LĀNA‘I ISLAND BOARD OF TRUSTEES AND COMMUNITY MEETING
DATE: Saturday, August 5, 2023
TIME: 11:00 A.M.
PLACE: Lānaʻi High & Elementary School
        Cafeteria, Dining room
        555 Fraser Ave.
        Lānaʻi City, HI 96763
Viewable at www.oha.org/livestream

AGENDA

I. Call to Order
II. Introductions
III. Status of OHA Activities: Ka Pouhana/CEO’s Lāna‘i Island Community Report and Update on OHA’s activities
   – Island Community Report: Lāna‘i Executive Summary
IV. Community Presentations
   1. Pūlama Lāna‘i – Diane Preza
V. New Business
   1. Committee on Resource Management
      A. Action Item RM #23-18: Approve the Awarding of Kākoʻo Grants, from Solicitation #23-11.01,
        published April 20, 2023.
      2. Action Item BOT #23-05: Appointment of the Office of Hawaiian Affairs members of the Public Land Trust
         working group pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.
VI. Community Concerns and Celebrations*(Please see below on how to submit written testimony or provide oral
    testimony online. Oral testimony by phone will not be accepted)
VII. Announcements
VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by
email at everetto@oha.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon
request, this notice is available in alternate/accessible formats.

Meeting materials will be posted to OHA’s website https://www.oha.org/bot.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda.

* Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai‘i Revised Statutes,
Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not
listed on the meeting agenda.
†Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new
committee materials.

Testimony can be provided to the OHA Board of Trustees either as: (1) written testimony emailed at least 24 hours prior to the scheduled
meeting, (2) written testimony mailed and received at least two business days prior to the scheduled meeting, or (3) live, oral testimony
at the physical meeting location during the in-person meeting.

(1) Persons wishing to provide written testimony on items listed on the agenda should submit testimony via email to
BOTmeetings@oha.org at least 24 hours prior to the scheduled meeting or via postal mail to Office of Hawaiian Affairs,
Attn: Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817 to be received at least two business days
prior to the scheduled meeting. Any testimony received after these deadlines will be late testimony and will be distributed to the Board members after the scheduled meeting.

Oral testimony online or by telephone/landline will not be accepted at this time.

(2) Persons wishing to provide oral testimony at the physical meeting location can sign up the day-of the meeting at the physical meeting location.

Oral testimony at the physical meeting location will be limited to five (5) minutes.

Trustee Carmen Hulu Lindsey
Chairperson, Board of Trustees

7/28/2023
Date
III. Status of OHA Activities: Ka Pouhana/CEO’s Lānaʻi Island Community Report and Update on OHA’s activities – Island Community Report: Lānaʻi Executive Summary
IV. Community Presentations
1. Pūlama Lānaʻi – Diane Preza
The Kuahiwi a Kai: Lānaʻi Watershed Conservation Program was launched in 2019 to strategically preserve and enhance Lānaʻi’s unique natural and cultural resources from mauka to makai (from the top of the mountain down to the ocean), while encouraging community engagement and shared stewardship.

The Kuahiwi a Kai Program presents an unparalleled opportunity to demonstrate the benefits of a landscape-level watershed approach to sustainable land management and community stewardship in Hawaiʻi.

Over the past 150 years, overgrazing and mismanagement of introduced ungulates has led to unnatural erosion patterns on the island of Lānaʻi. Excessive erosion within the Kuahiwi a Kai Program boundaries continues to destroy terrestrial habitats essential to native flora and fauna, bury historic cultural sites near the coast, and smother the island’s coral reefs and white sand beaches with sediment. Overgrazing has also led to an invasion of non-native plants that further degrade native habitats and alter watershed hydrology.
A Hawaiian petrel shelters in a burrow on Lāna‘i.
Since the early 1990s, the National Fish and Wildlife Foundation (NFWF) has been investing in the protection of native species and habitats in Hawai‘i. In 2009, the Foundation completed a long-term strategic planning effort aimed at producing measurable results for key Hawaiian forest bird species.

Since the adoption of this strategic plan, considerable on-the-ground conservation progress has been made through a suite of NFWF programs, including the Hawai‘i Conservation Business Plan, Pacific Seabird Program, and Coral Reef Conservation Fund.

Between 2010-2020, NFWF awarded $22.5 million to 128 projects throughout Hawai‘i, and leveraged more than $26.3 million in matching resources for a total conservation impact of nearly $49 million.

In January 2019, NFWF and Pūlama Lāna‘i entered into a partnership to facilitate federal, state and private collaborations in conservation efforts on northeastern Lāna‘i. The partnership has been instrumental in coordinating resources and expertise to restore and enhance Lāna‘i’s native fish and wildlife.

Through the partnership, the Kuahiwi a Kai: Lāna‘i Watershed Conservation Program was developed to strategically preserve and enhance Lāna‘i’s unique natural and cultural resources from mauka to makai (from the top of the mountain down to the ocean), while encouraging community involvement and education.

Extremely rare plants such as the ‘āwikiwiki, a perennial climber in the pea family, could face extinction without conservation efforts in Lāna‘i and other Hawaiian islands.

