

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

May 10, 2024

- SUBJECT: (1) APPROVE UP TO \$4,855,238 IN GRANT AWARDS FROM AVAILABLE FUNDS IN THE LAND CONSERVATION FUND, AS REQUESTED IN APPLICATIONS TO THE FISCAL YEAR 2024 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 (TOTAL AREA APPROXIMATELY 51.35 ACRES):
- A. NĀ 'ŌIWI O PU'UANAHULU, UP TO \$3,000,000 FOR THE ACQUISITION OF APPROXIMATELY 27.38 ACRES AT DISTRICT OF KONA, ISLAND OF HAWAI'I ('ANAHO'OMALU KAPALAOA), TAX MAP KEY NUMBER (3) 7-1-003:010, WITH A CONSERVATION EASEMENT HELD BY THE COUNTY OF HAWAI'I.
  - B. MALAMA LOKO EA FOUNDATION, UP TO \$750,000 FOR THE ACQUISITION OF APPROXIMATELY 1.1 ACRES AT DISTRICT OF WAIALUA, ISLAND OF O'AHU (LOKO EA QUEEN'S RESIDENCE), TAX MAP KEY NUMBER (1) 6-2-003:008 (APPROXIMATELY 0.56 ACRES) PLUS APPROXIMATELY 0.54 ACRES IN LOKO EA PLACE (TAX MAP KEY NUMBER NOT ASSIGNED), WITH A CONSERVATION EASEMENT HELD BY THE CITY & COUNTY OF HONOLULU.
  - C. MOKU O KEAWE LAND CONSERVANCY, UP TO \$499,000 FOR THE ACQUISITION OF A CONSERVATION EASEMENT OVER APPROXIMATELY 20.1 ACRES AT DISTRICT OF KOHALA, ISLAND OF HAWAI'I (NANI KAI HOKU FARM), TAX MAP KEY NUMBER (3) 5-5-008:069.
  - D. PU'UWAI KO OLA, UP TO \$606,328 FOR THE ACQUISITION OF APPROXIMATELY 2.77 ACRES AT DISTRICT OF WAI'ANAE, ISLAND OF O'AHU (KE OLA PROJECT CONSERVATION & CULTURE), TAX MAP KEY NUMBER (1) 8-5-005:0050002, WITH CONSERVATION EASEMENT HOLDER(S) TO BE DETERMINED (SUBJECT TO APPROVAL

BY THE CHAIRPERSON, SEE AGENDA ITEM (3) BELOW), AND SUBJECT TO A SPECIAL CONDITION THAT REQUIRES PU'UWAI KO OLA TO DEMONSTRATE, PRIOR TO EXECUTING A LEGACY LAND CONSERVATION PROGRAM GRANT AGREEMENT WITH THE BOARD, THAT ITS BUSINESS STRUCTURE CONFORMS WITH THE DEFINITION OF A "NONPROFIT LAND CONSERVATION ORGANIZATION" AS ESTABLISHED IN HAWAI'I ADMINISTRATIVE RULES SECTION 13-140-2.

- (2) EXEMPT THE FOUR PROPOSED AWARDS IDENTIFIED IN ITEM (1) ABOVE FROM THE REQUIREMENT TO PREPARE AN ENVIRONMENTAL ASSESSMENT, UNDER CHAPTER 343, HAWAI'I REVISED STATUTES AND CHAPTER 11-200.1, HAWAI'I ADMINISTRATIVE RULES.
- (3) AUTHORIZE THE CHAIRPERSON TO APPROVE APPROPRIATE ENTITIES TO HOLD A CONSERVATION EASEMENT OVER THE PROPERTY TO BE ACQUIRED BY PU'UWAI KO OLA (ITEM (1) D, ABOVE).
- (4) AUTHORIZE THE DEPARTMENT TO PROCEED WITH ALL DUE DILIGENCE AND NEGOTIATIONS NECESSARY TO CARRY OUT THE FISCAL YEAR 2024 LEGACY LAND CONSERVATION PROGRAM GRANTS AND ACQUISITIONS APPROVED BY THE BOARD AND THE GOVERNOR.

## SUMMARY

The Division recommends that the Board (1) approve up to \$4,855,238 in Fiscal Year 2024 Legacy Land Conservation Program grant awards to four nonprofit land conservation organizations, from available funds in the Land Conservation Fund, based on the amounts requested in four applications 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, covering a total area of approximately 51.35 acres; (2) exempt four awards of Fiscal Year 2024 grant funds from the requirement to prepare an environmental assessment, under Chapter 343, Hawaii Revised Statutes; (3) authorize the Chairperson to approve the presently undetermined holder(s) of a conservation easement over one of the lands to be acquired; and (4) authorize the Department to proceed with all due diligence and negotiations that may be necessary to carry out the Fiscal Year 2024 Legacy Land Conservation Program grants and acquisitions approved by the Board and the Governor.

These grant awards contribute to meaningful public-private land conservation partnerships that help to reshape and diversify our economy and enhance the quality of life for our communities.

## BACKGROUND

### Governing Authorities Cited

#### Hawaii Revised Statutes (HRS)

Chapter 92 Public Agency Meetings and Records

Chapter 173A Acquisition of Resource Value Lands

Chapter 198 Conservation Easements

Chapter 343 Environmental Impact Statements

#### Hawaii Administrative Rules (HAR)

Chapter 11.200.1 Environmental Impact Statement Rules

Chapter 13-140 Legacy Land Conservation Program Rules

### Acquisition of Interests or Rights in Land

In 2012, the Board adopted regulations implementing the provisions of HRS Chapter 173A, including a delegation of authority to the Division of Forestry and Wildlife for the administration of the Legacy Land Conservation Program (see HAR § 13-140-3). HRS § 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 four purposes, including (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.* Grant awards from the Land Conservation Fund provide financial assistance for State agencies, counties, and nonprofit land conservation to acquire interests or rights in land for one or more of the nine public purposes established in § 173A-5(g).

### Grant Award Process

The grant award process for the Fiscal Year 2024 ("FY2024") Legacy Land Conservation Program ("LLCP") includes the following steps:

- LLCP consults with the Legacy Land Conservation Commission ("LLCC") about grant application forms and timelines in a public meeting.
- The Department approves grant application forms and timelines.
- LLCP notifies the public about the application process.
- An applicant consults with the Department, the Department of Agriculture, and the Agribusiness Development Corporation "...regarding the maximization of public benefits of the project, where practicable..." (HRS § 173A-5(i)(7)).
- An applicant submits its grant application to the LLCP (see content requirements in § 173A-5(i)).

- LLCC Permitted Interaction Groups investigate the applications submitted (see HRS § 92-2.5(a)(1)).
- In public meetings, the LLCC reviews and ranks the applications, culminating in recommendations to the Board for approving grant awards (**EXHIBIT I**, and see mandatory evaluation priorities in § 173A-2.6 and discretionary evaluative criteria in HAR § 13-140-39).
- The Department consults with the Senate President and the Speaker of the House of Representatives about the LLCC recommendations (see **EXHIBIT II**).
- The Board approves grant awards with standard and special conditions (this submittal).
- The Governor approves grant awards and release of grant funding (through recommendations from the Department of Budget and Finance).
- Applicant accepts the Department grant award offer.
- The Department blanket encumbers funding for approved grants.
- The Board and its Awardee execute a Legacy Land Conservation Program Grant Agreement, followed by contract certification (Department of Accounting and General Services) and a Notice to Proceed from the Division.

If an Awardee completes its transactional due diligence as required in the grant agreement, subject to review and acceptance by LLCP staff and approvals from the Division, the Department of the Attorney General (Land Division), and the Chairperson (see **EXHIBIT IV**, from LLCP Grant Agreement Template), then the Division requests, receives, and processes an Awardee's invoice for payment on the grant agreement, resulting in Awardee's endorsement of the check for deposit into escrow and closing of the conservation transaction.

HRS § 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)."* While the amount requested and recommended for each grant award arises from the applicant's current fair market value estimate, the future expenditure of the awarded grant funds can be limited by the approved appraised value and the matching funds secured for the acquisition. If the Department reduces its payment on a grant agreement such that the Awardee meets its obligated percentage of matching funds, then the unexpended grant funds return to the unencumbered cash balance of the Land Conservation Fund and can be encumbered and expended subject to appropriation and allotment.

Throughout the application process, the LLCP advised applicants that approximately \$6,800,000 in FY2024 funding would be available for land acquisition awards and suggested that applicants consider this funding situation for project planning purposes. After several potential applications dropped out of the process, the LLCP received eight eligible, timely, final applications for land acquisition awards by the deadline of December 1, 2023, with funding requests that ranged from \$32,843 to \$4,000,000 (totaling \$10,306,566) for properties ranging in size from one acre to 222 acres (totaling

496 acres). Three of these applicants withdrew from the process, leaving five applications, four of which were selected for an award and are presented for Board action in this submittal.

### Agency Consultation

Agency Consultation comments for each recommended application, if any, are presented in **EXHIBIT 3** as specified in the DISCUSSION section below. The Department Division of Aquatic Resources ("DAR") provided a global response (applicable to each application) that it supports the acquisition of lands as laid out in the applications and that if any of these areas are restored as planned, they will improve the surrounding aquatic resources. DAR reminded applicants of the impacts of land-based source pollution and sediment on aquatic resources and advised them to utilize native flora and fauna to help control erosion. Any work on streams should be done in such a way that native species are still able to move freely through the streams at all times. For any applications that involve the future construction of new buildings, DAR requests the ability to review and comment on proposed construction when plans have been finalized for additional best management practices to prevent impacts to aquatic resources.

### Application Review, Ranking, and Recommendation

The LLCC reviewed, compared, and ranked the final five grant applications, incorporating the results of agency consultations, permitted interaction group investigations (including field visits), and public testimony into the recommendation that the LLCC issued on March 1, 2023 (Meeting 84, Agenda Items 4 and 5), which recommends that four of the five applications receive the total amount of funding requested, and does not recommend funding for one application. The attached LLCC Ranking and Recommendation Summary (**EXHIBIT I**) also includes maps and photos as submitted with each application.

### Legislative Consultation

On March 11, 2024, the Department forwarded the Fiscal Year 2024 LLCC recommendation to the Senate President and the Speaker of the House of Representatives, along with the Department's request for consultation. After forwarding the complete grant applications—as requested by the legislators—and meeting with the Senate President, the Department received written replies dated April 15, 2024, from the Senate President, and April 17, 2024, from the Speaker of the House, confirming that there are no comments, concerns, or objections from the legislators about the four applications that are presented for approval in this Board submittal (**EXHIBIT II**).

### DISCUSSION

**EXHIBIT I** summarizes basic information and presents maps and photos from each recommended application, while **EXHIBIT III** 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).

**A. 'Anaeho'omalu Kapalaoa:** Nā 'Ōiwi O Pu'uanahulu applied for \$3,000,000 to acquire approximately 27.38 acres at District of Kona, Island of Hawai'i (one parcel) for all nine Legacy Land resource preservation purposes established in subsection 173A-5(g), Hawai'i Revised Statutes (see Application, Section D):

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

The Applicant has applied for matching funds estimated at 59.6% of total project costs through the County of Hawai'i Open Space Fund (County Council resolution pending). The County of Hawai'i would hold a conservation easement over the property.

**EXHIBITS I-A** and **III-A** present other key components of the application.

**B. Loko Ea Queen's Residence:** Malama Loko Ea Foundation applied for \$1,845,000 to acquire approximately 3.45 acres (one parcel plus one roadway lot) at District of Waialua, Island of O'ahu, for all nine Legacy Land resource preservation purposes, as per above.

The Applicant expects to receive matching funds estimated at 51.1% of total project costs through a pending application to the City & County of Honolulu Clean Water and Natural Lands Fund and other sources, some of which have been secured. The City & County of Honolulu would hold a conservation easement over the property.

**EXHIBITS I-B** and **III-B** present other key components of the application.

**C. Nani Kai Hoku Farm:** Moku O Keawe Land applied for \$499,000 to acquire a conservation easement over approximately 20.1 acres at the District of Kohala, Island of Hawai'i (one parcel) for one of the nine Legacy Land resource preservation purposes - (8) Agricultural production

The Applicant has applied for matching funds estimated at 69.35% of total project costs from the U.S. Department of Agriculture (Natural Resources Conservation Service), the County of Hawai'i Open Space Fund, land value donation from the landowner, and other private donations. Prioritization of the property for County funding is currently being assessed by its Public Access, Open Space and Natural Resources Preservation Commission. **EXHIBITS I-C** and **III-C** present other key components of the application, which include letters of support from State Senator Tim Richards (District 4); County

Council Member Cindy Evans (District 9); Hawaii Farmers Union United; Hawai'i Institute of Pacific Agriculture; and the Hawai'i Farm Bureau.

Comments from the Department of Agriculture, with Applicant's reply, are provided at the end of **EXHIBIT III-C**.

**D. Ke Ola Project Conservation and Culture:** Pu'uwai Ko Ola applied for \$606,238 to acquire approximately 2.77 acres at District of Wai'anae, Island of O'ahu (one parcel) for seven of the nine Legacy Land resource preservation purposes:

- (1) Watershed protection
- (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

The Applicant has applications pending for matching funds estimated at 25% of total project costs, including to the City & County of Honolulu Clean Water and Natural Lands Fund and grants to be submitted for the Office of Hawaiian Affairs, Hawaii Tourism Authority, Kamehameha Schools, and State Grant-In-Aid funds. Because the holder(s) of a conservation easement is "To Be Determined," the Division recommends that the Board authorize the Chairperson to approve the eventual conservation easement holder(s) (see RECOMMENDATIONS 1) d and 3), below). **EXHIBITS I-D** and **III-D** present other key components of the application. Comments from the Department of Agriculture are provided at the end of **EXHIBIT III-D**.

Although the Legacy Land Conservation Commission recommends that Board approval for this application be contingent upon the Applicant receiving a purchase and sale agreement for the property, signed by the Seller, before Board action on this Commission recommendation (see **EXHIBIT I**, bottom of the summary table), the Division feels this recommendation could put the Applicant in a risky financial position and does not support it. Although the property is up for sale on the open market, the Division notes that the landowner's Willing Seller Letter includes a statement that *"[u]pon the award of funds being released to Pu'uwai Ko Ola (OTB Booster), I agree to enter into a contract to sell my land to this organization and accept the land conservation funding towards completion of the land purchase transaction with the buyers."*

Because the grant application did not include a current favorable determination letter (or other evidence of determination/designation of nonprofit status by the IRS), the Division recommends that the Board add a special condition to its approval of this application, requiring that the Applicant provide evidence of nonprofit status before entering into a grant agreement with the Board (see RECOMMENDATIONS 1)d below).

The Applicant notes that communications with the IRS indicate that a favorable determination letter may be issued within the next thirty days.

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

Historically, the Department requires that each nonprofit recipient of LLCPC funding for a fee simple land acquisition record a deed of conveyance and a grant of conservation easement (also governed by Chapter 198, HRS) to meet the requirements of HRS § 173A-4. Although an applicant can request and receive an exemption from easement requirements, each of the four FY2024 applicants for acquiring fee simple did not request an exemption. The Division advises that the Board require, for each application recommended for fee simple land acquisition by a nonprofit land conservation organization, 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 LLCPC, the Division requires that a private land conservation organization that will hold an easement sign the LLCPC grant agreement as a Consenting Party.

LLCPC 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 (see §§ 173A-4, 173A-9, and 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.

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

On November 20, 2020, the Environmental Council concurred with the Department's adoption of a two-part exemption list (as defined in HAR § 11-200.1-2 and implemented pursuant to § 11-200.1-16), including General Exemption Type 1, PART 1, Action Type 42 *The award of grants under HRS Chapter 173A provided that the grant does not fund an activity that causes any material change of use of land or resources beyond that previously existing*. As these awards are strictly for acquisition and not management, the Division recommends that the Board exempt the subject proposed awards of State grant funds for land acquisition from the requirement to prepare an environmental assessment.

### RECOMMENDATIONS

That the Board:

- 1) Authorize the Chairperson to enter into agreements and encumber Fiscal Year 2024 funds from the Land Conservation Fund with:



- a. Nā 'Ōiwi O Pu'uana'hulu, for up to \$3,000,000 for the acquisition of approximately 27.38 acres at District of Kona, Island of Hawai'i ('Anaeho'omalu Kapalaoa), Tax Map Key Number (3) 7-1-003:010, with a conservation easement held by the County of Hawai'i;
- b. Malama Loko Ea Foundation, up to \$750,000 for the acquisition of approximately 1.1 acres at District of Waialua, Island of O'ahu (Loko Ea Queen's Residence), Tax Map Key Number (1) 6-9-003:008 (approximately 0.56 acres), plus approximately 0.54 acres in Loko Ea Place (Tax Map Key Number not assigned), with a conservation easement held by the City & County of Honolulu;
- c. Moku O Keawe Land Conservancy, up to \$499,000 for the acquisition of a conservation easement over approximately 20.1 acres at District of Kohala, Island of Hawai'i (Nani Kai Hoku Farm), Tax Map Key Number (3) 5-5-008:069; and
- d. Pu'uwai Ko Ola, up to \$650,000 for the acquisition of approximately 2.77 acres at District of Wai'anae, Island of O'ahu (Ke Ola Project Conservation & Culture), Tax Map Key Number (1) 8-5-005:0050002, with conservation easement holder(s) to be determined (subject to approval by the Chairperson with input from program staff, as authorized pursuant to Recommendation 3 below), and subject to a special condition that requires Pu'uwai Ko Ola to demonstrate, before executing a Legacy Land Conservation Program Grant Agreement with the Board, its conformance with the definition of a "nonprofit land conservation organization" as established in Hawai'i Administrative Rules Section 13-140-2.

Each grant agreement shall be subject to each of the following provisions:

- i. compliance with Chapter 173A, Hawai'i Revised Statutes;
  - ii. compliance with Chapter 343, Hawai'i Revised Statutes;
  - iii. execution of a Grant Agreement with the Board, including requirements that each nonprofit easement holder signs the Grant Agreement as a Consenting Party;
  - iv. certification of an appraisal by the Department;
  - v. insertion of Legacy Land Conservation Program restrictions and covenants into the deeds as a condition of contractual agreements with the grant recipients;
  - vi. approval of the Grant Agreement and the Deeds by the Attorney General's office;
  - vii. the availability of funds;
  - viii. the approval of the Governor; and
  - ix. such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 2) Exempt the following four proposed uses of State funds 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 (Exemption Type 1, Part 1, Action Type 42) reviewed and concurred on by the Environmental Council on November 10, 2020:

- 1)a. LLCP 2024-01 Nā 'Ōiwi O Pu'uanahulu ('Anaeho'omalu Kapalaoa)
- 1)b. LLCP 2024-02 Malama Loko Ea Foundation (Loko Ea Queen's Residence)
- 1)c. LLCP 2024-03 Moku O Keawe Land Conservancy (Nani Kai Hoku Farm)
- 1)d. LLCP 2024-04 Pu'uwai Ko Ola (Ke Ola Project Conservation & Culture)

- 3) Authorize the Chairperson to approve one or more appropriate entities to hold a conservation easement over the property to be acquired by Pu'uwai Ko Ola, as authorized pursuant to Recommendation 1) d above.
- 4) Authorize the Department to proceed with all due diligence and negotiations necessary to carry out the Fiscal Year 2024 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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DAWN N.S. CHANG, Chairperson  
Board of Land and Natural Resources

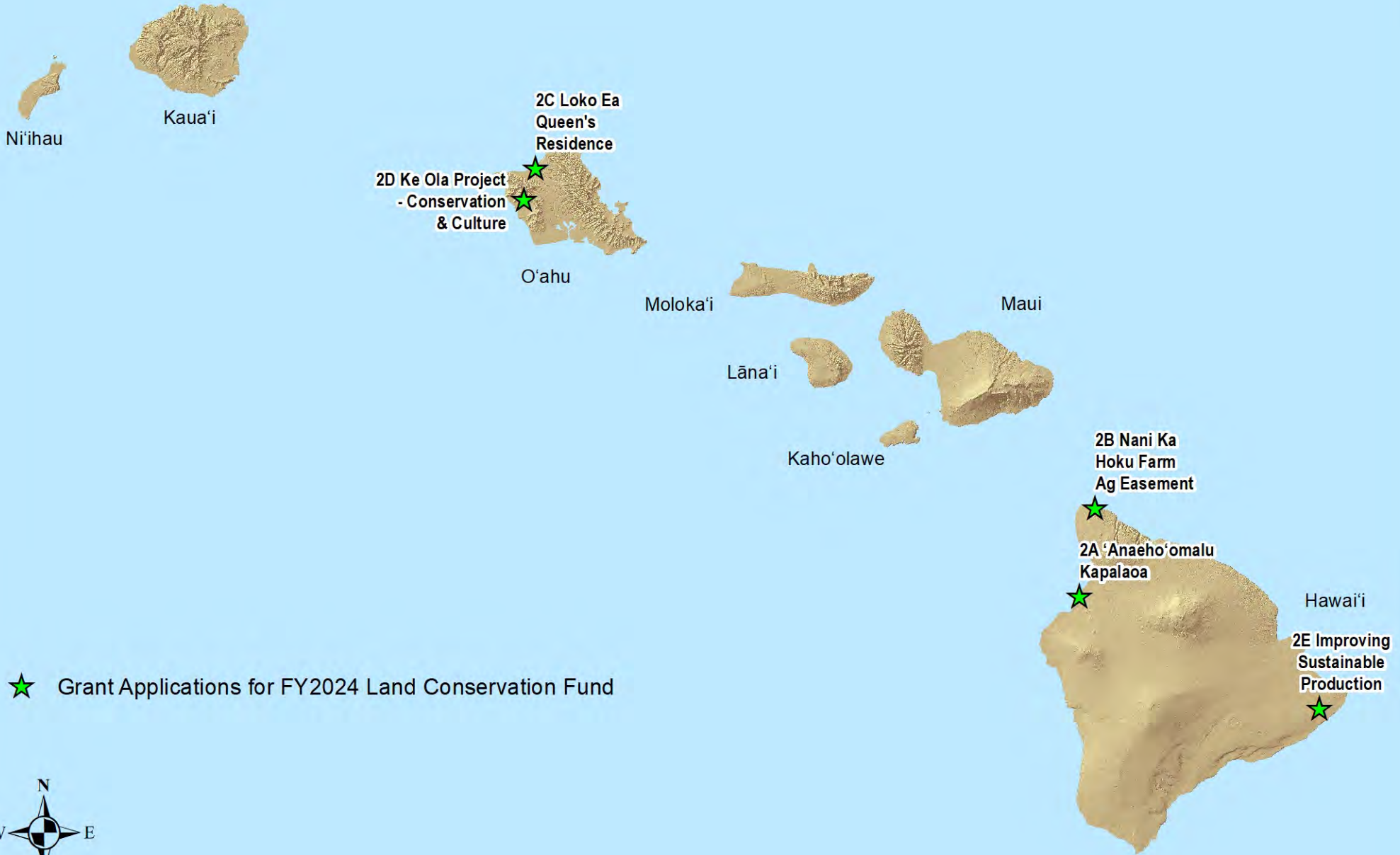
EXHIBITS

- EXHIBIT I:** Table of recommended awards for the Fiscal Year 2024 Legacy Land Conservation Program, with project maps and photos for Items (1)A, (1)B, (1)C, and (1)D
- EXHIBIT II:** Consultation Responses from the President of the Senate (April 15, 2024) and the Speaker of the House of Representatives (April 17, 2024)
- EXHIBIT III:** Application Sections G, H, I for Items (1)A, (1)B, (1)C, and (1)D, with Department of Agriculture comments for Items (1)C and (1)D
- EXHIBIT IV:** Checklist for Legacy Land Conservation Program Projects (Exhibit B for Legacy Land Conservation Program Grant Agreements)

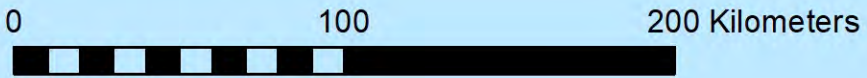
**EXHIBIT I**  
**May 24, 2024**

**Map and Table of recommended  
grant awards for the Fiscal Year  
2024 Legacy Land Conservation  
Program**

**(6 pages, followed by maps and  
photos for projects (1)A - (1)E)**



★ Grant Applications for FY2024 Land Conservation Fund



**Legacy Land Conservation Commission Ranking and Recommendations\* Summary, Fiscal Year 2024  
March 1, 2024 (Meeting 84, Agenda Items 4 & 5)**

\*Commission Recommendation at bottom of last page (page 5).

