supplemental stewardship financing in addition to the pasture leases, as well as possible new green job opportunities for the local Ka'ū community.
- (5) Continued sustainable ranching to preserve Ka'ū's paniolo lifestyle, promote local food production, and maintain or increase agricultural jobs for the local community. (a) Allow for long-term leases that allow the ranchers to invest in the property. (b) Determine which lands currently under lease should be reserved for native plant reforestation or cultural preserves, and work with the ranchers to find the right balance.
- (6) Managed access that balances the protection of cultural and environmental resources, the facilitation of cultural connections and educational opportunities for Ka'ū residents and descendants, and continued support of the local ranching industry and sustainable agriculture. (a) Coordinate quarterly community volunteer days advertised to Ka'ū residents but open to all.

Continued on Attachment A16(g))

**KIOLAKA'A**  
**Section H Stewardship & Management**

**Attachment A16(f): ATA - Resource Management Values and Proposed Actions**

ATA's resource management values and the proposed stewardship actions designed to achieve those values are as follows:

- 1) Abundant and clean marine environment.
  - a. Build relationships with Ka'ū fishers and gatherers to document and share information about resources gathered.
  - b. Partner with marine stewardship groups and scientists to study marine species.
  - c. Educate campers about the importance of removing all trash upon leaving Ka'alu'alu (Pack it in, pack it out)
  - d. Compile research data with existing DLNR regulations to create a sustainable fishing and marine stewardship management plan that can be easily shared with those who fish at Ka'alu'alu Bay and incorporated into a larger resource management plan.
- 2) Thriving native coastal plant communities and anchialine ponds.
  - a. Identify, photo document and map existing native coastal plant communities and ponds.
  - b. Work in partnership with local community and cultural groups, local volunteers, and the Hawai'i Island botanist/science community to protect existing native coastal plants and expand the habitat by removing surrounding competing non-native plants and planting native species.
  - c. Propagate seeds from native plant populations found on site, or from surrounding ahupua'a if native populations cease to exist on site.
  - d. Evaluate the threat to native species by cattle, wild ungulates, and feral animals, and explore solutions to protect native plant communities and seabird nesting sites if necessary.
  - e. Partner with other environmental groups to create an anchialine pond restoration plan.
- 3) Permanently protected and respected cultural sites and cultural landscape.
  - a. Complete a full archaeological inventory survey of the entire property.
  - b. Future plans may include a preservation plan and burial treatment plan.
  - c. Address possible restoration and/or reuse of sites in the above plans and management plan.
  - d. Plan for protection of cultural sites in the pasture areas with support from ranch tenants.
- 4) Protected native dryland forest
  - a. Complete a biological survey of the property
  - b. Work with existing ranchers to explore fencing areas with rare and endangered species to immediately protect existing trees and to promote seed growth.



- c. Create a native dryland forest restoration plan which may include removal of ungulates, installation of water infrastructure and fenced preserve areas.
  - d. Explore carbon credits through native reforestation as a means of providing supplemental stewardship financing in addition to the pasture leases, as well as possible new green job opportunities for the local Ka'ū community.
- 5) Continued sustainable ranching to preserve Ka'ū's paniolo lifestyle, promote local food production, and maintain or increase agricultural jobs for the local community.
  - a. Allow for long-term leases that allow the ranchers to invest in the property.
  - b. Determine which lands currently under lease should be reserved for native plant reforestation or cultural preserves, and work with the ranchers to find the right balance.
- 6) Managed access that balances the protection of cultural and environmental resources, the facilitation of cultural connections and educational opportunities for Ka'ū residents and descendants, and continued support of the local ranching industry and sustainable agriculture.
  - a. Coordinate quarterly community volunteer days advertised to Ka'ū residents but open to all.
  - b. Promote opportunities and community initiatives to learn about Hawaiian culture and the environmental resources of the property especially the unique mo'olelo, traditions and history of the people who lived in Kiokaka'a and Ka'alu'alu Bay.
  - c. Develop access plan to allow for pedestrian access using the Ala Kahakai and existing dirt roads, and limited vehicular access that prioritizes resource protection.
  - d. Evaluate and plan for managed camping access that prioritizes protection of cultural sites and native species and adopts best area practices.
  - e. Contact, facilitate access, and encourage stewardship involvement by descendants of Kiokaka'a and surrounding ahupua'a, and Hawaiian cultural practitioners.
  - f. Perform outreach to Ka'ū community through individual meetings with community leaders, smaller meetings with area civic clubs, and public forum meetings.
  - g. Design and distribute field guide to all visitors to the property and install educational and interpretive signage to protect cultural sites and native species where appropriate.
  - h. AKTA contact information including a phone number posted clearly at property entrances including the nearest road and the Ala Kahakai Trail pathways.
- 7) A resilient Ka'ū community where the people care for the lands, and the lands provide sustainable economic development that incorporates the above related values.
  - a. Ala Kahakai Trail as a means to contribute to community self-reliance vis à vis the state of the world economy, the movement away from fossil fuels, and climate change, etc.
  - b. Ka'ū's potential return to a thriving, completely cultivated landscape as far as the eye can see.
  - c. Culturally-driven and ecologically-minded ways of paying back a purchase loan if necessary.

# Section I

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Applicant: Ala Kahakai Trail Association & The Trust for Public Land

Application Title: Kiolaka'a

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

The Kiolaka'a property consists of almost the entire ahupua'a of Kiolaka'a and a portion of Wai ma o to the west. Kiolaka'a literally translates to "throw roll" because there was an 'ulu mail (Hawaiian bowling) course here, which was a favorite sport in ancient times. Ka'alu'alu Bay was a famous fishing ground for the ali'i. According to the revered Hawaiian scholar, Mary Kawena Pukui, it is said that the people of Ka'alu'alu were known to have large families. Thus came the expression, "Na mamo piha'a o Ka'alu'alu," meaning "The descendants of Ka'alu'alu are as numerous as driftwood." The lava fields above the bay collected volcanic dust and humus which provided soil for planting sweet potato, sugar cane, and later pumpkins, melons and gourds. When the Reverend John D. Paris landed at Ka'alu'alu in 1842, there was a sizable settlement. The shore was lined with "hundreds of natives" to greet him. In 1959, there was only one solitary Hawaiian resident at Ka'alu'alu.

Ka'alu'alu was also known during the plantation era for great plover shooting and fishing. John Papa , the 19th century Hawaiian educator, politician and historian, also names Ka'alu'alu as a famous he'e nalu or surf spot, known for its summer south swell. Ka'alu'alu literally means "the wrinkle" because of the wrinkled appearance of the lava rock fissures in the shallow bay. In ancient times, Ka'iliki'i at Pakini was the primary landing place for travelers on canoe heading to Wai hinu. However, in later times, Ka'alu'alu Bay became the new choice of landing especially with travel by coastal schooner which needed a harbor. Ka'alu'alu Ranch was started by Princess Ruth Keelikolani with cattle brought from Waimea. Princess Ruth had a house at Ka'alu'alu Bay where she stayed when she visited.

## **Section I**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Protecting Kiolaka'a would preserve the extensive Lua Nunu o Kamakalepo cave system. Lua Nunu features a fortress with an elevated defensive wall and habitation platforms built in the late 1700s during the wars between Keōua and Kamehameha. During these wars, Kamehameha's army under the direction of Ka'iana took a fleet of war canoes to South Point. Keōua's warriors set out in canoes and attacked Ka'iana's men just off the coast. The fierce battle moved to land at Paiaha'a below Kamā'oa and lasted for three days. They continued fighting at Kamā'oa and Ua'ohulelua, where the struggle was worst of all. Keōua maneuvered north to Punakoki in Puna then made a stand before Ka'iana's pursuing army. They fought for three more days until Ka'iana fled, boarding his canoes and leaving the east side of the island for the last time.

Two of twelve heiau designated as pu'uhonua (places of refuge) on Hawai'i Island are found in Ka'ū. One of them is Hale o Keola (House of Life) in Malulani, Kiolaka'a. Pu'uhonua protected kapu (taboo, prohibition) violators, and defeated warriors and civilians from harm, during times of war.

The Ielo no eao, "Ka lua kupapa u o na ali i" (burial place of chiefs) refers to Ka where the of noted ali'i are hidden in secret caves. Kekuiapoiwa Liliha, Kamehameha's half sister and the mother of his wife, Keopuolani, died in 1815 at Kapa'akea (coral or limestone surface) in Kiolaka'a, close to Ka'alu'alu. In 1887, King Kalakaua appointed a Ka'ū resident, Mr. Hukiku, as Overseer and Keeper of the Royal Burial Ground at Ka'alu'alu. This may be where Kekuiapoiwa is buried.

John Papa landed at Ka'alu'alu with Victoria Kamamalu, grand daughter of Kamehameha in 18 to escape the outbreak of smallpox in Honolulu and also to visit her recently acquired lands in Ka'ū. Together, they traveled on horseback over the plains of Kamā oa along a long trail called Pu'uone which ran along a sand ridge to Ka Lae from the shores of Ka'alu'alu and Kamā oa.

In 1862, two small parcels in Wai ma o were awarded to Maluaikoa and Makaila by Land Commission Award. The Wai ma o parcel was a land grant awarded to Kealohaai in 1893. In 187 the Kioloka'a parcel, a 1290 acre land grant, was awarded to William Thomas Martin (Attachment A16(h)). He was the son of a West Indian and a Hawaiian chiefess distantly related to Kalakaua. He was also married to a Hawaiian woman of high rank. Martin once had a house on the property at Ka'alu'alu Bay. Prior to acquiring the land grant, Martin was a magistrate for the Hawaiian Kingdom. He was a Representative to the Legislature in 1870 and he was appointed "Noble of the Kingdom" in 1872. A statistical directory in 1880 listed Martin as having cattle pastured on 25,000 acres at Manukā and 4000 acres at Wai hinu as well as a sugar plantation on 50 acres in Honu'apo.

John Kawelelaukapu Moke (Uncle Kapu Moke Kaikuaana) was an expert fisherman with an intimate knowledge of the coast from Ka Lae to Ka'alu'alu. A venerated kupuna of Ka'ū, Uncle Kapu was the only Hawaiian resident of Ka'alu'alu in 1959. It is said that he would often open his home to others and share his catch with people from the community.



January 8, 2020  
Attachment 3(b)  
Kiolaka'a  
Ka'u, Hawai'i

DAR# 5947:3

Comments

The coastal ecosystems in the Kiolaka'a Ahupua'a, which include marine and anchialine habitats, are important natural resources that have avoided impacts from urban development. This does not, however, preclude threats and potential impacts from humans and other disturbances. In particular, anchialine habitats near the coastline at Ka'alu'alu Bay and further along the coast host populations of endemic 'ōpae 'ula, *Halocaridina rubra* and another native shrimp, *Metabetaeus lohena*. These native shrimps are exclusively found in anchialine habitats, which are susceptible to development, human interactions, and invasive species. The uniqueness and sensitivity of Hawaiian anchialine ecosystems therefore warrant any actions that afford further protection. In particular, any steps taken to prevent or at least minimize coastal development, introductions of invasive species, or any other human interactions and disturbances would directly benefit the health of the anchialine habitats. Further, the coastal marine resources in Kiolaka'a provide prime grounds for subsistence fishing that are critical to the livelihood of the local community. Overall, acquiring these parcels of land with the purpose of continued and increased protection of the various resources within it will benefit these natural ecosystems for current and future generations, and the betterment of our island ecosystem as a whole.

ALA KAHAKAI TRAIL ASSOCIATION  
PROPERTY ACCESS PERMIT,  
RULES AND WAIVER OF LIABILITY  
ACCESS PERMIT

The undersigned Permittee(s) hereby applies for a permit to enter onto ALA KAHAKAI TRAIL ASSOCIATION lands pursuant to the rules and conditions stated below at TMK (3) 9-5-07: 16 at Kahilipali Nui & Iki, Ka'u, Hawaii ("Waikapuna Property") on the day(s) of \_\_\_\_\_, **2020**. By my signature and initials below, I acknowledge that I have read, understood and accepted the following Rules and Waiver of Liability. The term "Permittee" as used herein shall mean the Permittee(s) named herein. ALA KAHAKAI TRAIL ASSOCIATION and its successors and assigns are referred to hereinafter as the "Owner". Each and every Permittee agrees to comply with the terms of the Rules and Waiver of Liability, which are incorporated herein.

RULES

The following Rules are designed to help ensure the enjoyment and safety of those members of the public who enter onto the privately owned Waikapuna Property.

1. In the exercise of the entry rights granted herein, the Permittee shall comply with all laws, ordinances, rules and regulations of the State of Hawaii and County of Hawaii.
2. All gates shall be locked upon entry and exit by Permittee.
3. The approved Access Permit and gate key shall be kept in the possession of Permittee at all times when on the Waikapuna Property. The key shall be returned to the agent of the Owner no later than 24 hours after leaving the Waikapuna Property. A charge of \$50.00 will be incurred for any lost or late returned key.
4. This Access Permit is subject to all rights of any tenants, lessees, licensees and the Owner of the Waikapuna Property, and all of their authorized agents.
5. Access over the Waikapuna Property is allowed only with the specific written permission of Owner, and all Permittees who are granted overnight access shall bring, use and remove their own portable toilet.
6. There shall be no domestic animals or hunting allowed on the Waikapuna Property due to the possibility of damage to native flora and fauna, and to minimize injury to person or property.
7. There shall be no cutting of trees and vegetation on the Waikapuna Property.