Program Overview

The Kuahiwi a Kai Program represents a first-of-its-kind, comprehensive effort to apply the concept of “mauka to makai” — from the top of the mountain down to the ocean — to landscape-scale conservation projects across 20,000 contiguous acres of unique habitat essential for native species that are federally listed as threatened or endangered.
Part of the mountainous focal area of the Kuahiwi a Kai Program
engagement and shared stewardship. The program showcases the interconnectivity of conservation actions among landscapes and species, where a limited number of property owners provides a rare opportunity to establish this comprehensive approach to land management.

**PROGRAM GOALS**
The goals of the Kuahiwi a Kai Program are to:
- Reduce sediment runoff to nearshore reefs
- Restore native vegetation to improve watershed health
- Protect and enhance populations of endangered and endemic species
- Improve habitat and predator management for Hawaiian petrel (‘ua’u)
- Improve the quality of the landscape for the local community and visitors through preservation of nearshore resources, beaches and cultural sites
- Increase community conservation ethic and involvement in landscape protection efforts

“Collaborative conservation projects like Kuahiwi a Kai give hope for the future of our threatened and endangered species and the landscapes they depend on. Working together, landowners, communities, government agencies and conservation nonprofits can foster durable conservation that generates measurable benefits across entire watersheds.”

— Michelle D. Bogardus, U.S. Fish and Wildlife Service
To date, a wide variety of potential partners expressed interest in supporting the goals and objectives of the Kuahiwi a Kai program’s landscape-level approach to conservation on northeastern Lāna‘i.

Kuahiwi a Kai program funds of $1.02 million, with additional support from NFWF partnerships in the amount of $0.9 million, has funded 13 grants since 2020.

The projects awarded are expected to generate more than $1.45 million in matching contributions from grantees.

The total conservation impact of the Kuahiwi a Kai program is $3.37 million.

Through a comprehensive fence assessment and feasibility study done by Pono Pacific Land Management, in conjunction with sediment, vegetation, water quality, and marine baseline analysis done by other Kuahiwi a Kai grantees, proposed ungulate exclusion fencelines have been identified. While the Lāna‘i Hale Watershed Protection Fences (outlined in orange) have already been built, the Kuahiwi a Kai Program aims to connect these installations mauka to makai, potentially starting with the Hauola-Kehewai management unit (in the green shaded polygon).
EROSION AND SEDIMENTATION
Excessive erosion within the Kuahiwi a Kai Program boundaries continues to destroy terrestrial habitats essential to native flora and fauna, bury historic cultural sites near the coast and smother the island’s coral reefs and white sand beaches with sediment.

Overgrazing has also led to an invasion of non-native plants such as strawberry guava and invasive grasses, further degrading native habitats and altering watershed hydrology. In addition, increased soil compaction can cause flash flood events and decrease water infiltration to the island’s aquifers.

WATERSHED PROTECTION
To address these issues, the program will install landscape-level, ungulate-proof fencing, mauka to makai. Building ungulate-proof fences is essential to effectively manage the large numbers of invasive axis deer and mouflon sheep that persist within the program area.

With program funding, an ungulate-proof fence and feasibility study was initiated to identify, map and provide cost estimates and implementation plans for possible fence alignments along the northern and southern boarders of the program area, as well as interior fencing options to create management units.

Watershed Approach

Over a century ago, the Keōmoku coast of Lānaʻi was home to white-sand beaches. More than 150 years of mismanagement of introduced ungulates has led to drastic erosion in many parts of the island. Axis deer and other large herbivores have stripped away native vegetation, allowing rainwater to carry soils downslope, smothering shorelines and coral reefs with plumes of brown sediment.
Watershed Conservation Challenges: The natural ecosystems of Lāna‘i have suffered long-term ecological damage caused by introduced ungulates such as mouflon sheep (top left) and axis deer (top right). These animals strip away native vegetation, which leads to severe erosion and sedimentation along shorelines and coral reefs. One grant awarded through the Kuahiwi a Kai Program will enable the U.S. Geological Survey (researcher shown above) to map, model and monitor sources of fine-sediment pollution, from the ridgelines down to the shoreline, to identify priority hot spots and to track implementation strategy progress.
To determine the best location to install fences, the Kuahiwi a Kai Program awarded projects that will:

- Map, model and monitor terrestrial sources of fine-sediment pollution to identify sedimentation hot spots
- Develop native and non-native vegetation classification maps and conduct a vegetation change analysis to inform priority areas for protection and invasive plant control
- Collect benthic, fish and nearshore water quality data to determine sediment impacts on the ecosystem and establish baseline conditions for nearshore coral reefs.

This suite of first-year projects informed where the initial fenced unit will be installed and provided baseline data for monitoring sediment reduction and the watershed’s response to management activities.

In the second year of the program, a grant was awarded to install a segment of the first fenceline, including the initiation of both state and federal permitting processes. In concert with this project, an ungulate management and community stewardship program was awarded to the Lāna‘i Culture and Heritage Center (LCHC) to develop and implement a community-based hunting program to begin reducing the number of axis deer and mouflon sheep within the program area. To date, 160 individual resident hunters have registered to participate and over 1,700 invasive ungulates have been removed.