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

Item	Rank	Application	Applicant	District, Island	Type	Description (from online application Item 15: Narrative description of location, ecosystems, land use, and human activity on the property and in the surrounding area)	Acres <i>approx</i>	State Land Use District	County Zoning	Matching \$ <b>Match %</b> <i>(rounded)</i>	LLCP \$ <b>Requested</b>	TOTAL \$
2A	<b>1</b>	'Anaeho'omalu Kapalaoa	Nā 'Ōiwi o Pu'uuanahulu	Kona, Hawai'i	Fee + Easement (County of Hawai'i)	<p>'Anaeho'omalu Kapalaoa is located on the boundary between Waikōloa Ahupua'a in South Kohala and Pu'uuanahulu Ahupua'a in North Kona, which is marked by Hi'iakaika'ale'i and Keahualono Heiau. Adjacent to the Waikoloa Beach Resort, 'Anaeho'omalu Kapalaoa is the last remaining undeveloped beachfront parcel in Waikoloa Beach Resort along the shoreline of 'Anaeho'omalu Bay.</p> <p>'Anaeho'omalu (protected mullet) Kapalaoa (sperm whale) is known as an "ice box" for the local community and was a site for salt making, limu gathering, and traditional fishing practices like the hukilau (communal, shoreline net fishing), a launch area for canoes, and raising fish at Kū'uali'i and Kahāpapa fishponds (located north of the property).</p> <p>'Anaeho'omalu Bay is also now used heavily by visitors, especially during high travel season for swimming, snorkeling, kayaking, kite surfing, and sailing, negatively impacting the marine environment and traditional fishing and gathering grounds.</p> <p>The parcel is home to healthy strands of native milo and naupaka kahakai along the shore, rare maiapilo, occasional hala, pua kala, noni, and 'uhaloa, as well as a complex of ten pristine anchialine ponds teeming with 'ōpae 'ula.</p> <p><b>TMK: (3) 7-1-003:010</b></p>	27.38	Conservation  (Resource and General Subzones)	Open	4,434,00  <b>59.6%</b>	<b>3,000,000</b>	7,434,000

**Legacy Land Conservation Commission Ranking and Recommendations\* Summary, Fiscal Year 2024**  
**March 1, 2024 (Meeting 84, Agenda Items 4 & 5)**

Item	Rank	Application	Applicant	District, Island	Type	Description (from online application Item 15: Narrative description of location, ecosystems, land use, and human activity on the property and in the surrounding area)	Acres approx	State Land Use District	County Zoning	Matching \$ Match % (rounded)	LLCP \$ Requested	TOTAL \$
2C	2	Loko Ea Queen's Residence	Mālama Loko Ea Foundation	Waialua, O'ahu	Fee + Easement (County of Honolulu)	<p>Loko Ea Queen's Residence, once part of Queen Lili'uokalani's beloved Waialua estate and believed to be the site of the Queen's bath, sits on the bank of Loko Ea Fishpond in the 'ili 'āina of Hale'iwa, Kawaioloa Ahupua'a, Waialua District, on O'ahu. The property is mauka of Kamehameha Highway, with Waialua Bay to the west and Anahulu River to the south. It is adjacent to a commercial development of retail shops, restaurants, offices, and businesses called the Shops at Anahulu.</p> <p>The property is comprised of a private paved roadway lot that provides access for a few adjacent lots, and a vacant, undeveloped lot that was previously modified by past activities related to residential home construction.</p> <p>The property is critically located on the southern bank of Loko Ea Fishpond, stewarded by Mālama Loko Ea Foundation ["MLEF"] for the last 14 years. MLEF uses the fishpond for 'āina-based education, restoration, and stewardship, hosting thousands of students and volunteers every year. The fishpond and wetland are ideal habitats for endangered and native wetland birds, native marine life, as well as native vegetation and canoe plants.</p> <p><b>TMK: (1) 6-2-003:008 (~0.56 acres)</b>  plus ~0.54 acres in Loko Ea Place (TMK not assigned)</p>	1.1	Urban	R-5	784,000 <b>51.1%</b>	<b>750,000</b>	1,534,000

**Legacy Land Conservation Commission Ranking and Recommendations\* Summary, Fiscal Year 2024**  
**March 1, 2024 (Meeting 84, Agenda Items 4 & 5)**

Item	Rank	Application	Applicant	District, Island	Type	Description (from online application Item 15: Narrative description of location, ecosystems, land use, and human activity on the property and in the surrounding area)	Acres approx	State Land Use District	County Zoning	Matching \$ Match % (rounded)	LLCP \$ Requested	TOTAL \$
2B	3	Nani Kai Hoku Farm	Moku o Keawe Land Conservancy	Kohala, Hawai'i	Agricultural Easement	<p>Farm is in North Kohala, ahupuaa of Honomakau, makai of Hawi on the north shore of Hawai'i Island, approx. 1800 feet from the ocean. The farm is a peninsula sitting above gulches with disrupted streams on three sides of the property that drain to the ocean.</p> <p>The gulch habitat has been undisturbed since the early 1970s. Endemic birds of prey (io and pueo) and the Hawaiian Hoary bat frequent the farm because the regenerative and traditional farming practices provide a safe hunting habitat - no poisons or rodenticides - as well as safe perches and roosting areas in the windbreak and fruit trees.</p> <p>The ancient and historic land use was agriculture and the farm today uses regenerative and traditional farming methods that create pollinator habitat, conserve and protect water, protect soil and create a health soil microbiome that helps sequester carbon, increases food production yields, and creates soil and crop resiliency (able to withstand changes in temperature and moisture).</p> <p>The area is surrounded by agricultural land, but most of the land is not in active or commercial agriculture. Comparing aerial satellite images between the year 2000 and 2023, shows numerous houses and estates.</p> <p><b>TMK: (3) 5-5-008:069</b></p>	20.1	Agricultural	A-20a	1,129,250  <del>65.3%</del> <b>69.35%</b> <i>(corrected by staff)</i>	<b>499,000</b>	1,628,250

**Legacy Land Conservation Commission Ranking and Recommendations\* Summary, Fiscal Year 2024**  
**March 1, 2024 (Meeting 84, Agenda Items 4 & 5)**

Item	Rank	Application	Applicant	District, Island	Type	Description (from online application Item 15: Narrative description of location, ecosystems, land use, and human activity on the property and in the surrounding area)	Acres approx	State Land Use District	County Zoning	Matching \$ Match % (rounded)	LLCP \$ Requested	TOTAL \$
2D	4	Ke Ola Project Conservation & Culture	Pu'uwai Ko Ola	Wa'ianae O'ahu	Fee + Easement (Holder uncertain)	<p>The parcel of land to be acquired is a very important and sacred piece of the entire Kaupuni Watershed and this parcel is host to a region encompassing mountains, streams, waterfalls, nature, solitude, peace and quiet; all only begin to describe this valuable region in our Ahupua'a of Wa'ianae.</p> <p>The property sits at the ascent of O'ahu's highest mountain, surrounded by miles of protected government land; this property is currently appointed with a barn, gazebo, and campsite. It is a mere three miles to beaches and to community conveniences yet this removed, upcountry property deserves to have a steward of the land which is a Native Hawaiian organization restoring Hawaiian lands into Hawaiian hands.</p> <p>With a unique and unparalleled mountain-effect climate, this private, verdant valley enjoys cooler temperatures, breezes, rain showers, mists and rainbows, with ideal conditions to begin the next planting of indigenous plants, harvesting viable crops, and growing fields that can be planted with a multitude of natural flowers from the islands of Hawai'i.</p> <p>The stream, and the lush forest of the lower acreage hosts a winding 1/4-mile nature trail that is ideal for the cultural programs.</p> <p><b>TMK: (1) 8-5-005:0050002</b></p>	2.77	Agricultural	Ag-2	202,080 <b>25%</b>	<b>606,238</b>	808,318



**Legacy Land Conservation Commission Ranking and Recommendations\* Summary, Fiscal Year 2024  
March 1, 2024 (Meeting 84, Agenda Items 4 & 5)**

Item	Rank	Application	Applicant	District, Island	Type	Description (from online application Item 15: Narrative description of location, ecosystems, land use, and human activity on the property and in the surrounding area)	Acres approx	State Land Use District	County Zoning	Matching \$ Match % (rounded)	LLCP \$ Requested	TOTAL \$
<b>2E</b>	5	Improving Sustainable Production	Malama Sanctuary	Puna, Hawai'i	Fee + Easement (Holder uncertain)	<p>Located just a few blocks from Fissure 8, the center of the Kilauea eruption, this one acre parcel was untouched by the recent lava flow.</p> <p>The parcel is home to numerous ohia trees and the resilience of this Hawaii community.</p> <p>The key resources to be protected will be a demonstration farm that will feature three scalable and native crops: mamaki and kava, and also a germplasm repository of low bearing and disease resistant coconuts.</p> <p>The location of the property highlights the resilience of the community after the Kilauea eruption, and also provides an accessible location for agricultural programs and the germplasm repository.</p> <p><b>TMK: (3) 1-3-017:016</b></p>	1.00	Agricultural	A-1a	10,947 <b>25%</b>	<b>32,843</b>	43,790
<p><i>Based on ranking results, potential environmental hazards, and program suitability concerns, the Legacy Land Conservation Commission did not recommend a grant award for this application.</i></p>												

**\*Agenda Item 5 - Recommendations**

The Legacy Land Conservation Commission ("Commission") recommends that the Board of Land and Natural Resources ("Board") approve four awards for grants from available funds in the Land Conservation Fund, for full funding of the four top-ranking Fiscal Year 2024 applications for land acquisition grants, in the order ranked by the Commission, as funds are available, provided that Board approval for the fourth-ranked project (2D Ke Ola) be contingent upon the applicant receiving a purchase and sale agreement for the property, signed by the Seller, prior to Board action on this Commission recommendation.

**EXHIBIT I-A**

**‘Anaeho‘omalu Kapalaoa**

**Kona, Hawai‘i**

**Maps & Photos**

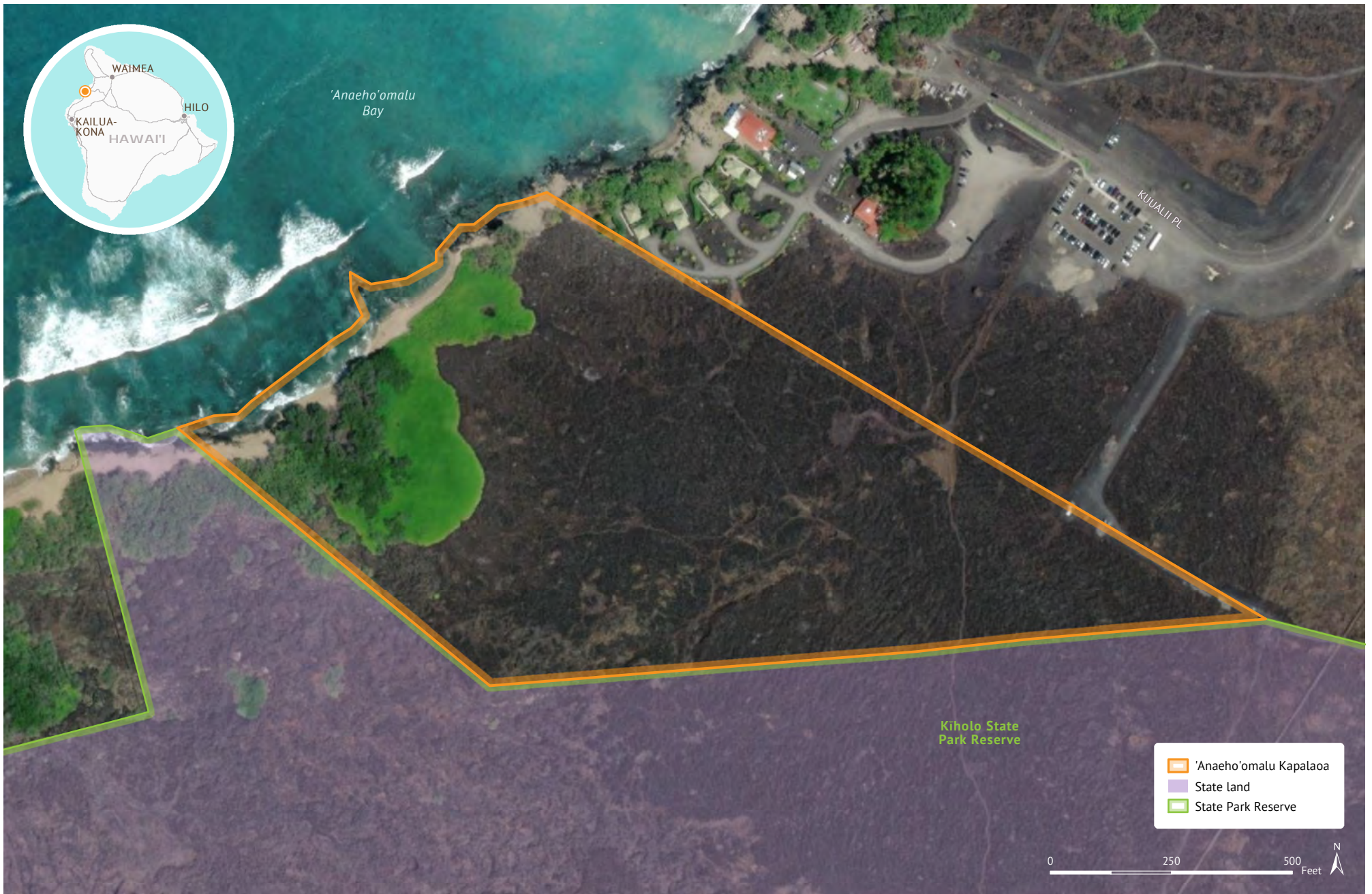


# 'Anaeho'omalu Kapalaoa

ISLAND OF HAWAII

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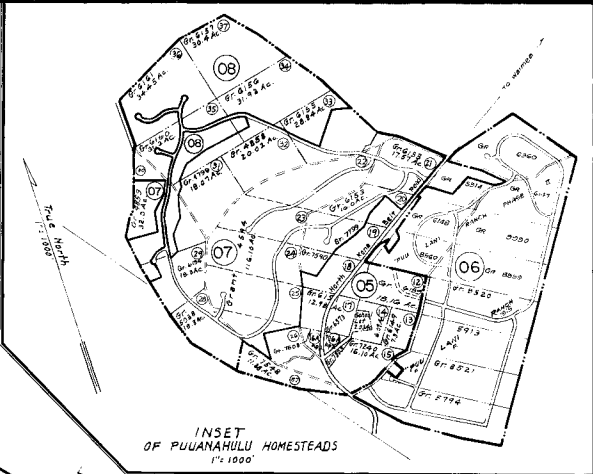
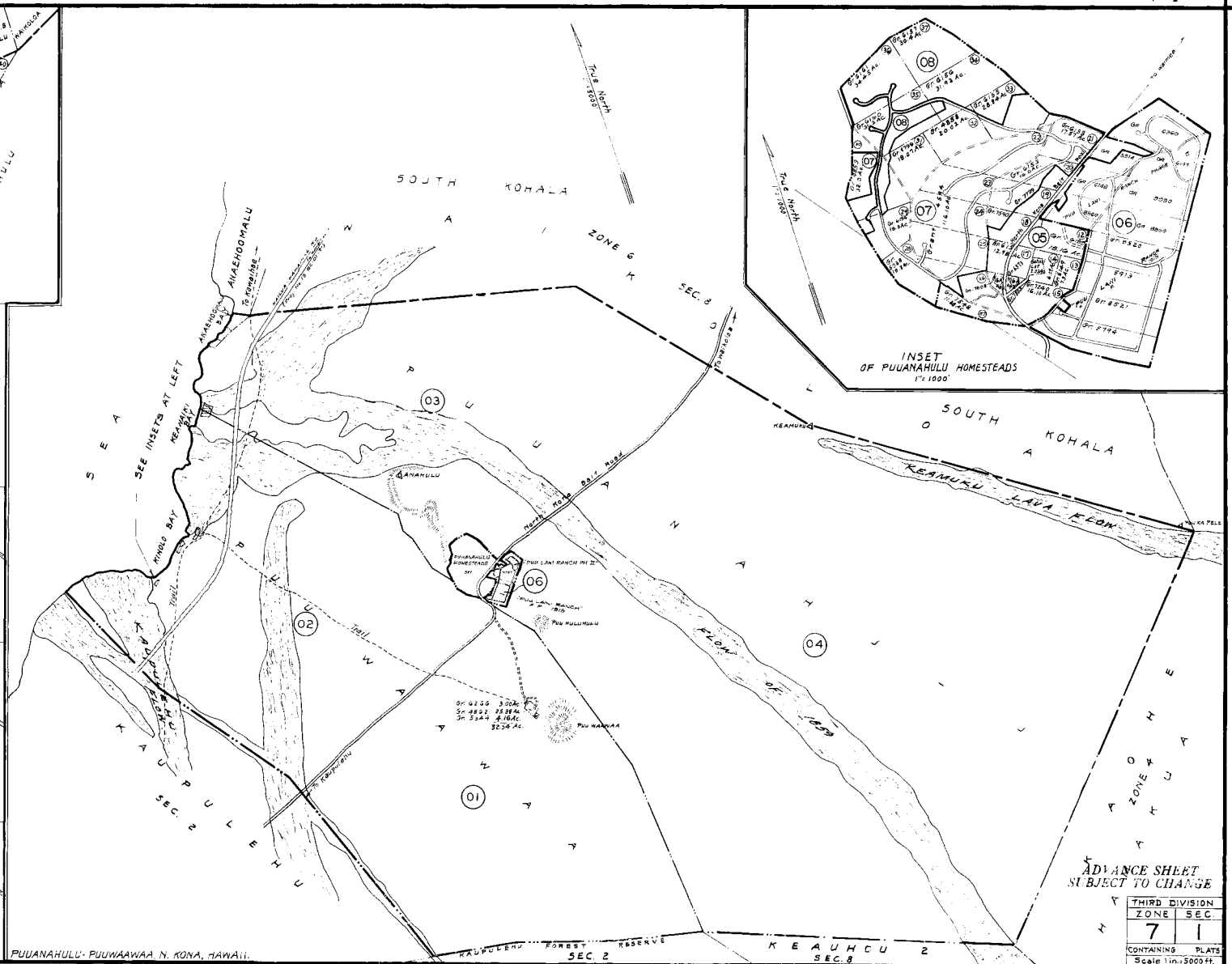
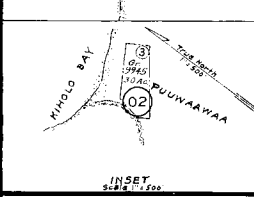
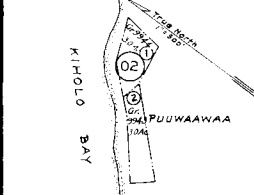
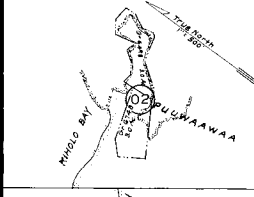
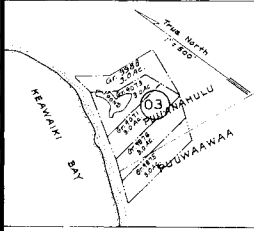
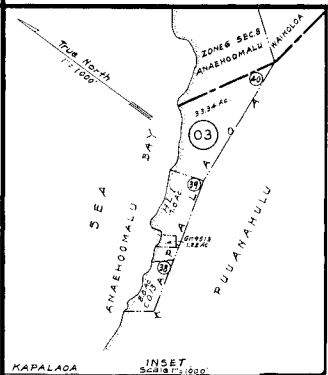
# 'Anaeho'omalu Kapalaoa

ISLAND OF HAWAII

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Div. No. 1151  
 Appr. by \_\_\_\_\_  
 By \_\_\_\_\_  
 Source: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Revised by \_\_\_\_\_  
 Appr. by \_\_\_\_\_



PUUANAHULU-PUUWAAWAA N. KONA, HAWAII.

