

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

June 24, 2022

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

Board Members:

SUBJECT: APPROVE—AS A CONTINGENCY IN THE EVENT THAT HAWAIIAN ISLANDS LAND TRUST OR THE DIVISION OF FORESTRY AND WILDLIFE DECLINES ITS FISCAL YEAR 2022 LEGACY LAND GRANT AWARD, OR IS UNABLE TO ACCEPT OR EXPEND ALL OR PART OF ITS AWARDED FUNDS—AWARDS OF REMAINING, AVAILABLE FUNDS FROM THE FISCAL YEAR 2022 LAND CONSERVATION FUND, UP TO \$675,000, TO KE AO HALI'I AS AN ALTERNATE, FOR THE ACQUISITION OF APPROXIMATELY 8.58 ACRES AT HĀNA DISTRICT, ISLAND OF MAUI (HANE'O LANDS), TAX MAP KEY NUMBER (2) 1-4-010:015

AND

AUTHORIZE THE CHAIRPERSON, IF NEEDED, TO REDIRECT UP TO \$675,000 OF REMAINING, AVAILABLE FUNDS FROM A FISCAL YEAR 2022 LEGACY LAND GRANT AWARD—THAT WERE DECLINED, NOT ACCEPTED, OR NOT EXPENDED BY HAWAIIAN ISLANDS LAND TRUST OR THE DIVISION OF FORESTRY AND WILDLIFE HAWAII—TO THE FISCAL YEAR 2022 LEGACY LAND GRANT AWARD TO KE AO HALI'I, FOR THE ACQUISITION OF APPROXIMATELY 8.58 ACRES AT HĀNA DISTRICT, ISLAND OF MAUI (HANE'O LANDS), TAX MAP KEY NUMBER (2) 1-4-010:015.

SUMMARY

The Division recommends that the Board approve contingency measures that would facilitate the fullest possible expenditure of available funds in the Fiscal Year 2022 Land Conservation Fund for land acquisition grant awards that the Board approved at its meeting held May 13, 2022, under agenda item C-1.

BACKGROUND

At its meeting held May 13, 2022, under agenda item C-1, the Board approved full funding from the Fiscal Year 2022 Land Conservation Fund, as funds are available, for three

## *FISCAL YEAR 2022 LEGACY LAND CONSERVATION PROGRAM*

Legacy Land grant awards, in the order recommended by the Legacy Land Conservation Commission:

- (A) Hawaiian Islands Land Trust, for the acquisition of approximately 642.46 acres at Kohala District, Island of Hawai'i (Māhukona Navigation and Ecological Complex, full award, \$3,000,000);
- (B) Division of Forestry and Wildlife, for the acquisition of approximately 257.8 acres at Wailuku District, Island of Maui (Pohakea Watershed Lands, full award, \$1,000,000); and
- (C) Ke Ao Hali'i, for the acquisition of approximately 8.58 acres at Hāna District, Island of Maui (Haneo'o Lands, partial award, up to \$675,000);

Based on advice from Board counsel, the Board removed two recommendations from the Division's submittal that, if approved, would facilitate the fullest possible expenditure of available funds in the Fiscal Year 2022 Land Conservation Fund for land acquisition grant awards that the Board approved. Today's submittal requests Board approval of these two recommendations, as restated to address Board counsel's concerns.

### RECOMMENDATIONS

That the Board:

- 1) Approve—as a contingency in the event that Hawaiian Islands Land Trust or the Division of Forestry and Wildlife declines its Fiscal Year 2022 Legacy Land grant award, or is unable to accept or expend all or part of its awarded funds—awards of remaining, available funds from the Fiscal Year 2022 Land Conservation Fund, up to \$675,000, to Ke Ao Hali'i as an alternate, for the acquisition of approximately 8.58 acres at Hāna District, Island of Maui (Haneo'o Lands), Tax Map Key Number (2) 1-4-010:015.
- 2) Authorize the Chairperson, if needed, to redirect up to \$675,000 of remaining, available funds from a Fiscal Year 2022 Legacy Land grant award—that were declined, not accepted, or not expended by Hawaiian Islands Land Trust or the Division of Forestry and Wildlife Hawaii—to the Fiscal Year 2022 Legacy Land grant award to Ke Ao Hali'i, for the acquisition of approximately 8.58 acres at Hāna District, Island of Maui (Haneo'o Lands), Tax Map Key Number (2) 1-4-010:015.

