

House District _____

Senate District _____

THE TWENTY- FOURTH LEGISLATURE
HAWAII STATE LEGISLATURE
APPLICATION FOR GRANTS & SUBSIDIES
CHAPTER 42F, HAWAII REVISED STATUTES

Log No: 225-C

For Legislature's Use Only

Type of Grant or Subsidy Request:

GRANT REQUEST – OPERATING

GRANT REQUEST – CAPITAL

SUBSIDY REQUEST

"Grant" means an award of state funds by the legislature, by an appropriation to a specified recipient, to support the activities of the recipient and permit the community to benefit from those activities.

"Subsidy" means an award of state funds by the legislature, by an appropriation to a recipient specified in the appropriation, to reduce the costs incurred by the organization or individual in providing a service available to some or all members of the public.

"Recipient" means any organization or person receiving a grant or subsidy.

STATE DEPARTMENT OR AGENCY RELATED TO THIS REQUEST (LEAVE BLANK IF UNKNOWN): _____

STATE PROGRAM I.D. NO. (LEAVE BLANK IF UNKNOWN): _____

1. APPLICANT INFORMATION:

Legal Name of Requesting Organization or Individual:

The Trust for Public Land Hawaiian Islands Program

Street/Mailing Address: 212 Merchant St., Ste 320,
Honolulu, HI. 96813

2. CONTACT PERSON FOR MATTERS INVOLVING THIS APPLICATION:

Name LEA HONG

Title Hawaiians Islands Program Director

Phone # (808) 524-8563

Fax # (808) 524-8565

e-mail lea.hong@tpl.org

3. TYPE OF BUSINESS ENTITY:

- NON PROFIT CORPORATION
 FOR PROFIT CORPORATION
 LIMITED LIABILITY COMPANY
 SOLE PROPRIETORSHIP/INDIVIDUAL

4. FEDERAL TAX ID # _____

5. STATE TAX ID #: _____

6. SSN (IF AN INDIVIDUAL): N/A

7. DESCRIPTIVE TITLE OF APPLICANT'S REQUEST:

LAND ACQUISITION FUNDING.

(Maximum 300 Characters)

8. FISCAL YEARS AND AMOUNT OF STATE FUNDS REQUESTED:

FY 2008-2009 \$ 6,000,000.00

9. STATUS OF SERVICE DESCRIBED IN THIS REQUEST:

- NEW SERVICE (PRESENTLY DOES NOT EXIST)
 EXISTING SERVICE (PRESENTLY IN OPERATION)

SPECIFY THE AMOUNT BY SOURCES OF FUNDS AVAILABLE AT THE TIME OF THIS REQUEST:

STATE \$0
FEDERAL \$0
COUNTY \$0
PRIVATE/OTHER \$0

TYPE NAME & TITLE OF AUTHORIZED REPRESENTATIVE:

AUTHORIZED SIGNATURE

REED HOLDERMAN, SR. VICE PRESIDENT AND WESTERN REGIONAL DIRECTOR

NAME & TITLE

DATE SIGNED

1/25/08


Application for Grant In Aid

I Background & Summary

1. **Applicants Background:** The Trust for Public Land (TPL) is a private, nonprofit conservation organization working nationwide to conserve land for people. Founded in 1972, TPL specializes in conservation real estate transactions, applying its expertise in negotiation, public finance, and law to protect land for public use. TPL has been working in Hawai'i since 1978 (its first Hawai'i project closed in 1979, adding 268.5 acres to the Volcanoes National Park), and opened a Honolulu office in 1998. Nationwide, TPL has worked with county, state and federal government agencies and local communities to protect more than 2 million acres, including 190,000 acres of native lands. In Hawai'i, TPL has completed 17 projects, protecting over 36,000 acres of land in Hawai'i, for people to enjoy as parks, working landscapes (forests, ranches, and farms), cultural and historic centers, recreation areas, and wilderness lands. By leveraging matching Federal funding and private donations, TPL has been able to acquire land worth a fair market value of close to \$60 million for a cost to Hawai'i taxpayers of only a little over \$18 million or approximately 30% of the fair market value. A list of TPL's completed projects is included in the application packet.