ADVANCE SHEET  
SUBJECT TO CHANGE

THIRD DIVISION
ZONE SEC
7 1
CONTAINS PLATS
Scale 1 in. = 5000 ft.

PRINTED

Photo One: View from 'Anaeho'omalu Kapalaoa looking mauka with Mauna Loa and Hualālai in the background.



Photo Two: View from 'Anaeho'omalu Kapalaoa looking makai with Haleakalā, Maui in background.



Photo Three: View from Keahualono Heiau looking makai into the property.





Photo 4: Ki'i pōhaku (petroglyphs) located on the property.



**EXHIBIT I-B**

**Loko Ea Queen's Residence**

**Waialua, O'ahu**

**Maps & Photos**



# Loko Ea Queen's Residence

ISLAND OF O'AHU, HAWAII

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# Loko Ea Queen's Residence

ISLAND OF O'AHU, HAWAII

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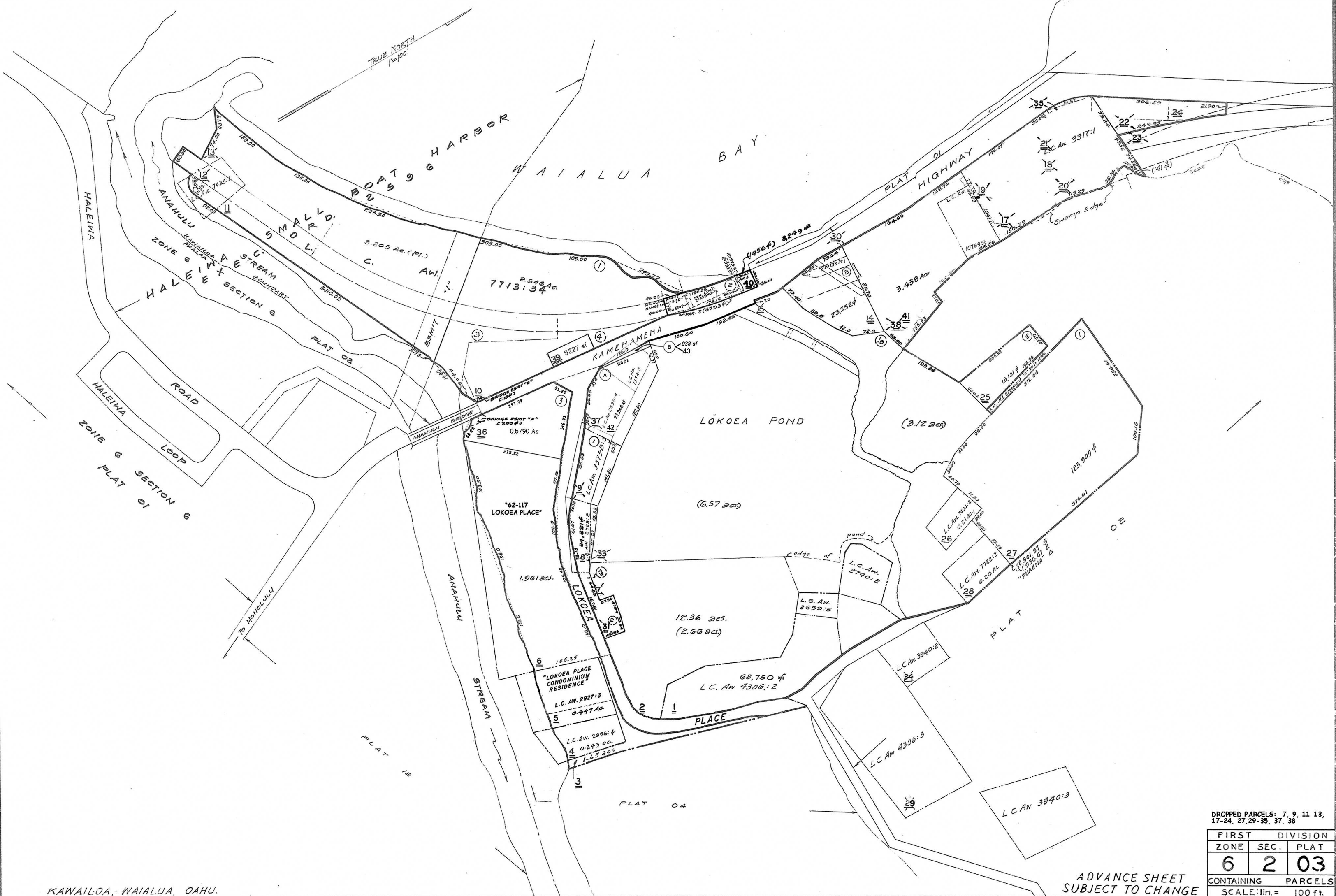
CORRECTED  
JUL 1 2020  
JUL 22 2020  
NOV 4 2020  
NOV 15 2022

RE:  
E.A.  
E.B.

DATE:  
MAR 27 2022  
MAR 27 2022  
MAR 27 2022

JUN 7 2020  
MAR 27 2022  
MAR 27 2022  
MAR 27 2022

Dwg No.: 1642  
By: E.K.S.-H.N.  
Source: Tax Maps Bureau



KAWAILOA, WAIALUA, OAHU.

ADVANCE SHEET  
SUBJECT TO CHANGE

DROPPED PARCELS: 7, 9, 11-13,  
17-24, 27, 29-35, 37, 38

FIRST DIVISION		
ZONE	SEC.	PLAT
6	2	03
CONTAINING PARCELS		
SCALE: 1 in. = 100 ft.		

PRINTED

Photo 1: Aerial view of the Loko Ea Queen's Residence parcel



Photo 2: Loko Ea Fishpond with Loko Ea Queen's Residence parcel and Ka'ala Mountain Range in the background



Photo 3: 'Alae 'ula (makua and keiki) at Loko Ea Fishpond





Photo 4: Queen Lili'uokalani's Waialua Residence seen in the background from Loko Ea Fishpond. (PC: Forbes, D. "The Diaries of Lili'uokalani of Hawai'i". 2018)

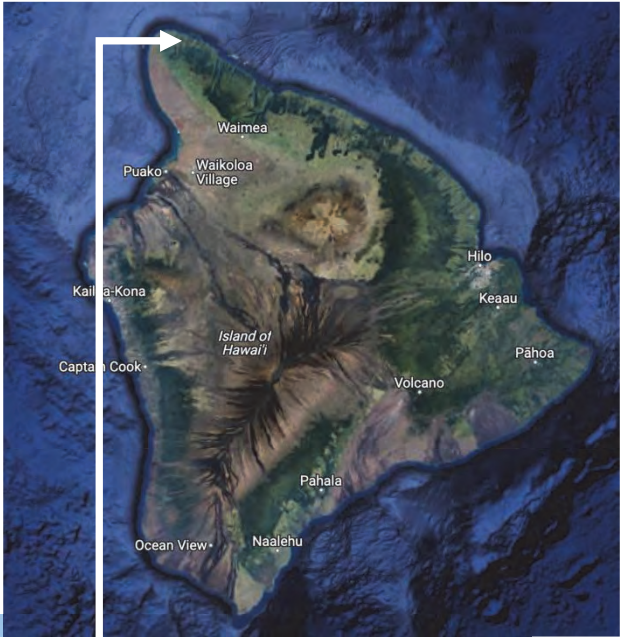


**EXHIBIT I-C**

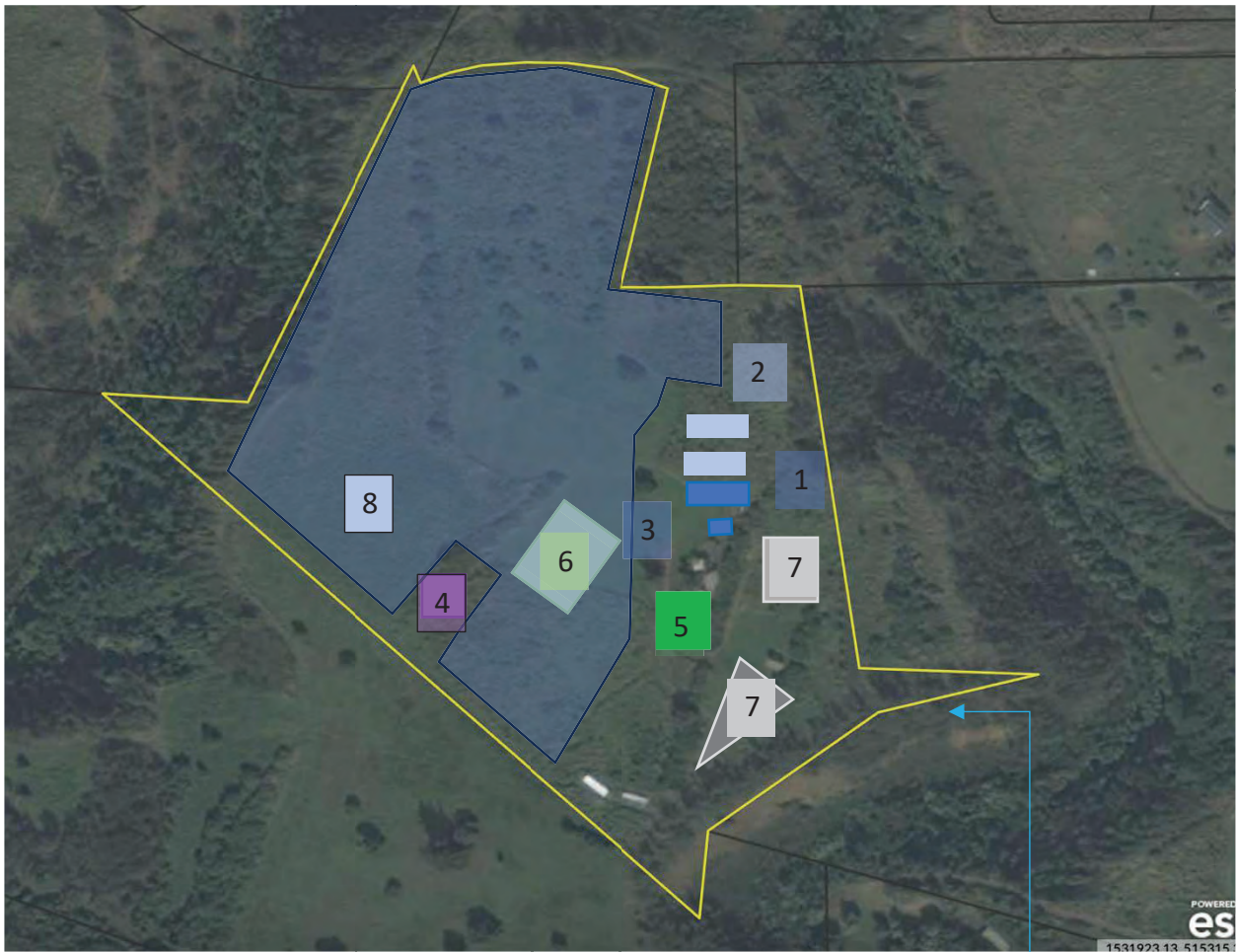
**Nani Kai Hoku Farm  
Agricultural Easement**

**Kohala, Hawai'i  
Maps & Photos**

**General and Detailed Location of Nani Kai Hoku Farm  
Kohala, Hawaii Island  
TMK 3-5-5-008-069:000**



**Aerial of Nani Kai Hoku Farm with TMK Boundary  
from Hawaii County Real Property Website**



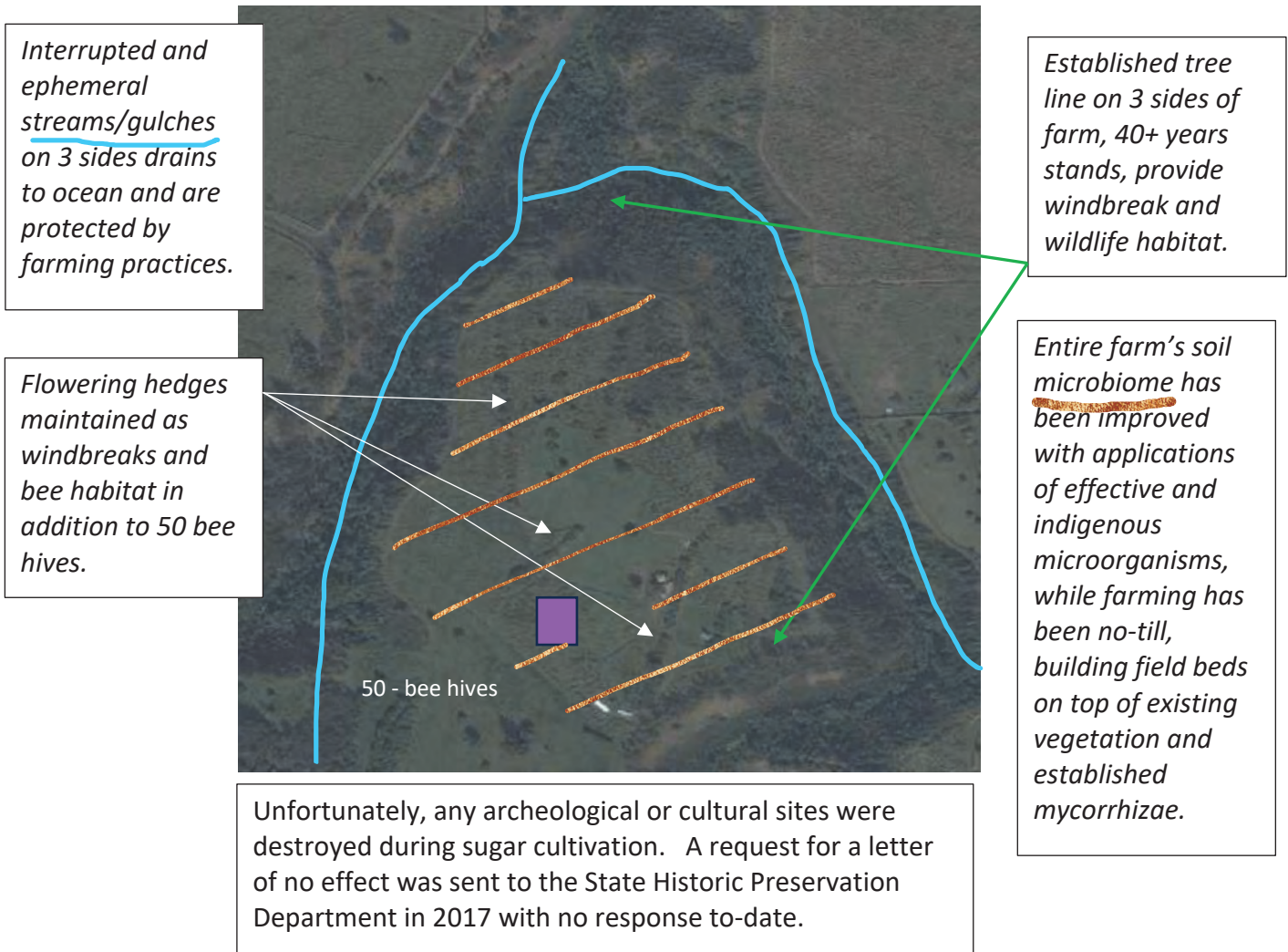
- 1. Active greenhouse
- 2. Planned greenhouses
- 3. Start-house – for seedlings
- 4. Beehives
- 5. Active Field – mixed crops and fruit trees
- 6. Former field – no current production
- 7. Small animal grazing
- 8. Grazing – pipi, occasionally horses



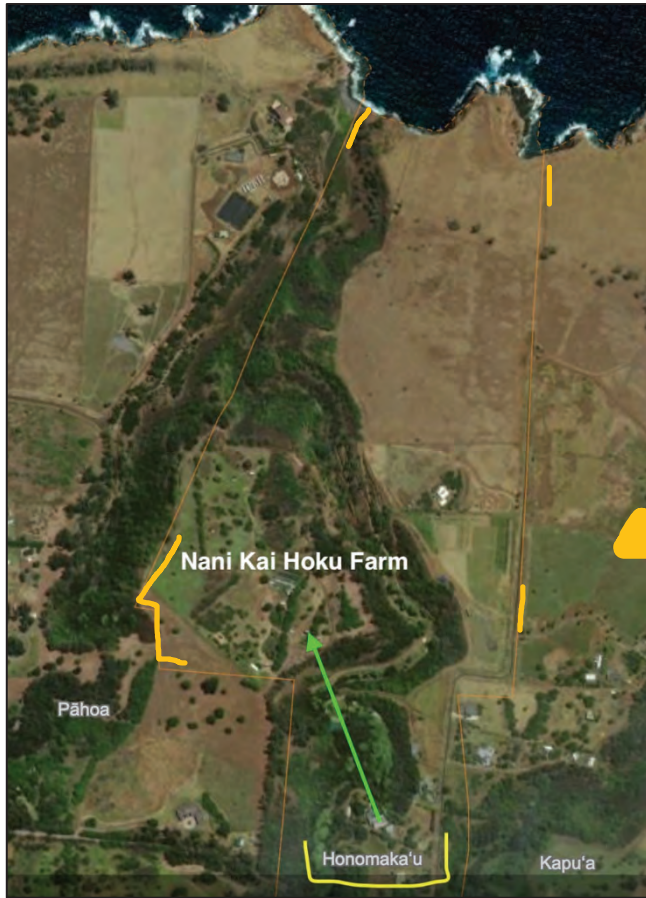
## Summary of Natural Resources Protected by Nani Kai Hoku Farm

An agricultural easement ensures Nani Kai Hoku Farm's certified organic and regenerative farming practices continue to protect the following natural resources:

1. Interrupted and ephemeral streams on both sides of the farm;
2. Birds of prey that frequent our farm and can hunt safely – no herbicides or pesticides or poisoning of rodents;
3. Windbreaks and pollinator habitat, in addition to the beehives on the farm. Bats are occasional evening visitors;
4. Water retention and conservation are maximized and there is no water pollution from our farm due to heavy mulching, no till practices (building beds on top of old pasture and cane land), and use of effective and indigenous microorganisms.
5. Soil microbiome has been enhanced on the entire farm through the application of microorganisms to all fields and pastures. No plastic is used with crops. Plastic micro-fibers are a significant problem in agricultural soils and can pollute food. Woodchips are used as mulch in addition to amendments and fertilizers made on-farm from food, grass, salt water, etc.



## Maps Show Nani Kai Hoku Farm in Honomokau Ahupuaa



Left: Map 1, Stewardship Mapping Project, Hawaii STEW Map Phase I, U.S. Department of Agriculture and U.S. Forest Service, Ahupuaa boundaries delineated by orange line.

Below: Map 2, 1901 Land Office Map of the Island of Hawaii, Hawaii, 1901, 2.1 Shows shape of current farm TMK boundaries inside Honomokau.



**Photos of Nani Kai Hoku Farm**



Farm is 0.3 miles from ocean



Agroforestry and vertical regenerative farming to provide dappled shade to crops underneath, maximizing production per square foot, while creating diverse microorganism habitat, which maximizes plant health and minimizes water needs, etc. Coconut, banana, moringa, and papaya are the tree crops shading kale, tatsoi, basil, flax, arugula, etc. Nani Kai Hoku Farm is certified organic.



Moku O Keawe Land Conservancy  
Nani Kai Hoku Farm Ag Easement

Right: Woodchips and mulch conserve water, reducing Nani Kai Hoku's water needs to dryland farming levels per research conducted in 2018 research for the Department of Agriculture hemp pilot project. Wood chips control weeds – no plastic groundcover mat. Microplastics in the soil is an increasing problem because it can make its way into food.



Regenerative and organic farming can create very nutrient dense food and increase production and yield per square foot. Nutrition in food has been declining for over 80 years in the U.S. due primarily to depletion of soils. Nani Kai Hoku Farm is reversing this trend, which results in better health outcomes for our community. The photo above shows the high mineral content in the food and the photo on the right underscores healthy, high yields.





Moku O Keawe Land Conservancy  
Nani Kai Hoku Farm Ag Easement



Sweeping ocean and Maui views from everywhere on the farm.



Dedicated public access to beach below from boundary of farm.



Above right: Regenerative farming includes polycropping with multiple food and pollinator species planted together with a focus on soil building and protection of the soil microbiome. The soil on Nani Kai Hoku Farm is alive – this is a shot of the soil just under the wood chip mulch. The microorganisms encourage a plethora of beneficial worms and insects. These beneficial insects and microorganisms can protect crops against pests and invasive species and our healthy soil captures carbon.



Above left: Pumpkins planted for food and then the vines were coppiced and fermented in the field (treated with effective microorganisms) to create on-site, organic matter feedant. Above right: organic matter from the farm is used as mulch.



Above right: Research conducted on the farm in 2018 demonstrated the use of hemp to make waddles for erosion control. Waddles are placed on the ground to slow runoff and can catch sediment. Landowner, Gail Byrne Baber, has volunteered her time to conduct erosion control projects on the coast with Kohala high school students using imported waddles. Gail wanted to proof alternatives to imported waddles. Above left: A film crew from Australia taping a segment on our hemp research crop and regenerative practices.