Respectfully submitted,



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DAVID G. SMITH, Administrator

*FISCAL YEAR 2022 LEGACY LAND CONSERVATION PROGRAM*

APPROVED FOR SUBMITTAL:

*Suzanne D. Case*

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

ATTACHMENTS:

**Attachment 1:** Table of grant awards for the Fiscal Year 2022 Legacy Land Conservation Program, as approved by the Board at its meeting held May 13, 2022, under agenda item C-1



**Attachment 1**  
**June 24, 2022**

**Table of grant awards  
for the Fiscal Year 2022  
Legacy Land Conservation Program  
as approved May 13, 2022  
under agenda item C-1**



**Legacy Land Conservation Commission Ranking and Recommendation\* Summary, Fiscal Year 2022**  
**March 11, 2022 (Meeting 75, Agenda Items 4 & 5)**

\*Commission Recommendation at bottom of last page (page 3).

Text in *italics* indicates revised information, as requested by applicant during the meeting and accepted by Commission, or corrected by staff.

Item	Rank	Application	Applicant	District, Island	Type	Description	Acres <i>approx</i>	State Land Use District	County Zoning	Matching \$ Match % <i>(rounded)</i>	LLCP \$	TOTAL \$
4B	<b>1</b>	Māhukona Navigation & Ecological Complex	Hawaiian Islands Land Trust (HILT)	Kohala, Hawai'i	Fee + Easement (County of Hawai'i)	<p>The proposed 645 acre Māhukona Navigational &amp; Cultural Preserve is part of a coastal ecosystem that encompasses the ancient Kohala Field System. Since the mid 1900's, this area has been slated for large scale resort and residential development. Currently, the land is held by prior investors who perfected their lien, foreclosed on the property, and are looking to divest of their land holding at Māhukona. Up until recent times, the landowner was engaging developer buyers for the property. In late 2019, HILT was able to make inroads with the landowner and began applying for public funding for the acquisition of Māhukona. Acquiring and protecting the property will prevent uses that are incompatible with conservation and cultural perpetuation, e.g., resort and residential development, golf courses, or other activities that generate pesticides or other pollutants, and so would eliminate huge irreversible threats to Māhukona's endangered, threatened, and at risk species.</p> <p>The lands of Māhukona, Kohala, Hawai'i serve as a piko and power source for ancient and today's non-instrumental navigators throughout the Pacific. This is the centerfold/core significance of these lands—the navigational importance and the resurgence and living cultural practice of non-instrumental navigation attributed to it. Spanning six ahupua'a along the North Kohala coastline, including Māhukona, Hiihiu, and Kaoma from the south, and Kamano, Kou, and Kapa'a Nui to the north, the "Māhukona Living Navigational and Cultural Complex" provides Hawai'i a tremendous opportunity to protect the engrained and universal cultural and conservation values of the land in perpetuity.</p> <p><b>TMKs: (3) 5-7-002:011, :027, :036, :037</b>  <b>(3) 5-7-003:001, :002, :003, :007, :008, :010, :018</b></p>	642.46	Urban + Agricultural + Conservation (Resource Subzone)	Resort- Hotel + A-1a + A-5a + V-2.0 + Open	\$16,277,084 <b>84.4%</b>	\$3,000,000	\$19,277,084
										<i>Corrected mathematical computations in application Form 3 and Form 4.</i>		

Legacy Land Conservation Commission Ranking and Recommendation\* Summary, Fiscal Year 2022  
March 11, 2022 (Meeting 75, Agenda Items 4 & 5)