Permittee(s) Initials: \_\_\_\_\_

8. Only cooking fires shall be permitted on the beach at the Waikapuna Property. Permittee shall bring their own firewood or charcoal, and completely extinguish their fires prior to leaving Waikapuna Property. All fires shall be contained in barbeque pits at locations approved by Owner, under continuous supervision to prevent the spread of fire.

9. All trash and rubbish generated by Permittee's party shall be removed by Permittee from the Waikapuna Property upon departure.

10. Noise from Permittee, including music and noise, shall be kept to a minimum regulated so as not to create a disturbance to wildlife, animals and other persons at the Waikapuna Property.

11. State of Hawaii DLNR, Division of Aquatic Resources regulations regarding fishing, opihi picking, use of nets, seasonal restrictions on taking of fish, etc. shall be observed at all times. Access is not permitted for commercial fishing purposes. <https://dlnr.hawaii.gov/dar/fishing/fishing-regulations/>

12. Firearms, fireworks, illegal fishing and netting equipment are strictly prohibited on the Waikapuna Property. Use of gill nets, lobster nets and fish traps shall be strictly prohibited and shall not be brought onto the Property.

13. There is no drinking water at the Waikapuna Property, so Permittee shall bring adequate water for all accompanying Permittee.

14. Permittee's children shall not be left unattended while at the Waikapuna Property.

15. No lifeguards or emergency equipment are present to assist the Permittee and others in case of emergencies.

16. Archaeological sites may be viewed, but must not be touched, entered or disturbed.

17. All-terrain vehicles (ATV/UTV) and motorbikes are not allowed on the Waikapuna Property.

18. Parties of more than eight (8) individuals or three (3) vehicles must have special permission from the Owner, and the request shall be made at least two weeks prior to the date of visitation.

19. All Permittees must bring mobile phones for emergency contact purposes and provide wireless phone number(s) to Owner.

Permittee(s) Initials: \_\_\_\_\_



20. All vehicles must travel on existing roads or vehicle paths. Trucks should be in 4WD at all times. No vehicular access is permitted on the pahoe hoe south of the white sand at Waikapuna Beach.

21. Entry is permitted for cultural and educational purposes only. The sale of seafood taken from the Waikapuna Property or charging of fees for visitors entered with the Permittee is prohibited.

22. Any violators of these Rules shall be subject to total ban from access to the Waikapuna Property and costs incurred by Owner in clean up or repair of damage caused by Permittee.

23. Owner has the right to eject or remove any person not approved as a Permittee, or who is in violation of these rules.

### WAIVER OF LIABILITY AND AGREEMENT

1. The undersigned understand that the property is privately owned and that the granting of permission by Owner to enter thereon is specifically subject to, and induced by and/or reason of the undersigned's representations and statements herein, in consideration of being allowed to enter the Waikapuna Property. The undersigned understands further that this permission for entry may be revoked by the Owner at any time, without cause, and is solely for the dates and the purpose(s) set forth herein.

The undersigned is aware that the property is undeveloped at this time and certain risks and dangers exist in the use of the property. The undersigned acknowledge that traveling upon and participation in certain activities within the property and in or near the ocean has risks attached thereto, including certain inherent risks which cannot be eliminated. Such risks may include, but are not limited to, loss or damage to personal property, accidental injury, illness or in extreme cases, permanent trauma, disability or death. Travel within the property is by motor vehicle or on foot over rugged, unpredictable terrain. Attendant risks include collision, falling, drowning and other risks usually associated with such travel methods or activities, as well as environmental risks. Environmental risks and hazards include, but are not limited to, insects and predators, including sharks, wild dogs, goats, cattle, falling and rolling rocks, high waves, tsunami, earthquakes, strong underwater currents, lightning, and unpredictable forces of nature, including weather, which may change to extreme conditions without notice. Possible injuries include hypothermia, sunburn, heatstroke, dehydration, and other mild and serious conditions.

In consideration of the privilege of entering onto and using particular areas of the property, the undersigned acknowledges the presence of and assumes all responsibility for all inherent risks identified hereinabove and those inherent risks not specifically identified, and further agree to defend, indemnify and hold harmless the Owner of the property, and its principals, partners, subsidiaries, successors, assigns, agents and employees, from and against

Permittee(s) Initials: \_\_\_\_\_

any claim, action, lawsuit or proceeding arising out of, related to, or by reason of any of the undersigned's entry upon, occupancy of, costs, damages or attorney's fees, or actions on the property and/or if any of the undersigned fail to comply with any term hereof. If any of the undersigned is a minor, such minor undersigned's parent(s) or guardian must also sign this Entry Permit and by such signature assumes and accepts full responsibility for such minor's injury, death or loss of personal property or expenses suffered by such minor and the minor's parent(s) or guardian as a result of those inherent risks and dangers identified herein and those inherent risks and dangers not specifically identified, or as a result of such minor undersigned's negligence while upon the property.

This agreement and all covenants contained herein shall be binding upon each of the undersigned, and such undersigned's minors, heirs, representatives and assigns. The terms hereof shall serve as a release and assumption of risk from each of the undersigned's heirs, executors and administrators, and for minors who may be accompanying the undersigned.

2. I understand and acknowledge that ALA KAHAKAI TRAIL ASSOCIATION and all entities and people employed or connected therewith are not liable for any injuries or claims caused by, or occurring in connection with the use of the Waikapuna Property and facilities, or adjacent beach areas, whether or not a claim is made that Owner or its agents or employees were negligent or at fault.

3. I understand that the use of said Waikapuna Property, facilities and beach by me or anyone using this permit with me, including minor children, is at my/our risk and that no representations have been made about the suitability or condition of said property, facilities and beach for any purpose; and that by signing below, I am also waiving claims for injury for any minor for whom I am a parent or legal guardian.

4. All Permittees and their guests shall sign this Access Permit, Rules and Waiver of Liability prior to entry onto the Waikapuna Property.

5. This waiver is entered into in consideration of ALA KAHAKAI TRAIL ASSOCIATION 's consent to my use of the Waikapuna Property.

I, the undersigned Permittee, have read, understand and hereby accept and agree to the above Rules and Waiver of Liability. I understand that this is a legal contract, and includes a complete release of liability on my behalf and on behalf of any minor for whom I am a parent or legal guardian and a promise not to sue or make claim against the Owner or its authorized representatives. By my signature below, I acknowledge that I am responsible to notify all members of my party of all terms and conditions of this Access Permit, Rules and Waiver of Liability.

Permittee(s) Initials: \_\_\_\_\_

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Permittee (Print Name)	Signature	Date
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Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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Permittee (Print Name)	Signature	Date
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Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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Permittee(s) Initials:

## VEHICLE IDENTIFICATION

	YEAR	MAKE	MODEL	REGISTERED OWNER	LICENSE NO.
1.					
2.					
3.					

## PERMIT AND KEY

Issued to: \_\_\_\_\_

\_\_\_\_\_ Date

**PURPOSE OF ACCESS REQUEST:** Please describe your reason for visiting Waikapuna such as cultural access, subsistence fishing, gathering of marine resources, recreational hiking, connecting with nature, enjoyment with family, education, etc. We use this data to support our stewardship grant requests and funding applications. Your feedback is appreciated.

[illegible]

Permittee(s) Initials:

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Applicant: Ala Kahakai Trail Association & The Trust for Public Land

Application Title: Manāka'a Fishing Village

Describe the overall significance and importance of the property to be acquired:

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. The cliffs of Māniania Pali, rising over 200 feet above the sea of Manāka'a, stand as an icon along the Ka'ū coastline providing protection for nesting sea birds and native coastal plants. These 1.2 miles of sea cliffs provide breathtaking views of Hawai'i Island's southeastern shores.

Protecting Manāka'a would preserve an entire cultural landscape with 25 recorded cultural sites including the 44 features of the ancient Manāka'a Fishing Village. The archaeological survey maps (Attachment A16(f)) gives an overview of its historic use and sites, including heiau, burials, lava tube habitation sites, water collection caves with underground springs, ancient habitation complexes, ahu (altar), and papamū (stone for the game kōnane). Two mauka-makai trails traverse the property. One connects Waikapuna's shores with the foothills of Nā'ālehu. The other connects Nā'ālehu with the only path descending the pali to the shoreline below (Attachment A16(g)). The property includes over a mile of the Ala Kahakai. Together these sites along with their rich history and stories constitute the cultural landscape of Kāwala, an important part of Ka'ū heritage

These lands provide some of the best grazing lands in Ka'ū with over 200 acres of deep Pāhala Ash soil. This fertile area, known as Kīpaepae, is enclosed by a historic rock wall (Attachment A16(e)).

Kuahiwi Ranch leases the property for cattle grazing and specializes in local grass fed beef, marketing about 450,000 lbs of meat annually, which contributes to our local food security.

Preserving Manāka'a will ensure a pristine marine environment at the base of Māniania Pali. Kāwala falls within the Nā'ālehu Watershed. Proper management will minimize soil erosion, sedimentation, and runoff into the sea of Manāka'a. Lava tube caves contain underground springs, which are sacred to Kāne-i-ka-wai-ola. Evidence of ancient and modern water collection include rock cairns assembled below ceiling water drips which supported ipu gourds. There are no other freshwater resources in these makai lands, as a result, water was highly prized. Accessing these underground springs to collect water is a traditional cultural practice that should be preserved.

Manāka'a falls within the 175 mile long Ala Kahakai National Historic Trail corridor, from 'Upolu Point in Kohala to Hawai'i Volcanoes National Park (Attachment A16(d)). Acquisition would not only protect the Māniania Pali and its immense biocultural resources, it would also conserve a critical land piece in the Ka'ū coast conservation puzzle.



## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

The Manāka'a Fishing Village lands are in imminent danger of development. For many years, the Ka'ū community has advocated for the protection of the entire 80 miles of coastline. With the closure of Ka'ū Agribusiness at the turn of the century, several large properties along the coastline were sold to land speculators. This property is an important piece in the puzzle to protect the coastline.

The landowner has submitted multiple applications to consolidate and re-subdivide the property since its acquisition in 2004 (Attachment A16(h)). In 2007, the owner was granted a Special Management Area (SMA) minor permit for the proposed subdivision without completion of an archaeological inventory survey (AIS). The approval was contested by Kāwala descendants and the County was persuaded to defer action on the subdivision application pending a more thorough assessment against the County's SMA requirements including SHPD approval of appropriate archaeological mitigation measures. Following the completion of the AIS, the property owner completed a burial treatment plan which has not been implemented. Additional applications were submitted to County Planning between 2013 and 2016. Last year, the landowner sold the mauka 800 acres which included 15 parcels to Kuahiwi Ranch. This property along the shoreline, the last remaining Kāwala parcel, is currently listed for sale by the property owner (Attachment A16(i)). An application to allow for road improvements to access this makai parcel through the mauka 800 acres was submitted to SHPD in September 2018.

The property's native habitat and cultural resources are also threatened by environmental hazards including wildfires and lack of a fire management plan. In September 2017, there was a wildfire which started on the adjacent property and quickly spread into Kāwala. Bulldozers were used to create a 1000 foot long firebreak at least 25 feet wide which damaged precious cultural and archaeological sites on both this property and the adjacent State property.

Development of the property would destroy both fragile native habitat and the treasured cultural landscape. Other risks include unrestricted access to sensitive cultural sites, adverse impacts to the pristine marine environment through sedimentation, proliferation of invasive species, and most importantly, the loss of an essential piece in the plan to protect the lands makai of Nā'ālehu Town. Development could catalyze a domino effect of subdivision and development of nearby lands - extinguishing the local community's passionate efforts toward an entirely protected Ka'ū coast, and sustained ranching and farming.

## **A16(a) History of Conservation Efforts & Proposed Development of Manaka'a**

In 2006, the National Park Service (NPS) conducted a reconnaissance survey of resources along 27 miles of the Ka'ū shoreline, a 20,136-acre study area which included the makai lands of Kāwala including Manāka'a. The preliminary evaluations found that the study area is of national significance, would be a suitable addition to the national park system, and could be feasibly managed for resource protection and public enjoyment, provided that its protection could be achieved through community-supported approaches that reduce acquisition costs and are based on partnerships with local entities. This commitment to preserve the Ka'ū coastline received strong support from Hawai'i's congressional delegation who in 2013 introduced both the Pacific Islands Parks Act which calls for NPS to complete studies of the Ka'ū Coast and the Ka'ū Coast Preservation Act which directs NPS to assess the feasibility of designating certain coastal lands on the Ka'ū Coast as units of the National Park system.

While NPS conducted studies to plan for resource protection, the new owners of the property envisioned a new community of agricultural estates, with each enjoying spectacular views along the pali. In 2004 following the closure of Ka'ū Agribusiness, the subject property was acquired by LLC Kāwala as part of a larger 1152.571 acre parcel with 16 pre-existing lots of record. On May 07, 2007, an archaeological reconnaissance study was completed by Rechtman Consulting, LLC for the entire property. The study was followed by submittal of applications for consolidation and resubdivision including an SMA Assessment on July 09, 2007. On April 14, 2008, the owner was granted a Special Management Area minor permit (SMA 08-077) for the proposed consolidation and resubdivision of 12 lots. The approval was appealed by Charmaine Keanu, a Kāwala descendant on May 13, 2008 and on July 21, 2008, the State Historic Preservation Department (SHPD) advised County Planning to take no action until an archaeological inventory survey (AIS) was completed and approved for the property. The County also deferred action on the subdivision application pending a more thorough assessment against the County's SMA requirements including SHPD approval of appropriate archaeological mitigation measures. Subsequently, an AIS for the subdivision's roadway access corridor was completed by Rechtman Consulting LLC in September 2009. In January 25, 2010, SHPD requested an AIS for the entire parcel including consultation with the Keanu Family, descendants of Grant 2114. An AIS of the entire property was prepared by Rechtman Consulting LLC on February 15, 2013 and approved by SHPD on August 14, 2013. In order to address Planning concerns regarding the quality of coastal scenic and open space resources including public view planes, a visual impact analysis was completed by Dr. Ron Terry on March 2014. In October 2015 after receiving a determination and recommendations from the Hawai'i Island Burial Council, a burial treatment plan was completed by ASM Affiliates and approved by SHPD on December 16, 2015.