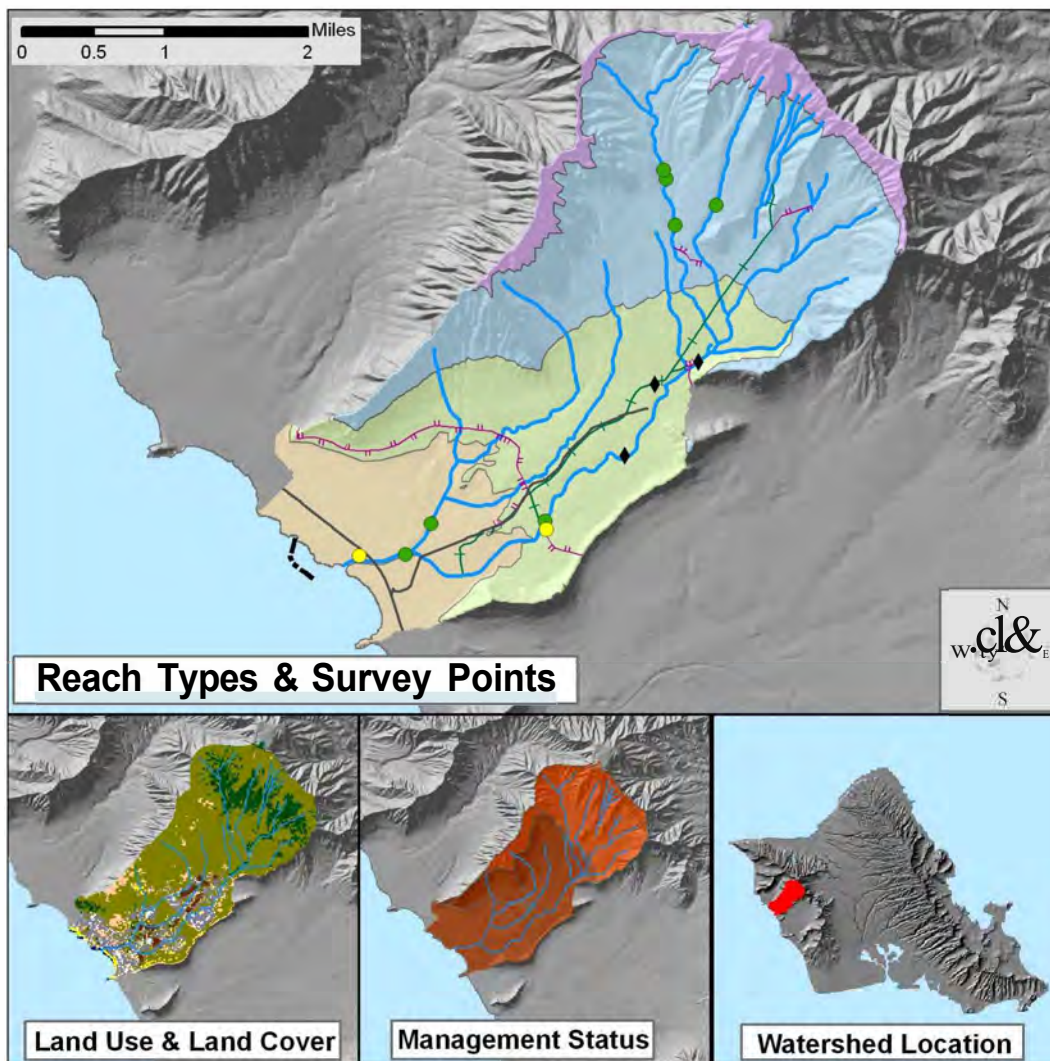
# **EXHIBIT I-D**

## **Ke Ola Project Conservation & Culture**

### **Wai‘anae, O‘ahu**

### **Maps & Photos**

## Kaupuni, O'ahu



### WATERSHED FEATURES

Kaupuni watershed occurs on the island of O'ahu. The Hawaiian meaning of the name is "place around". The area of the watershed is 9.2 square mi (23.9 square km), with maximum elevation of 3940 ft (1201 m). The watershed's DAR cluster code is not yet determined. The percent of the watershed in the different land use districts is as follows: 44.6% agricultural, 45.9% conservation, 0% rural, and 9.4% urban.

**Land Stewardship: Percentage of the land in the watershed managed or controlled by the corresponding agency or entity. Note that this is not necessarily ownership.**

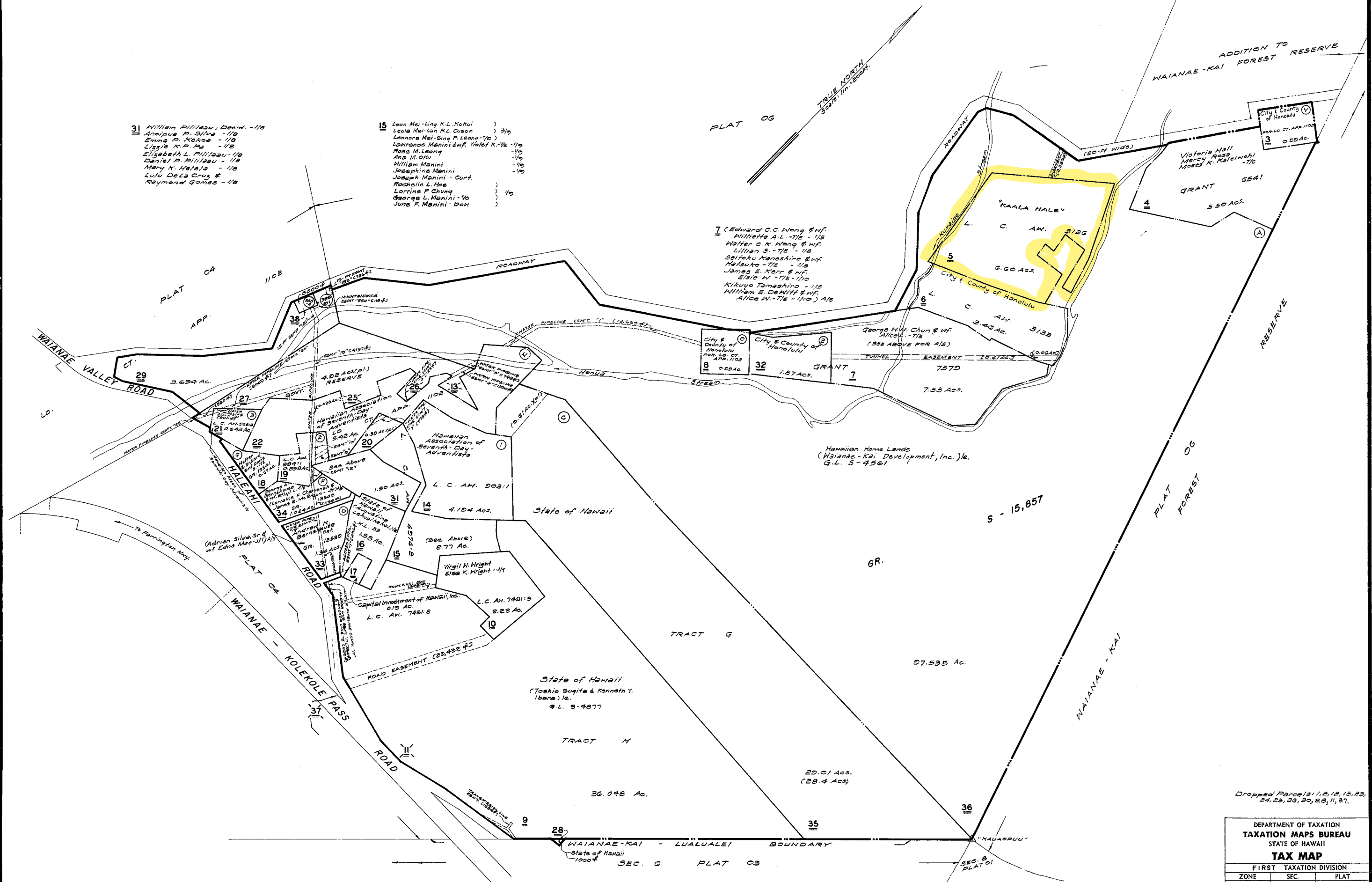
Military	Federal	State	OHA	County	Nature Conservancy	Other	Private
0.5	0.0	49.2	0.0	0.0	0.0		50.3

DWG. NO. 1854 (REVISED)  
 SOURCE: T.M.B. & L.O. ST. APP. 1102  
 H.V.-P.V. JAN. 26, 1967  
 DATE: DEC. 1955

31 William Pilihaau, Dec'd. - 1/8  
 Anelapa P. Silva - 1/8  
 Emma P. Kekoa - 1/8  
 Lizzie K.P. Pa - 1/8  
 Elizabeth L. Pilihaau - 1/8  
 Daniel P. Pilihaau - 1/8  
 Mary K. Helela - 1/8  
 Lulu Dela Cruz &  
 Raymond Gomes - 1/8

15 Leon Mei-Ling K.L. Kukui )  
 Leola Mei-Lan H.L. Cuson ) 3/10  
 Leonora Mei-Sing P. Leong - 7/10  
 Lawrence Manini & Wf. Violet K. - 1/10  
 Rose M. Leong - 1/10  
 Ana M. Oku - 1/10  
 William Manini - 1/10  
 Josephine Manini )  
 Joseph Manini - Curt. )  
 Rochelle L. Hae )  
 Lorraine P. Chung ) 1/10  
 George L. Manini - 7/10  
 June F. Manini - Don )

1 Edward C.C. Wong & Wf  
 Willette A.L. - 7/10 - 1/10  
 Walter C.K. Wong & Wf  
 Lillian S. - 7/10 - 1/10  
 Seifuku Kaneshiro & Wf  
 Matsuko - 7/10 - 1/10  
 James E. Kerr & Wf  
 Elsie W. - 7/10 - 1/10  
 Kikuyo Tomashiro - 1/10  
 William E. Dentitt & Wf  
 Alice W. - 7/10 - 1/10 A/S



POR. WAIANAЕ - KAI, OAHU.

FOR REAL PROPERTY TAXATION PURPOSES  
SUBJECT TO CHANGE

DEPARTMENT OF TAXATION		
TAXATION MAPS BUREAU		
STATE OF HAWAII		
TAX MAP		
FIRST TAXATION DIVISION		
ZONE	SEC.	PLAT
8	5	05
SCALE: 1 IN. = 200 FT.		

Dropped Parcels: 1, 2, 12, 13, 23, 24, 25, 26, 30, 28, 11, 37.

Layer List Legend

Quick Links:

- Property Search
- View Map

Layers:

- Roads
- Parcels
- Parcel Numbers
- BaseMap
- 2021 Aerial Imagery

[Restore Layer Defaults](#)



**Results:**

Parcel ID - 850050050000  
 Alt Id - 850050050000  
 Address - WAIANA VALLEY RD  
 Owner - KAALA HALE  
 Acres - 6.6  
[Feedback](#)  
[View: Report | Google Maps](#)

Parcel ID 850050050000	Situs/Physical Address WAIANA VALLEY RD	Assessed Land Value	Last 2 Sales			
Acreage 6.6		Assessed Building Value	Date	Price	Reason	Qual
Class AGRICULTURAL		Total Property Assessed Value	n/a	0	n/a	n/a
		Total Property Exemptions	n/a	0	n/a	n/a
		Total Net Taxable Value				
Brief Tax Description	n/a					

(Note: Not to be used on legal documents)









**EXHIBIT II**

**May 24, 2024**

**Consultation Responses**

**from the President of the Senate**

**(April 15, 2024)**

**and**

**the Speaker of the House**

**of Representatives (April 17, 2024)**



## The Senate

STATE CAPITOL  
HONOLULU, HAWAII 96813

April 15, 2024

### TRANSMITTED VIA EMAIL

Ms. Dawn N.S. Chang  
Chairperson  
Department of Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

**RE: Projects for the Fiscal Year 2024 Legacy Land Conservation Program**

Dear Chair Chang:

I am in receipt of your letter dated Wednesday, March 6, 2024, regarding the Legacy Land Conservation Commission's recommendation for the funding of projects for the Fiscal Year 2024 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

## FW: Legislative Consultation for FY2024 Legacy Land Grants

Kealalio, Kanani <kanani.kealalio@hawaii.gov>

Wed 4/17/2024 9:26 AM

To: Penn, David <david.penn@hawaii.gov>; Matsushige, Van H <van.h.matsushige@hawaii.gov>; Chang, Dawn <dawn.chang@hawaii.gov>; Smith, David G <david.g.smith@hawaii.gov>  
Cc: Terrago, Rubyrosa T <rubyrosa.t.terrago@hawaii.gov>

FYI – See Speaker Saiki’s email below. Tomorrow’s meeting is canceled.

Mahalo,  
Kanani

---

**From:** Rep. Scott K. Saiki <repsaiki@capitol.hawaii.gov>

**Sent:** Wednesday, April 17, 2024 9:15 AM

**To:** Chang, Dawn <dawn.chang@hawaii.gov>

**Cc:** Kealalio, Kanani <kanani.kealalio@hawaii.gov>

**Subject:** Legislative Consultation for FY2024 Legacy Land Grants

Aloha Chairperson Chang,

After reviewing the information you provided, I would like to confirm that I do not have any comments or concerns. Please proceed.

We do not need to meet tomorrow at 2 p.m.

Feel free to contact me if you have any questions.

Thank you.

**EXHIBIT III**  
**May 24, 2024**

**Application Sections G, H, I**

**EXHIBIT III-A**  
**‘Anaeho‘omalu Kapalaoa**

**Kona, Hawai‘i**

**Sections G, H, I**



## **Section G** *Fiscal Year 2024 Grant Application: Importance and Threats*

Applicant: Nā ‘Ōiwi o Pu‘uanahulu (Partner - Trust for Public Land)

Application Title: ‘Anaeho‘omalū Kapalaoa

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

‘Anaeho‘omalū Kapalaoa, a special cultural landscape that sits on the boundary of North Kona and South Kohala, is the last remaining undeveloped piece of coastal land in Waikoloa Beach Resort. ‘Anaeho‘omalū Kapalaoa was once slated to be developed into condominiums, as an extension of Waikoloa Beach Resort, but lineal descendants and community successfully advocated to protect its cultural resources. As a result, development plans were temporarily put on hold.

Protecting the ‘Anaeho‘omalū Kapalaoa parcel will preserve a vast cultural and natural landscape with 17 recorded cultural sites including the Hi‘iaka Heiau (connected to Hi‘iakaika‘ale‘ī); cave and habitation complexes; petroglyph fields; mauka-makai and coastal trail networks; native coastal plants; pristine anchialine pools teaming with ‘ōpae ‘ula; a healthy coral reef and traditional fishing grounds offshore; and public access to the southern shoreline of ‘Anaeho‘omalū Bay.

Looking mauka, the parcel offers views of the rolling hills of Na Pu‘u including Pu‘uanahulu and Pu‘uwa‘awa‘a, the majestic mountains of Mauna Kea, Mauna Loa, and Hualālai. Looking makai from the shoreline, one can enjoy breathtaking views of Maui and Haleakalā across the ocean.

‘Anaeho‘omalū Kapalaoa was and is known as an "ice box" amongst the local community and was a site for traditional fishing practices like hukilau (communal, shoreline net fishing), a launch area for canoes, and a place for raising fish at two local fishponds, Kū‘ali‘i and Kahāpapa. Lineal descendants and local families still fish, gather, and engage in cultural practice on the shoreline of ‘Anaeho‘omalū Bay.

Applicants, please note that the Legacy Land Conservation Program uses the content provided in this section to describe the proposed land acquisition to the Legacy Land Conservation Commission, the Board of Land and Natural Resources, the State populace in general, and other agencies, individuals, organizations, and media outlets. Be aware that the content provided in this [form/section] may be copied, exactly, into various other program materials, and can serve as an important basis for future review, approvals, and publicity.



## **Section G**

### ***Fiscal Year 2024 Grant Application: 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:

Waikoloa Land and Cattle Company (landowner), the developers of Waikoloa Beach Resort, purchased this property in order to expand the Waikoloa Beach Resort. The proposed development was called Waikoloa Makai. The \$50 million dollar Waikoloa Makai master plan included 140 to 160 two to three bedroom residential condominium units in three story building complexes, a 10 unit lodge, a 11,500 square foot spa facility, a 7,500 square foot restaurant, a 3,000 square foot recreation center, a 5,000 square foot administration and service facility, and parking lot. As part of the zoning application requirements, the landowner completed archaeological and cultural surveys as well as an environmental impact statement (EIS) for the property.

After the surveys and the EIS were completed, the landowner temporarily shelved the plans to develop the property and began to explore the idea of selling the property for conservation and cultural preservation. If an agreement can be reached regarding purchase price and timeline, the landowner is willing to sell the property for conservation. However, if a conservation acquisition is not successful or does not raise sufficient acquisition funding, the landowner intends to sell the property on the open market, leaving ‘Anaeho‘omalu Kapalaoa vulnerable to development.

One of the most significant threats is the risk of losing one of the last undeveloped pieces of land along the ‘Anaeho‘omalu Bay coastline, which is rich in cultural and natural resources. The surrounding areas have already been negatively impacted by resort development that attracts thousands of visitors to the Bay. Over development and heavy foot traffic can have devastating impacts on the Bay's delicate ecosystem including degradation of native coastal plants communities, anchialine pond water quality, coral reef communities, nearshore marine life, desecration of cultural sites and burials, destruction of fishponds, loss of traditional fishing grounds to predominately recreational and resort uses, displacement of local and Native Hawaiian families who rely on these lands for subsistence fishing, gathering, and cultural practice, and disconnection of lineal descendants to their ‘āina kūpuna (ancestral lands).





## **Section H** *Fiscal Year 2024 Grant Application: Stewardship and Management*

Applicant: Nā ‘Ōiwi o Pu‘uanahulu (Partner - Trust for Public Land)

Application Title: ‘Anaeho‘omalu Kapalaoa

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

Resource Management Plan: Nā ‘Ōiwi o Pu‘uanahulu (Nā ‘Ōiwi) will own, manage, and steward the ‘Anaeho‘omalu Kapalaoa property and is committed to developing a community-based management plan within 24 months of taking ownership, in partnership with the community, descendants, residents, organizations, and stakeholders. The plan will focus on descendant and community-based restoration and preservation of the cultural and natural landscape of ‘Anaeho‘omalu Kapalaoa as a kīpuka of the regional Kekaha lands.

### Short Term Goals:

- Secure funding and support to develop a community-based resource management plan.
- Identify and apply for funding sources to begin management plan implementation.
- Partner with other community organizations to help with management and restoration.
- Begin to identify impacts of higher visibility and traffic on natural and cultural resources within the property.
- Begin to manage and remove invasive vegetation around cultural sites, while balancing the potential negative impacts that could result in exposing sites to more visibility and traffic.
- Begin to clean up trash and graffiti on the property.
- Begin to establish a welcoming space for descendant 'ohana, community groups, and volunteers to participate in ‘āina programming (i.e. sharing mo‘olelo, learning the history of ‘Anaeho‘omalu Kapalaoa, mālama ‘āina activities, etc.).
- Begin to conduct a community assessment of the health of the coastal, anchialine, and fishery resources (ie. creel surveys, limu surveys, water quality of anchialine pools).
- Begin to gather historical research, studies, reports and consolidate data on the property.



## **Section H** *Fiscal Year 2024 Grant Application: Stewardship and Management*

### Long Term Goals:

- Continue to manage and remove invasive vegetation.
- Replant native coastal vegetation based on ‘āina genealogy and needs.
- Continue to protect and maintain culturally significant sites in accordance with the management plan.
- Conduct restoration of cultural sites (e.g. Hi‘iaka Heiau, anchialine pools, trails, etc.).
- Continue to monitor the health of coastal and fishery resources, anchialine pools and ‘ōpae ‘ula (endemic red shrimp) population.
- If funding is obtained, construct an open air pavilion or traditional hālau/ hale to provide a shaded space for ‘āina programming, descendant and community gatherings, and ceremony.
- Elevate and awaken cultural practices and indigenous ways of knowing, how to be in pono relationship with ‘āina through community education and maintaining a presence on the ‘āina.
- Foster new relationships and build upon existing partnerships with regional organizations and government entities.

Funding Sources: Nā ‘Ōiwi collects membership dues, leases land to the volunteer fire station, rents its community center facility, receives grant funding and private donations, and hosts annual fundraisers to generate operating revenue for the organization. Nā ‘Ōiwi has many volunteers and partners who donate in-kind materials and services to support its mission. Nā ‘Ōiwi anticipates applying for stewardship funding from County of Hawai‘i’s PONC program, The Waikoloa Foundation, and other foundations. Nā ‘Ōiwi also plans to launch a fundraising campaign to support its vision for ‘Anaeho‘omalu Kapalaoa.

Management Entity: Nā ‘Ōiwi’s mission is to create a unique self-sustaining educational, cultural, and recreational center with a series of programs and services that is committed to natural resource management, historical site preservation, reviving traditional cultural activities, while sharing in the responsibility of perpetuating the lifestyle of Nā Ahupua‘a o Pu‘uwa‘awa‘a a me Pu‘uanahulu. Nā ‘Ōiwi’s board is made up of descendants of Pu‘uanahulu from five ‘ohana (Alapa‘i, Ha‘o, Hooper, Keakealani, and Mitchell). A representative from each family sits on its board, bringing a diverse range of experience in the fields of Archival Research, Education, Agriculture, and Natural Resource Management.