2. **Goals & Objectives:** TPL will use any money it receives solely for the acquisition of land or interests in land (i.e., conservation easements) located in Hawai'i for the purpose of land preservation. At least a 1:1 match of non-State funding will be required. Examples of past and current TPL projects follow:

Pūpūkea-Paumalū - In June 2007, TPL acquired 1,129 acres of coastal bluff from the Obayashi Corporation, which had previously planned a subdivision of over 300 upscale homes and other infrastructure. TPL transferred 25 acres along Kamehameha Highway to the City and County of Honolulu immediately, and in August 2007, transferred the remaining 1,104 acres to the [REDACTED] Reserve. The protection of the property was made possible by five funding sources: (a) the U.S. Army Compatible Use Buffer (ACUB) zone program, (b) a National Oceanic Atmospheric Administration Coastal Estuarine Land Conservation Program grant, (c) a State appropriation, (d) a City appropriation, and (e) private donations raised by the North Shore Community Land Trust (NSCLT) and TPL. TPL's acquisition preserves the North Shore's hallmark scenic viewshed and the natural backdrop to the world's top surfing competitions, and protects coastal water quality. Directly makai of the property is the Pūpūkea Marine Life Conservation District and refuge for Hawai'i's endangered sea turtles and monk seals. NSCLT is engaging the community in planning for future recreational and educational uses of the property.



Moanalua Valley - In March 2007, TPL acquired and transferred to the State Division of Forestry and Wildlife (Forest Reserve system), Moanalua Valley, a 3,716-- acre refuge that is one of the last truly open spaces in the crowded urban Honolulu area. The acquisition ended an over 30-year community struggle. Once slated for freeway development, the culturally-sensitive and native species-rich valley is home to nine miles of meandering streams, historic stone bridges, and 14 endangered species. The valley will continue to serve as an outdoor classroom for children and the general public, and serves as an important watershed area for Honolulu. Three funding sources made the protection of this property possible: (a) the Army Compatible Use Buffer zone program, (b) a State appropriation, and (c) a Recovery Lands Acquisition Grant from the U.S. Fish & Wildlife Service.

Current Projects

Kāwā Bay - TPL is currently providing technical support to the County of Hawai'i to complete Phase II of its Kāwā Bay purchase. Kāwā Bay is the County's #1 priority for open space acquisition, consisting of four coastal parcels totaling over 700 acres, and connecting approximately four miles of publicly owned coastal land along the Ka'ū coastline. The County has already raised local funding to purchase the popular surfing beach fronting the Bay, and is in the process of closing that transaction. In Phase II of the project, the County is raising funds to purchase the three remaining parcels totaling over 550 acres which include nesting areas for the critically endangered Hawaiian Hawksbill turtle, a large 2-acre intertidal freshwater coastal pond and spring system (the second largest on the island), and numerous cultural sites, including Ke'eku Heiau (luakini), one of the largest intact heiau in the region. TPL has drafted grant applications for the County raising \$1 million from the U.S. Fish & Wildlife Recovery Lands Acquisition Grant program, and \$1.5 million from the State Legacy Lands Fund, and is providing other technical assistance.

Lapakahi - TPL is currently working with the State Parks Division to acquire and protect a privately owned 17-acre inholding within the Lapakahi State Historical Park in North Kohala on Hawai'i Island. The Park boasts some of the best examples of pre-contact Hawaiian cultural sites in the State and a portion of the Ala Kahakai National Historical Trail. Successive landowners have marketed the property for its development attention or sought to develop the stunning coastal property into residential homes, threatening the integrity of the cultural sites and the water quality of the adjacent Lapakahi Marine Life Conservation District. TPL is currently applying for federal funding for this project, and will seek matching funding from State and County sources in the future.