**FENCES ARE A CRUCIAL CONSERVATION TOOL:** Ungulate exclusion fences, like the one shown here being installed on Moloka‘i by grantee Pono Pacific Land Management (top), are critical to improving watershed conditions and protecting native habitats. The first mauka to makai fence segment is currently under construction along the ridge of Hauola Canyon (above).
PUBLIC AND PRIVATE SECTOR PARTNERS: By mapping the exposure of fine sediment and signs of recent erosion, scientists at the U.S. Geological Survey (top) identified likely sediment sources within the Kuahiwi a Kai study area. Sediment “trim lines” on boulders (above) show the cumulative loss of sediment since the current erosional episode began. By measuring erosion rates and cumulative erosion depths, scientists can estimate how long these erosion hot spots have been active. Grantee, Ridge to Reefs, used different planting methods of native plants within test plots to evaluate plant types and planting strategies for future restoration projects.
Effective watershed management, from mauka to makai, can reduce sediment and nutrient runoff to build coral reef resilience.

While many of the reef flats surrounding the Island of Lānaʻi are severely degraded by sediment deposition from the land, there are few mapping data to understand where the sediment impacts are greatest and which drainages are the largest contributors.

With a grant awarded in 2020, The Nature Conservancy conducted reef surveys and collected water samples to assess current reef conditions, established a baseline that will be used to evaluate impacts of future management actions and informed locations for possible priority terrestrial sediment interventions.

The results of these surveys were made available to the State of Hawaiʻi’s Department of Aquatic Resources (DAR) for integration into their planning and outreach processes to achieve the state’s commitment to effectively manage Hawaiʻi’s nearshore ocean waters.

The tracking of rainfall, stream and tidal levels through the University of Hawaiʻi’s 2020 grant is providing real-time information on watershed processes impacting the coral reefs.

Coral reefs play an integral part of life in Lānaʻi, supporting subsistence use, cultural practices and recreation. The island’s interconnected coral reefs provide vital habitats for a colorful array of fish, sea turtles, crustaceans and other marine species. Unfortunately, warming ocean temperatures and sedimentation have weakened coral species’ ability to compete with algae for hard substrate, compromising coral health and resilience to climate-related stressors such as coral bleaching.
CORAL CONNECTIVITY: Strategic investments across an interconnected network of reef tracts supports coral reef resilience, strengthening sites that both provide and receive coral larvae that can grow into healthy coral colonies. Dots represent coral reef tracts that serve as important sources of coral larvae, providing an abundant supply of larvae to neighboring reefs. Arrows indicate the locations throughout Maui Nui that receive larvae from source locations. The figure is simplified and focuses on connections between NFWF’s priority reef tracts; for detailed information about larval dispersal patterns throughout Maui Nui see Storlazzi et al. 2017.
CONSERVATION OF LĀNAʻI’S CORAL REEFS: One grant awarded through the Kuahiwi a Kai Program will enable The Nature Conservancy to conduct nearshore surveys to establish a baseline of fish and coral communities (below), as well as water quality and sedimentation flow patterns along the Keōmoku coast (above).
INNOVATIVE TECHNOLOGY: NASA’s novel FluidCam remote sensing technology enables high-resolution imaging of coral reefs at a centimeter scale. The diagram above shows FluidCam’s ability to remove refractive wave distortions and caustics thereby rendering maps of the ocean floor at a level of detail previously only possible through underwater photographs.

nearshore coral reefs that will be used to support a long-term monitoring plan for the program area.

In 2021, NFWF awarded a grant to the University of Miami, in partnership with NASA, to fly select portions of the Keōmoku coast with a next-generation imaging technology called Fluid Lensing (FluidCam) and Multispectral Imaging, Detection, and Active Reflectance (MiDAR) to image underwater reefs at a centimeter-scale.

These high-resolution images of the reef ecosystem, coupled with USGS’ Light Detection and Ranging (LIDAR) terrestrial mapping and sedimentation evaluation grant, provide a crucial bridge to understanding the impacts of sedimentation on the reef.

As the program prepares for implementation and monitoring of large-scale fencing and ungulate management, stopgap measures will be taken to promote soil stabilization in high-priority areas.

In 2020, Ridge to Reefs was awarded a grant to develop and test low-cost, near-term sediment and nutrient reduction strategies to limit runoff to the reef.

Working with local Middle and High School youth, the project built a student-run greenhouse next to the science classrooms where native plants can be grown, and piloted novel nature-based solutions to inform further implementation actions.
The endangered ‘ua‘u is one of two endemic seabirds to Hawai‘i that breed in a variety of remote, inland habitats throughout the main Hawaiian Islands. In 2006, a breeding colony of the Hawaiian petrel was rediscovered near the summit of Lāna‘i Hale, located at the top ridge of the Kuahiwi a Kai program area. Although the petrel colony was historically known to occur, its status was unknown and thought to have dramatically declined.

Monitoring and research on this population is ongoing, and this site has not been estimated with statistical confidence, but the population appears to be similar in abundance to the Haleakala population, where the largest number of breeding birds is currently known to exist.

Introduced mammalian predators such as feral cats and rats have negatively impacted the reproductive success of ‘ua‘u on Lāna‘i. Invasive vegetation is also problematic because it degrades nesting habitat by hindering effective burrow building, movement within the colony, and access to existing burrows. While predator control has expanded and is contributing to improved reproductive success, habitat loss driven by invasive plant species and erosion remain long-term threats to their persistence and recovery.