Nā ‘Ōiwi has a wealth of experience in land protection and land ownership. Integration and elevation of traditional and customary practices and land and resource stewardship is part of its genealogy and legacy. For generations our families have advocated for the protection of iwi kūpuna (ancestral remains), historic sites, puna wai (springs), native forestry and the natural and cultural landscape of Pu‘uanahulu and Pu‘uwa‘awa‘a. Formally established in 1998 as nonprofit Pu‘uanahulu Community Association (PCA), descendants and community members of Napu‘u succeeded in protecting 10 acres from a golf course development which they own and steward. On this 10 acres PCA established a kauhale (center) for their community. Nā ‘Ōiwi o Pu‘uanahulu was formed in 2020 as a successor nonprofit to PCA, continuing the legacy of their kūpuna to mālama ‘āina and community. Nā ‘Ōiwi continues to host community events, outreach, and educational and genealogical workshops at the community center to promote the long term health and wellbeing of the Napu‘u region. Nā ‘Ōiwi also leases a portion of the property to the Pu‘uanahulu Volunteer Fire Department and partners with Firewise to promote fire prevention and preparedness.



## **Section I** *Fiscal Year 2024 Grant Application: Cultural and Historical Significance*

Applicant: Nā ‘Ōiwi o Pu‘uanahulu (Partner - Trust for Public Land)

Application Title: ‘Anaeho‘omalū Kapalaoa

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

According to mo‘olelo that has been passed down for generations, the place names within Kona and Kohala are familial. Pu‘uwa‘awa‘a and Pu‘uanahulu (which are names of hills and two distinct ahupua‘a of Kona) were husband and wife. They had a daughter and named her ‘Anaeho‘omalū. ‘Anaeho‘omalū was known for her grace and beauty. She would later fall in love with a man named Puako.

The parcel sits at the boundary between the the ‘ili of Kapalaoa, ahupua‘a of Pu‘uanahulu, moku of North Kona and the ‘ili of ‘Anaeho‘omalū, ahupua‘a of Waikōloa, moku of South Kohala. Pu‘uanahulu means “ten day hill” referring to the massive size of the ahupua‘a that reaches an elevation of a mile above sea level. ‘Anaeho‘omalū means “protected mullet” referring to the full grown ‘ama‘ama fish in the protected part of the bay where the two fishponds, Kū‘uali‘i and Kahāpapa reside. Waikōloa translates to “duck water” or “water pulling far”.

Kapalaoa was a small coastal fishing village until the 1930s well-known for fishing and salt making. Its meaning “Whale tooth” refers to a mo‘olelo of a famous chieftess Kuaiwa whose lei palaoa (whale tooth pendant) and body were turned to stone by Pele. ‘Anaeho‘omalū Kapalaoa is known as an “ice box” for the local community and was a site for traditional fishing practices like the hukilau (communal, shoreline net fishing), a launch area for canoes, and Kū‘uali‘i and Kahāpapa fishponds (located north of the property). There was an old saying about Kapalaoa: “First light the fire; get good coals; then go out and get the fish and place them on the fire,” meaning that the fishing was so good that one could start a fire first, expecting success without bringing bad luck because of overconfidence or lack of humility. Kama‘āina families also shared that one could simply name the fish you wanted to eat and one of the kūpuna would simply tell you which location or stone to go to and you would get the fish you wanted. Fishermen’s relationship to this coast was so intimate that every ko‘a (fishing



## **Section I** *Fiscal Year 2024 Grant Application: Cultural and Historical Significance*

ground), cove, and point had a name.

The ‘Anaeho‘omalua parcel is a precious cultural landscape home to 17 cultural sites including Hi‘iakaika‘ale‘ī, habitation complexes, habitation caves, burials, a petroglyph complex, and a series of mauka makai trails. Hi‘iakaika‘ale‘ī (Hi‘iaka in the billowing waves) is a prominent point of land jutting into the bay at the northern end of the property which has a heiau that sits on top of a lava tube cave and anchialine pond complex and serves as a traditional boundary marker between North Kona and South Kohala. Nā Pōhaku Kūlua can be found offshore to the west of the property, marking the boundary between South Kohala and North Kona.

The heiau Keahualono (the alter of Lono), built for Lonoikamakahiki, also served as a boundary marker and is located just outside the easternmost corner of the property. There are several stories about the origin of Keahualono. One mo‘olelo (story) speaks of Kamalālāwalu, once king of Maui, landed with his warriors in Kawaihae to battle Lonoikamakahiki. The ahu (alter) was built to honor this battle. Another mo‘olelo links Lonoikamakahiki with Kapihihilina of Kaua‘i. At one time, Lonoikamakahiki was deserted by his followers while visiting Kaua‘i. He was befriended by Kapihi and they both returned to Hawai‘i Island. Kapihi became a close advisor to Lonoikamakahiki. Other chiefs became jealous of Kapihi and corrupted Lonoikamakahiki against Kapihi. Lonoikamakahiki believed the other chiefs and denied Kapihi admittance. Hurt, Kapihi decided to return to Kaua‘i. Once Lonoikamakahiki learned of Kapihi’s intent to return to Kaua‘i, he repented his actions and went to search for him. Lonoikamakahiki found Kapihi at the sandy beach of ‘Anaeho‘omalua. Lonoikamakahiki made a pact between them and built the temple, Keahualono.

The property falls within the corridor of the 175-mile long Ala Kahakai National Historic Trail. At least three main trails or trail complexes are associated with the parcel. Today there is no trace of the coastal foot trail or “ala nui aupuni” but it would have traversed the makai portion of the property along the sandy shoreline. In addition, a network of mauka to makai trails traverse the property, linking several caves and habitation sites. The well-known Kiholo-Puako trail (“King’s Highway”) also called the Government Road or Alaloa, or Māmalahoa trail, is located approximately 150 feet beyond the eastern boundary of the property. It was the main thoroughfare through this area into the 1880s and its pathway through the Waikoloa Beach Resort and Mauna Lani Resort area has been preserved. An older trail runs somewhat parallel with the Kiholo-Puakō trail just east of the property. Both of these main trails connect to local trails within the parcel.

Aside from the anchialine ponds and caves providing fresh water, fresh water was rare. As a result, Kapalaoa was not cultivated in taro, but there were likely small patches of sweet potato cultivation. Kama‘āina families shared that they would travel inland to an area called Makahonu, near the ‘Anaeho‘omalua boundary, where families grew ‘uala (sweet potato), pala‘ai (pumpkin), and kō (sugarcane).

# **EXHIBIT III-B**

**Loko Ea Queen's Residence**

**Waialua, O'ahu**

**Sections G, H, I**



## **Section G** *Fiscal Year 2024 Grant Application: Importance and Threats*

Applicant: Mālama Loko Ea Foundation (Partner - Trust for Public Land)

Application Title: Loko Ea Queen's Residence

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

Loko Ea Queen's Residence, one part of Queen Lili'uokalani's beloved Waialua residence, and believed to be home to the Queen's Bath, sits on the bank of the renowned Loko Ea Fishpond in Hale'iwa, Kawaiiloa, Waialua, O'ahu. Loko Ea is part of the historic 'Uko'a-Loko Ea Wetland Fishpond Complex and is the third largest wetland on O'ahu. Protecting this parcel would provide community access to Loko Ea Fishpond and protect part of the Queen's Waialua residence and what's believed to be the former site of the Queen's favorite swimming hole. The parcel will also buffer and protect Loko Ea, its 'auwai (irrigation ditch), 400 foot long kuapā (fishpond wall), seven mākāhā (sluice gates), preserving aquaculture for local food security, habitat for endangered and native wetland birds ('ālae 'ula, 'ālae ke'oke'o, ae'o 'auku'u), native marine life (āhole, 'ama'ama, 'o'opu, kākū, ulua 'aukea, 'ōpae 'oeha'a (Hawaiian river shrimp)), and native wetland vegetation, enhancing the water quality of Loko Ea Stream, Waialua Bay, and providing nutrients to support Waialua's nearshore fishery.

While Mālama Loko Ea Foundation (MLEF) has stewarded and licensed Loko Ea Fishpond for 14 years, the fishpond is technically landlocked without any legal access. Protecting this property will finally provide MLEF legal access to Loko Ea, allowing it to continue its fishpond restoration, its transformational 'āina based educational programs, and to serve as a kīpuka for the community. MLEF does not own any of the lands it stewards. Acquiring this property would ensure their permanent presence as kia'i (caretakers, guardians) of Loko Ea.

MLEF will continue to partner with the Waialua community to lovingly restore Loko Ea and its wetland ecosystem back to health, expand their 'āina based educational programs, use the property to provide educational and cultural access to the fishpond, and possibly use a portion of the property to host a farmers market and or food truck increasing access to healthy, cultural foods for the community.

Applicants, please note that the Legacy Land Conservation Program uses the content provided in this section to describe the proposed land acquisition to the Legacy Land Conservation Commission, the Board of Land and Natural Resources, the State populace in general, and other agencies, individuals, organizations, and media outlets. Be aware that the content provided in this [form/section] may be copied, exactly, into various other program materials, and can serve as an important basis for future review, approvals, and publicity.



## **Section G**

### ***Fiscal Year 2024 Grant Application: 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 current landowner is Lili'uokalani Trust (LT), a private foundation established in 1909 for the benefit of orphan and destitute children, with preference given to Native Hawaiians. LT has 15 offices statewide. LT housed a temporary office in Waialua and planned to develop a permanent center on the Loko Ea Queen's Residence property with an office building and caretaker home on the parcel, as well as a parking lot and pavillion on an adjacent parcel. After developing a new strategic plan, LT shelved plans to develop the property and is now willing to sell the property to Mālama Loko Ea Foundation (MLEF) if a price and other terms can be agreed to. However, if MLEF is not successful in raising acquisition funding, LT plans to sell the property on the open market.

Loko Ea Queen's Residence is zoned residential and if sold would likely be developed into a large private luxury waterfront estate. The threat of increased commercial, retail, dining, and residential development and expansion of Hale'iwa Town is very real. Loko Ea's delicate ecosystem and open space have already been negatively impacted by increased development including a sewage spill from an adjacent property that prevented MLEF from going into the water for a year and a half, and rapid encroachment on the banks of the fishpond by the 2018 development of the Shops at Anahulu, a 5,200 square foot commercial retail building and parking lot, and two other large neighboring private estates. Development of the property would lead to increased runoff, pollution, and erosion into the Fishpond and out into Waialua Bay, negatively impacting the fishpond and wetland's delicate ecosystem as well as Waialua Bay's fishery and offshore reef.

The Loko Ea Queen's Residence property is currently covered in invasive grasses, a monkey pod tree, and date palms, which conflict with the neighboring fishpond's thriving native vegetation and habitat.

Native Hawaiian fishponds are arguably Hawai'i's most threatened cultural, ecological, and aquacultural resource. A 1990 survey identified 488 loko i'a across six Hawaiian islands. In the early 1900s there were about 99 active ponds that produced 680,000 pounds of fish annually. In the 1950s, unprecedented development and a growing population led to the filling and destruction of fishponds throughout Hawai'i. A 1973 study identified 56 fishponds that had potential for use, with 6 rated excellent, 15 good, and the rest fair or poor. Most of Hawai'i's inland pu'uone fishponds have already been filled and destroyed, making Loko Ea one of the rare surviving pu'uone. Thanks to a resurgence of fishpond practitioners, today there are currently about 50 fishponds in various conditions being stewarded and restored by community. Today Loko Ea is one of only two loko i'a remaining on the North Shore of O'ahu being restored (the other is Kalou Fishpond in Waiale'e) and the Waialua community's last remaining fishpond.



## **Section H** *Fiscal Year 2024 Grant Application: Stewardship and Management*

Applicant: Mālama Loko Ea Foundation (Partner - Trust for Public Land)

Application Title: Loko Ea Queen's Residence

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

Resource Management Plan: Mālama Loko Ea Foundation (MLEF) will own, manage, and steward Loko Ea Queen's Residence and is committed to developing a community-based resource management plan for the property within 24 months of taking ownership, in partnership with the community, descendants, residents, organizations, and stakeholders. The plan will focus on community-based restoration and preservation of the property as part of the greater 'Uko'a-Loko Ea Wetland Fishpond Complex. MLEF developed a Master Plan in 2021 which references the Loko Ea Queen's Bath property as a potential strategic site acquisition to help establish long-term management over the fishpond.

#### Short-Term Goals:

- Secure funding and support to develop a community-based resource management plan
- Identify and apply for funding sources to begin management plan implementation
- Partner with other community organizations to help with restoration
- Begin to use the property to provide managed, guided educational and cultural access to Loko Ea
- Begin to use the property for access to help with fishpond restoration and sediment removal.
- Begin to manage and remove invasive vegetation
- Maintain open space on the banks of Loko Ea
- Begin to establish a welcoming space for community groups and volunteers to participate in 'āina programming and restoration.

#### Long-Term Goals

- Work to research, identify, and locate cultural sites (e.g Queen's Bath), if located determine whether restoration is possible.
- Develop programming to share the mo'olelo and legacy of Queen Lili'uokalani
- Replant native and canoe plants on the property, and possibly a lei or la'au māla (garden)





## **Section H**      ***Fiscal Year 2024 Grant Application: Stewardship and Management***

- Construct a pavilion structure, composting toilets (or other green bathroom facility), and storage unit in/ around the footprint of the old house foundation and cesspool to provide a space for a local fish stand, farmer's market, and food truck to provide healthy, cultural foods to the community, as well as to host 'āina programming and community gatherings.
- Reconnect generational Waiialua families to 'āina, mo'olelo, and cultural foods
- Protect Loko Ea Queen's Residence as an essential part of the restoration and health of the greater 'Uko'a-Loko Ea Wetland Fishpond Complex.

Funding Sources: MLEF anticipates stewardship funding to come from a diverse set of sources: public grants, private foundations, fundraisers, and earned revenue. MLEF's Master Plan identifies potential avenues for revenue generation including nursery production, agroforestry, composting, event hosting, a dorm camp, commercial kitchen, and food truck all to support their ongoing restoration and educational programs.

Management Entity: MLEF's mission is to perpetuate Native Hawaiian culture through education, land stewardship, and community building, while sustainably restoring our precious natural resources. In 2008, Kamehameha Schools reached out to the public to ask for help to restore Loko Ea Fishpond. The call was answered by community members who established Mālama Loko Ea Foundation as a nonprofit in 2009 to continue this legacy of stewardship and revive Loko Ea as an abundant and thriving fishpond.

MLEF has 12 staff, 3 interns, and a budget of \$1.1 million for 2023. Since 2009 MLEF has (1) Secured Native Hawaiian Education funding for education and cultural programs; (2) Provided cultural educational experiences for over 60,000 youth & volunteers, averaging 5,000 to 6,000 participants a year; (3) Served over 69% of Native Hawaiian students and 2/3rds of DOE Title I schools; (4) Raised over \$400,000 in private funding to acquire dredging equipment to revitalize Loko Ea; (5) Provided a pathway for local youth to become interns and expand their career training in natural resources; (6) Transformed 12 acres back into productive use; (7) Activated volunteers who provided over \$4 million in in-kind labor.

MLEF has four major program areas:

- (1) Kupuohi Education Programs for pre-K to post college students highlight cultural knowledge, environmental stewardship, and best practices for restoring and sustaining Hawaiian fishpond(s) through virtual learning, field trips, and year long classes.
- (2) Kaiaulu Programs engage in community cultural regeneration by reclaiming the ancestral identity of Waiialua as the piko of natural and cultural excellence through cultural workshops, language classes, summer programs, harvesting and preparing food for 'ohana and kupuna, and lawai'a (fishing) camps.
- (3) Kulaiwi Nani Program strengthens Hawaiian and local community resilience through place-based resource management for increased food production, cultural skills development, training and employment, and collaborative innovation with community stakeholders including monthly community workdays, repairing the kuapa (fishpond wall), makaha (sluice gates), dredging, bank stabilization, water quality and monitoring, invasive weed removal, invasive fish removal, native fish recruitment, and native plant restoration.
- (4) Holomua Green Workforce Program focuses on internship programs for high school and college students providing training, hands on, peer to peer, and research based learning in indigenous resource management.



## **Section I** *Fiscal Year 2024 Grant Application: Cultural and Historical Significance*

Applicant: Mālama Loko Ea Foundation (Partner - Trust for Public Land)

Application Title: Loko Ea Queen's Residence

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

Waialua (two waters) is said to reference its two prominent streams, Kaukonahua and Poamoho, that flow into Kaiaka Bay. Known for its extensive lo'i kalo (wetland taro fields), Waialua was lovingly referred to as "poi bowl". Waialua is also revered as a sacred place for birth. Kūkaniloko, was the birthing place for the ali'i (chiefs), including the famed Mā'ilikūkahi. 'Ōlelo no'eau that describe Waialua include: "Ka 'ehu kai o Pua'ena" (the sea sprays of Pua'ena) reference the misty sea spray from the pounding surf a Pua'ena. "Waialua, 'āina kū palua i ka la'i" speaks of Waialua's calm weather, rich land, and the lifestyle of its people.

Kawailoa (long water), an ahupua'a in Waialua, consists of verdant agricultural lands and the 'Uko'a-Loko Ea Fishpond Wetland Complex. Kawailoa's agricultural lands were known for lo'i kalo, mai'a (banana), kō (sugarcane), wauke (paper mulberry), and other native plants.

The 'Uko'a-Loko Ea Fishpond Wetland Complex, 130 acres in size, and the third largest wetland on O'ahu, was comprised of 'Uko'a Fishpond (State Site # 50-80-04- 236), Loko Ea (State Site # 50-80-04-233), nauahi (a dwelling settlement), lo'i kalo, and a cluster of large and smaller fishponds. Archaeology at 'Uko'a indicates human settlement for over 1,000 years. Although one mile apart, 'Uko'a and Loko Ea are physically connected by Loko Ea stream and spiritually connected as the home of Lanawahine their mo'o guardian who swam to the sea through an underground cave/ tunnel, and to whom offerings were made.

Loko means "pond" and Ea has many powerful meanings: "sovereignty, independence, life, air, breath, to rise". "Uko'a was a very strange fishpond—extraordinary fishes lived there. A fish might be a kumu fish on one side and an 'anae mullet, on the other; or one side might be a weke pueo, and the other an 'anae; or a fish might be silver white like a white cock and when scaled the flesh might be striped and variegated inside . . . Sometimes they [the mullet] were thin, with woody heads, and sometimes they disappeared altogether." (Samuel



## **Section I**      ***Fiscal Year 2024 Grant Application: Cultural and Historical Significance***

Manaiakalani Kamakau, translated by Mary Kawena Pukui from the Hawaiian newspaper Ke Au 'Okō'a and compiled in Ka Po'e Kahiko, the People of Old [Kamakau 1991:84])

'Uko'a and Loko Ea were referred to as royal fishponds. Many ali'i including Kakuhihewa, Ka'ahumanu, and Lili'uokalani, held exclusive rights to Loko Ea fishpond during the 19th century. One historic account described the vast amount of fish at 'Uko'a-Loko Ea being in the thousands and the fish measuring three feet in length.

Loko Ea, 12 acres in size, is a loko pu'uone (an inland, brackish water fishpond enclosed by sand dunes) and its features include: an 'auwai (irrigation ditch), 400 foot long kuapā (fishpond wall), seven mākāhā (sluice gates), two spring fed caves, and a ko'a (fishing shrine).

The Loko Ea Queen's Residence property was once part of Queen Lili'uokalani's beloved Waialua home and believed to be the site of her favorite bath. In 1867, John Domins, governor of O'ahu and husband to Queen Lili'uokalani, acquired the property. The Queen described her Waialua residence with fondness, including a large wooden lānai that her husband had built as a surprise, where she could take comfort in the shade with friends after a row up 'Anahulu Stream.

After the overthrow of the Kingdom of Hawai'i and after the Queen was released from prison in 1896, she sought refuge at her Waialua residence fishing and riding horseback. "Some days later [...] I took a drive out to my residence at Waialua, where we spent two very delightful weeks [...]. We had a quiet little celebration all to the ourselves, fishing and riding, and the time sped by so pleasantly that we forgot to count the hours... We caught fish, and placed them immediately on hot coals, supplementing our picnic with bread and butter, and our native poi."

The Queen spent many summers at the property enjoying her "favorite swimming hole" which bordered the western edge of the fishpond, marked by a grove of hau trees.

During the Māhele in 1848, the majority of Waialua was awarded to Victoria Kamāmalu including Pa'ala'a and Kawailoa. A total of 134 maka'āinana received an average of 3.83 acres of land within these two ahupua'a.

Land Commission Award 3373-B was awarded to Kahuna and comprises the northwestern portion of Loko Ea Queen's Residence. Kahuna records several 'āpana containing 16 lo'i and a kula. His 'āpana 4 which appears to correspond to the property is described as a house lot at Lokoea Pond.

In 1848, Wehiwehi, a kuleana holder makai of Loko Ea Queen's Residence, said of the fishpond, "There is a daily right to take fish; the right to take the anae is only in the windy times, that is when they can be caught" (NR 596 v3, translated by Frances Frazier, Hawai'i State Archives).

# **EXHIBIT III-C**

## **Nani Kai Hoku Farm Agricultural Easement Kohala, Hawai'i**

**Sections G, H, I  
and Department of  
Agriculture Comments,  
with Applicant Reply**



## **Section G** *Fiscal Year 2024 Grant Application: Importance and Threats*

Applicant: Moku o Keawe Land Conservancy

Application Title: Nani Kai Hoku Farm Ag Easement

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

For centuries, North Kohala was a breadbasket. Both the leeward and windward areas hosted intensive agriculture pre and post contact.<sup>1,2</sup> Kohala's previous agricultural prowess has been cited as an important factor in King Kamehameha's rise to power and establishment of his monarchy over all the islands.<sup>2,3</sup> Nani Kai Hoku farm occupies very fertile tableland that has most likely been farmed for many hundreds of years.<sup>1,2</sup> The North Kohala community and state have identified local food production and security as priorities in planning and land use management, but the level of farming to reach these objectives is significantly below target levels.<sup>4-8</sup> The State has classified the farm as "Important Farmlands " and "Prime Agricultural Lands", with superior soil as explained in greater detail below. <sup>13,14</sup> Regenerative and traditional farming practices have been identified as "climate smart" and can help agriculture buffer against changing weather patterns and climate change as well as increase production yields.<sup>9,10,11</sup> Nani Kai Hoku's regenerative farming methods were studied in 1992 by the University of Hawai'i to identify how they produced such high yields per square foot. These methods are ecologically friendly protecting endemic birds of prey (i'o, pueo) and the endangered Hawaiian hoary bat ('ōpe'ape'a), conserving and protecting water, creating pollinator habitat for bees and other native insects, and creating a healthy soil microbiome. This easement is aligned with continuing the agricultural legacy of Kohala through regenerative and traditional farming practices that also creates more resiliency in Kohala's food supply, while helping to meet North Kohala community, island, and state agriculture and local food production goals. See the following pages for more information.