Additional SMA assessment applications for consolidation and resubdivision were submitted on 10/09/13, 12/09/13, 3/25/14 and 7/18/16 but none were accepted or approved by County Planning. As part of the application review in 2016, letters of concern regarding public access and impacts to cultural and natural resources were received by Deborah Chang at Island Transitions LLC, the National Park Service Ala Kahakai Trail, the Office of Hawaiian Affairs and Native Hawaiian Legal Corporation in its representation of Kāwala descendant, William Keoni Fox. The last SMA Assessment application was withdrawn on March 28, 2017. In one application response letter from County Planning on February 03, 2014, the letter stated, "Based on the foregoing, we have deemed the application incomplete and are returning the

submittal. Before resubmitting, we strongly encourage you to consider that the subject property may be best suited as a preservation reserve, which could be established through public-private collaboration.”

On August 23, 2016, the property was subdivided, by right, into 16 lots according to boundaries determined by pre-existing lots of record. Subsequently, on July 09, 2018, the landowner sold the mauka 804.545 acres which included 15 parcels to the lessee, Kuahiwi Ranch. This subject property along the shoreline is the last remaining Kāwala parcel owned by LLC Kāwala. In September 2018, an archaeological monitoring plan was submitted to SHPD to allow for road improvements to access this makai parcel through the mauka lots. SHPD rejected the AMP on April 15, 2019 pending completion of all mitigation commitments including a Preservation Plan and implementation of the Burial Treatment Plan.



## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Applicant: Ala Kahakai Trail Association & The Trust for Public Land

Application Title: Manāka'a Fishing Village

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

ATA's vision for Manāka'a Fishing Village is a protected and living Hawaiian cultural landscape cared for by the Ka'ū community, and connected to the surrounding ahupua'a and the entire island by the Ala Kahakai Trail network. The land will continue to be grazed by cattle for the foreseeable future with pockets of protected areas containing native plants and cultural sites. The entire property will be conserved for cultural practice, subsistence fishing and gathering, enjoyment in nature, and mālama 'āina education. ATA has been working with the community to protect adjacent properties. ATA will manage the property collaboratively with other protected lands. By employing shared resources, the time and cost effectiveness results in economies of scope.

Rent from the pasture lease to Kuahiwi Ranch will provide a steady source of start-up and operation funding. ATA will also pursue stewardship grants from both the County of Hawai'i and the Ala Kahakai National Historic Trail, a unit of the National Park Service.

ATA is committed to community based stewardship. The property will be managed in collaboration with the Ka'ū community and assistance may be requested from other community organizations.

ATA owns and manages a property at Kaiholena, North Kohala in a similar manner.

ATA will engage with stakeholders to develop a resource management plan for the property within 12 - 18 months after taking ownership. The plan will be based on ATA's management values which can be further refined with additional input from descendants and the community. ATA's resource management values and the proposed stewardship actions designed to achieve those values are as follows:

- (1) Abundant and clean marine environment. (a) Build relationships with Ka'ū fishers and gatherers to document and share fish count, size and spawning stage, and size and amount of 'opihi, kūpe'e, limu and other resources gathered. (b) Partner with marine stewardship groups and scientists

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

to study marine species. (c) Compile knowledge attained from all of the above with DLNR regulations to draft a sustainable fishing and marine stewardship plan that can be easily shared with those who fish at Kāwala and incorporate into a larger property management plan. (d)

Schedule and coordinate coastal marine debris clean-ups

(2) Thriving native coastal plant communities. (a) Identify, photo document and map existing native coastal plant communities. (b) Work in partnership with local community and cultural groups, local volunteers, and the Hawai'i Island botanist/science community to protect existing native coastal plants and expand the habitat by removing competing non-native plants and planting native species. (c) Propagate seeds from native plant populations found on site, or from surrounding ahupua'a if native populations cease to exist on site. (d) Evaluate the threat to native species in the coastal area by cattle, wild ungulates, and feral animals, and explore solutions to protect the coastal plant communities and seabird nesting sites if necessary.

(3) Permanently protected and respected cultural sites and cultural landscape. (a) Review the AIS in its entirety. (b) Future plans may include a preservation plan of cultural resources. (c) Incorporate applicable components of the burial treatment plan. (d) Address possible restoration and/or reuse of sites in the above plans and management plan. (e) Consider additional protection measures for cultural sites within the leased lands if needed with assistance from ranch tenants.

(4) Continued sustainable ranching to preserve Ka'ū's paniolo lifestyle, promote local food production, and maintain or increase ag jobs for the community. (a) Allow for longer term leases to encourage ranchers to invest in the property. (b) Determine which leased lands should be reserved for native reforestation or cultural preserves, work with ranchers to find the right balance.

(5) Managed access that balances the protection of cultural and environmental resources, the facilitation of cultural connections and educational opportunities for Ka'ū residents and descendants, and continued support of the local ranching industry and sustainable agriculture. (a)

Coordinate quarterly community volunteer days advertised to Ka'ū residents but open to all. (b)

Promote opportunities and community initiatives to learn about Hawaiian culture and the environmental resources of the property especially the unique mo'olelo, traditions and history of Kāwala. (c) Develop a plan to allow for pedestrian access using the Ala Kahakai and possibly mauka-makai trails crossing adjacent properties while prioritizing resource protection. (d) Contact,

facilitate access, and encourage stewardship involvement by descendants of Kāwala, its surrounding ahupua'a, and Hawaiian cultural practitioners. (e) Perform outreach to Ka'ū community through meetings with community leaders, civic clubs, and the public. (f) Design and distribute field guide to visitors to the property and install educational and interpretive signage to protect cultural sites and native species. (g) ATA contact information posted clearly at property entrances including the nearest road and the Ala Kahakai. (h) Create a Fire Management Plan

(6) A resilient Ka'ū community where the people care for the land, and the land provides sustainable economic development that incorporates the values above. (a) Consider the Ala Kahakai as a means to contribute to community self-reliance (b) Support Ka'ū's return to a thriving, cultivated landscape as far as the eye can see. (c) Evaluate culturally-driven and ecologically-minded ways of paying back a purchase loan if necessary.

# Section I

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Applicant: Ala Kahakai Trail Association & The Trust for Public Land

Application Title: Manāka'a Fishing Village

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

The Manāka'a property consists of the makai portion of the ahupua'a of Kāwala. The revered Hawaiian scholar, Mary Kawena Pūku'i, described Kāwala as "an ahupua'a of importance because to it belonged Nā'ālehu with its large population; rich planting areas; planting, healing and war heiau; sports arena; a pavilion of the ali'i in a grove of kou trees; and other distinctions". Nā'ālehu literally translates as "the volcanic ashes". There were two 'ōlelo no'eau (proverbs) that referenced Nā 'ālehu. Nā 'ālehu i ka pala pa'a (Nā 'ālehu of the thick-walled calabashes) means that Nā 'ālehu folk were proudly thick skulled and stubborn even more so than the run of Ka'ū folk and were strict adherents to principles. Another proverb shows that they regarded themselves, or were regarded as, merciless fighters. Nā 'ālehu haehae poko means "Nā 'ālehu tears to bits." This saying comes down from the memory of a warrior who was so strong and so fierce that he tore his victims to bits with his bare hands. It's also said of a person from Nā 'ālehu who shows no fear in any situation.

An ancient seacoast trail that crossed through Kāwala once connected Waikapuna with Honu'apo to the northeast and Kamilo, Ka'alu'alu and Ka Lae to the southwest. Pūku'i describes several places along this trail including some that occur within this property. "Several miles toward Honu'apo [at the coast of Kāwala] is the cliff named Māniana Pali (the "giddy" [height] cliff), which is famous in legend. It was on the land back of this pali that Niu-loa-hiki lived. This tall coconut tree was one form of the god Ku-Hina. Ku's wife, Hina, wanted to send her son to Tahiti, so the boy climbed a tall coconut (niu loa) and sat in the top. The tree grew taller and taller. The boy looked down and felt giddy...Gradually, as the tree grew taller and taller, it bent down and down until it touched Tahiti, and the boy alighted safe and sound.





## Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

# Section I

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Manāka'a (ball of chewed 'awa root) is a land area between Māniana and Waikapuna. In the sea close to the shore is Pōhaku o Kua, a great stone on which fishermen offered 'awa and bananas to Kua, the shark god of Ka'ū who came from Kahiki (Tahiti). Kanoa is a rock next to Manāka'a where prayers were recited to free fishers from kapu (ho'onoa, to make free) after the winter season. The kahuna-ho'oulu-i'a (priest-causing-increase-in-fish) performed the rite, removing a branch of hau which had been laid on the shore as a sign that fishing was prohibited. Keauhou was mauka of Māniana where many dry-land food plants grew: sweet potatoes, bananas, sugarcane and melons, but there were only brackish pools for drinking water, except when the rains came.

There was a cave containing red earth (hematite/ red ocher) which was used medicinally. Noni also grew here: this too was medicinal. Ka-hiwa-papa ([of] the highest [sacred] class) was a heiau at Keauhou dedicated to Kāne-i-ka-wai-ola (Kāne-of-the-water-of-life). Hilinai was its last priest. The heiau was kapu to women; only Po'ai-Wahine, Mrs. Pūku'i's grandmother, who was the step-daughter of the priest Kane-kuhia, had the right to enter. Prayers to Kāne-i-ka-wai-ola were for an abundance of food and health. Near the heiau is a cave where treasures of the chiefs of Ka'ū were stored: feather capes, helmets, calabashes, and canoes. Kalakaua was the last person taken there to view them. The last guardian of these treasures was a woman, Kahananui.

Ka-Lawai'a-Hōlona-I-Ke-Kai-O-Manāka'a (The Unskilled Fishermen at the Sea of Manāka'a) is a chant composed around 1850. It tells of the story of Ke-li'i-kanaka'-ole-o-Haililani, Mary Kawena Pūku'i's grandfather, his younger brother, Ke-kipi-o-Haililani, and their cousin, Kawelu, who went fishing at Manāka'a. Keawe-hano, a noted fisherman, made fun of them calling them the unskilled fishermen of Manāka'a. Kanaka'ole, a noted kahuna la'au lapa'au (medicinal kahuna) and kahuna ho'oulu'i'a (expert on fish habits), offered prayers to a female 'aumakua who lived in the sea. She answered his prayers by giving him quantities of fish which he caught for his chief, Alakaihu-i-ke-Kupa'ai. When the first great haul of fish was caught at Manāka'a, Keawe-hano forgot his unkind words and in his excitement, ran to help so that he might be given some. Soon after, Huli-o-ka-manomano, Kawelu's wife, gave birth to a little girl named Ka-lawai'a-hōlona-i-ke-kai-a-manāka'a. This was her mele inoa (name chant). Years later, this little girl grew up and married Pi'ipali Keanu of Kāwala, and gave birth to a stillborn baby. Kanaka'ole placed the child in a large calabash, held it up to catch the warmth of the sun, and prayed that she would live. The baby stirred and cried. Kanaka'ole named her, "Hanau-maka-o-Kalani" (Kalani born from an eye), for a shark 'aumakua who was born from his mother's eye.

This parcel was originally a land grant awarded to Kauka in 1856 which included an agricultural lot mauka of Nā'ālehu. In addition, Kauka was awarded a separate kuleana for lands mauka of Nā'ālehu, also in Kāwala ahupua'a (Attachment A16(j)). Five individuals (Kahakauila, Keliwaaole, Kaliki, Kauka, and Naeole) who were awarded kuleana in Kāwala claimed in the native register to have either a full 'ili or mo'o of land stretching from the seashore bluff to the 'ama'uma'u fern zone suggesting that, prior to the Māhele, they controlled the resources of the entire land division.

January 8, 2020  
Attachment 3(c)  
Manaka'a Fishing Village  
Ka'u, Hawai'i

DAR# 5947:1

Comments

The Manaka'a Fishing Village hosts an array of natural coastal resources and archaeological relics, artifacts and burial sites that have been relatively undisturbed and avoided impacts from urban development to date. Due to the unique natural, archaeological, historical and cultural resources and the relative remoteness of Manaka'a Fishing Village, this area warrants further protection from development and other anthropogenic disturbances. In particular, the relatively intact coastal marine resources of Manaka'a Fishing Village is critical to subsistence fishing and to the livelihood of the local community, which is becoming increasingly rare across the State of Hawaii. Overall, acquiring these parcels of land with the purpose of continued and increased protection of the various resources within it will benefit these natural ecosystems, namely the coastal marine resources, for current and future generations, and the betterment of our island ecosystem as a whole.

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Applicant: Ke Ao Hali'i (KAH - Save Hana Coast)

Application Title: Mokae Lands - Hana, Maui

Describe the overall significance and importance of the property to be acquired:

For Hana residents, driving south from Hana Town there is one remaining 3.2 mile expanse of undeveloped, stunningly beautiful coastal pastureland with breathtaking sea views that inspire & connect our community to its history, identity, & provide access to important resources. Eventually the open space gives way to the "Gold Coast" with its high hedgerows and large private homes. There are precious few clues indicating the magnificent coastline, & certainly no access. The private homes continue as the norm. Actively marketed for sale, these remaining precious pasturelands are a resource threatened by private development.