Through the support and expertise of Pūlama Lāna‘i, U.S. Fish and Wildlife Service, Kaua‘i Endangered Seabird Recovery Project, the state of Hawai‘i’s Department of Land and Natural Resources’ Division of Forestry and Wildlife, and NFWF, a five-year ‘ua‘u action plan for Lāna‘i was developed in 2017. Through this multi-partner dialog, construction of a predator-proof fence was identified as a top priority for ensuring the protection, recovery, and persistence of the species on the island.
Hi‘i predator-proof fence, for the protection of Hawaiian petrel ('ua‘u) nesting habitat, under construction at the summit of Lāna‘i Hale.
In 2018, funding through NFWF’s Pacific Seabirds Program was secured to construct a predator-proof fence around approximately 85 acres of ‘ua’u nesting habitat, resulting in the largest predator-proof fence outside of New Zealand. This fence will protect more than 40 percent of the known ‘ua’u burrows on Lāna‘i.

Building upon these investments, in 2019 the Kuahiwi a Kai Program awarded a grant to Zoological Society of San Diego to develop a monitoring plan for ‘ua’u on Lāna‘i. Goals of the monitoring plan are to improve efficiency and ensure a robust sampling strategy for detecting changes in reproductive success and report on the effectiveness of species-specific conservation measures, including predator control and habitat restoration.

In 2020, U.S. Geological Survey was awarded a grant to develop vegetation classification maps and conduct a vegetation change analysis of the program area using high-resolution spatial imagery, historical data and on-the-ground data samples to further inform priority locations for future ‘ua’u habitat conservation and restoration efforts.
PROTECTING PETRELS: Program partners employ a variety of tactics and technologies to protect Hawaiian petrels in their high-elevation burrows on Lāna‘i. Different types of fences can block various invasive animals — sheep, deer, cats, rats and even snails — from entering conservation areas, such as this predator-proof fence (above) protecting a high density of ‘ua‘u burrows. Other tactics include the extermination of invasive rodents that prey on the petrels and their chicks (below, right), and the live capture and relocation of feral cats that might otherwise take a heavy toll on petrel populations (below, left). The Lāna‘i Cat Sanctuary rescues cats captured in remote areas where native and endangered ground-nesting birds breed. As a 501(c)(3) nonprofit, the sanctuary (below, middle) is led by responsible, ethical and experienced leadership in animal welfare.
Lānaʻi’s human community is a vibrant part of the island’s landscape. Active community participation and engagement in conservation stewardship is critical to protecting and preserving Lānaʻi’s natural and cultural resources for future generations. Projects funded through the program strive to integrate the community and its rich cultural history to foster a sense of shared responsibility and pride for this special landscape.

In 2021, to facilitate communication about the program and encourage community stewardship, a video documentary project was awarded to record conservation progress, as well as share the history, human impact, and environmental threats to the watershed and native species.

A local filmmaker is working with students on Lānaʻi to produce a series of videos to nurture present and future generations to care for the land.

Important actions to effectively address landscape-level impacts include supporting community-led management of ungulate populations and the utilization and sharing of valuable local knowledge.

The program’s 2021 ungulate management and community stewardship grant is providing educational opportunities for residents to learn about the program, improve their knowledge of the island’s natural history and cultural heritage and engage in restoring and preserving the unique bio-cultural landscape. To date, four community stewardship days have been offered with a total of 350 volunteers participating.
Additional conservation projects awarded incorporating community outreach and participation include:

- Utilization of NASA’s NeMO-Net game, a new online machine learning application, to engage Lānaʻi’s community in mapping baseline reef conditions. The state-of-the-art 3D imaging products of the reef ecosystem using NASA’s high-resolution FluidCam and MiDAR technologies will be made available to the public through this engagement opportunity.

- Community workshops hosted by the University of Hawaiʻi to build, deploy and monitor real-time water sensors to track rainfall, surface water levels through stream gauges and nearshore water levels through tide gauges at strategic coastal sites.

  The project will provide opportunities for local students, teachers, conservation organizations, and interested citizen scientists to fill data gaps, while demonstrating the methodology of the program’s landscape-level approach.

- Potential student internships with organizations like the Pacific Internship Programs for Exploring Science (PIPES) at University of Hawaiʻi and Ridge to Reefs’ fellowship program may be utilized to engage youth and young adults in planning and implementation activities relating to early action sediment and nutrient reducing practices.

**COMMUNITY PARTICIPATION:** The Huliwai water sensor (above) developed by the smartcoastlines.org project is an affordable data logger measuring pressure (water level), temperature and light. Dr. Brian Glazer and his team at the University of Hawaiʻi will host community workshops on Lānaʻi to build, deploy and monitor real-time data collected through these gauges to engage the community in quantifying and analyzing the Kuahiwi a Kai program’s conservation impact.
Partnering with the Department of Defense

The U.S. Department of Defense’s (DOD) Readiness and Environmental Protection Integration (REPI) Challenge Program provides funding to conservation partners across the country that enhance military installation resilience to climate change or extreme weather events, and relieve current or anticipated environmental restrictions in support of key mission capabilities of strategic importance. As the Pacific region grows in strategic importance, the REPI Challenge Program has continued to increase efforts to preserve and protect cultural, natural and land resources that benefit Hawai’i residents and the DOD mission.