Applicants, please note that the Legacy Land Conservation Program uses the content provided in this section to describe the proposed land acquisition to the Legacy Land Conservation Commission, the Board of Land and Natural Resources, the State populace in general, and other agencies, individuals, organizations, and media outlets. Be aware that the content provided in this [form/section] may be copied, exactly, into various other program materials, and can serve as an important basis for future review, approvals, and publicity.



## **Section G**

### ***Fiscal Year 2024 Grant Application: 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:

Most agricultural land sales in North Kohala are to buyers who want a home with open space or larger estate or investors.<sup>12</sup> Very few buyers' primary objective is to create a farm to support local food supply and most ag land in North Kohala is not in active agriculture. Contrasting satellite images of the region from 2000 and 2023, it is evident that numerous homes and estates have been built on ag land surrounding the farm. Although neighboring properties have agricultural dedications (primarily for tax purposes) there is very little significant or commercial agriculture currently occurring within ½ mile of the farm property, with the exception of grazing on 20 acres on the neighbor's parcel who leases it to a local rancher. The Nani Kai Hoku Farm owners are the exception, purchasing their Kohala farm with the intent of farming and committing the land to an agricultural easement to ensure the perpetual protection of the land and natural resources. See the letter dated 2012 from former County Councilmember, Pete Hoffman, confirming this intent over a decade ago.<sup>19</sup> The Nani Kai Hoku Farm Ag Easement ensures a very experienced and dedicated farmer is available locally to provide important farming technical assistance and experience to the next generation of farmers and new landowners while also preserving prime agricultural lands for food production.

The primary threat to the property is the purchase of the land for another large estate or subdivision on prime farmland in North Kohala that would not be contributing meaningfully to agriculture production, diminishing North Kohala's agricultural heritage as a breadbasket and opportunities for greater sustainability. Land that is considered important farmland to the state with high production soils would go unused, compromised, or negatively impacted.<sup>13,14,15</sup> Nani Kai Hoku's farming methods ensure the restoration of ecological functions lost during the mono-cropping of sugar cane and protect wildlife. The cessation of regenerative agriculture practices if the primary land use was changed to housing with open space or an estate, would halt the important restoration of Kohala's tablelands back to their ancient and historical use and true agricultural potential. The urban growth boundary for Hāwī will be within 900 feet of the farm with the adoption of the new general plan in 2024. Proactive protection for this farm now, in perpetuity is wise. See the following pages for more information.

## **Form G, Significance of Property and Threats to Resources, LLCP, continued**

This agricultural easement ensures the continued protection of natural resources, watershed functions, wildlife and the restoration of ecological functions, many of which were disturbed and negatively impacted by the monocropping of sugar cane.<sup>1</sup>

The farm is classified as “Important Farmlands” per the State of Hawai’i designation of Agricultural Lands of Importance to the State of Hawai’i” (ALISH) and further classified as Prime Agricultural Lands, which have the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods.<sup>13,14</sup> Kohala Silty Clay is considered “Prime Farmland Soil”. Nani Kai Hoku Farm has 100% Kohala Silty Clay soils: 95.1% Kohala Silty Clay with slopes ranging from 0 to 3%, and the remainder is Kohala Silty Clay with slopes >3% per the U.S. Department of Agriculture Web Soil Survey Map of the farm.<sup>15</sup>

The Nani Kai Hoku Farm agricultural easement furthers state, local, and national agricultural policy goals. Securing an agricultural easement for the Nani Kai Hoku Farm is in alignment with several objectives of the Hawai’i County General Plan for North Kohala<sup>8</sup>, including:

- Ä 2.4.6 Courses of Action 1(a) Aid in the expansion of agriculture through the protection of important agricultural lands;
- Ä 14.2.2 Goals 1. (a) Identify, protect and maintain important agriculture lands on the island of Hawaii; and
- Ä 14.2.3 Policies 1. (a) Implement new approaches to preserve important agricultural land.

The ag easement also supports the objectives of the County of Hawai’i Agricultural Development Plan, the North Kohala Community Development Plan and local Kohala food sustainability plans (Strategic Plan for a Local Food System in North Kohala), as well as continued agricultural research by The Kohala Center.<sup>4-8,16</sup>

National agricultural policy and investment are shifting towards climate smart farming practices.<sup>9-11</sup> Regenerative farming methods are climate smart, centering on creating healthy soil that can act as both a carbon pool and carbon sink (a mechanism that removes greenhouse gases from the atmosphere). The landowners of Nani Kai Hoku Farm Ag Easement have been pioneering and furthering regenerative farming and traditional farming practices in Hawai’i for over 40 years, and an easement ensures the continuance of this important work.

A number of publications identify regenerative farming and smaller farms as a significant way to create resiliency in agriculture with shifting weather patterns.<sup>18,19</sup> The regenerative and traditional farming practices used on Nani Kai Hoku Farm and how they contribute to climate resiliency and protecting natural resources of Kohala are outlined below.

- ÄÄÄ No-till practices (building beds on top of old pasture and cane land) protect the soil microbiome, prevent volatilization of nutrients, keep stored carbon in the ground,

and eliminate agricultural runoff.

- No use of herbicides or pesticides or poisoning of rodents, which provides a safe hunting habitat and prey for bird of prey and supports a healthy microbiome.
- Mulching to eliminate runoff, maximize water retention and conservation and reduce water needs and protect soil from wind and water erosion. No plastic is used with crops. Plastic micro- fibers are a significant problem in agricultural soils and can pollute food. Woodchips are used as mulch in addition to amendments and fertilizers made on-farm from food, grass, saltwater, etc. Decades ago, the landowner (Clarence Baber) initially used a traditional wood mulch of kukui, which breaks down quickly, to increase soil fertility and reduce water needs, holding water near the ground like a sponge. Later Baber switched to woodchips when his tree trimming friends needed a place to dispose of the chips and found they functioned similarly.
- Cover cropping to improve soil health, crowd out weeds, and control pests naturally and coppicing in the field (cutting and allowing to ferment on the ground with effective microorganisms; not tilling the cover crop).
- Maintaining windbreaks and trees that provide perches and roosting spots for birds of prey and bats and protect crops wind and fields from wind erosion,
- Creating pollinator habitat and hosting beehives. Pollinators are required for a resilient food supply. Nani Kai Hoku farm uses natural beekeeping methods.
- Cover cropping to improve soil health, crowd out weeds, and control pests naturally.
- Effective microorganisms and Bokashi (shelf stable ferment) applications that reduce water needs (up to 33%), increase the efficiency of the transfer of nutrients into plants and the sharing of nutrients and water between plants, increases yields, contributes to making plants more heat tolerant, and a healthy soil microbiome that sequesters greenhouse gases and grows nutrient dense food.
- Polycropping and companion planting to increase the diversity of structures for microorganisms, supporting complimentary growth, and mitigating pest challenges. The multi-cropping/companion planting provides dappled shade and greater moisture retention with the variation in heights of plants and more diverse homes for microorganisms. Examples include planting ko (sugar cane), noni, and coconut together with other food crops.

Early in his farming career, Nani Kai Hoku's landowner, Clarence Baber, witnessed the success of traditional Hawaiian farming practices (many of which might be labeled as regenerative today) and incorporated them into his farming methods. He learned from island kupuna and reviewed documents from the 1800s from the Bishop Museum that included accounts of planting systems as documented by newcomers to Hawai'i. The practices are integrated into Nani Kai Hoku's methods and the individuals from whom the landowner learned these decades ago are credited for sharing their knowledge, including Papa Henry Auwae and Clarence Medeiros Jr.



In the early 1990s Nani Kai Hoku landowner, Clarence Baber, worked with Dr. Kaiimiloa Christman to revitalize the ipu (Hawaiian gourd) strains utilizing traditional Hawaiian growing techniques including the use of traditional wood trellis systems for growing. Within four generations of plants, Baber helped to re-establish the size of ipu needed for cultural practices. Ipu are not currently grown on the Nani Kai Hoku farm. Baber also established a collection of kō (sugar cane) that has been utilized by young farmers in the last 20 years to take cuttings for their own farms. Practices used by include, planting by the lunar calendar and using rock mulch.

In the past Baber has planted 'uala (sweet potato) and yams successfully with traditional methods including, above ground mounding and winding and snapping of vines, which minimizes leaves and creates just enough stress to drive growth into the tubar; and the use of hapu'ū fern nests for fertilizing the yams and facilitating easy harvesting. Most importantly, Nani Kai Hoku Farm landowners strives, as Papa Henry Auwae taught, to plant and harvest with intention for those that would benefit from the food or herbs grown and to regularly speak with and pray for the plants.

An agricultural easement ensures Nani Kai Hoku Farm's certified organic and regenerative farming practices continue to protect the following natural resources:

1. The gulch ecology including interrupted and ephemeral streams on both sides of the farm;
2. Native animals including birds of prey (i'ō, pueo), the Hawaiian Hoary Bat and various invertebrates property - no herbicides or pesticides or poisoning of rodents.
3. Windbreaks and pollinator habitat, in addition to the beehives on the farm.
4. Groundwater and nearshore coastal waters are protected as there is no water pollution from the farm due to heavy mulching, no-till practices (building beds on top of old pasture and cane land), and use of effective and indigenous microorganisms. Water retention and conservation are maximized with these methods.
5. Soil microbiome, which has been enhanced across the entire farm through the application of microorganisms to all fields and pastures. No plastic is used with crops. Plastic micro-fibers are a significant problem in agricultural soils and can pollute food. Woodchips are used as mulch in addition to amendments and fertilizers made on-farm from food, grass, saltwater, etc.

Nani Kai Hoku Farm's owner (Clarence Baber) has been farming organically and regeneratively in Hawaii for 40+ years. The easement will allow the landowners to continue their pioneering farming work while transferring that knowledge to the next generation of farmers. Hawai'i is continuing to lose farmers and despite a number of strong farmer education programs in the state, many individuals do not continue farming after five years for multiple reasons. Agricultural easements can provide financial stability to operations while allowing older farmers to continue farming instead of selling their farm and stopping farming and discontinuing the transfer of important intellectual property.

Despite significant federal funding for agricultural easements, Hawai'i has historically underutilized Federal agricultural easement funds.<sup>20</sup> The use of agricultural easements to support agricultural goals in Hawai'i is still developing momentum across the state. Farmers need to hear from other experienced farmers who have a history of ag in Hawai'i about the value and success of agricultural easements in helping farmers meet their long-term financial and management and successional goals. The power of agricultural easements is in their aggregation – multiple farms in an important farming region, such as North Kohala, dedicated to agriculture in-perpetuity. The Nani Kai Hoku Farm Ag Easement will support the positive cumulative effect of increasing agricultural land security and reaching community and state food production goals, while protecting natural resources and wildlife.

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## **Section H** *Fiscal Year 2024 Grant Application: Stewardship and Management*

Applicant: Moku o Keawe Land Conservancy

Application Title: Nani Kai Hoku Farm Ag 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

The short-term goal of the use of the property is to invest easement funds into farm infrastructure and to increase farm food production. Actions include expanding the fenced production area with hog wire fencing (which allows additional acreage to be used for food and crops and agroforestry) and erection of two more 100 ft hoop houses/high tunnels. The long-term vision is to transition the west (Kona side) pasture areas into agroforestry with a three open Tatura trellises. These orchard systems reduce harvesting labor and costs and can withstand hurricanes, reducing or eliminating windthrow and the uprooting of trees. The use of these types of farming methods and resilient infrastructure systems ensures the investment in production is protected. Eventually, farming operations will be passed onto their children.

The farm will continue to be managed by the owners as a certified organic and regenerative farm and will include public education and mentoring opportunities, as well as occasional research. Regenerative and traditional Hawaiian agriculture methods create greater resiliency in the local food supply during changes in weather and climate because the practices support a healthy soil microbiome which helps plants to mediate fluctuations in rainfall by increasing water-use efficiency by plants and sharing of water and nutrients between root structures, which also fortifies crops against new invasive pests and changing weather patterns. Nani Kai Hoku's regenerative farming methods also increase the sequestration of atmospheric carbon dioxide, maximize water conservation, protect water quality, and support pollinators and wildlife and beneficial insect habitat. Pollinators are required for a resilient food supply and Nani Kai Hoku uses natural bee keeping methods which are less stressful on the hives and queens.



## **Section H**      ***Fiscal Year 2024 Grant Application: Stewardship and Management***

Goals: The landowners have mentored young farmers and youth for decades, including teaching agriculture to students from Kamehameha Schools' Hale O Pono pono program for at-risk youth in the 1990s. Nani Kai Hoku farm has hosted workshops on regenerative agriculture and the use of microorganisms, as well as hands-on classes in how to make ferments (active microbe cultures) and bokashi (a soil probiotic). The landowners have a nonprofit farming community project sponsored by the North Kohala Community Resource Center that launched in 2012 that has provided free training for farmers. Nani Kai Hoku Farm landowners are also very active in the Hawai'i Farmers Union, supporting monthly talk story sessions for the community with guest speakers on various agriculture topics, as well as serving on the board of directors for several statewide agricultural nonprofit organizations. Community activities planned for fellow farmers and the community include on-farm workshops to share:

- on-farm fertilizer production techniques using materials from the island and that can be grown on the farm; minimize or eliminate the use of imported fertilizers,
- no-till cropping demonstrations, and
- 12-hour microbial ferment methods.

The landowners have been involved in agricultural research for decades, including, research for and with:

- University of Hawai'i, review of landowners' high yield and vertical production methods,
- U.S. Department of Agriculture, mulching to increase banana production,
- Hawai'i State Department of Agriculture, regenerative farming methods and hemp production, and
- Dr. Jana Bogs, using various microorganisms and amendments to enhance nutritional profiles in food crops.

Research the landowners hope to pursue in the future includes:

- In field, no-till coppicing of selective crops, fermented in-the field-on-farm production of and efficient application of fertilizers,
- The use of subterranean water systems and structured water on yields and crop health,
- Varying water temperature to increase yields, the variety of crops that can be grown, and to extend growing seasons, and
- The safe production and use of anerobic, low labor ferments.

Resource management plan: The primary resources to be managed and/or supported include, prime farmland soil, native birds of prey (i'o, pueo) and the Hawaiian Hoary Bat that frequent the farm, trees and shrubs that create habitat and provide windbreaks, ground water and the nearshore coastal waters, and the ecology of the gulches which include interrupted/ephemeral streams below the farm that drain to the ocean.

Please see the following pages for additional information.

## Form H, Stewardship and Management, LLCP, continued

As outlined in other sections, these resources and other ecosystem components are supported by the certified organic, regenerative and traditional farming practices implemented on the Nani Kai Hoku farm. The farming methods and how they manage and sustain the natural resources on the farm are summarized below:

- No-till practices (building beds on top of old pasture and cane land) protect the soil microbiome, prevent volatilization of nutrients, keep stored carbon in the ground, and eliminate agricultural runoff.
- No use of herbicides or pesticides or poisoning of rodents, which provides a safe hunting habitat and prey for bird of prey and supports a healthy microbiome.
- Mulching to maximize water retention and conservation and reduce water needs and protect soil from wind and water erosion. No plastic is used with crops. Plastic micro-fibers are a significant problem in agricultural soils and can pollute food. Woodchips are used as mulch in addition to amendments and fertilizers made on-farm from food, grass, saltwater, etc. Decades ago, the landowner (Clarence Baber) initially used a traditional wood mulch of kukui, which breaks down quickly, to increase soil fertility and reduce water needs, holding water near the ground like a sponge. Later Baber switched to woodchips when his tree trimming friends needed a place to dispose of the chips and found they functioned similarly.
- Maintaining windbreaks and trees that provide perches and roosting spots for birds of prey and bats and protect crops wind and fields from wind erosion,
- Creating pollinator habitat and hosting beehives. Pollinators are required for a resilient food supply. Nani Kai Hoku farm uses natural beekeeping methods. Cover cropping to improve soil health, crowd out weeds, and control pests naturally.
- Effective microorganisms and Bokashi (shelf stable ferment) applications that reduce water needs (up to 33%), increase the efficiency of the transfer of nutrients into plants and the sharing of nutrients and water between plants, increases yields, contributes to making plants more heat tolerant, and a healthy soil microbiome that sequesters greenhouse gases and grows nutrient dense food.
- Polycropping and companion planting to increase the diversity of structures for microorganisms, supporting complimentary growth, and mitigating pest challenges. The multi-cropping/companion planting provides dappled shade and greater moisture retention with the variation in heights of plants and more diverse homes for microorganisms. Examples include planting ko (sugar cane), noni, and coconut together with other food crops.

**Funding sources (for start-up and for operations and maintenance):** The landowner will continue to be responsible for funding farm management and ensuring the conditions of the easement are honored as well as implementing the short and long-term management objective outlined above. Monitoring is paid for through a monitoring fund established by Moku o Keawe Land Conservancy. The landowner will be donating \$15,000 towards monitoring at closing to this fund. As a member of the Land Trust Alliance, Moku is eligible to purchase insurance for the Nani Kai Hoku agricultural easement with Terraforma Risk Retention Group LLC to defend against easement violations and will do so at closing.

Collectively, Moku's board members and advisors have secured tens of millions of dollars as a direct result of their work to successfully implement a variety of natural resource management projects,

including funding for many fee simple purchases and easements, with at least \$6.6 million awarded from the Legacy Land Conservation program for projects spearheaded by that board members. This work was for other organizations but speaks to the depth of expertise and experience of Moku.

Moku has been the beneficiary of significant donated professional services who support Moku's mission and Moku has launched a fee for service program with good response. We have identified strategic fundraising and grant opportunities to expand organizational capacities. With a primary focus on ranching and agricultural lands of Hawaii Island, our Nani Kai Hoku Farm Ag Easement has support from statewide and island agricultural organizations. Letters of Support for Moku and this application for LLCP funds were provided by,

1. Brian Miyamoto, Hawaii Farm Bureau
2. Kaipo Kekona, Hawaii Farmers Union United
3. Senator H.M. Tim Richards, III, District 4, Vice Chair of the Senate Committee on Agriculture, Hawaii State Legislature
4. Hawaii County Council Member, Cynthia Evans, District 9,
5. Dash Kuhr, Executive Director, Hawaii Institute of Pacific Agriculture (HIP Agriculture)

**Permit requirements:** No permits are required for land management at this time. Organic farming operations include annual recertification and inspections.

**Management entity (identity, expertise, experience):** Moku o Keawe Land Conservancy ("MOKU") is a tax-exempt, 501(c)(3) nonprofit organization founded to "protect the Island of Hawai'i's natural and agricultural heritage through purchase of, or receipt of donated interests in land, including, but not limited to, fee ownership and conservation easements, for the benefit of the people of Hawai'i and the world." MOKU is a member of the Land Trust Alliance (LTA) and follows the principles and best practices of the LTA. Our co-founders, board of directors, advisors, and contracted staff have extensive background and in managing projects and in acquiring, managing, and enforcing easements.

Janet Britt – 36 years of experience with The Nature Conservancy assisting numerous ranchers and farmers to secure agricultural conservation easements on their lands, often working cooperatively with the U.S. Department of Agriculture (USDA) in their Agriculture Conservation Easement program (ACEP). Janet is well versed in the types of easements appropriate for land used for ranching and farming as well as easements placed on ecologically important lands. In addition to writing the easements, Janet also wrote the Easement Documentation Report or Baseline Report and monitored over one hundred easements annually. In 2011, Janet moved to Hawai'i to be the first Hawai'i Island Director for the Hawai'i Islands Land Trust (HILT) and helped complete many such easements around Hawai'i Island. Part of her responsibilities required annual monitoring for easements on Hawai'i Island. After her time with HILT, Janet has worked on a contract basis with the USDA on several projects, including drafting a successful proposal that secured funds for a Regional Conservation Partnership Program project in Kona.

Alex Kelepolo – Alex has 27 years of experience in managing lands and easements for state and local government, most recently with the Hawai'i Electric Light Company. She was the first staff full-time staff person for the Hawai'i County's Public Access, Open Space, and Natural Resources Preservation Commission program and was instrumental in securing public ownership of important lands as well as monitoring land use compliance after purchase and drafting

compliance monitoring reports for the Federal and State funding sources supporting these purchases. Alex secured over \$7.4 million in matching funds for the County of Hawaii, including awards from Legacy Lands Conservation fund and the U.S. Fish and Wildlife Service. Alex currently sits on the PONC Commission as a volunteer and is the acting Chairperson.

Greg Hendrickson – 25 years of experience as an attorney that has included providing counsel and guidance on numerous land conservation projects, including fee simple purchases and working agricultural and forestry easements. Greg helped secure some of the largest conservation easements (acreage) on the west coast of the U.S.A. and Hawai'i Island.

Megan Lamson – over 15 years of experience in natural resource management in Hawai'i, coordinating habitat restoration projects, conducting field research and data analysis, drafting reports, and providing planning support for a variety of programs, including numerous Federal, State, and local government projects and grants. Megan has helped compile several biological (marine and coastal) resource surveys for properties prior to placement into conservation easements, and /or as components of larger environmental assessment permitting and planning processes. Since 2018, she has served as President for the local nonprofit, Hawai'i Wildlife Fund, with a mission to protect native wildlife in Hawai'i. She has over 8 years experience managing the certification paperwork for an organic mac nut and mixed fruit orchard in South Kona.