Honouliuli Preserve - TPL is currently working with the State Division of Forestry and Wildlife, the Office of Hawaiian Affairs, The Nature Conservancy, and the U.S. Army Garrison Hawai'i, to raise funding for the protection of the 3,582-- acre Honouliuli Preserve. The Preserve is a globally rare, lowland diverse mesic forest located on the eastern slope of the Wai'anae Mountain Range that

supports 35 threatened and endangered species (16 of which can be found nowhere else in the world), and feeds the Pearl Harbor Aquifer, the largest drinking water resource on O'ahu. School groups from across O'ahu have established native plant restoration areas within the Preserve that they help to manage and maintain with The Nature Conservancy. The Army has already committed \$2.7 million to a purchase, and TPL is working with its partners to raise additional federal, state and county funding.

MA'O Farm - TPL is currently providing technical assistance to MA'O Farm, a non-profit, 501(c)(3) organic farm located in Wai'anae, O'ahu, to purchase 11 acres of agricultural land adjacent to their existing farming operation (which is leased). MA'O is growing the next generation of farmers in Hawai'i by partnering with Wai'anae High School on an educational curriculum that incorporates science and business, and allows them to earn money and save for college (MA'O provides matching funding for each dollar saved for college education). MA'O has also developed an associates degree program with Leeward Community College that teaches the business of farming. MA'O is one of the few local farms chosen by Whole Foods to supply local produce, and is a leader in food sustainability initiatives in Hawai'i.

Galbraith Estate - TPL is working with the Legislature, State Department of Agriculture, and U.S. Army to raise funding and bid for the 2,100 acres of agricultural land in Central O'ahu that the Galbraith Estate plans to sell. In 2006, the Galbraith Estate announced its plans to sell the land as part of the dissolution of sale. The Estate's trustees solicited bids, and although TPL submitted a bid for \$18 million, the bid was rejected. The Estate selected two final bidders to go through further negotiation and due diligence process. In December 2007, the Estate announced that Wailua 78, the final bidder, had backed out the purchase. This is the last opportunity to save dwindling productive agricultural land on O'ahu and secure our food sustainability for the future.

Turtle Bay Resort - In her State of the State Address in January 2008, Governor Lingle launched an initiative to acquire the Turtle Bay Resort. This was a stunning surprise to TPL and the North Shore community. The Governor has requested TPL's expertise and assistance in considering the options that are available to protect this land, which TPL intends to provide. However, TPL does not intend to use any GIA money for the Turtle Bay project.

3. Public Purpose: In almost every project, TPL has assisted and empowered local communities to conserve and protect land that is important to the people of Hawai'i, conservation, food sustainability, Hawaiian culture, quality of life, spiritual and economic well-being, and future generations. All TPL projects can be accessed by the public and Hawaiian cultural practitioners.

4. Target Population: The target population is difficult to quantify. The scope of impact and benefit of conserving land is widespread, ranging from local

communities where specific lands are located, the larger population which values shared cultural and historic heritage lands, and even our visitor industry, which benefits from the conservation of Hawai'i's unique cultural and natural heritage.

5. **Geographic Coverage:** TPL's activities are statewide. The specific projects described above are provided as examples only, and the funds would not be limited to any specific geographic region.

II Summary & Outcomes

1. **Scope of Work, Tasks and Responsibilities:** In general, conservation land acquisition projects take 18 months to two years to complete. Activities include investigation, negotiation with landowners, negotiating terms of an enforceable agreement, conducting appraisals, completing due diligence, performing environmental assessments, fundraising, drafting public and private foundation funding applications, raising individual donations, working with governmental bodies and representatives, clearing certain title and environmental defects and finally, property purchase and close of escrow. TPL is not seeking funding for operational support, but only funds for conservation/preservation land acquisition projects, where there is at least a 1:1 match of non-State funding or more.

2. **Annual Timeline:** TPL intends to close 3 projects by the end of 2009 and a fourth in 2010. Each project is different, depending on federal funding timelines, state and county matching funding timelines, and the length of purchase option agreements with landowners.