Through a competitive request for proposals (RFP) process, the REPI Challenge Program seeks projects that accelerate land conservation and military mission protection efforts through innovative partnerships and shared financing. NFWF, in partnership with Pūlama Lāna’i, submitted an application for funding to the REPI Challenge Program’s 2023 RFP to further the priorities of the Kuahiwi a Kai program. By establishing new populations of at-risk species and making existing populations more resilient, these actions relieve the relative weight of potential impacts to those populations on active DOD installations.

NFWF’s application for funding was well received, and the Kuahiwi a Kai program was subsequently awarded a nearly $3 million grant to:

- Create a predator-protected nesting area for endangered band-rumped storm-petrels (‘akē’akē) and allow for native dry-forest habitat restoration;
- Protect and restore native habitat in the mesic forest that is essential for endangered Hawaiian petrel (ʻuaʻu) nesting and critical for the island’s freshwater aquifer;
- Establish a protected habitat for the reintroduction of endangered orangeblack Hawaiian damselflies; and;
- Complete the construction of the 7,500-acre ungulate-exclusion fenced Hauola-Kehewai management unit (see page 7 for fence map) to strategically preserve and enhance Lāna’i’s unique natural and cultural resources.

Collaborative partnerships across public and private sectors that bring all parties to the table are critical to achieving long-term conservation success. The investments being made by the DOD on Lāna’i demonstrate how leveraging resources among organizations with shared goals can accelerate large-scale protection and restoration of entire watersheds and ecosystems.
An east-facing view of the Kuahiwi a Kai program area, with Maui in the distance.
NFWF Grant Awards

Ungulate Fencing Assessment and Feasibility Study on Northeast Lāna’i
Grantee: Pono Pacific Land Management
Program Funding: $19,000
Grantee Match: $20,000
Total Project Amount: $39,000
Identify, map, and provide cost estimates and implementation plans for ungulate fencing alignments along the northern and southern boarders of the program area, as well as interior fencing options on northeast Lāna’i. This project will assist in prioritizing fence implementation locations and provide conservation recommendations for ungulate monitoring and control strategies.

Installation of Landscape-scale Ungulate Fencing
Grantee: Pono Pacific Land Management
Program Funding: $337,800
NFWF Match: $282,600
Grantee Match: $206,200
Total Project Amount: $826,600
Install the first fenceline of ungulate control fencing to enclose the core of the Kuahiwi a Kai Program area on Lāna’i for the management of axis deer and mouflon sheep populations. This project will begin installation of ungulate-proof fencing in preparation for future successful ungulate control to improve watershed conditions and protect native habitats.

Lāna’i Community Stewardship through Game Management
Grantee: Lāna’i Culture & Heritage Center
Program Funding: $150,200
Grantee Match: $255,300
Total Project Amount: $405,500
Develop and implement a community-based program centered around hunting as stewardship on Lāna’i, Hawai’i. Project will include opportunities for residents to participate in active game management of invasive ungulates, and in workshops and trainings that steward the unique bio-cultural landscape within the Kuahiwi a Kai program area.

Light Detection and Ranging (LIDAR) Mapping and Sedimentation Evaluation on Lāna’i
Grantee: U.S. Geological Survey
Program Funding: $149,900
Grantee Match: $155,000
Total Project Amount: $304,900
Map, model, and monitor sources of fine-sediment pollution from the ridgelines down to the shoreline on northeast Lāna’i. This project will collect high-quality airborne LIDAR data, conduct infiltration tests, and install erosion pin monitoring sites to identify sedimentation hot spots to inform management decisions on priority fence alignments, ungulate population control, and re-vegetation efforts.

Mapping Vegetation Communities on Lāna’i
Grantee: U.S. Geological Survey
Program Funding: $74,500
NFWF Match: $41,100
Grantee Match: $97,100
Total Project Amount: $212,700
Develop vegetation classification maps and conduct a vegetation change analysis of the program area on Lāna’i using high-resolution spatial imagery, historical data, and on-the-ground data samples. This project will inform land managers on areas of recent and rapid invasive species encroachment, and inform priority locations for future Hawaiian petrel (‘ua’u) habitat conservation and restoration efforts.

Review of Hawaiian Petrel Reproductive Success Monitoring on the Island of Lāna’i
Grantee: Zoological Society of San Diego
Program Funding: $23,200
NFWF Match: $17,900
Grantee Match: $29,100
Total Project Amount: $70,200
Develop a monitoring plan for Hawaiian petrels (‘ua’u) on Lāna’i, Hawai’i. This project will improve efficiency and ensure a robust sampling strategy for detecting changes in reproductive success and report on the effectiveness of species-specific conservation measures, including predator control and habitat restoration.

Watershed-level conservation efforts can bolster populations of native fish such as these whitebar surgeonfish.
Improving Native Habitat for ‘Ua’u on Lāna’i (HI)
Grantee: Pono Pacific Land Management
Program Funding: ........................................ $36,400
Grantee Match: ........................................ $36,400
Total Project Amount: ................................ $72,800
Identify and establish a 10-acre area to initiate systematic removal of invasive plants to promote regeneration of native species and increase vegetative cover within ‘u’a’u (Hawaiian petrel) nesting habitat on Lāna’i. Project will perform herbicide treatment and physical removal of invasive plants, and conduct native seed collection, nursery propagation, outplanting, and outreach events in partnership with the local community.