Sally Rice – was born and raised on a farm, attended Cornell University and has been active in agriculture in Hawai'i for over 50 years. She is a director and past president of Ka Ahahui O Ka Nāhelehele, a native dryland forest restoration nonprofit, past president of the Hawai'i Forest Institute and a former director of the Hawai'i Forest Industry Association and a past president. She is past chair of the Hawai'i Island Economic Development Board's Agricultural Action Panel and former member of the University of Hawai'i's College of Agriculture Hilo's advisory committee for the Center for Agricultural and Rural Development (CARD). Rice served on the Hawai'i County Charter Commission 2018-2020. As co-owner of Agro-Resources, Inc. and Agricon Hawai'i, Inc., Rice has been active in farming and marketing tropical crops on Hawai'i Island as well as developing farms for clients statewide. She has also consulted extensively for development firms on their agricultural lands and testified as an expert witness.

Toni Withington – born on O'ahu and worked in journalism at the Honolulu Star Bulletin, focusing on land use and politics. Toni moved to Hawai'i Island in 1969 where her first years were spent successfully fighting poorly planned development along the Kohala Coast and was an early advocate of the Hawai'i County 2% Fund and the State's Legacy Land Fund. Toni has worked with several community nonprofits to conserve land along the North Kohala coast, which have protected over 483 acres of coastal land by raising \$23.8 million of funds from various sources for fee simple purchases. Toni also served on the Hawai'i Island advisory board for the Hawai'i Islands Land Trust.

**Integration of existing cultural resources with the overall preservation/protection and use of the property:** As summarized in research on the ancient, pre-contact agricultural systems of North Kohala, the practices used in sugar cane cultivation had a devastating impact on archeological and



structural cultural resources that were associated with the fertile tableland farming areas of North Kohala. The land was grubbed by the sugar cane company and again by the former landowner in 2009. According to the former landowner and neighbors, cattle were also grazed off and on across the property for decades after the close of the sugar industry. Unmonitored or poorly managed grazing is known to have had an impact on cultural sites along the Kohala coast. A letter sent to the State Historic Preservation Division in 2016 summarized a conversation with Kohala kupuna Fred Cachola about the area of Nani Kai Hoku farm that Cachola worked on in middle school, when it was in cane. Uncle Fred recounted the landscape and did not recall any archeological structures left in the area. This was confirmed by a National Park Service (NPS) archeologist in 2014 when the landowners hosted a sawyer certification class on the farm for community members and the NPS trail crew who engage in restoration along the coast, including removing dead kiawe and limbing them to eliminate ladder fuels. A small sliver of the farm includes a heavily wooded gulch area. It is possible there maybe cultural resources on the slopes of the gulch. The landowners will not disturb the trees, vegetation, or any aspect of this area of the gulch in alignment with their regenerative farming practices and environmental ethos and the easement will include these terms.

Traditional farming practices are integrated into Nani Kai Hoku's methods and the individuals from whom the landowner learned these decades ago are credited for sharing their knowledge, including Papa Henry Auew and Clarence Medeiros Jr. In the past, Nani Kai Hoku landowner, Clarence Baber, worked with Dr. Kaiimiloa Christman in the early 1990s to revitalize the ipu (Hawaiian gourd) strains utilizing traditional Hawaiian growing techniques including the use of traditional wood trellis systems for growing. Within four generations of plants, Baber helped to re-establish the size of ipu needed for cultural practices. Ipu are not currently grown on the Nani Kai Hoku farm. Baber also established a collection of kō (sugar cane) that has been utilized by young farmers in the last 20 years to take cuttings for their own farms. Practices used by include, planting by the lunar calendar and using rock mulch.

In the past Baber has planted 'uala (sweet potato) and yams successfully with traditional methods including, above ground mounding and winding and snapping of vines, which minimizes leaves and creates just enough stress to drive growth into the tubar; and the use of hapu'u fern nests for fertilizing the yams and facilitating easy harvesting. Most importantly, strives, as Papa Henry Auwae taught, to plant and harvest with intention for those that would benefit from the food or herbs grown and to regularly speak with and pray for the plants.ĀĀ



## **Section I** *Fiscal Year 2024 Grant Application: Cultural and Historical Significance*

Applicant: Moku o Keawe Land Conservancy

Application Title: NaniKai Hoku Farm Ag 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

The County of Hawai'i Real Property tax office lists Paho-Kahei as the ahupua'a in which the property TMK 3-5-5-008-069, Nani Kai Hoku farm resides. However, review of maps by anthropological archaeologist, Dr. Michael Graves, who has extensive experience studying agriculture in Kohala and who has corrected place name attributes, along with review of other maps including the Stewardship Mapping Project for Hawai'i Phase I by U.S. Department of Agriculture and a 1901 map originally commissioned by the monarchy, show that the farm is in the ahupua'a of Honomakau.<sup>1,2, 2.1</sup> The ahupua'a boundary line for Honomakau appears to include the western edge of the farm, at the edge of Waipele gulch, and the mauka (mountainside) boundary of the farm, so the immediate neighbors, with whom the farm shares a fence, are in the ahupua'a of Paho. The significance of the name Honomakau is related to the birth of King Kamehameha and Chief Naeo'ole's race to save the baby from assassination.

As well documented by former Kohala kupuna, Fred Cachola and others, the place names of North Kohala likely changed with the birth of King Kamehameha.<sup>3,4,5</sup> Based on conversations Mr. Cachola had with kupauna, gaining insights from their stories, the place names of North Kohala from the birth stones at Kokoiki southwest of the farm to Awini, east of the farm and past Pololū Valley, tell the story of a flight to save baby King Kamehameha's life. Chief Alapa'inui had ordered the baby assassinated at birth, so Kamehameha was hidden away by loyal Kohala Ali'i, and raised in isolation until adolescence when the threat to his life passed. As Mr. Cachola often shared, the renaming of sites in Kohala is similar to when any society or culture renames sites to commemorate a significant event.



## **Section I**      ***Fiscal Year 2024 Grant Application: Cultural and Historical Significance***

Assuming Dr. Grave's and other maps to be correct, the farm is in the ahupua'a of Honomakau, east of Hoesa and Hāwī on the west and Kapua on the east. According to Fred, Hoesa was renamed with a double meaning of "has arrived" and "sovereignty", celebrating both Kamehameha's birth as well as the hoped for reemergence of Kohala as a prominent force on the island through Kamehameha. As the infant continued his journey east with Chief Naeo'ole, he became very hungry, perhaps there were no wet nurses available or the plan to meet one fell through, and the baby's cries and breath (Hā) had the call of hunger (Wi) so this area was aptly renamed Hāwī. As Chief Naeo'ole pressed on, he and those accompanying him sheltered in Honomakau, which means "seeking shelter from fear". Mr. Cachola felt the message Chief Naeo'ole likely communicated to his entourage was captured in the naming of Honomakau: "Don't panic. Handle your fear; be cool. We won't get caught." Of course, Naeo'ole was successful and delivered baby Kamehameha to Awini.

No citable sources for the meaning of the ahupuaa of Pahoa in North Kohala were found and none of the kupuna the landowners know who are familiar with the area had an explanation of the assignment of the place name "Pahoa". Several definitions for Pahoa include short knife or dagger. This reference or meaning may or may not refer to the threat to baby Kamehameha.

Before Kamehameha's birth, agriculture in North Kohala went through significant expansion and intensification between 1400 A.D. and 1650 A.D, prior to the period of contact. A number of researchers have documented that to support a growing population, ancient farmers in North Kohala innovated novel technologies to improve their capacity to produce surpluses. In windward North Kohala, the chief innovation was intricate irrigation systems that transferred water from the region's gulch beds to the adjacent elevated tablelands.<sup>7</sup> The land of Nani Kai Hoku farm is tableland, between two gulches and was included in maps in of Dr. Graves research in North Kohala<sup>1</sup>. It is most likely that this land was farmed for many hundreds of years pre-contact.

Unfortunately, very few pre-contact archeological sites are evident in the areas of North Kohala that had sugar cane production. The Nani Kai Hoku farm was part of the Kohala Sugar Company and the entire TMK was grubbed during the sugar cane operations. The sugar cane era had dire effects on the preservation of many of the archaeological sites in the North Kohala region—in particular those features on the region's vulnerable tablelands, like the area of Nani Kai Hoku farm.<sup>1,6-9</sup>

See more information on the following pages.

## **Form I, Cultural Significance and Historic Uses, LLC, continued,**

1881-1883 the Hawaiian railroad serving North Kohala was built to transport cane and passed through the gulches just below the farm. Eventually, Pratt Road was built to haul cane and replaced the railroad. Pratt Road is about 900 feet mauka (mountainside) of the farm. Given the proximity of both the railroad and Pratt Road, it's likely the current farm area was in constant cane production until the close of the sugar company in 1973. Pieces of concrete from former irrigation flumes can be found in the few Christmas berry hedges that were not bulldozed in 2009. Occasional cattle grazing occurred on the farm after the closing of the mill until 2009, according to the previous landowner and neighbors and as evident from prior decades satellite imagery. Boyd Bond, descendent of Father Bond that brought sugar cane to Kohala, speaks of the period after the close of the plantation and that the solution to economic strength is diversified, smaller agriculture; not chasing more big ag: "We tried, pineapple, dairy farms, and berries (after the plantation closed); things that would be large employers. For all the things that sugar brought to the islands, monocropping is not a good thing and we should be more diversified. Instead of finding a big thing as the solution, look for a lot of little things to be the solution."<sup>5</sup>

During a conversation with the landowners, documented in a letter to the State Historic Preservation Department dated 2016, Fred Cachola, recalled walking the cane fields of the present-day site of Nani Kai Hoku farm and spraying poison as part of a summer job he held in the 1940s.<sup>10</sup> Uncle Fred did not recall any archeological or cultural sites from his time working on the farm area. The land was again grubbed and cleared in or about 2009 by the previous landowner.

Most of the neighboring parcels have homes and agricultural dedications (primarily for tax purposes), agriculture and very few ag parcels in the area have active agriculture despite agriculture and food self-sufficiency being an objective of the North Kohala Community Development Plan. The farm is surrounded by 20-acre parcels that are zoned agriculture but are primarily used as open space for homes and estates. Georeferencing a NOAA satellite map from the year 2000, shows that many homes, a number considered large estates, have been built on agricultural land with very little or no active agriculture in the last 23 years.<sup>12</sup> The letter from Jeannette Nielsen, a broker with 20 years of experience on Hawaii Island, confirms this use; that most ag land is purchased for homes and estates.<sup>13</sup> The mauka (mountainside) neighbor leases his land for grazing cattle for the tax break. A neighbor across the gulch raises Alpaca for the wool. With the loss of water from the Kohala ditch in 2006, the largest neighboring agricultural operation, a crawfish and coffee farm, ceased operations. Agricultural easements can be an important tool to help the Kohala community and local farmers achieve their goals to keep farmland in agriculture and in local farmer hands; a strategy similar to how the community worked to secure fee simple purchases to preserve large sections of the important coastal open space.

Securing an agricultural easement for Nani Kai Hoku Farm is aligned with State policies for the economy, in addition to tenets of the Hawai'i County General Plan, the County of Hawai'i Agricultural Development Plan, the North Kohala Community Development Plan, and local agricultural plans and research studies. Research conducted by The Kohala Center in 2017 also outlines the value of land trusts in helping to offset the high costs of farming in Hawai'i.

## References

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2. Stewardship Mapping Project, Hawaii STEW Map Phase I, U.S. Department of Agriculture and U.S. Forest Service, <https://usfs.maps.arcgis.com/apps/webappviewer/index.html?id=f3988204d22247919f4c76b64e52367f>
- 2.1 *1901 Land Office Map of the Island of Hawaii, Hawaii*, 1901, map, prepared for the 1906 Report of the Governor of the Territory of Hawaii to the Secretary of the Interior. The cartographic work that produced this map was started in 1878, during the Hawaiian Monarchy, but the map itself, and the report that contained it, was issued following the U.S. Government's 1898 annexation of the Hawaiian Republic. The Report was an attempt to assess and examine the newly created Hawaiian Territory's administration and development purposes. The map focuses on Public Lands, Homestead Settlement Tracts, Grazing Lands, Pineapple Lands, Sugar Plantations, Forest Reserves, Forest Lands, Wet Lands, etc. It also features both practical and topographic details for use in administering the region. When it was made, this was among the most detailed and thorough maps of Hawaii ever made. The primary triangulation for this map was accomplished by W.D. Alexander, C.J. Lyons, J.S. Emerson, J.M. Lydgate and E.D. Baldwin. The boundaries and topography were the collective work of W.D. Alexander, C.J. Lyons, J.S. Emerson, J.M. Lydgate, J.F. Brown, E.D. Baldwin, F.S. Lyman, J.M. Alexander, S.M. Kananui and A.B. Loebenstein. The map itself was drawn by John M. Donn. [https://commons.wikimedia.org/wiki/File:1901\\_Land\\_Office\\_Map\\_of\\_the\\_Island\\_of\\_Hawaii,\\_Hawaii\\_-\\_Geographicus\\_-\\_HawaiiHawaii-lo-1901.jpg](https://commons.wikimedia.org/wiki/File:1901_Land_Office_Map_of_the_Island_of_Hawaii,_Hawaii_-_Geographicus_-_HawaiiHawaii-lo-1901.jpg)
3. Overview of Kohala Place Names, Fred Cachola, Ka Na'i Aupuni –2011, <https://www.youtube.com/watch?v=CkDEA83Z60Y>
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6. North Kohala: Perception of a Changing Community, a Cultural Resource Management Study, Jean F. Tomonari-Tuggle. 1981
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8. An Archaeological Survey of Hälawa and Makapala Ahupua'a, North Kohala District, Hawai'i Island: Hawai'i Archeological Research Project, Michael W. Graves, Mark D. McCoy, 2007, [https://www.researchgate.net/publication/260294228\\_An\\_Archaeological\\_Survey\\_of\\_Halawa\\_and\\_Makapala\\_Ahupua%27a\\_North\\_Kohala\\_District\\_Hawai%27i\\_Island\\_Hawai%27i\\_Archaeological\\_Research\\_Project\\_2007](https://www.researchgate.net/publication/260294228_An_Archaeological_Survey_of_Halawa_and_Makapala_Ahupua%27a_North_Kohala_District_Hawai%27i_Island_Hawai%27i_Archaeological_Research_Project_2007)
9. Water And Power: Agricultural Intensification In Windward North Kohala, Hawai'i Island, Christopher Ian Avery, 2011, [https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=4908&context=etd\\_these](https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=4908&context=etd_these) s Kohala Sugar Company, Lyman Museum, <https://lymanmuseum.org/archives/research-collection/>

10. Request for a letter of no effect for TMK 3-5-5-008-069:0000, communication with Hawaii Island archeologist and State Historic Preservation Department, Byrne Baber, Gail, 2016.
11. Letter outlining impact of restrictions (ag easement terms) on real property in Kohala, Jeannette Nielson, 2023
12. Growth in Agricultural Lands Near Nani Kai Hoku Farm since the Year 2000, Moku o Keawe Land Conservancy, 2023



## Form 5b *Fiscal Year 2024 Agency Consultation:* *Department of Agriculture*

- (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):

- (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.

(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?

FOR AGENCY USE ONLY	
<input type="checkbox"/>	We do not object to the proposed project
<input type="checkbox"/>	We do not wish to comment on the proposed project
<input checked="" type="checkbox"/>	Comments attached
Signed:	<u>Sharon Hurd</u> Date: Nov 24, 2023
Name:	<u>Sharon Hurd</u>
Title:	<u>Chairperson, Board of Agriculture</u>

3. Nani Kai Hoku Farm Agricultural Easement (North Kohala, Big Island)  
Applicant: Moku o Keawe Land Conservancy (incorporated July 2019; there is no evidence that the applicant has acquired other easements)  
Seeking agricultural easement for 20.078 acres located in North Kohala.  
Property is privately owned: Gail Baber. **(Ms. Baber is also a Director for the applicant per DCCA records and the applicant's website)**  
The property and surrounding properties are within the State Agricultural District and zoned by the county for agriculture.  
The property has an agricultural dedication(?) however the "2020 Update to the Statewide Agricultural Land Use Baseline" (Figure 30, Agricultural Footprint in North Kohala, page 35) indicates the property was not in agricultural production (including pasture) at the time of the update in 2020.  
The application states the farm on the property is certified organic for 13 crops. The entire property appears to be in a gulch and bordered by two streams. DOA staff confirms the property's "Prime" agricultural land classification. The property's soils outside the two stream beds are rated "B" according to the Land Study Bureau's Detailed Land Classification which indicate good productivity potential for most crops.  
Hawaii county records reveal no taxable dwelling(s) however satellite imagery shows about 7 structures on the property.

The current county agricultural dedication has been in effect for over 10 years. All abutting properties also have agricultural dedications. Two abutting properties have structures.

The application states that the public benefits include preservation of the farm which include 50 bee hives, maintaining ownership by an organic farmer, continuation of educational opportunities, maintaining view planes, keep the farm affordable for future generations, ensure the farm business continues, etc.

**DOA comments:**

The application describes a modest scale of agricultural production on the property. According to the physical layout found in the application, about 50 percent of the land area (10 acres) will be for pasture. The remaining existing and proposed agricultural activities appear to occupy an additional 25% of the lot and include a greenhouse area, small area mixed crops and fruit trees, small area for small animal grazing, beehives, and a start-house for seedlings.

The amount sought from the Fund is \$799,000 (total cost of easement is \$1,598,000). According to the Form 5 application, "...proceeds from the sale of the agricultural conservation easement will pay off farm mortgages and debt and will be reinvested into a farm the operation, improving farm profitability, which is a keystone to ensuring Hawaii retains more farmers and becomes food secure;" Under the proposed easement, the owners will continue managing the certified organic farm, using regenerative farming practices, and do public education and offer mentoring opportunities. No statement given on current income generated



from farm sales. DOA staff notes that the intensity of proposed agricultural production along with other related activities do not appear to comport with the property's potentially productive soils ("Prime" agricultural land according to the "Agricultural Lands of Importance to the State of Hawaii" system and "B"-rated soils according to the Land Study Bureau's Detailed Land Classification).

The easement holder (Moku o Keawe Land Conservancy) will conduct at least a single on-site visit per year to monitor easement compliance.

DOA staff recognizes that undertaking regenerative soil practices may increase yields and reduce use of synthetic fertilizers in the production of crops grown on the property. We recommend the applicant indicate how much of the parcel's area is to be put into crop and animal production. The Department believes that the property has the potential to support substantial agricultural production and, if implemented, will be in consonance with the Legacy Land Conservation Program's priority of acquiring lands that are unique and productive agricultural lands.

***Addressing Department of Agriculture Comments:***

*Moku has reduced its request for funding from the Legacy Land Conservation program to \$499,000.*

*The Babers have planned for 12 years to place an agricultural easement on their farm. Gail Byrne Baber was recruited by Moku o Keawe Land Conservancy in 2021 to become a member of the Board of Directors because of her background in engineering and natural resource management, experience with agriculture and working at the state level and in the Kohala community to preserve important coastal and farming lands and her experience with fee simple conservation and easement purchases. The Board selected her farm and two other projects as our first easement projects based on our policy that outlines criteria which dictate which projects are appropriate for Moku to assume and are likely to succeed. Ms. Byrne Baber fully disclosed the potential for a conflict of interest and recused herself from all decisions regarding this project. She has resigned as member of the Board of Directors but will continue in an advisory capacity.*

*Per Moku o Keawe Land Conservancy understanding the "2020 Update to the Statewide Agricultural Land Use Baseline" was not intended to capture every farm that is in production and missed this farm as well as other farms in North Kohala.*

*The property is approximately 100 to 150 feet above the gulches; farm is not in a gulch.*

*The farm is classified as "Important Farmlands" per the State of Hawaii designation of Agricultural Lands of Importance to the State of Hawaii" (ALISH) and further classified as Prime Agricultural Lands, which have the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods. Kohala Silty Clay is considered Prime Farmland Soil. Nani Kai Hoku Farm has 100% Kohala Silty Clay soils, 95.1% Kohala Silty Clay with slopes 0 to 3% and the remainder is Kohala Silty Clay with slopes >3% per the U.S. Department of Agriculture Web Soil Survey Map of the farm.*

*Please note that the landowners, Clarence Baber and Gail Byrne Baber, transferred the farm out of an LLC earlier in 2023 based on advice from an accountant if they were going to sell the entirety of the property, but later this year the Babers decided to put the farm back in a new LLC, Nani Kai Hoku. The new LLC was formed and filed with the State in June of 2023. Because the farm is registered with Land Court, as of the date of this letter, the landowners are still waiting for the official recording with the Bureau of Conveyances but have been assured it is forthcoming. Attached are the stamped articles for the LLC and additional data/info can be provided as needed. The Baber's are the member managers (owners) of Nani Kai Hoku LLC.*

# 3\_FY2024\_LLCP\_MOKU O KEAWE\_Nani\_Kai\_Hoku\_Farm\_Ag\_Easement-5b

Final Audit Report

2023-11-24

Created:	2023-11-22 (Hawaii-Aleutian Standard Time)
By:	Marci Clingan (Marci.Clingan@hawaii.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA_T5LvAFPn6IIWoGwxytBP5KO3d3A4AW8
Number of Documents:	2
Document page count:	5
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## "3\_FY2024\_LLCP\_MOKU O KEAWE\_Nani\_Kai\_Hoku\_Farm\_Ag\_Easement-5b" History

-  Document created by Marci Clingan (Marci.Clingan@hawaii.gov)  
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# **EXHIBIT III-D**

## **Ke Ola Project Conservation & Culture**

**Wai‘anae, O‘ahu  
Sections G, H, I  
and Department  
of Agriculture  
Comments**



## **Section G** *Fiscal Year 2024 Grant Application: Importance and Threats*

Applicant: Pu'uwai Ko Ola

Application Title: Ke Ola Project - Conservation & Culture

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

The parcel of land to be acquired is a very important and sacred piece of the entire Kaupuni Watershed and this parcel is host to a region encompassing: Mountains, streams, waterfalls, nature, solitude, peace and quiet; all only begin to describe this valuable region in our Ahupua'a of Waianae. The property sits at the ascent of Oahu's highest mountain, surrounded by miles of protected government land; this property is currently appointed with a barn, gazebo, and campsite. It is a mere three miles to beaches and to community conveniences yet this removed, upcountry property deserves to have a steward of the land which is a Native Hawaiian organization restoring Hawaiian lands into Hawaiian hands; With a unique and unparalleled mountain-affect climate, this private, verdant valley enjoys cooler temperatures, breezes, rain showers, mists and rainbows; and it is ideal conditions to begin the next planting of indigenous plants, harvesting viable crops, and growing fields that can be planted with a multitude of natural flowers from the islands of Hawaii. The stream, and the lush forest of the lower acreage which hosts a winding 1/4-mile nature trail that is ideal for the management of such a rural and isolated property. The property is nestled along the Leeward Coast base of the protected Mt. Ka'ala (where the reserve is protecting the uplands), and is truly an extension of the mountain ecosystem, sharing many of the same characteristics and home to the same species identified as integral to this very unique place. When we speak of Mount Ka'ala, we speak to the surrounding properties and the all encompassing placement of this property as well.