The significance of these lands is not new to Hana. The brief overview of legendary and traditional accounts described in Section I, indicates the magnitude of Maka'ala, Mokae and Hana in Hawaiian history. The three Heiaus in close proximity: Hale O Lono Heiau, the impressive Kaluanui Heiau & Pakiokio Heiau all carbon dates between the 1400s -1600s.

Walking back up the path from visiting the lands one day, I ran into Edmond Junior, referred to as "Son", with his very young grandson. They were hauling fishing rods, nets, buckets and other assorted gathering items. I was honored to witness this long tradition of coastal knowledge being passed on to the next generation. This young boy will learn to work the coastal lands with his grandfather, his father and eventually pass the knowledge on to his sons & daughters, as it has been for generations.

These lands remain a vital part of Hana's culture and identify for gather rights, spiritual connections to ancestors, and the inspirational beauty they provide. Lineal descendants talk about the springs from Mokae and Aleamae that were use to feed the kalo. Off the rocks one could expect, with net or line, to feed their family with an abundance of O'io, Ko'le, omilu, anae and kumu; gathering limu, kohu and Lipoa from the coast, Kala or lipeepee. Shellfish are abundant as well; Lobster, a'ama crab, kupe'e, pupu and Leho. Native trees & plants still visible on the land today include Olona, & Hala, & medicinal plants like Laukahi.

One of our Uncles, raised in Mokae area, insists that along this stretch of ocean are the most important limu beds in Hana (shush... don't tell anyone) because of the freshwater springs that flow into the area and feed them; Limu kohu, lipeepee, lipoa, limu nei. As well as its uses for food, medicine and ceremony, the limu is also food and habitat for the herbivore fish which in turn feed the larger fish and support the whole food chain and abundance in this area.

One can look upon the early development of sugarcane and later cattle ranching as a mixed blessing. Sugarcane started in 1849, cattle ranching followed in 1944. The land was turned over and evidence of the previous Hawaiian settlements disturbed beyond recognition. But, the farmers and ranchers also kept the land open for well over a century.



## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

#1 threat: Development- Today, by far our greatest threat is the owner's effort to actively market for sale these precious lands, & preferably to the highest bidder. According to Maui County Code, Title 19 Zoning, chapter 30A, Agricultural District, the minimum lot size is 2 acres. The maximum number of permitted lots on a parcel from 2 – 31 acres is 7. Thus our groupings of 3.4, 12.5, 8.3 and 8.5 acres of pristine coastal pastureland can legally be subdivided into a total of 15 lots, each with its own farm dwelling and ohana, resembling the rest of the "Gold Coast". Even with the Shoreline Conservation Zone, access would be difficult and intimidating, and any remaining historic sacred sites would be destroyed or inaccessible.

One of the downsides to the history of sugarcane and cattle ranching is that most indigenous or canoe plants have given way to invasive species. But the ranch uses few pesticides, ensuring the soil is healthy and can certainly support indigenous plant or bird life, if given the opportunity. In fact, some of these traditional plants still hang on right at the pasture edge by the sea.

Our other concerns include fear of over gathering and fishing by outsiders with dire consequences. Uncle E. was raised in Maka'alae, Mokae & Haneo'o. He said they go by PuuikiPali for opihi & fished from there all along the coast back toward Hamoa. "We used to go catch ulua backside of Waioka & from Maka'alae to Lehoula, catch A'ama crab. There's aholepukas, manini houses, enenue galore. Moi at times, we still pick & eat most of those, haueue, plus limu kohu & lipoa. The kupe'e is getting less & less as more hula dancers find out where they can find it, even from the other side of Maui."

And, if it's not residents from Hawaii, Hana is being overrun by visitors looking for the "hidden gems" of Hana. Look no further than Waioka Pond (Venus Pool) which is inundated by hundreds of visitors every day and is not equipped to handle the volume.

On the environmental side, there are concerns over erosion due to sea level rising, tsunamis, and increasing hurricanes, as well as sediment from nearby streams coating reefs which cause damage to coral and will curtail fish food sources.

Should our community be fortunate enough to stop the development, we have within our grasp the resources to honor the ancestors and allowing limited gathering rights, while returning the land to a thriving natural environment supporting indigenous vegetation, birds, fishes, microalgae, and crustaceans. But, should this land be sold for development, we will never get it back and the opportunity to restore this land for future generations, in perpetuity, will be lost forever.

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Applicant: Ke Ao Hali'i (KAH - Save Hana Coast)  
Application Title: Mokae Lands - Hana, Maui

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

• Goals - Evolving from a huge outcry by our Hāna community, Ke Ao Hali'i (KAH) was only recently formed early in 2018 with the incentive to protect the lands under discussion here. Our initial short term goal is simply to stop the development of this land by securing ownership & establishing conservation status. Our flyer, intended to help communicate our goals to our Hāna neighbors, quotes our mission: "to purchase, preserve & manage Hāna's natural, scenic coastline, saving our cultural history & resources for the benefit & education of future generations." In addition, it addressed four areas of relevance; Historic and Cultural Considerations; Educational Opportunities; Environment Incentives; and Stewardship of the Land (see flyer attachment). This encompasses our general goals, with the intent to further refine as our program evolves.

• Resource management plan- The need to comprehensively address the management of these Lands is recognized as crucial for maintaining their environmental viability. As we secure the land, we are working diligently to create a multi-tiered and phased Management Plan.

We believe the most effective way to retain the open pastureland will be to continue grazing. We are presently working with BioLogical Capital, who ranch the land now, to develop a lease agreement and grazing plan. We may eventually explore alternate grazing animals whose waste byproducts are more compatible with coastal environment needs. We also plan to, at a minimum, protect by fencing the sacred and sensitive cultural and archaeological sites, pending further investigation if appropriate. Critical components of this plan will be to provide designated habitats to promote healthy native plants, sea and birdlife. We envision a Master Map with specific areas designated to these resources. By far the largest threats to native habitats on Conservation Lands are invasive species and human-caused impacts like overuse of resources, so publishing a Code of Conduct will be crucial. In addition, using Conservation Lands for educational activities and to

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

promote volunteerism is part of our plan. Through classes, field trips and research, stewardship will grow within our community and nurture dedication and commitment in our next generations.

- Funding sources -There has been a community outpour in support of our efforts. A number of altruistic members have been willing to commit funds for start-up, operations & maintenance, including our realtor who has pledged her fee for this cause; providing us with over \$90,000 in start-up management funds once we take ownership. In addition, our community is quite adept at fund raising & we envision, for example, an annual event held on the land that might support & promote our cultural heritage. We also have a number of experienced grant writers who have offered to help when needed. Our Management Plan will include a budget allowing us to know what funds we need to meet our goals or what we can achieve with funds we have.
- Permit requirements- We do not anticipate a need for any permits since our intension is to maintain cattle grazing for the moment. The land is zoned Agricultural, already fenced & being utilized as such. Details of future plans are still unclear but may require permits.
- Management entity -We are fortunate to have alongside us the following team of experts who are willing & very able to guide & advise KAH: Hāna Ranch- BioLogical Capital currently has a lease with sellers to graze cattle & has agreed to continue this arrangement under new ownership and to offer their expertise in managing the land; so status quo can be maintained while long-term plans are developed. Hawaiian Islands Land Trust will hold the conservation easement on the land & will provide management & planning support. The Nature Conservancy (Maui Marine Program) will act as a consultant & facilitator in the development of a long-term management plan. Na Mamo O Mu'olea will offer their support & guidance as a similar local nonprofit organization with 10+ years of experience managing 70 acres of coastal property nearby, including shoreline management, vegetation management, pasture management & educational programs. Maui Nui Makai Network, comprised of 6 organizations on Maui, Moloka'i & Lana'i who collectively have decades of experience actively management coastal areas, have offered their support of the development of a long-term plan, with the potential for KAH to join as a member of the Network in the future. As such a young organization, KAH's initial in-house management is & will continue to be volunteers including our Board of Directors. As the organization solidifies, builds & strengthens, we will consider hiring a part-time manager to oversee the programs and volunteers.
- Integration of existing cultural resources - One of KAH's main objectives is the protection of 'iwi kupuna (bones of ancestors). We uphold the policy of no disturbance, strict protocols on use of areas known to have 'iwi kupuna & reporting of any new discoveries. An additional aim is to perpetuate access for traditional & cultural practices including fishing & gathering limu. This land, due to cattle grazing, is entirely fenced with 3 gated accesses via grass roads to the coast. The vehicular access through the gates will continue for the community, lineal descendants, & other cultural practitioners with a controlled request system to avoid overuse and also a mandatory Code of Conduct for all visitors. Foot traffic can enter at will, most likely controlled by parking availability. As we refine our program & streamline our goals, KAH, who has some concerns about overuse, will be addressing the question of access in more depth.



# Section I

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Applicant: Ke Ao Hali'i (Kah- Save Hana Coast)  
Application Title: Mokae Lands- Hana, Maui

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

Maui Island's political divisions occurred during Kaka'alaneo rule (15 century). Hana was one of 12 districts identified at that time. The current project area is on the windward flank of Haleakalā in the moku of Hāna, the ahupua'a of Mokae. Today the area is known as Mokae.

Hana moku is considered one of Hawai'i's "wahi pana" (legendary places) due to the volume & significance of local myths. Accounts specific to Hana include: Noenoe & Ka'uiki; Hina climbs the moonbow; The Garden of Kāne and Kanaloa; many stories of Demi-god Maui the Trickster including pushing up the sky from Ka'uiki, pulling the Hawaiian Islands from the sea, & finding the secret of making fire. From the Mokae/Hamoa area are the important legends of Pu'u Ka 'iwi O Pele, Alau Island; & Kū'ula, his son 'Ai'ai and the first fishpond. Local legend also claims Pu'u Hele in Mokae as a place where the spirits of men, after death, were believed to plunge into Po (eternity). "There dwell our ancestors, spiritual parents; our aumakua."

Pre-contact: Hana was one of Maui's major centers of late prehistoric population concentration & political development. It is also home to Pi'ilani Heiau, considered the largest intact sacred sites in the Hawaiian islands (12th century). The importance of Hana during pre-contact can be attributed to the productivity of the ocean enhanced by fishponds, the relatively gentle slopping fertile volcanic soils of the Hana plains, & abundant rain, reducing the need for irrigation and making Hana one of the richer resource areas within the Hawaiian Islands during ancient times. (Dockall-2005)

Considered a favored residence of the ali'i, Hana offered "an abundance of useful woods for making scaffolds & ladders (for scaling fortresses) & where warriors could procure the best round smooth stones for making slingstones". Hamoa was also a playground for the ali'i who enjoyed water sports & surfing. (Handy 1991)

Traditional accounts concerning the Hana area focus mainly on armed strife between Hawai'i &

## **Section I**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Maui Islands. During the last half of the 18th Century the high chiefs Kahekili of Maui & Kalani'ōpu'u of Hawai'i carried on the battles between Maui & Hawai'i. Kalani'ōpu'u was in control of the Hana & Kipahulu areas from 1759 to 1765 until Kahekili won it in a battle. However, the Hawai'i forces were able to regain control from 1775 to 1783. In November 1778, Kalani'ōpu'u & Kamehameha were entertained on the British ship Resolution (Cpt. James Cook), while anchored off the Hana coast & were assumed to be chiefs of Hana region. With the death of Kalani'ōpu'u in 1782, Kahekili regained control of Hana, which he retained until his death in 1794, though not without further battles with Hawai'i Island forces. With the death of Kahekili, Kamehameha, whose birth place is 32 miles directly across the 'Alenuihāhā Channel from Mokae, gained control of Hana & Maui by 1795. (Cleghorn 1987).

Hana is also the birthplace of Queen Ka'ahumanu, favored wife of Kamehameha. Hana was her father's land, the ali'i nui Ke'eaumoku Papaiahehe, a close ally of Kamehameha. Upon Kamehameha's death, she became Queen Regent, ruling the Hawaiian Islands until her death in 1832.

By the 1850's, sugar, grown extensively in Hana, was replacing whaling as the mainstay of the Hawaiian economy. As a result of the Great Mahele (1850), many Native Hawaiians in Hana owned and farmed their own lands and were uninterested in plantation work. Although profitable, labor shortages were a problem & plantation owners were forced to import Chinese, Portuguese, Filipinos, and Japanese laborers. In addition, the lack of reciprocity agreement meant that high tariffs had to be paid for Hawaiian sugar sold to the US. During the Civil War years between 1861 and 1866 the tariffs did not seem to affect sales. However, in the years following the Civil War a reciprocity agreement was seen as a necessary by many Hawaiians. Such an agreement was finally reached in 1876. (Cleghorn & Rogers).

There were six sugar companies in Hana (35 in all the islands) and two of these, Hana Plantation and Reciprocity Sugar Company had their own mills and piers. The Reciprocity Sugar Mill (ruins still visible today in adjacent Maka'alae parcels) closed in 1902. Cleghorn & Rogers- Hana Ranch Lands report (1987) notes with maps and site analysis the project area of Mokae as "Archaeologically Sensitive, requiring more study".

Other sugar companies in Hana continued to operate until the last one was liquidated in 1946. At that time, one of the owners recognized the need to replace the sugar industry & purchased 14,000 acre from Hana Plantation for cattle ranching, which still exists today. The same owner developed the Hana luxury resort. (Cleghorn)

The district of Hana has had a colorful history. Many myths about the early period in the Hawaiian Islands take place in Hana. Later, Hana proved to be an important locale in the political movements of the islands. In the 19th & 20th centuries, it was part of the rise and fall of the Hawaiian sugar trade and today occupies a prominent place in the tourist industry.