Coral Reef and Nearshore Water Quality Assessment and Mapping on Northeast Lāna’i
Grantee: The Nature Conservancy
Program Funding: ........................................ $54,400
NFWF Match: ........................................ $17,000
Grantee Match: ........................................ $17,100
Total Project Amount: ................................ $142,800
Establish a baseline of the nearshore fish and coral communities along the northeast coast of Lāna’i, Hawai’i to inform local watershed mitigation activities and support the State of Hawai’i’s goals to establish 30% of nearshore waters as marine management areas by 2030. This project will collect benthic, fish, and nearshore water quality data and establish sedimentation flow patterns that will inform recommendations for a long-term monitoring plan.

Coral Reef 3D Remote Sensing Imagery Using NASA’s FluidCam and MiDAR on Lāna’i
Grantee: University of Miami
Program Funding: ........................................ $61,700
Grantee Match: ........................................ $145,000
Total Project Amount: ................................ $206,700
Conduct an airborne field campaign using NASA’s FluidCam and MiDAR technology to provide 3D remote sensing imagery of focal coral reef systems on Lāna’i. This project will provide state-of-the-art high-resolution imaging of the reef ecosystem and utilize NASA’s NeMO-Net game, a new online machine learning application, to engage Lāna’i’s community in mapping baseline reef conditions to measure nearshore conservation management impacts.

Community Engagement Building and Water Quality Monitoring on Lāna’i
Grantee: University of Hawai’i Office of Research Services
Program Funding: ........................................ $48,900
Grantee Match: ........................................ $54,000
Total Project Amount: ................................ $102,900
Engage the community by hosting workshops to facilitate the building, deployment, and monitoring of low-cost, real-time water sensors to track rainfall, surface water levels through stream gauges, and nearshore water levels through tide gauges at strategic coastal sites on northeast Lāna’i, Hawai’i. This project will establish, support, and enhance community participation from local students, teachers, conservation organizations, and interested citizen scientists to fill data gaps to inform future management decisions and track program impacts.

Nā Maka Nou: Engaging Community and Island Stewardship Through Video Documentaries on Lāna’i
Grantee: Kekulamamo
Program Funding: ........................................ $64,200
Grantee Match: ........................................ $102,400
Total Project Amount: ................................ $166,600
Capture and present stories of Lāna’i’s people, their historical interactions with the land, and lessons learned to communicate the current conservation needs on the island and encourage community stewardship. This project will support student interns to develop various videos documenting the progress of the Kuahiwi a Kai Program, as well as the history, human impact, and environmental threats to the watershed and native species.

ADDITIONAL PROJECTS
SUPPORTING SPECIES AND HABITATS
The following projects were funded through other NFWF programs in support of core objectives for ‘ua’u and coral conservation on Lāna’i.

Construction of a Predator-proof Fence for Hawaiian Petrel on the Island of Lāna’i
Grantee: Pūlama Lāna’i
NFWF Funding: ........................................ $450,000
Grantee Match: ........................................ $189,000
Total Project Amount: ................................ $639,000
Construct a fully predator-proof fence around approximately 85 acres of nesting habitat supporting Hawaiian petrels (‘ua’u) on the Island of Lāna’i, Hawai’i. This project will result in the largest predator-proof fence outside of New Zealand, protect more than 40 percent of the known ‘ua’u burrows on Lāna’i, and support continued monitoring and additional predator control in adjacent unfenced colonies.

Reducing Land-based Sources of Pollution on Lāna’i
Grantee: Ridge to Reefs
NFWF Funding: ........................................ $91,000
Matching Funds: ........................................ $90,000
Total Project Amount: ................................ $181,000
Implement sediment and nutrient reducing practices to decrease run-off on the northeast reef tract of Lāna’i. This project will work with management and local partners on Lāna’i to install green infrastructure and utilize nature-based solutions, such as vetiver grass sediment traps combined with native plants and soil amendments, to stabilize sediment source areas.
V. New Business

1. Committee on Resource Management
   A. Action Item RM #23-18: Approve the Awarding of Kākoʻo Grants, from Solicitation #23-11.01, published April 20, 2023

- A Committee Report for the above Agenda Items will be forwarded to the Board following its approval at the RM Committee Meeting.
V. New Business

2. Action Item BOT #23-05: Appointment of the Office of Hawaiian Affairs members of the Public Land Trust working group pursuant to Section 3 (b) of Act 226 of the Session Laws of Hawai‘i 2022
OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES

August 5, 2023

BOT #23-05

Action Item Issue: Appointment of the Office of Hawaiian Affairs members of the Public Land Trust working group pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022

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Reviewed by: 
Carmen Hulu Lindsey
Chair, Board of Trustees

Aug 2, 2023

Date
I. PROPOSED ACTION

Approve the appointment of Chair Carmen Hulu Lindsey, Trustee Mililani Trask, and Sherry Broder, Esq. to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.