Applicants, please note that the Legacy Land Conservation Program uses the content provided in this section to describe the proposed land acquisition to the Legacy Land Conservation Commission, the Board of Land and Natural Resources, the State populace in general, and other agencies, individuals, organizations, and media outlets. Be aware that the content provided in this [form/section] may be copied, exactly, into various other program materials, and can serve as an important basis for future review, approvals, and publicity.



## **Section G**

### ***Fiscal Year 2024 Grant Application: 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:

Page 1 cont.

It is important to not compartmentalize the property from its place within the Ka'ala system and as part of this unique region. It is a piece of a larger Ahupua'a and not only based on the merit of its segregated value for our programming and business and cultural perspective. We are not seeking funding to expand in farmlands or extreme agriculture but do intend to plant fruits and vegetables that flourish in the Ka'ala region for our own small grassroots operation and food security. The conservation aspect of our conservation program and business services is truly the Heart of Life. It is the Pu'uwai Ko Ola for our mission and for our place within the community.

Page 2.

Per the DLNR statistics (Division of Forestry and Wildlife: Native Ecosystems Protection & Management | Mount Ka'ala (hawaii.gov) on Mt. Ka'ala it reads: "Established in 1981, the Mt. Ka'ala Reserve comprises 1,100 acres of rugged mountain terrain. It protects Hawaiian plants and animals and ecosystems, most found only in Hawai'i, and some very rare. The only vehicle access is a controlled government road, while arduous ridge trails lead to the summit of Mt. Ka'ala. There, a boardwalk trail greets the visitor, promising a fascinating walk through a native cloud forest. The boardwalk allows visitors to explore the misty flats of Ka'ala safely, and with a minimum of impact to the fragile community of Hawaiian plants and animals that have made Mt. Ka'ala their home for countless generations.

Mt. Ka'ala is part of the Hawai'i Natural Reserves System (NARS), which seeks to preserve and protect examples of native Hawaiian ecosystems and their ecological features. Current management projects at the Mt. Ka'ala Reserve include feral pig and non-native weed control. An ongoing volunteer program has been useful in promoting environmental awareness as well as assisting with resource management on the reserve.



## **Section G**

### ***Fiscal Year 2024 Grant Application: 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:

Page 2 cont.

Mt. Ka'ala Reserve is much more than the summit plateau. Most of the reserve's area consists of steep-sided gulches and ridges that form the eastern flank of Mt. Ka'ala. In these gulches are lowland forests that once covered the drier portions of O'ahu, but are now nearly gone. The forests, rich in native species, harbor some of Hawaii's rarest plants. Only small stands remain, and future management efforts will attempt to expand their range. Reserve managers and volunteers monitor and control the threats to native plants and animals, and help ensure that the rich native resources of Mt. Ka'ala will endure for future generations."

This summary is a tie into the property we are seeking to secure for acquisition with the Lands Legacy funding. It is important to have the conservation kinship extend outside of the official reserve and be upheld by the purchase of private parcels for conservation purposes and educational expanse. Especially with formal research existing on just how unique and valuable Mt. Ka'ala is to our island identity and cultural footprint. There has been identified native species that the land here provides critical habitat for existing, and without may be in imminent danger of destruction. The land is highly unique in climate and in aesthetic resources, providing a majestic vantage of the Mountain range while preserving the natural environment. The property also has jungle forest, fields, canopy, and a freshwater stream that is a valuable identified aquatic resource.

It is unique to walk on the property and feel the importance of keeping the land in its natural state. For all of Mt Ka'ala but for this property as well. It goes far beyond a grading system or statistics or data points. It is a precious resource, and one we feel connects us to our past.

It is the responsibility of Pu'uwai Ko Ola to usher forth this role and Kuleana (responsibility) to protect the land for generations ahead.

Within the parcel itself, you'll notice that a in-lay is carved into the property lines in the bottom right corner (see map) which is almost a 360degree loop of border surrounding another parcel owned by Hawaiian homelands. It is poetic that the in-lay also is resembling a heart in shape since our mission and namesake quite literally interprets land as the "Heart of Life" (Pu'uwai Ko Ola).



## **Section H** *Fiscal Year 2024 Grant Application: Stewardship and Management*

Applicant: Pu'uwai Ko Ola

Application Title: Ke Ola Project - Conservation & Culture

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

### Short term Goals-

1. To create a place of learning, conservation and culture within the community of Waianae to preserve the natural areas and provide a sense of place for kama'aina and visitors alike to enjoy;
2. To offer a community-based program that is rooted in conservation mindedness, and works with community partners and businesses to develop a sustainable eco-campground, educational programs, and guided tours to increase the economic prosperity of our community;
3. To ensure that the host culture of Native Hawaiians is an honored, integrated and balanced conscience within the framework of the operations, and is the guiding principles in all recreational, in protection of the natural resources, and in business practices/partnerships;
4. To increase the resource value and conservation of natural state through best management practices, and through a cultural perspective.

### Long term Goals-

1. To Provide a stable and long-standing community program ingrained in the rich history of the Waianae community and that perpetuates the land for future generations;
2. To provide economic prosperity and equitable opportunity for local employment through community programming, an eco-conscious business, and proliferate the cultural education & conservation awareness for this special area;
3. To assure protection of the natural and vulnerable island environment for its intended use
4. To create a viable and sustainable income stream based on the legal use of the land for the campground that is designated by building 10-12 (approx..) eco-geodomes (eco-hales), or tiny hale, guided nature tours, all designed for the economic well-being of the community, land and improve the protections of the property's natural resources.



# Section H

## Fiscal Year 2024 Grant Application: Stewardship and Management

### Resource Management Plan

The management plan includes the commitment of the Pu'uwai Ko Ola organization and its key stakeholders to pledge the proposal is developed in alignment with the key resources to be identified as preserved, and the positions developed to implement that oversight, and to deliver the scope of services for the project over a pipeline from Year 1, Year 3, Year 5, and then subsequently reviewed for project success and quality assurance each additional 5 year increments. It is important to note that the project is intended for the conservation of the property for perpetuity and operations, support and maintenance will be structured to be fully functional in the identified roles for the success of resource management best practices.

Key management considerations and overall management long-term goal of Pu'uwai Ko Ola is to protect and maintain the property's native ecosystems and integrity while bringing conservation education and cultural awareness to the local and global community.

There are to be several key considerations to be included in the management program that Pu'uwai Ko Ola which will accept the property with the commitment on all aspects of stewardship, guardianship, operations, and management. This will include, but not limited to:

- To develop a sound and viable annual budget be designed & based on the land's needs assessment, the timeline creation, and the development of our comprehensive management plan for The Ola Project;
- Considerations will include the topography/access points across the property to manage;
- Monitoring of the feral pig destruction of native plants and ground cover within the native forest;
- Monitoring of non-native plants observed that pose no harm at current time, but that have previously displaced native species;
- The planting of more native species and indigenous plants, crops, to be planted to restore natural vegetation;
- To include the removal, if deemed necessary, of weed species on an appropriate scale for the property size and also in relation to the operations/staffing;
- To have all identified needs match a subsequent solution and action to be developed that is attainable and cost effective;
- To ensure that the costs of operations and workload and resources are efficient and provide appropriate support to conduct the goals of the project;
- The weeding removal will also be integrated into the volunteer and educational programming on the land;
- To create financial sustainability through the lands current campground and further develop the revenue streams for economic security;
- To create and develop a robust educational awareness program to engage the public in feeling the connection between the land and their inherent desires to be part of such a powerful and meaningful land conservation project;
- To develop and build the proper infrastructure and construction for supporting the program and operations;
- To create and develop a robust volunteerism system to Lualima (hands all working together to accomplish a unified goal) and to channel the workforce of persons looking to create impact, see their positive results, and to be part of the project sustainability.

### Funding Sources

Pu'uwai Ko Ola has a strong interdisciplinary team that is comprised of many keen individuals who have a wide spectrum of professional experience, lived experience, honed skillsets, and expertise in their fields of study or profession. It is through the Pu'uwai Ko Ola organization pulling together these strategic allies that we have a robust and committed group of volunteers and in-kind donors for the Phase I of this project, which is the upstart of operations, developing proper needs assessments, strategic plans, developing partnerships and setting up the contracts and marketing for our set of services.

Phase II will be focused on optimizing the implementation and delivery of services to the public and creating revenue streams from our programming, creating revenue through our locally owned/operated eco-campground, and tapping into fundraising efforts as we diversify and create legacy. Grants will play a supporting role, as they are not financially sustainable, so it will be vital to use our output of programs and products to ensure the funding for operations, maintenance and improvements stays secure. Private donations are also going to be part of the annual fund-raising efforts.

In the future, Pu'uwai Ko Ola may look at selling, leasing or mortgage arrangements for the easement that also could generate income as a another revenue stream under intended and approved use.

### Permit Requirements

At this time, the property has a campground, barn and trail on site. Pu'uwai Ko Ola will need to secure future permits for the building of new construction for the following to improve capacity and stay viable for business:

- A primary dwelling/residence (for on-site staff/caretaker/property manager);
- Eco-domes (eco-hale) for the campgrounds;
- New build program office;
- New build for staff/volunteer bunkhouse(s);
- A general training facility/education hub headquarters;
- Utility poles;
- Sewer/Water piping;
- Solar
- Kitchen
- Dispensary/sales of on-site products

### Management entity (identity, expertise, experience, etc.)

Within the Pu'uwai Ko Ola team combined are the following: professional level fundraisers on a local and national level, professional grant writers, Masters level Agricultural and Horticultural Specialists, individuals with previous work from the Department of the Environment, Forestry management expert, lifelong farmers, local artisans, and of course, local Native Hawaiian stakeholders with shared knowledge from their kupuna and much lived experience in the community who come together to achieve this goal.

### Integration

All integration aspects of the Ke Ola program with the integration of existing cultural resources are working together towards the preservation/protection of the principle Legacy Land grant and Conservation funds. It is based on these foundational requirements that Pu'uwai Ko Ola is able to execute their business, create culturally minded programming all the while assuring the long-term protection of the land assets. Pu'uwai Ko Ola has outlined they are ready and able to activate forward with successful awarding of the Land Conservation funds.





## **Section I** *Fiscal Year 2024 Grant Application: Cultural and Historical Significance*

Applicant: Pu'uwai Ko Ola

Application Title: Ke Ola Project - Conservation & Culture

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

Place Names and Mo ' olelo:

The significance, history, and beauty of Ka ' ala has been well documented for centuries in Hawaiian chants and mo ' olelo. There are countless stories told of Kaiona, the gracious and kind goddess of Ka ' ala (with whom even our beloved Princess Pauahi was compared) who would help lost travelers, and many references to the flora, fauna, and the lush, steep mountains of Waianae Mountain range with their dewy mists, and where rare blossoms and birds would flourish.

' OLELO NO ' EAU

Hawaiian Proverbs & Poetical Sayings samples of Ka ' ala references:

(1) He la ' au ku ho ' okahi, He lehua no ka ' ala.

A lone tree, a lehua of Ka ' ala. An expression of admiration for an outstanding person, unequaled in beauty, wisdom or skill.

(2) Ka ua kolonao o Ka ' ala.

The mountain creeper rain of Ka ' ala.

This rain is accompanied by a mist that seems to creep among the trees.

(3) Ka wahine hele la o Kaiona, alwalu wai li ' ula o ke kaha pua ' ohai

The woman, Kainona, who travels in the sunshine pursuing the mirage of the place where the ' ohai blossoms grow. Kaiona was a benevolent goddess of Ka ' ala and the Waianae mountains. She was a kind person who helped anyone who lost his way in the mountains by sending a bird, an ' iwa, to guide the lost one out of the forest. In modern times, because of her graciousness, Princess Bernice Pauahi Bishop was compared to her in songs.

(4) Nani Ka ' ala, he ki ' owai na ke kehau

Beautiful Ka ' ala, a pool that holds the dew Praise of Mt. Ka ' ala, on O ' ahu, a depository for the dew



## **Section I** *Fiscal Year 2024 Grant Application: Cultural and Historical Significance*

Known Pre-contact history and land uses:

For the resources included in this proposal, it is vital to view with a cultural lens and not one strictly rooted in data alone. This parcel sits adjacent to a well-known community historical wall, and pre-contact archaeological sites. It is near a heiau, and is a former space used in the community for gathering as families would come to the land to celebrate in lu'au, imu and festivities. It was shared with us by the former property caretaker that the land was beloved by many Waianae based 'ohana and holds a sacred energy of the past.

In the surrounding area, there is an identified pre-contact agricultural complex which has been restored by Ka'ala Farms and is now actively producing as our ancestors did for centuries. Additionally, there are 3 Ancient Heiau which are identified and in the fields of the Historic ranchlands across from the property. There also is a historic ranch wall system that is in the area and significant archeological sites within the area of the Waianae Kai Forest Range. Information about neighboring areas, land divisions, and management units, in relationship to the land to be acquired:

The scenic characteristics of the views that are expansive and sweeping as the backdrop the Ahupua'a system. The land itself covers a diverse range of landscape from vistas, open spaces, grassland, bushes, forest, stream, and will each play a role in the layout of the land management and land use.

All the steps are mindful in design and curated to meet the mission through our set forth goals and objectives of serving the greater community, maximizing public benefit, improving protections of natural resources and valued watershed on the land, by honoring the cornerstones of the conservation funding through responsible lands management, through preservation, and Malama Honua (Hawaiian concept which means to care for our island earth). It would be appropriate that the areas within the property that are found to be home to any indigenous and endangered species will be considered Kapu (off-limits) and not practicable for the public to access.

The property system management plan is multi-faceted in nature by the best use of the land for conservation yet increasing the value and sustainability measures for the on-going business and organizational best practices for long-term protection. This master plan hosts a viable income stream by executing a strong ecotourism/eco-dome village on the current flat lands that is previously deemed a campground. This will allow that revenue to offset the programming for the community services and lands management; This will provide ability to increase food security by increasing the indigenous plants on the property; This will create more community/island-based partnerships to work together in conservation efforts and education of native Hawaiian culture; This will be a gateway to grow the much needed health and well-being of the community members and those visiting our special lands; the guided tours and work away/volunteering, community give-back days, and use of the space for special events that are approved; This will protect the 'resource value' of the land through its intended use, and through the activities and mission statement; This will safeguard the land and valued natural area for the future generations of our keiki and beyond

Natural Communities: 12 total, 2 rare

Native Plants: 208 total taxa, 69 rare

Native Animals: 11 total taxa, 7 rare



## Form 5b *Fiscal Year 2024 Agency Consultation: Department of Agriculture*

- (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):

- (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.

(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?

FOR AGENCY USE ONLY	
<input type="checkbox"/>	We do not object to the proposed project
<input type="checkbox"/>	We do not wish to comment on the proposed project
<input checked="" type="checkbox"/>	Comments attached
Signed: <u>Sharon Hurd</u>	Date: <u>Nov 24, 2023</u>
Name: <u>Sharon Hurd</u>	
Title: <u>Chairperson, Board of Agriculture</u>	

14. Ke Ola Project – Conservation and Culture (Waianae, Oahu)  
Applicant – Puuwai Ko Ola (this organization does not appear to have been incorporated nor registered as a 501(c)3).  
2.772 acres, the type of acquisition sought is not clear – all boxes are checked - fee title, conservation easement, agricultural easement and unimproved real property.  
The amount sought from the Fund is \$800,000 (total cost of acquisition is \$800,000)  
The property is privately owned (James Hawkinson) and is unit B of a 2-unit condominium called “Kaala Hale” and located near the mauka end of Waianae Valley Road.

This property does have an agricultural dedication with the City that indicates sustained agricultural activity. According to the “2020 Update to the Hawaii Statewide Agricultural Land Use Baseline”, there was no agricultural use of the properties at the time of the study (Hawaii State GIS Program map download). The property and most of Waianae Valley makai are in the State Agricultural District, zoned by the City as AG-2 (General Agricultural).

The property and much of the surrounding properties have Land Study Bureau Overall Productivity Rating of “E”, indicating poor productivity potential for most agricultural uses. The property is not classified according to the “Agricultural Lands of Importance to the State of Hawaii” soil classification system, indicating poor productivity potential for agricultural use. There appears to be an intermittent stream that courses through or near the southeastern corner of the Kaala Hale condominium.

This property does not have a dwelling, however unit A of the condominium does have a dwelling (2 bedroom, 2.5 bath, built in 2016). The application states that the property has a barn, gazebo, and campsite.

The applicant identifies the “key resources to be protected” to keep the land in its natural state. There is discussion about Mount Kaala but nothing on potential agricultural activity.

The public benefits from acquiring the property focuses on “...learning and practicing of Hawaiian culture, develop an understanding of Hawaiian history, and developing the value through an indigenous perspective, as well as, creating a sense of place for our local youth.” There is an existing quarter-mile “nature trail” that “...requires a systems management to ensure that our guide can walk with and educate as much as possible to the visitors of the property.” The “natural communities” appear to be those found mostly on and in the vicinity of the Kaala plateau.

The long-term management of the property includes the commitment of the applicant Puuwai Ko Ola and other stakeholders to “...protect and maintain the

property's native ecosystems and integrity while bringing conservation education and cultural awareness to the local and global community." Activities center on weeding and planting of native/indigenous species.

**DOA comments:**

The protected resources and public benefits do not include a substantial agricultural production component. Further, the property is not unique or productive agricultural land as indicated by the property's current use, soil quality, and potential for intensive agricultural production.




# 14\_FY2024\_LLCP\_PUUWAI KOOLA\_Ke Ola-5b

Final Audit Report

2023-11-24

Created:	2023-11-22 (Hawaii-Aleutian Standard Time)
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Status:	Signed
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Supporting files page count:	0

## "14\_FY2024\_LLCP\_PUUWAI KOOLA\_Ke Ola-5b" History

-  Document created by Marci Clingan (Marci.Clingan@hawaii.gov)  
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-  Document emailed to Sharon Hurd (Sharon.K.Hurd@hawaii.gov) for signature  
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-  Agreement viewed by Marci Clingan (Marci.Clingan@hawaii.gov)  
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-  Email viewed by Sharon Hurd (Sharon.K.Hurd@hawaii.gov)  
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-  Document e-signed by Sharon Hurd (Sharon.K.Hurd@hawaii.gov)  
Signature Date: 2023-11-24 - 9:11:05 AM HST - Time Source: server
-  Agreement completed.  
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# **EXHIBIT IV**

## **Checklist for Legacy Land Conservation Program Projects**

*Exhibit B for Legacy Land Conservation Program Grant  
Agreements*

## Exhibit B

### Checklist for Legacy Land Conservation Program (LLCP) Projects

The following items must be completed to the STATE's satisfaction prior to the final award:

- Title report review. A current title report of the Property must be submitted to and reviewed through the Department of Land and Natural Resources, Land Division ("LD").
- Appraisal certification. AWARDEE shall first supply LD a current title report, then contact LD regarding certification requirements prior to issuing appraisal instructions for a new appraisal or ordering an update of a pre-existing appraisal. An appraisal of the Property must be done and submitted to the LLCP and the Awardee must produce an independent review report using specific instructions from LLCP and LD, with final approval by the Chairperson of the Board of Land and Natural Resources.
- Matching funds and project accounting. Evidence of matching funds, as required by law, must be provided to LLCP. AWARDEE must provide an accounting of all LLCP grant funds to be expended, evidenced by supporting documentation.
- Escrow. Funds that are to be used for the purchase of property will be deposited directly into escrow by LLCP. AWARDEE must provide a copy of the escrow instructions, the account number, and a tentative buyer's statement to the LLCP.
- Title insurance. AWARDEE must obtain title insurance in the full amount of the purchase price, insuring that the title to the Property is vested in the AWARDEE.
- Environmental inspection. AWARDEE must conduct an environmental inspection to determine whether there is any environmental contamination or potential for contamination on the property. One or more Environmental Site Assessment(s) (ESA) may be required by STATE. If an environmental condition is found, a Phase II and appropriate remediation (at the cost of awardee) will be required prior to disbursal of funds. AWARDEE must complete the form supplied by the LLCP and return to the LLCP before funds may be disbursed.
- Chapter 343, HRS, compliance. An Environmental Assessment and/or Cultural Assessment as may be required by law.
- Resource value documentation. AWARDEE shall submit a written statement and photographs that reflect the current status and condition of the resources for which the land is to be protected. The statement shall be certified by AWARDEE and the photographs shall be taken from identifiable locations on the Property.



- Purchase and Sale Agreement. AWARDDEE shall submit a copy of the purchase and sale agreement in final draft form.
  
- Deed. AWARDDEE shall submit a copy of proposed deed prior to execution of deed for review and approval by STATE. The purchase price of the property must be included in the deed.