3. **Quality Assurance and Evaluation:**

TPL's Hawai'i office is supervised and assisted by experienced staff and organization leaders at the larger regional and national level. State and regional staff are updated on a bi-weekly if not daily basis regarding ongoing projects to further focus team efforts and resources. Further, TPL has proprietary software known as the "Project Tracking System" that tracks information needed to assess the history and progress of each project and assures fiscal responsibility and ethical conduct by its representatives. TPL also has a time and expense system which tracks hours and expenses on a per project basis.

4. **Measures of Effectiveness:**

Success would be measured by the number of acres saved, cultural and natural resources preserved, and the number of community members who access or use the land or support its protection. In addition we would measure further success by the amount of money saved by Hawai'i taxpayers by leveraging matching federal funding sources and private donations.

III Financial

1. Budget: attached.

2. Quarterly Funding Requirements:

Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total grant
1.5M	1.5M	1.5M	1.5M	6 M

IV Experience & Capability**A. Necessary Skills & Experience**

Since TPL's founding 35 years ago, it has, through its 46 nationwide offices, conserved over 2.3 million acres with a fair market value of approximately \$5 billion in over 3,514 separate conservation transactions across the United States. TPL relies on its legal, real estate and finance expertise to successfully complete conservation land transactions. TPL's Hawai'i staff is bolstered by this larger regional and national staff's wealth of experience and background (46 offices and 450+ employees and growing).

In Hawai'i, TPL has protected over 36,006.9 acres in 17 projects since 1979. Since opening its office in Hawai'i in 1998, TPL's activities and acquisitions have increased. Between 2003 and 2007, TPL helped to save over 34,009.8 acres with a fair market value of over \$58,924,000. In that short period, TPL saved Hawai'i taxpayers money by leveraging matching federal funding and private donations, for a cost of only \$18,029,632 or 30% of the fair market value to Hawai'i taxpayers. Recent projects include: conveying 25,856 acres of native forest at Wao Kele o Puna and 1,875 acres at Waimea Valley to the Office of Hawaiian Affairs (OHA), 1,129 acres to the State Parks Division and City and County of Honolulu at Pūpūkea-Paumalū, 3,716 acres at Moanalua Valley to the State's Division of Forestry and Wildlife, 225 acres of coastal park at Honu'apo Bay and Estuary to the County of Hawai'i, 890 acres at Kahauale'a (Queen's Bath) to a non-profit community economic development group consisting of Hawaiian families removed from the Volcano National Park when it was first established, and 238 acres of Ki'ilae Village to the National Park Service Pu'uhoehoe o Hōnaunau, South Kona.

B. Facilities

TPL has a Hawai'i office, and local staff based in Hawai'i, as well as necessary technical equipment (e.g., computer, copying, phones, etc.).

V Personnel: Project Organization & Staffing**A. Staff Qualifications, Supervision & Training**

TPL's Hawai'i Office currently employs 3 staff members at a 2.8 full time equivalent with two full-time transactional staff (Hawaiian Islands Program Director and a Field Representative) and one part-time

administrative person. Lea Hong, TPL's Hawaiian Islands Program Director is an attorney with a wealth of experience and work in the field of environmental law. Lea joined TPL in August of 2006 immediately demonstrating her leadership capacity in completing the transactions that led to the preservation of approximately 30,000 acres. Lea is a former partner of one of Hawai'i's largest law firms, and worked as a member of several legal teams on precedent setting cases on environmental and Native Hawaiian rights law (e.g. PASH, Waiāhole I, Mauna Kea). Kevin Chang is TPL's new field representative and is an attorney with a background in intellectual property law and general civil litigation. Lisa Keala Carter, has been working with TPL as its administrative supervisor since opening in 1998 and has a wealth of experience in community and environmental work.