II. ISSUE

Whether or not the OHA BOT should appoint Chair Carmen Hulu Lindsey, Trustee Mililani Trask, and Sherry Broder, Esq. to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.

III. DISCUSSION

Section 3 of Act 226, Sessions Laws of Hawai‘i 2022 establishes a group comprised of six members, three of whom shall be appointed by the governor and three of whom shall be appointed by the OHA BOT, whose responsibilities are as follow:

1. Account for all ceded lands in the public land trust inventory;
2. Account for all income and proceeds from the public land trust; and
3. Subsequently determine the twenty per cent pro rata share of the income and proceeds from the public land trust due annually to the OHA for the betterment of the conditions of Native Hawaiians.

On March 20, 2023, Governor Josh Green informed OHA’s BOT that he had appointed the following members to serve on the working group:

- Dawn Chang, Chair, Board of Land and Natural Resources
- Luis Salaveria, Director, Department of Budget and Finance
- Ryan Kanaka‘ole, Deputy Attorney General, Department of the Attorney General

IV. TIMEFRAME

Immediate action is recommended.

V. RECOMMENDATION

Approve the appointment of Chair Carmen Hulu Lindsey, Trustee Mililani Trask, and Sherry Broder, Esq. to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.

VI. ALTERNATIVES

A. Do not approve the appointment of Chair Carmen Hulu Lindsey, Trustee Mililani Trask, and Sherry Broder, Esq. to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022;

B. Appoint other individuals to serve as members of the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session
Action Item BOT #23-05: Appointment of the Office of Hawaiian Affairs members of the Public Land Trust working group pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022

C. Take no action, and no members will be appointed to the working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.

VII. ATTACHMENT

Act 226, Session of Laws of Hawai‘i 2022
A Bill for an Act Relating to Increasing the Payment Amount for the Office of Hawaiian Affairs’ Pro Rata Share of the Public Land Trust.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that it must set right and fulfill its trust responsibilities to native Hawaiians, consistent with governmental action across America to address injustices against Indigenous Peoples. It is incumbent upon the legislature to enact legislation that upholds its trust responsibilities and duty of care to native Hawaiians to:
   (1) Account for all ceded lands in the public lands trust inventory;
   (2) Account for all income and proceeds derived from the public land trust; and
   (3) Transfer the full twenty per cent pro rata share of income and proceeds from the public land trust annually to the office of Hawaiian affairs (OHA) for the betterment of the conditions of native Hawaiians.

The genesis and source of the State’s public land trust responsibility to native Hawaiians are the historical events that led to the illegal overthrow of the Kingdom of Hawaii; the transfer of approximately 1,800,000 acres of crown, government, and public lands to the United States under the 1898 Joint Resolution of Annexation without the consent of and without compensation to the native Hawaiian people or their sovereign government; the admission of Hawaii as a state of the Union in 1959, with the explicit trust responsibility and requirement in section 5(f) of the 1959 Admission Act that one of the five purposes of the public land trust is that the income and proceeds from the public land trust are to be used “for the betterment of the conditions of native Hawaiians”; and the 1978 Constitutional Convention’s recognition that native Hawaiians are one of the beneficiaries of the public land trust and the creation of OHA to manage and administer the specific allocation of “all income and proceeds from that pro rata portion of the [public land] trust . . . for native Hawaiians” (Article XII, section 6, of the Hawaii State Constitution). The United States and the courts have consistently affirmed the trust nature of the government and crown lands, including large tracts of ceded lands used for military or other purposes under federal control.

In 1959, as a condition of its admission into the Union, the State of Hawaii agreed to hold certain lands granted to the State by the United States in a public trust for five purposes delineated in section 5(f) of the Admission Act, which provides in relevant part:

The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust [(1)] for the support of the public schools and other public educational institutions, [(2)] for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, [(3)] for the development of farm and home ownership on as widespread a basis as possible [(4)] for the making of public improvements, and [(5)] for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may
provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States.

(Emphasis added.)

In 1978, the people of Hawaii affirmed the State’s trust obligation to native Hawaiians by ratifying constitutional amendments from the Constitutional Convention, including article XII, sections 4, 5, and 6, of the Hawaii State Constitution, which established OHA and charged it with managing income and proceeds from the public land trust for the benefit of native Hawaiians. Article XVI, section 7, of the Hawaii State Constitution required the State to enact legislation to comply with its trust obligations. Thus, in 1979, legislation, codified as chapter 10, Hawaii Revised Statutes, set forth the purposes of OHA and described the duties of its trustees.

In September 1981, an initial land inventory by the department of land and natural resources listed approximately 1,271,652 acres, falling woefully short of its duty to provide a complete inventory of the public land trust lands. Additionally, the state land information management system does not include all lands held by all state entities.

Act 273, Session Laws of Hawaii 1980, enacted section 10-13.5, Hawaii Revised Statutes, to implement OHA’s pro rata share and required that OHA receive “[t]wenty per cent of all funds derived from the public land trust.” This legislative directive addressing the constitutional mandate has led to a series of lawsuits and legislative enactments concerning OHA’s constitutional pro rata share of the public land trust. The State and OHA have labored to resolve the political question of the statutory pro rata share of income and proceeds derived from the public land trust, and payment to OHA.