There have been numerous archaeological surveys of Hana indicating the significances of the area: Walker (1931); Nakkim (1970); State Survey (1973); Cleghorn & Rogers (1987); Estioko-Griffin (1987); Kolb & Orr (1993); Sterling (1998); and Dockall, Lee-Greig, & Hammatt, (2005) & are the source of much of information discussed here.

January 8, 2020  
Attachment 3(d)  
Mokae Lands  
Hana, Maui

DAR# 5947-5

Comments

The coastal lots in question are part of a chunk of open oceanfront lands that are in danger of being purchased and developed. These coastal lands are very important for the local Hana community to recreate, and practice customary gathering and subsistence harvest. It is important to keep these lands in open conservation use, allowing for continued and controlled access. DAR is very supportive of this effort and any future efforts to use legacy land funds to help acquire important coastal lands, maintain these lands in open space, and to allow for continued access by the public for fishing and other ocean related activities. In addition, it is critically important that these types of coastal lands are managed to maintain natural coastal processes that will be adaptive to changing sea levels and increasing coastal erosion.



DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
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CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 20, 2019

TO: David Penn  
Legacy Land Conservation Program

FROM: Scott Fretz  
Maui Branch Manager

January 8, 2020  
Attachment 3(f)  
Mokae II  
Hana, Maui

SUBJECT: Comments on grant application by Ke Ao Hali'i for lands at Mokae, Hana, Maui.

Thank you for the opportunity to comment on the subject application submitted to the Department's Legacy Land Conservation Program (LLCP). The Division's Maui Branch is assisting the applicant with assessments of biological resources, particularly with regard to the potential for the subject lands to contribute to the connectivity, protection, and restoration of rare and endangered plants, seabirds, and invertebrates. The Branch strongly supports this proposed acquisition and provides the following comments:

With regard to the criteria that the Legacy Land Conservation Commission (LLCC) may consider in forming its recommendations, we note that the application seeks to acquire lands that will provide, 1) a high degree of linkage of protected acreage of similar resources by connecting lands from Waioka to Hamoa through a series of acquisitions, 2) opportunities for appropriate public access and enjoyment that are under urgent threat of loss if the lands are sold to private interests, and 3) exceptional opportunities for long-term management through community support and engagement.

Our biological assessments indicate that the subject lands support priority values, with a high potential to provide habitat and connectivity for native flora and fauna in the area, including threatened and endangered species. Our surveys noted a number of locations where opportunities to protect and restore endangered plants and seabirds could be initiated. We believe that acquisition of those lands by this applicant, as part of the suite of connected lands in the area, holds the best potential to ensure that those opportunities for native species protection are realized.

Finally, we emphasize the importance of the public benefits that this proposed acquisition will provide by creating and protecting opportunities for communities to experience natural areas. With their stunning beauty, the lands to be protected through this application will enrich our lives, inspire future generations, and foster appreciation and support for the responsible stewardship of the natural resources upon which our society depends.

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Applicant: Division of Forestry and Wildlife

Application Title: Na Wai Eha

Describe the overall significance and importance of the property to be acquired:

The proposed acquisition is comprised of three contiguous land parcels within the Wailuku Moku that include Na Wai Eha – the streams of Waikapu, Iao, Waiehu, and Waihee. The lands include the Ahupuaa of Wailuku, Waiehu, Ahikuli, and Waihee and extend from the Conservation District boundary at approximately 1,600 feet in elevation to the summit of Mauna Kahalawai.

Acquisition of these parcels would serve a public purpose by providing recreational (hiking, nature study) volunteer and educational opportunities while protecting threatened and endangered plants and animals, and providing watershed protection. Waihee Valley is valuable as a location to study critically endangered seabirds, invertebrates, and seabird species, as well as monitor efforts at species conservation. One threatened and one endangered seabird species are known from the area.

The lands are identified by DLNR as priority watersheds and include essential recovery habitat for numerous endangered species, including montane wet mesic habitats. Upper elevations support some of the most pristine, intact native forests in the state, with numerous records of rare and endangered plant species. This area is currently within the West Maui Mountains Watershed Partnership, a voluntary alliance of landowners and land managers committed to the common value of protecting forested watersheds for water recharge, and other ecosystem services through collaborative management. The incredible richness of this area is clear by the surrounding land protections. The lands are adjacent to state forest reserves and natural area reserves and would benefit from landscape-scale conservation planning and management beyond the work of the watershed partnership.

The proposed purchase was excluded from critical habitat designation but would have fallen within 10 critical habitat units for the *akohekohe* and *kiwiku* (*Palmeria dolei* and *Pseudonestor xanthophrys*).

Acquisition of these parcels would serve the public trust by ensuring management to protect native ecosystems, enhance biodiversity, protect the vital watersheds, recover endangered species, and provide public access for recreation, education, and traditional and customary practice.

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

High priority threats to the ecosystems are invasive plant species, and feral pigs. Additionally, chameleons, cats ,rats, barnowls and mosquitoes threaten forest, seabirds, birds and native plants.

Lower portions of the proposed Reserve have been invaded by *Psidium cattleianum* (Strawberry Guava), which thins out further mauka. *Clidemia hirta* (Koster's Curse) is also prevalent in the lower sections. Despite these major threats, as well as the threats posed by less established alien species, a relatively intact native ecosystem remains, especially in the mauka regions.

As this area has already experienced native species extinctions, and contains many species that are in danger of extinction, it is projected that no management action would lead to eventual loss of additional species.

This also has the potential to be a popular hiking area as there are easily accessible waterfalls.

Management priorities include fencing to remove feral pigs, which trample and devour vegetation and spread the seeds of invasive weeds. In 2009, four strategic fences were installed in Waiehu through a Service Partnership agreement. Funding for animal control checks has been provided, and these checks follow a regular schedule. Removal of invasive plant species is also a very high priority management action. Removing or reducing the amounts of predatory mammals and invertebrates, such as chameleons, cats ,rats, barnowls and mosquitoes, is needed near the existing seabird, forest bird and rare plant populations. Outplanting will preserve populations of very rare and endangered species. Infrastructure to support management may also be required, including helicopter landing zones, and monitoring equipment.

Protecting the area from feral pigs is anticipated to reduce erosion, sedimentation, and polluted runoff from the area, which will improve the coastal area.

Sale to a private or commercial interest. If the landowner cannot secure purchase by a conservation entity such as the state or county, he will likely list them on the open market.



## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Applicant: Division of Forestry and Wildlife  
Application Title: Na Wai Eha

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

Goals short-term: Strategic fencing and ungulate removal of the Mauka portions of these parcels to protect the watersheds will be the priority for management. Public access for hiking and hunting in the makai portions will also be a priority.

Goals long term: The acquired property would be protected and managed strictly for its unique forest ecosystems including plant, forest and seabird species. There are several options for long term management. Designation as a Natural Area Reserve would not add any new types of native ecosystems that are not already represented in the West Maui NAR, but would increase the acreages of existing native ecosystems (as measured by The Hawaii High Islands Ecoregional Plan).

This would however greatly increase the biodiversity of rare and threatened and endangered species protected by NARs. Several newly described plant species (H. Oppenheimer pers. comm) are found only in the slopes and drainages of the subject lands. PEPP and Endangered Species found on the parcels include: *Planthanthera holochila*, *Hesperomania arborescens*, , *Pritchardia forbesiana*, and *Melicope oppenheimeri*. One drawback to this proposal is that there may be complications if there is a desire to allow commercial hiking tours or other commercial uses in the area, particularly in the lowlands. 2. Designate the Na Wai Eha lands as a Forest Reserve: This would be the most administratively simple process and allow for commercial hiking tours.

Resource management plan: The land already has an established management plan and priorities.

Mauna Kahalawai Watershed Partnership (MKWP) established management and motivation to improve this landscape in 1998. The state intends to maintain membership to MKWP and provide additional resources for management. The state will evaluate the lands and establish these parcels as a Forest Reserve or Natural Area Reserve (NAR) due to its rich and diverse biological resources

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

and critical habitat for many native plants and animals. The mauka portion of the lands are primarily native forest and highly valued priority watershed.

Permit requirements: No additional permits are anticipated to be needed for the management of this area. State management of endangered species would continue via existing Federal agreements, and ongoing actions such as fencing, invasive plant control, and propagation of rare species is on the exemption list from requiring an environmental assessment under Chapter 343, Hawai'i Revised Statutes.

. Integration of existing cultural resources with the overall preservation/protection and use of the property: The state will protect the integrity of any archaeological sites found on the property. Restoration of native vegetation will also restore the area closer to how it might have been viewed precontact. The management proposed for Waihee is consistent with integrating cultural resources, which are inextricably linked to the health of the native plants and animals.

Management entity: The property would be managed by the Department of Land and Natural Resources by the Division of Forestry and Wildlife in collaboration with the West Maui Mountains Watershed Partnership. The Division has dozens of Maui-based staff with advanced experience in this type of natural resource management, and manages many other areas to a high level of protection. The Division of Forestry and Wildlife has an annual base budget that would be used for the management of this area. The Legislature has provided funding for large scale watershed protection fencing projects in the past, which would likely serve as a funding source for the fencing of Waihee. However, it is not anticipated that this acquisition would increase the base budget of the Division, so the Division would have to rely on grants or other one-time allocations from the Legislature for any other large scale projects. There are various Federal and County programs that provide funding for endangered species and watershed actions.

# Section I

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Applicant: Division of Forestry and Wildlife

Application Title: Na Wai Eha

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

This area is known as the Na Wai Eha. The four rivers that run through the parcels, the four Na Wai 'Eha—The Four Waters, Waihe'e, Waiehu, 'Iao and Waikapu Streams. These streams are the liquid lifeblood that's made the area as lush as it is storied. Naturally, it is a place of deep cultural significance to kanaka maoli (Hawaiians). Na Wai `Eha streamflow helps recharge the ground water supply that sustains more than half of Maui's residents and visitors. Native stream animals, wetlands, estuaries, and nearshore fisheries need a continuous supply of fresh water in order to remain healthy and functional. Streams need flow to support swimming, fishing, nature study, and aesthetic enjoyment. And local communities need cool, flowing stream water for traditional wetland kalo (taro) cultivation, the staple food of the traditional Native Hawaiian diet. At one time, Na Wai `Eha supported Maui's political center and fed the largest continuous area of wetland kalo fields in the Hawaiian Islands.

The vast water resources of Mauna Kahālāwai (West Maui Mountains) supplied these four streams with the life giving waters of Kāne. This allowed the Hawaiian population of this area to develop expansive irrigation and agricultural systems unique to Hawai'i. The rich history of Nā Wai 'Ehā, is directly linked to the abundance of wai. Hawaiians thrived for many generations in this region by cultivating lo' i kalo (wetland kalo), fishing in natural and manmade inland fishponds, gathering native stream life such as o'opu, hīhīwai, and 'ōpae, and collecting drinking water from springs



## **Section I** ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

The valleys of Waihe'e are known as the valleys of Pi'ikea, Pi'ilani's sister. The word Waihe'e has several meanings. One meaning is 'slippery water' after the people who go there to bathe and slip on the rocks. Another meaning stems from a large squid that was killed after attacking a mute man name Keakaoku, or the shadow of Ku. Afterwards, the valley was called Waihe'e or 'squid liquid.' Another more violent interpretation comes from King Kamehameha's conquest of the island, when many warriors fled down into Waihe'e valley, which was then known as the "the water of total rout and defeat, where the army melted away." The winds of Waihe'e are known as the Kili-'o'opu, or the faint odors of the 'o'opu (a small stream fish). These fish were considered off limits to commoners and if the fish were caught upstream and cooked in Ti leaves, it was said that the Waihe'e winds would carry the sweet smell down to the chief and they would be swiftly punished. However, if the fish was cooked in olena leaves, the smell did not escape to the chiefs nostrils and so they were safe.

The most southern water of the four making up Na Wai Eha is Waikapu stream, named after the moolelo of the conch in the area. Waikapu means waters of the conch. The moolelo says there was an entrance to a lava tube deep in the valleys of Waikapu and a pu that could be heard for miles when sounded from within the cave. A prophet from Kauai came looking for the shell and a mischevious resident named "Puapualenalena" found it and took it to safety, keeping it safe on Maui forever in silence. 'lao stream was named for a navigator or through the moolelo of Maui, his wife Hina, and their daughter lao, who had a forbidden love with a young warrior, Pu'uokamoa, who was turned into stone by Maui as punishment and is known as the prominent geological feature known as the lao needle.

Once home to the largest taro field in all of Maui, the centerpiece of the valley floor is the Waihe'e Stream (also known as the Wailua Stream) which is fed by the Eleile spring. It was said that this spring was called 'the water that returns the Ti' because visitors would toss in a Ti' leaf stalk and the water would swirl around and open the leaves of the Ti' and then the water would push them into a tight stalk again. Naturally, Waihe'e is a place of deep cultural significance to kanaka maoli (Hawaiians). Na Wai `Eha streamflow helps recharge the ground water supply that sustains more than half of Maui's residents and visitors. Native stream animals, wetlands, estuaries, and nearshore fisheries need a continuous supply of fresh water in order to remain healthy and functional. Streams need flow to support swimming, fishing, nature study, and aesthetic enjoyment.

And local communities need cool, flowing stream water for traditional wetland kalo (taro) cultivation, the staple food of the traditional Native Hawaiian diet. At one time, Na Wai `Eha supported Maui's political center and fed the largest continuous area of wetland kalo fields in the Hawaiian Islands.