TPL's Hawai'i office is further supervised by a regional project director and regional legal counsel, as well as a regional director and national office in San Francisco. All staff have undergone intense and ongoing training in their area by TPL both on the ground and at the national office in San Francisco.

B. Organization Chart

- 1) Reed Holderman, Western Regional Director (San Francisco)
- 2) Tily Shue, Associate Western Regional Director and Counsel (San Francisco) & Marc Beyeler, Director of Projects for the Western Region
- 3) Lea Hong, Hawaiian Islands Program Director
- 4) Kevin Chang, Hawaiian Islands Field Representative
- 5) Lisa Keala Carter, Office Manager

VI Other

A. Litigation

TPL is currently not a party to any litigation in the State of Hawai'i.

B. Licensure or Accreditation

None required.

BUDGET REQUEST BY SOURCE OF FUNDS
(Period: July 1, 2008 to June 30, 2009)

App

The Trust for Public Land

BUDGET CATEGORIES	Total State Funds Requested			
	(a)	(b)	(c)	(d)
A. PERSONNEL COST				
1. Salaries				
2. Payroll Taxes & Assessments				
3. Fringe Benefits				
TOTAL PERSONNEL COST				
B. OTHER CURRENT EXPENSES				
1. Airfare, Inter-Island				
2. Insurance				
3. Lease/Rental of Equipment				
4. Lease/Rental of Space				
5. Staff Training				
6. Supplies				
7. Telecommunication				
8. Utilities				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
TOTAL OTHER CURRENT EXPENSES				
C. EQUIPMENT PURCHASES				
D. MOTOR VEHICLE PURCHASES				
E. CAPITAL	6,000,000			
TOTAL (A+B+C+D+E)	6,000,000			
SOURCES OF FUNDING		Budget Prepared By:		
(a) Total State Funds Requested	\$6,000,000.00	Lea Hong (808) 524-8563		
(b)		Name (Please type or print)		
(c)		Signature		
(d)		Date 1/25/08		
TOTAL REVENUE		Reed Holdenman, Eastern Regional Director		
		Name and Title (Please type or print)		

**DECLARATION STATEMENT
APPLICANTS FOR GRANTS AND SUBSIDIES
CHAPTER 42F, HAWAII REVISIED STATUTES**

The undersigned authorized representative of the applicant acknowledges that said applicant meets and will comply with all of the following standards for the award of grants and subsidies pursuant to section 42F-103, Hawaii Revised Statutes:

- (1) Is licensed or accredited, in accordance with federal, state, or county statutes, rules, or ordinances, to conduct the activities or provide the services for which a grant or subsidy is awarded;
- (2) Comply with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, or disability;
- (3) Agree not to use state funds for entertainment or lobbying activities; and
- (4) Allow the state agency to which funds for the grant or subsidy were appropriated for expenditure, legislative committees and their staff, and the auditor full access to their records, reports, files, and other related documents and information for purposes of monitoring, measuring the effectiveness, and assuring the proper expenditure of the grant or subsidy.

In addition, a grant or subsidy may be made to an organization only if the organization:

- (1) Is incorporated under the laws of the State; and
- (2) Has bylaws or policies that describe the manner in which the activities or services for which a grant or subsidy is awarded shall be conducted or provided.

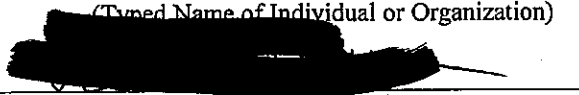
Further, a grant or subsidy may be awarded to a non-profit organization only if the organization:

- (1) Has been determined and designated to be a non-profit organization by the Internal Revenue Service; and
- (2) Has a governing board whose members have no material conflict of interest and serve without compensation.

Further, the undersigned authorized representative certifies that this statement is true and correct to the best of the applicant's knowledge.

The Trust for Public Land, Hawaiian Islands Program

(Typed Name of Individual or Organization)



(Signature)

Reed Holderman

(Typed Name)

1/25/08

(Date)

Sr. Vice President and Western Regional Director

(Title)