Act 178, Session Laws of Hawaii 2006, affirmed the State’s trust obligation to native Hawaiians by requiring that the department of land and natural resources provide an annual accounting of revenue-generating public trust lands and the amounts derived from those lands to the legislature. The measure also set a fixed amount of $15,100,000 from the pro rata share of the public land trust income and proceeds due to OHA for the betterment of the conditions of native Hawaiians until further action is taken by the legislature for this purpose.

Act 15, Session Laws of Hawaii 2012, (Act 15) was enacted to address past-due amounts, which accumulated during the period between November 7, 1978, up to and including June 30, 2012, of income and proceeds from the public land trust owed to OHA by implementing an agreement between the State and OHA for the State to convey certain lands in Kakaako, Oahu, to OHA valued at approximately $200,000,000. Act 15 did not, however, address the State’s constitutional obligations relating to OHA’s twenty per cent pro rata share of the income and proceeds from the public land trust generated after June 30, 2012. Notably, a 2015-2016 financial review initiated by OHA found that the minimum amount of total gross receipts from sources that OHA has historically claimed was approximately $394,322,163 in the fiscal year 2015-2016. Twenty per cent of this gross amount is approximately $78,900,000.

The legislature finds that to uphold its constitutional trust obligation and duty to native Hawaiians, it must enact another legislative measure in light of the information, data, and facts provided to the legislature by state agencies since the enactment of Act 178, Session Laws of Hawaii 2006, more than a decade ago.

The purpose of this Act is to:

(1) Establish $21,500,000 as the office of Hawaiian affairs’ interim annual share of the income and proceeds of the public land trust beginning in fiscal year 2022-2023;

(2) Appropriate $64,000,000 to the office of Hawaiian affairs; and
(3) Establish a working group to determine the pro rata share of income and proceeds from the public land trust due annually to the office of Hawaiian affairs.

SECTION 2. Act 178, Session Laws of Hawaii 2006, is amended by amending sections 2 and 3 to read:

“SECTION 2. Notwithstanding the provisions of chapter 10, Hawaii Revised Statutes, including section 10-13.5, Hawaii Revised Statutes, and until further action is taken by the legislature for this purpose, the income and proceeds from the pro rata portion of the public land trust under article XII, section 6, of the state constitution for expenditure by the office of Hawaiian affairs for the betterment of the conditions of native Hawaiians for each fiscal year beginning with fiscal year [2005-2006] 2022-2023 shall be $15,100,000. $21,500,000.

SECTION 3. Notwithstanding the provisions of chapter 10, Hawaii Revised Statutes, or the requirements of Executive Order No. [03-03, 06-06, beginning in fiscal year [2005-2006, 2022-2023], the departments of agriculture, accounting and general services, business, economic development, and tourism, education, land and natural resources, and transportation (for its harbors division), and any other department or agency that collects receipts from the lands within the public land trust, shall determine and transfer to the office of Hawaiian affairs that portion of their receipts from the use of lands within the public land trust collected during each fiscal quarter, necessary to ensure that a total of $3,775,000 $5,375,000 of revenues generated by the public land trust is transferred to the office of Hawaiian affairs, within thirty days of the close of each fiscal quarter; provided that for fiscal year [2005-2006, 2022-2023], the departments shall have until thirty days after the close of the fiscal year to transfer a total of $15,100,000 $21,500,000 from their receipts from the use of lands within the public land trust collected during fiscal year [2005-2006, 2022-2023], to the office of Hawaiian affairs whether by the procedures set out in Executive Order No. [03-03, 06-06 or this Act.

The governor is expressly authorized to fix the amounts each agency shall transfer to the office of Hawaiian affairs in each quarter by executive order to implement the provisions of this section[.]; provided that a total of not less than $5,375,000 each quarter shall be transferred to the office of Hawaiian affairs, as provided in this section.”

SECTION 3. (a) There is established a working group to:

(1) Account for all ceded lands in the public land trust inventory;
(2) Account for all income and proceeds from the public land trust; and
(3) Subsequently determine the twenty per cent pro rata share of income and proceeds from the public land trust due annually to the office of Hawaiian affairs for the betterment of the conditions of Native Hawaiians.

(b) The working group shall be comprised of six members, three of whom three shall be appointed by the governor and three of whom shall be appointed by the office of Hawaiian affairs board of trustees.

(c) The working group, with the cooperation of any department or agency that uses, manages, or receives income, proceeds, or any other funds derived from the public land trust, shall prepare and submit a report of its findings and recommendations, including any proposed legislation and the amount it determines for the annual amount of the twenty per cent pro rata share of income and proceeds from the public land trust, to the legislature.

(d) The office of Hawaiian affairs shall provide any necessary administrative support, including preparation of the report required by subsection (c), to the working group.
SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $64,000,000 or so much as may be necessary for fiscal year 2021-2022 to pay to the office of Hawaiian affairs for a portion of the income and proceeds from the public land trust. The sum appropriated shall be deposited into the native Hawaiian trust fund and expended by the office of Hawaiian affairs.

SECTION 5. The general revenue appropriated by this Act shall be deemed income and proceeds from the public land trust as if the sum had been paid out of income and proceeds from the public land trust pursuant to article XII, section 6, of the Hawaii State Constitution.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 27, 2022.)