DAVID Y. IGE  
GOVERNOR  
HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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COMMISSION ON FORESTRY AND WILDLIFE  
COMMISSION ON HISTORIC PRESERVATION  
COMMISSION ON LABOR, HUMAN RESOURCES AND TRAINING  
COMMISSION ON STATE PARKS

JUL 10 2019

Division of Forestry and Wildlife  
1151 Punchbowl Street, Room 325  
Honolulu, HI 96813  
VIA EMAIL TO: leah.j.laramee@hawaii.gov

January 8, 2020  
Attachment 3(f)  
Na Wai 'Eha  
Wailuku, Maui

SUBJECT: FY20+FY21 Agency Consultation for Land Acquisition, Legacy Land Conservation Program

Thank you for consulting with the Department about your Land Conservation Fund Grant Applications for "Waihee Valley Wall of Tears." The Department received the following comments from its divisions and offices:

Commission on Water Resource Management – Our records indicate that there is a well on parcel (2) 3-5-003: 001. The well (Well number 6-5132-001) is owned by the Hawaiian Commercial & Sugar Co. and was drilled in 1900. There are no records indicating usage during the year 2018. Tributaries to the Wailuku River are located in this parcel and the Wailuku River runs along the northern boundary of the parcel.

Our records indicate that there are three wells on parcel (2) 3-3-003: 003. Two wells (Well number 6-5333-001 and 002) are owned by the Wailuku Water Company, LLC, and were drilled in 1942. Well number 6-5333-002 has been abandoned and sealed. There are no records indicating usage during the year 2018 at Well number 6-5333-001. The third well (Well number 6-5332-001) is owned by the Wailuku Water Company, LLC, and was drilled in 1926. There are no records indicating usage during the year 2018. Tributaries to the Wailuku River are located in this parcel and the Wailuku River runs along the southern boundary of the parcel. There is one stream diversion on an unnamed tributary to Wailuku River registered by State Parks, for which status is unknown.

Our records indicate that there are two wells on parcel (2) 3-2-014: 001. The two wells (Well number 6-5434-001 and 002) are owned by the Hawaiian Commercial & Sugar Co. The two wells are named Waihee Tunnel 1 and 2 respectively. There are no records indicating usage during the year 2018. Tributaries in the headwaters of the Waihe'e River are located on this parcel, which also include upper tributaries of the Waiehu Stream. There are two active stream diversions on the main stem of the Waihe'e River owned by Wailuku Water Company, LLC.

Any proposed new stream diversions or wells would require permits and approvals from the Commission. The State Water Code and Administrative Rules require that the source owner/operator submit monthly water use reports to the Commission. Any existing wells and stream diversions that are no longer being used should be properly abandoned and sealed. Permits from the Commission would be required prior to any abandonment/sealing work.

Portions of the proposed acquisition area fall within the Nā Wai 'Ehā Surface Water Management Area and the 'Īao Groundwater Management Area. Any proposed new stream diversions or wells in the water management areas would additionally require water use permits from the Commission (except for individual domestic uses).

Sincerely,

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



## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition Importance and Threats***

Applicant: Hawaii DLNR Division of Forestry and Wildlife

Application Title: Haloa 'Aina: Royal Hawaii Sandalwood Conservation Easement

Describe the overall significance and importance of the property to be acquired:

More than 90% of Hawaii's original montane dry forests have been lost to development, fire, grazing, agriculture, and invasive species, making it the most threatened ecosystem type in Hawaii. This incredibly rare forest type still exists at Haloa 'Aina, but is at high risk for conversion with high land value speculation, active subdivision, and sales in adjacent areas. The dry forest at Haloa 'Aina provides essential habitat for native dry forest birds and insects, as well as key tree species including Hawaiian sandalwood. Sandalwood, an internationally significant forest product, offers considerable economic opportunities to rural residents in South Kona to keep their properties forested. Unfortunately, due to development, natural resource threats, and low natural recruitment, this once prolific tree is increasingly difficult to find. Haloa 'Aina, a family owned native Hawaiian company, is utilizing innovative, sustainable forest management to yield the most abundant natural regeneration of sandalwood in the state on their 2,780 acres of dry forest. A conservation easement will not only ensure that the property remains a working forest, but also contribute to the protection, restoration, and management of forests at a landscape scale. The Haloa 'Aina project will connect to over 400,000 contiguous acres of adjacent managed forest lands, including existing Forest Legacy projects, Kamehameha Schools land, and Hawaii Volcanoes National Park.

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

Much of the native forest in South Kona, including Haloa Aina, is on agriculture-zoned land. This designation provides limited protection from conversion to non-forest uses. Intensive farming and ranching, including the clearing of trees, is allowed without a permit or harvest plan. Several landowners on adjacent properties have already cleared their forests to farm coffee or other agricultural crops. Cattle ranching, a strong economic sector in Hawaii, is another viable land use option at Haloa Aina whom is already surrounded by grazing operations on adjacent properties. Dry forests are particularly susceptible to grazing animals that ultimately cause conversion to grassland. Ranch lands to the west of Haloa Aina support numerous cattle, horses, donkeys, mules, buffalo, llamas, and rabbits. Forests that remain unmanaged also continue to decline due to pressure from feral ungulates, fire, and invasive species.

Haloa Aina is zoned Ag-20, and can be subdivided in to 20-acre lots on which housing can be constructed, for a total of 150 potential separate house lots. Farm homes and other farm infrastructure (barns, roads, etc) can also be constructed. Properties adjacent to Haloa Aina have already been divided into 100-acre lots with paved road access, utility lines, and extensive road systems within the subdivision. Haloa Aina has received multiple purchase offers from housing development speculators, as well as two Australian companies and one Indian company who to establish plantations. Owned by individuals in their mid to late 50's, Haloa Aina is inheritable by 3 children. Each child could decide to clear the forest or sub-divide the property into housing lots. A conservation easement will ensure that subdivision by subsequent generations is not possible.

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Applicant: Hawaii DLNR Division of Forestry and Wildlife  
Application Title: Hāloa 'Āina: Royal Hawaii Sandalwood Conservation Easement

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

This conservation easement acquisition of 2800 acres will protect significant and important native forest resources. This forest protects important watershed for the pristine waters of Kealakekua Bay and provides habitat for endangered forest birds. The project's sustainable management of native forest products, such as 'iliahi - Hawaiian sandalwood trees will benefit both the environment and the local economy.

Hāloa 'Āina's vision is to restore the Native Hawaiian dry forest and create a local economic opportunity for sustainable management of Hawaiian sandalwood. This vision will provide important public benefits such as forest habitat and watershed protection, that are more environmentally beneficial than subdivision and housing development and ranching. The property once boasted a 100 foot tall closed canopy of native species, but after 150 years of ranching, very little of the original forest remains. By restoring the native forest, the landowners hope to create habitat for native birds such as the endangered palila, and establish a valuable recharge area for aquifers to contribute to water security. Hāloa 'Āina practices "mālama 'āina", using best management practices to ensure sustainable management of the sandalwood forest.

The conservation easement property will be acquired by DLNR and the rare tropical dry forests on the site will be protected from conversion to non-forest uses. The Department will work with the landowner to ensure sustainable and long-term stewardship of the native forest.



## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

A management plan is required by the Forest Service as a Forest Legacy Program project, and a draft plan is being developed through the Hawaii Forest Stewardship Program that will include management activities for the next ten years. Management activities include removing all remaining ungulates and installing the last quarter of perimeter fencing to fully enclose the area, and planting trees. The harvest of dead and dying trees helps to fund the restoration project through the sale of harvested material, and also promotes the recovery of the forest through regeneration, as harvesting stimulates coppicing or sprouting from the stump or roots. The use of the kapu system allows the sandalwood to grow through its entire life cycle before harvesting, ensuring the restoration of this land. Weed control in the area is limited to small shrubs and herbaceous weeds such as fireweed as there are very few invasive tree species found on the property. Wildfire is a significant threat in the region and the property owners have developed and maintained fire break roads and cooperated with neighboring lands to facilitate fire response.

Hāloa ina is currently working with adjacent landowners on sustainable restoration and management strategies for their sandalwood forests. Much of the remaining sandal wood forests exist on the adjacent Kamehameha Schools Land, where the Hāloa ina landowners have a management agreement to implement sustainable harvest and reforestation efforts. Hāloa ina i also working with the Three Mountain Alliance Watershed Partnership on forest restoration and management in the Lupea project area (adjacent conservation lands owned by Kamehameha Schools) . This patchwork of strategies will shape best management practices for the sustainable management of sandalwood forests across the larger landscape.

Hāloa ina has been very successful in partnering with neighboring properties and local companies. A total of \$15,000,000 has been invested in local companies since 2010 and 22 jobs were created for the local community to implement the Haloa Aina project.

# **Section I**

## ***Fiscal Year 2021 Grant Application for Land Acquisition Cultural and Historical Significance***

Applicant: Hawaii DLNR Division of Forestry and Wildlife

Application Title: Haloa 'Aina: Royal Hawaii Sandalwood Conservation Easement

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

Haloa 'Aina is currently owned by the great grandsons of Mary Kawewehiokalani Kelii Kamamalu, a direct descendant of the ali'i of the Keauhou ahupua'a and this property. The Keauhou ahupua'a was known for its abundance of sandalwood with harvesting occurring as early as the 1790's. Kamehameha I put a kapu on young sandalwood trees, but many of the lower chiefs continued to harvest in this area to sell with trade ships. After Kamehameha I's death, the forest was depleted and the sandalwood trade collapsed.

The property was then sold at an auction in 1847 to the Greenwell Family by the Kingdom of Hawaii. In 1986, it was sold to the Pace family and was purchased by the existing landowners in 2010, where it was removed from active grazing. The most significant cultural and historical site on the property is Kikiaeae, a pu'u found at 5,000 feet elevation. The name refers to the baskets carried by the Hawaiians along the mauka Mauna Loa King's trail on their way to the Ahu a Umi heiau. This heiau was built for Umi a Liloa who ruled the island of Hawaii early in the 16th century, and was known to have been the first to unite almost the entire island. Umi moved the capital of the island from Waipio Valley to Keauhou to better centralize the government of the Island. The pu'u is also the boundary point between the two largest ahupua'a in the State, Keahou 1 and Keahou 2.

## ***Section I***

### ***Fiscal Year 2021 Grant Application for Land Acquisition Cultural and Historical Significance***

Haloa 'Aina is encircled by Kamehameha Schools (KS) charitable trust lands. KS is Hawaii's largest private landowner who manages land for their educational mission to improve the capability and well-being of Hawaiians through education. KS stewards their natural resources by balancing educational, cultural, economic, environmental, and community returns while assuring resources in perpetuity. In partnership with Three Mountain Alliance, KS established a 6,000 acre fenced conservation area at Lupea along Haloa 'Aina's northern boundary, where sandalwood is being left to regenerate naturally. An additional 4,000 acres at Lupea is slated to be fenced and managed along Haloa Aina's eastern boundary.

Haloa 'Aina connects to the Hawaii Volcanoes National Park (HVNP) through Kamehameha School's trust lands. HVNP, with over 1.2 million visitors annually, is comprised of over 360,000 acres of wilderness; this area combined with the non-profit, state, and other federal reserves totals over 410,000 acres. Haloa 'Aina is also adjacent to two Forest Legacy conservation easement projects held by DLNR, including Kealakekua Heritage Ranch and Ka'awaloa Forest, totaling over 10,000 acres.



## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Applicant: Waipā Foundation and The Trust for Public Land

Application Title: Halulu Fishpond Access

Describe the overall significance and importance of the property to be acquired:

Halulu Fishpond Access is a small but critical component in Waipā Foundation fully realizing its long-standing vision and goal of nurturing a community managed ahupuaʻa (traditional Hawaiian land division usually extending from the uplands to the sea) where folks can connect with the land (that which feeds us - the land and resources), and learn about our local values and lifestyle through laulima (many hands working together). The parcel to be acquired includes part of Halulu fishpond, which connects to Waiʻoli Stream and Hanalei Bay. Waiʻoli Stream and Hanalei Bay provide habitat to numerous native species, including many native fish, and two species of endemic and indigenous Hawaiian gobies (oʻopu) - the oʻopu nopili (*Sicyopterus stimpsoni*) and oʻopu nakea (*Awaous guamensis*). Oʻopu are amphidromous - meaning their life cycle includes two migrations, one downstream to the ocean and one back upstream. Oʻopu larvae drift out to Hanalei Bay where they develop as plankton for a number of months before returning to the fresh water of Waiʻoli Stream to live their adult lives and lay their eggs. Two other oʻopu known from streams on the north shore of Kauaʻi - oʻopu alamoo (*Lentipes concolor*) and oʻopu naniha (*Stenogobius hawaiiensis*) - are recorded in Waiʻoli Stream in the Hawaiʻi Stream Assessment, but may be present. Oʻopu's amphidromous life cycle is a crucial adaptation for survival as the larvae in the ocean provide a reservoir for each species to repopulate streams - larvae are moved by ocean currents to other streams and even islands. Two more common native damselflies - (*Megalagrion vagabundum* and *Megalagrion hawaiiense*) - have been seen in the lower portions of Waiʻoli Stream and may be present on or around the Halulu Fishpond Access property. Shorebirds and wetland birds common to the broader vicinity include the endangered Hawaiian Duck (Koloa; *Anas wyvilliana*), endangered Hawaiian Goose (Nēnē; *Branta sandvicensis*), Black-Crowned Night Heron (ʻĀuku u; *Nycticorax nycticorax hoactli*), Wandering Tattler (ʻĀlilī; *Heteroscelus incanus*), and Pacific Golden Plover (Kōlea *Pluvialis fulva*). While Waipā Foundation stewards the majority of Halulu Fishpond, the purchase of the Halulu Fishpond Access property would allow Waipā Foundation to manage the entire fishpond and secure community access by continuing its restoration work for habitat and cultural practice.