Item	Rank	Application	Applicant	District, Island	Type	Description	Acres approx	State Land Use District	County Zoning	Matching \$ Match % (rounded)	LLCP \$	TOTAL \$
4A	2	Pohakea Watershed Lands	DLNR- Division of Forestry & Wildlife	Wailuku, Maui	Fee	<p>The Pohakea Watershed Lands are located along Honoapi'ilani Highway, the main access road from central Maui to Lahaina and West Maui. The land spans two ahupua'a -- Ukumehame and Wailuku -- located at the base of Mauna Kahalawai. The property is located across the highway and mauka of the Maui Ocean Center, Mā'alaea Shops, and Mā'alaea Harbor. Part of the Mā'alaea Conservation Corridor, the property connects with nearby landmarks, such as Kealia National Wildlife Refuge, the National Marine Whale Sanctuary, Maui Ocean Center, Pacific Whale Foundation headquarters, and a petroglyph site on adjacent state land.</p> <p>This project is important for public safety. Under public ownership, the property will be managed to decrease risks from wildfire, erosion and flooding and will ensure long term health of the watersheds, wetlands, and coastal marine areas. If the property is sold to another private owner, there is no way to ensure future stewardship and management activities will align with the community vision. State acquisition and co-stewardship with community groups will guarantee that the scenic open space property near major population centers and tourist attractions will forever remain a source of inspiration and treasured community resource for open space, recreation, and agriculture. Protecting the coastal plain from development has been a community priority for decades. There is a willing seller landowner, broad support for acquisition, and interagency plans for ongoing stewardship.</p> <p>TMK: (2) 3-6-001:018</p>	257.8	Agricultural	AG + Open OZ + Residential R-3 + Road/ Street Reserve	\$7,300,134 87.9%  Corrected to remove final zero in Matching \$	\$1,000,000	\$8,300,134

**Legacy Land Conservation Commission Ranking and Recommendation\* Summary, Fiscal Year 2022**  
**March 11, 2022 (Meeting 75, Agenda Items 4 & 5)**

Item	Rank	Application	Applicant	District, Island	Type	Description	Acres approx	State Land Use District	County Zoning	Matching \$ Match % (rounded)	LLCP \$	TOTAL \$
4C	3	Haneo'o Lands	Ke Ao Hall'i (KAH-Save Hana Coast)	Hāna, Maui	Fee + Easement (Holder Uncertain)	<p>The land is being used for cattle grazing at this time and we will use the land for cattle grazing until we investigate further with the historical sites and burial sites. These sites will be fenced or protected to deter any desecration. There are rock piles and we suspect remnants of heiau or more unknown burial sites. If we acquire these lands, the Archaeological study will provide KAH a better understanding of the landscape. And the study of the water flow will allow more protection of the water and ocean.</p> <p>One may ask how conserving these lands benefit the Hāna community. Preserving the past is vital to the Hāna community. Our ancestral legacy lives on to pass on to the generations to follow. We will continue to stop harm to historical sites and desecration of burials. These lands are currently on the market for sale and the historical sites are threatened by private development. There are three known Heiaus in close proximity Hale O Lono Heiau, the impressive Kaluanui Heiau and Pakiokio Heiau all carbon dated between the 1400s-1800s. We plan to conserve the remnants left on the land and maintain it for educational purposes. Hāna descendants have a strong sense of kuleana to protect these lands from private development. The theft of our Hawaiian lands has made a huge impact on descendants of Hāna. These lands are a significant part of Hana's culture and spiritual connections to the ancestors, the inspirational beauty and feeling it gives to those who live here and come to visit is precious. We need to inform and inspire the public to be aware of these historical treasures and safeguard them.</p> <p><b>TMK: (2) 1-4-007:015</b>  <i>The day before Commission decisionmaking, the landowner sold four other parcels that were also in the application.</i></p>	8.58	Agricultural + Conservation (Limited Subzone)	AG + SMA	\$237,500 26%	\$675,000	\$912,500
Acreage from Maui County parcel information, as provided in application. Revised financial figures for acquiring one parcel rather than five parcels.												

**\*Agenda Item 5 - Recommendation**

The Legacy Land Conservation Commission (Commission) recommends that the Board of Land and Natural Resources (Board) approve three awards for grants from available funds in the Land Conservation Fund, for full funding of the three top-ranking FY2022 applications for land acquisition grants, in the order ranked by the Commission, as funds are available.

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

- (1) Approve—as a contingency in the event that an awardee declines its award, or is unable to accept or expend all or part of its awarded funds—awards of remaining, available funds from the Land Conservation Fund, up to the amounts originally requested in the FY2022 applications, to Ke Ao Hall'i as an alternate, for the acquisition of 8.8 acres at Hana, Maui, provided that Ke Ao Hall'i submits amended application materials as requested by Legacy Land Conservation Program staff not later than March 28, 2022.
- (2) Delegate authority to the Chair to redirect remaining, available funds from a FY2022 grant award—that were declined, not accepted, or not used by an awardee—to other FY2022 applications that the Legacy Land Conservation Commission recommended for funding, so as to accomplish full funding for each approved award in the order ranked by the Commission, as funds are available.