A purchase by Waipā Foundation would secure access to Halulu Fishpond and Hanalei Bay. As the steward of Waipā ahupuaʻa, access is critical in managing all of Waipā's resources from mauka (the uplands) to makai (the ocean) in a comprehensive ahupuaʻa and community-minded manner. There is overwhelming community support for this acquisition because so many community members have benefitted from community gathering and cultural learning at Halulu Fishpond and the Waipā section of Hanalei Bay - made possible by Waipā Foundation's stewardship.

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

If the Halulu Fishpond Access property is not protected and acquired by Waipā Foundation, it would likely be purchased for residential development and use. A real threat is the local community losing access to the shoreline. If purchased by a private party, it is extremely unlikely that they would allow community access through their property right next to their house to continue. Public access through the property would likely be a privacy concern for a private landowner, especially during Waipā Foundation's large public community gatherings and seasonal food festivals at Halulu Fishpond. Lawsuits and community strife would be inevitable. A conservation purchase by Waipā Foundation removes that potential threat and community conflict, and ensures access to Hanalei Bay and Halulu Fishpond. Construction on the Halulu Fishpond Access parcel would likely increase sediment runoff into Halulu Fishpond, which connects to Wai ʻoli Stream and Hanalei Bay (with its fringing reef that extends 500 to 1,000 feet offshore). Conserving the Halulu as unhardened, permeable land has the benefit of providing green infrastructure to absorb water in heavy rains or flooding - an important benefit as evidenced by the 2018 flood. Halulu Fishpond is not known regular habitat for endangered species, however six wetland birds do live in Waipā ahupua ʻa, and Wai ʻoli Stream is habitat for at least two species of endemic Hawaiian gobies (o ʻopu), including o ʻopu nopili and o ʻopu nakea. Two native damselflies (Megalagrion vagabundum and Megalagrion hawaiiense) have been found at lower elevations in Wai ʻoli Stream. The native o ʻopu, birds, damselflies, and many other native species in Hanalei Bay could suffer from increased sediment load into Halulu Fishpond. Other residential development in Waipā has already disturbed iwi kupuna (ancestral burials), which are known to be found in coastal sandy areas.

The Halulu Fishpond Access parcel includes a portion of Halulu Fishpond itself. Ownership of part of the fishpond by a private owner raises many management issues for Waipā Foundation, which currently stewards the fishpond as lessee of Kamehameha Schools. In the overall picture, private ownership of the Halulu Fishpond Access parcel impairs Waipā Foundation's ability to care for the fishpond and the entire Waipā ahupua ʻa from mauka to makai. Waipā Foundation has a strong, positive, and long-standing relationship with Kamehameha Schools. Waipā Foundation's lease for Kamehameha Schools' Waipā lands (a total of approximately 1,672 acres) runs through 2050. Being a fee owner within the Waipā ahupua ʻa, however, would bring additional confidence and peace of mind to Waipā Foundation and the surrounding community that relies on: Waipā's weekly community poi day, the Waipa Garden Fridge that sells Waipā produced veggies, farming and green employment opportunities, and educational and community programs. Waipā Foundation's goal is the physical and cultural restoration of the Waipā ahupua ʻa, protecting the fishpond, key coastal and fishpond access, and land that could be returned to agriculture or native habit.

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Applicant: Waipā Foundation and The Trust for Public Land

Application Title: Halulu Fishpond Access

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

Waipā Foundation will own and manage Halulu Fishpond Access as a living center that welcomes all who are interested in contributing to the work while learning about Hawaiian culture and the environment, and the relationship between the two, through hands-on experience. With Halulu Fishpond Access owned by Waipā Foundation, the Fishpond will be managed in totality by Waipā Foundation, to continue its work cleaning the water with the use of native wetland plants, and removing invasive species such as Tilapia. The community path (which will be forever protected by the purchase of Halulu Fishpond Access) will provide managed access to Halulu Fishpond and Hanalei Bay - allowing the continuation of Waipā Foundation's annual Music and Mango Festival, Kalo Festival, makai educational programming for youth and families, and other community gathering opportunities. The remainder of the property (not in the fishpond or community access path) will be farmed and/or planted with native plants, and a traditional Hawaiian halau may be built to create an immediate sense of place upon entering Waipā ahupuaʻa, and to provide greater public benefit for learners and community members.

Aside from a sprinkling of inholdings such as Halulu Fishpond Access, the rest of Waipā ahupuaʻa is owned by Kamehameha Schools. In 1982, Kamehameha Schools had planned a "high end" housing development for Waipā, and Hawaiian ʻōhana and community supporters organized to propose an alternative use. In 1994, Waipā Foundation formed as a non-profit to help protect and save a space for Hawaiian people, practices, and values on Kauaʻi's north shore, and to demonstrate an alternative use of the land to residential development in the ahupuaʻa of Waipā. For 25 years now Waipā Foundation has worked with the community to manage the 1,600 acre ahupuaʻa of Waipā, and continues to strive to be a leader in demonstrating Hawaiian approaches to watershed-scale natural resource management.



## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

The mission of Waipā Foundation is to: "Restore the Waipā ahupuaʻa as a Hawaiian community learning center and to create a sustainable, cultural, and community-based model for land use and management inspired in part by the traditional values of the ahupuaʻa." In short, to achieve the physical and cultural restoration of the ahupuaʻa of Waipā. Waipā Foundation manages all of Kamehameha Schools' land in Waipā through a long-term lease until the year 2050. Working to restore the ahupuaʻa to a functional state, Waipā Foundation began to bring life back into Waipā with activities such as reopening loʻi kalo (wetland taro patches), farming diverse local produce, raising livestock, creating a plant nursery and garden, raising funds and building a community kitchen and multi-use center, developing and running a number of education programs and events, and conducting assessments on and restoring portions of Waipā Stream. Waipā Foundation's work is primarily funded through foundation and government grants for educational and mālama ʻāina programming as well as from income generating activities like programming fees and selling farm produce and poi, and renting out the commercial kitchen and multi-use center.

Thousands of Kauaʻi residents and visitors from other Hawaiian Islands and outside of Hawaiʻi benefit from visiting Waipā and learning from Waipā Foundation's educational and cultural programs, including stream restoration; classes in farming, Hawaiian music, and cooking; and keiki programs covering all aspects of mālama ʻāina from the mountains to the ocean.

To meet the increased demand for their ʻāina-based educational programs and healthy local food the Waipā Foundation completed the Waipā Master Site Plan and Development Program ("The Plan") in 2004. The Plan maps out long-range modern and traditional facilities, green infrastructure and utilities, and agricultural and open space elements within 67 acres on the makai portion of the ahupuaʻa. The Plan also establishes the development steps Waipā Foundation needs to take in 20 years to achieve a sustainable and self-reliant living community at Waipā. Waipā Foundation will incorporate Halulu Fishpond Access into its Master Site Plan and Strategic Plan.

## ***Section I***

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Applicant: Waipā Foundation and The Trust for Public Land

Application Title: Halulu Fishpond Access

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

The Halulu Fishpond Access property includes the historic Halulu fishpond, connected to Wai'oli Stream and Hanalei Bay, in the lower coastal plains of Waipā ahupua'a in the moku (district) of Halele'a, on the North Shore of Kaua'i. Halulu Fishpond Access property appears to be entirely made up of Land Commission Award (LCA) 10171, Apana 1 to Mana from the Māhele. LCA 10171, Apana 1 is described as Mana's house site, and Halulu was described as a loko which could be a loko i'a (fishpond) or marsh lands with an open water pond. Halulu is the name of a man-eating bird who is said to live in Waipā Valley, and on Lāna'i.

The name Waipā provides several cultural and environmental meanings. The term waipā means a request, or a prayer as to the gods. Other translations when the terms are separated as "wai" and "pā", afford it the meaning of touched water. When the term is understood as "wai-pa'a", it means dammed-up-water, which could refer to the way in which sand - heaped up by the ocean in Waipā Stream - often blocks the water flow to the ocean for part of the year. Waipā is situated between the ahupua'a of Wai'oli (to the east) and the small ahupua'a of Waikoko (to the west), and spans from the mauka peak of Māmalahoa (to the south) to the point of Keahu at the shore of Hanalei Bay (to the north). From their "wai" names, we know the area was plentiful in fresh water, as evidenced by the many lo'i kalo in the area. Aside from the names mentioned in LCA 10171, Apana 1 to Mana, other place names found on historic records and maps within the Waipā ahupua'a include Waiokihā, Kaooa, Makaihuwaa, Kolopua, Kamani, Mahina Kehau, Kapailu, and ponds names Halulu and Kaweweopilau. Halele'a, the moku (district) to which Waipā belongs, means joyful home and is arguably the precious jewel of Kaua'i's north shore. One of five ancient moku districts, Halele'a spans from Kalihiwai to Honopū.



## Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

# Section I

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

The storied landscape of Waipā informs us of the story of Pakaā, who was given by his mother a finely polished calabash containing the bones of his grandmother, Loa - who in her life had controlled the winds of every district from Hawai'i Island in the east to the islet of Kaula in the west - and taught how to open the calabash and call the name of whatever wind he desired. Pakaā passed this gift on to his own son, Kuapakaā, who had occasion to use it when the chief Keawenuianumi came to Molokai in search of Pakaā. In order to bring a storm that will drive Keawenuianumi's canoes ashore, Kuapakaā chants out the names of the winds on the islands including Kauai.

He luha ko Hanalei

He waiamao ko Waioli

He puunahele ko Waipa

He haukolu ko Lumahai

The wind of Waipā is known as Puunahele. In the epic tale of Hiiaikaipolipo, Pele recites the wind name for Haleleā as Unumāhele. Waipā was likely visited by Lonoikamakahiki while in a crazed state during a grieving period for having killed his wife Kaikilanikeohepaniō. A chant composed by Lonoikamakahiki's companion Kapa'ihiahilina memorializes their time wandering through the vicinity of Hanalei.

It is likely that the lower alluvial plain, given the diversity of water sources, was well suited for a variety of irrigated farming. Māhele records indicate remnants of a formerly larger pre-western contact Native Hawaiian settlement in the ahupua'a. Western diseases decimated Native Hawaiian populations prior to the Māhele and house lots and lo'i in Waipā were perhaps abandoned during this period. In the Māhele process, 14 native tenants claimed kuleana lots in Waipā, and twelve of the 14 were awarded lots, including Kaluanono to Mama (a.k.a. Mana). The ali'i (chiefly) claimants of the Waipā ahupua'a were Princess Ruta (Ruth) Ke'elikolani and J.Y. Kanehoa (son of John Young and konohiki of Waipā around 1839), which is how Kamehameha Schools came to own the majority of Waipā today. Leadership of Waioli Corporation, the current landowner of Halulu Fishpond Access, say that the Wilcox family bought Kaluanono and Halulu owned by Mana from Mana or Mana's descendant who was in great need of money.

Though no other archaeological features other than Halulu pond were specifically noted in previous archaeological studies, further time spent on the property may reveal remaining cultural sites and information on the traditional agricultural and other practices in Waipā. Much of the land mauka was bulldozed for ranching so more historic sites may actually have been preserved on the kuleana lots because they were not bulldozed.





# Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

## Section G

### *Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats*

Applicant:

Hawaiian Islands Land Trust

Application Title:

Waikalua Loko Ia

Describe the overall significance and importance of the property to be acquired:

The Waikalua Loko Ia is one of the few remaining traditional Hawaiian fishponds on the island of Oahu. Although the Waikalua Loko Ia has been altered over the years, the original fishpond dates back to approximately 1650 AD. The Waikalua Loko Ia is both significant and important due to the ecological and cultural significance of the fish pond and surrounding property. The property is an important access point to the shoreline along Kaneohe bay for traditional and customary purposes, as well as current recreational users and fishermen. The fishpond and surrounding property is currently used as an educational and cultural learning center. The fishpond also serves as a critical sediment basin for storm water and surface water run-off from the highly populated Kaneohe town to slow down sediment, and reduce nutrients and other pollutants from entering Kaneohe Bay.



## Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

### **Section G**

#### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

As a 17-acre coastal property on the island of Oahu, the number one threat to the property is the threat of privatization and development. The property is currently owned by the Pacific American Foundation, and without a permanent conservation easement on the property, there was no assurances to the public that the property will remain in use for the benefit of the public and community of Kaneohe. Landowners change over time, zoning changes over time, but a conservation easement will ensure the perpetual protection of this cultural, ecological, and public resource. The property is susceptible to all of the threats facing Hawaii including sea level rise, invasive species, sedimentation, run-off, flooding, and erosion, however these threats emphasize the importance of protecting this property from privatization, subdivision, and urban development, and keeping the land in educational and cultural uses, including ongoing ecological restoration.



# Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

## Section H

### *Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management*

Applicant:

Hawaiian Islands Land Trust

Application Title:

Waikalua Loko Ia

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

Goals: The Pacific American Foundation plans to use the property for cultural and educational purposes. PAF has been managing the property since 2000 and has developed curriculum and trained over 5,500 teachers. Each year over 5,000 student engage in the educational programs at the Waikalua Loko Ia. This conservation easement acquisition will ensure that the cultural and ecological values of the Waikalua Loko Ia are protected in perpetuity and that the use of the property remains aligned with these cultural and ecological values.

#### Resource Management Plan:

Since 2000, PAF has managed the fishpond including removing invasive mangrove and seaweed, picking up marine debris, and repairing the fishpond walls. Over 100,000 community members have participated in the educational and restoration process. PAF plans to continue its educational programs and cultural stewardship of the Waikalua Loko Ia. The conservation easement would ensure permanent protection.





## Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

# Section H

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

**Funding Sources:** PAF is a 501(c)3 funded primarily through entities such as the Department of Education, the Native Hawaiian Education Council, and private foundations. HILT will receive stewardship funds for the conservation easement through private foundations and fundraising.

**Permit requirements:** The Waikalua Loko Ia has an existing preservation plan.

**Management Entity:** The property is in the process of being acquired by PAF who has been managing the property since 2000. The conservation easement will be acquired by Hawaiian Islands Land Trust (HILT), a local, statewide, accredited land trust. HILT currently owns and stewards over 37 conservation easements totalling over 17,500 acres across Hawaii.

**Integration:** The Waikalua Loko Ia is the focal point of the cultural and education activities on the property. The purpose of the conservation easement is to ensure the perpetual protection of the Waikalua Loko Ia and its educational, cultural, and ecological values.



# Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

## Section I

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Applicant: Hawaiian Islands Land Trust  
Application Title: Waikalua Loko Ia

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

The Waikalua Loko Ia is a traditional Hawaiian fishpond dating back to approximately 1650. Waikalua can be translated as "water of the lua fighter" or "water of the pit." Kaneohe can be translated as "bamboo man" or "bamboo husband."

In the 1800's to early 1900's the land surrounding the loko ia was farmed in loi.

The wall of the Waikalua Loko Ia was reconstructed in 1930.

In the mid 1900's the lands surrounding the Waikalua Loko Ia experienced rapid urbanization.

Fishpond operations ended in 1970.

Students from Windward Community College began data collection on the pond in 1975.

In 1995, the Waikalua Fishpond Preservation Society was formed to care for the pond and use it for educational purposes.

In 2000, the Waikalua Fishpond Preservation Society partnered with the Pacific American Foundation to develop curriculum for the fishpond.

PAF has been managing the fishpond since 2000 conducting cultural and educational programs and engaging thousands annually.



Legacy Land  
Conservation Program  
Hawai'i Department of Land and Natural Resources

## **Section I**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

The Waikalua Loko Ia was traditionally a key component of the sustainable ahupuaa management practices of our kupuna. The Kaneohe and Kawa streams flowed through the dense loi patches, back into the streams, and into the Waikalua Loko Ia creating a nutrient rich estuary for our native fish and marine species.

The restoration and stewardship work of the students, community groups, and volunteers continues the centuries old tradition and ingenuity of our ancestors. The place-based science, traditional knowledge of cultural practices, revival of the names, chants, and mele of this land and a once thriving and abundant society is rediscovered. These experiences provide the foundations for a more sustainable and balanced future for the ahupuaa of Kaneohe, the moku of Koolaupoko, and the island of Oahu.



## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Applicant: Division of Forestry and Wildlife

Application Title: Keone`o`io Bay Coastal Protection

Describe the overall significance and importance of the property to be acquired:

The proposed Keone`o`io Bay Coastal Protection parcel is at the center of a vast natural and cultural shoreline resource. This has been recognized by locals and visitors alike. As the growth of southwest Maui spread from Kihei south to Wailea and then down to Makena, Keoneoio became the destination for an ever-increasing number of visitors. These visitors come seeking outdoor recreation experiences. From June through December 2001, the Friends of Keone`o`io, a local organization active in promoting stewardship for study area resources, conducted a survey of visitors to the coast and waters of La Perouse Bay. Survey results, based on daily visitor counts taken over the six-month period, projected the average number of monthly visitors at Keone`o`io to be 13,719, or more than eight percent of the total monthly visitation to Maui. The daily counts taken in July showed as many as 805 visitors and as many as 339 vehicles entering Keone`o`io. Nearly all of the visitor use, both resident and non-resident, takes place along the shoreline of La Perouse Bay, an area particularly rich in Hawaiian archeology.

The impacts of this large volume of visitors takes its toll on the natural and cultural resources. Several of the archeological features here show evidence of being disturbed and damaged by visitor activities. In some places, stacked rocks appear to have been removed from nearby walls and enclosures to make campfire rings and windbreaks. Campsite remains, including left-behind trash, are in evidence inland of the bay.

Particularly visible here are the "Hawaiian graffiti"--places where visitors have created messages by taking white coral rocks from the shoreline and placing them on the dark lava to form some sort of "message." Four-wheel drive vehicles creating their own "roads" in this roadless area to access favorite fishing and camping spots have been particularly damaging to the archeological features. The four-wheel drive vehicles may also be damaging the few species of native plants found in the study area.

## **Section G**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Importance and Threats***

Identify and assess conditions that threaten the significance and importance of the property. Address, where applicable, erosion, sedimentation, polluted runoff, flooding, invasive species, conflicting activities:

Human threats: There is a general lack of awareness of how to help protect and preserve natural resources of Native Hawaiian and regional culture and history. Trampling is the most common source of damage from people. Trash and human waste, vandalism, and poaching also contribute to resource degradation. Other impacts to resources include destruction of archeological structures, rock removal and vandalism, creation of new trails and damage to existing trails, and protected species harassment. Protected species harassment specifically includes disturbance of endangered and protected marine animals: Hawaiian monk seals disturbed while resting and molting on shore; sea turtles disturbed while basking on shore; spinner dolphin resting period disturbed by swimmers; and swimming sea turtles chased and touched by swimmers.

Invasive Species: The introduction and spread of alien species has contributed significantly in the past and is invasive species. The anchialine pools and Hala forest have been invaded by invasive species. Limited access to the property prevents proper management from taken place to control invasive species. Threats include the introduction of new and/or more aggressive alien species; competition with existing introduced plant species; introduced insects; predators on native plant seeds; woody plant species growing around anchialine pools and archeological sites; marine alien fish and invertebrates; and water/seabird predators. Removing or reducing the amounts of predatory mammals, such as rats, mice and cats, is needed to encourage seabird populations.

Climate change: Sea Level Rise, vegetation shifts, phenological changes, alterations in wildlife behavior, and other significant ecological impacts can be expected.

Marine Debris: Marine debris from around the world washes up on the shores of Nanualele. Immediate clean up is necessary to prevent possible impacts to marine life and seabirds from entanglement in nets and lines or from ingesting plastics.

## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Applicant:

Division of Forestry and Wildlife

Application Title:

Keone'ō'io Bay Coastal Protection

1. Describe the proposed future uses of the property to be acquired, including:

- Goals (short-term and long term)
- Resource management plan
- Funding sources (for start-up and for operations and maintenance)
- Permit requirements
- Management entity (identity, expertise, experience)
- Integration of existing cultural resources with the overall preservation/protection and use of the property

Goals short-term: With the paving of the road to Keone`o`io and the rapid growth of the Kihei-Wailea area to the north, the shoreline and waters of La Perouse Bay have become a popular destination for both Maui residents and off-island visitors. Residents have long come to this area, mostly to fish and camp, and more recently in large four-wheel drive vehicles. Visitors come to snorkel, scuba dive, swim, kayak, camp, horseback ride and hike. Nearly all of the visitor use, both resident and non-resident, takes place along the shoreline of La Perouse Bay. Natural and cultural resources have been impacted by this surge in use. the opportunity of purchasing this parcel would allow the State to improve public access to the ocean and protect near shore reef and other resources. This will be achieved by developing improved parking areas and access trails to sandy shoreline previously blocked by the proposed parcel. Reconfiguring the parking lot further from the shoreline to limit erosion and runoff from vehicles will also improve the visitor experience and further protect natural resources.

Goals long term: The divisions will use adaptive management . Long range planning will incorporate climate change scenarios and available sea level rise modeling. Restoration of native plant species will be assessed once the new public access areas have been established to best limit runoff and erosion and provide the public with shade and easy recreational access to the shoreline. The State will consult with the surrounding community, the public and other stakeholders to assess if this parcel should be included into the Ahihi-Kinau NAR.



## **Section H**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Stewardship and Management***

Resource management plan: This parcel will be managed with the same principles used in the Ahihi-Kinau Management plan (2012) Further planning for the area will be incorporated into future revisions of the Ahihi-Kinau Management plan if it is decided that it should be added to the NAR.

Permit requirements: Planned management actions are not expected to require any permits. The State will follow all County, State and Federal guidelines including chapter 343 environmental impact statements.

Management entity: The property managed by the Department of Land and Natural Resources jointly by the Division of Forestry and Wildlife and the Division of Aquatic Resources who have been working in the area since before the establishment of the Ahihi Kinau NAR in 1973.

Integration of existing cultural resources with the overall preservation/protection and use of the property: Though this site was surely the scene of historical activity human and natural impacts have erased any visible sign directly on the property. The parcel is sandwiched between a number of significant sites and will provide a buffer to these sites to alleviate impacts from increased usage. The parcel will allow for better management of the Keoneoio bay area as a whole by allowing Division staff to expand available public use area and limit off roading and trampling opportunities.

# Section I

## ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Applicant: Division of Forestry and Wildlife

Application Title: Keone io Bay Coastal Protection

Describe the cultural significance and historic uses of the land to be acquired, including:

- Place names, with translations and possible interpretations
- Known pre-contact history and land uses
- Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired

This property is adjacent to the Kenoeio/La Perouse Archeological District, once the site of thriving Hawaiian communities. In 1786 J.F.G. de La Perouse, the first westerner to set foot on Maui, noted, "During our excursion we observed four small villages of about ten or twelve houses each, built and covered with straw..." This area is also the scene of Haleakala's last lava flow, estimated to have occurred in the 1790's. Many ancient Hawaiian sites remain along the shoreline trail.

The Sea of Keone'o'io (La Perouse Bay) is the setting for many historic and supernatural events. Of Pele's (Hawaiian goddess of fire) adventures in the area, the story is told of how she coveted the handsome Paea, who fled with his sweetheart, Kalua, toward the Bay of Keone'o'io where he kept his canoe and fishing gear. Pele caught up with the mortals near Pu'u Mahoe, where she turned Paea's body into Pohaku Paea, in the sea near Mokuha. She caught Kalua at Pu'u Naio (Hill of Conquest) and turned her into the ridge just below the hill, called Pu'u Kalua-lapa (Sterling 1998). Today, this site is known as Kalua O Lapa, the volcanic vent that created much of Cape Kina'u.

Renowned for its rich fishing grounds, fish ponds and shark lore, historic accounts and descendants of the area offer rich insights into the marine environment. As an example, the fishponds of Keone'o'io were credited to high chief Kauholanui mahu (of the island of Hawai'i), whose 'aumakua (family god), a benign shark, entered the pools via an underground passage bringing with him schools of fish (Sterling 1998).

## **Section I**

### ***Fiscal Year 2021 Grant Application for Land Acquisition: Cultural and Historical Significance***

Kamakau, the preeminent native Hawaiian scholar, wrote in the mid-1800s that he met a woman who lived at Ma'onakala in Kanahena who was engulfed by a shark there, but her life was spared through the efforts of a small shark that freed her (Sterling 1998). According to oral histories from native residents of Makena to Keone'o'io, unique relationships with certain sharks were commonplace (Maly and Maly 2005). Overall, records indicate that in the past larger and higher densities of marine life existed here, as did unique relationships and strong connections between native residents and the land and sea of Honua'ula (Maly and Maly 2005).

Place names record many stories of this land and are integrally connected to places across the landscape. An interview with a descendant of Honua'ula, Leslie Kuloloio, emphasized the fishermen's role in the naming of each coastal feature to help locate fishing grounds (Desilets et al. 2007).

The CRMP for Keone'o'io was completed in March 2007 (Desilets et al. 2007). It focuses on the management of cultural resources along the most heavily visited trail corridors. Additionally, the cultural survey team conducted an ethnographic and underwater survey. The plan identifies the current status of sites, their vulnerability to damage, and their prioritized management recommendations.

Keone`o`io Bay is the historic gateway to the six miles of South Maui's pristine coastline. Altogether, about 34 individual archeological sites, containing about 1,100 known features, have been recorded within the western end of La Perouse Bay to Kanaloa Point. Nearly all of the recorded sites and features are comprised exclusively of rock construction and occur in complexes of at least eight and as many as 150 features.

Archeologists believe that nearly half of the known archaeological features are Hawaiian burial platforms. These graves are considered sacred by Hawaiians. About seven of the archeological sites are believed to be the remains of small traditional Hawaiian villages--groupings of houses and related features. Features known within the study area include house enclosures, heiau, platforms, shelters, windbreaks, walls, canoe hale and fishing shrines. Some of these sites appear to have been occupied into the Post-Contact (after 1778) Period.

A unique feature is a section of flat pahoehoe bedrock on which more than 100 small shallow depressions have been formed. Archeologists believe the depressions were created over time by the circular grinding motions employed by the ancient Hawaiians in their manufacturing of adze blades. Archeologists believe this site may be the largest adze-sharpening area in the Hawaiian Islands.



January 8, 2020  
Attachment 3(j)  
Keone'o'io Bay Coastal Protection  
Honua'ula, Maui

DAR# 5947-6

Comments

The coastal lot in question is strategically located next to the Ahihi Kinau NAR and is next to the current Keoni'o'io Bay parking lot. Allowing DOFAW to purchase this lot will allow them to make necessary changes to the current parking lot and coastal access points. This would allow for the parking lot to be set back off of the coastline, and would allow for coastal landscaping and designated pathways to better guide visitors to the safest entry points along the coastline. In the longer term, control of this parcel of land will allow DOFAW to continue to strategically manage this critically important area in conjunction with the lands they already manage within the Ahihi Kinau NAR. We are very supportive of this proposed action and are committed to continuing to work with DOFAW in partnership on the management of the important marine resources in this area.