



Form 1

Certification of Fiscal Year 2022 Grant Application (Debt Service)

Please submit a completed Form 1 with original, wet signatures, preferably in blue ink.

ATTENTION: The Legacy Land Conservation Program (LLCP) may cancel its request for Fiscal Year 2022 Land Conservation Fund Grant Applications, and the LLCP may reject a submitted Fiscal Year 2022 application, in whole or in part, without liability, when the LLCP determines that such cancellation or rejection is in the best interest of the State. A final grant award from the Land Conservation Fund requires approval from the Board of Land and Natural Resources and from the Governor. Encumbrance and disbursement of funding for an approved grant award is subject to the availability of funds and to budget restrictions and procedures implemented under the Governor's Executive Biennium Budget Instructions.

CERTIFICATION:

I hereby certify that the statements and information contained in this Fiscal Year 2022 Land Conservation Fund Grant Application, including all forms and attachments, are true and accurate to the best of my knowledge.

Applicant

Suzanne D. Case

Print Name

Chairperson, State of Hawai'i Department of
Land and Natural Resources

Title

Suzanne D. Case

Mar 1, 2022

Signature (sign after printing)*

Date

Partner (if applicable)

Lea Hong

Print Name

Hawai'i State Director, The Trust for Public Land

Title

Lea Hong

March 1, 2022

Signature (sign after printing)*

Date

* Must be authorized to sign on behalf of Applicant or Partner entity.

Legacy Land Conservation Program
FY22 Grant Application (Debt Service)

For additional guidance, contact the Program Office at legacyland@hawaii.gov, (808) 586-0921.

DEADLINE –March 4, 2022: An FY22 applicant must submit a complete FY22 grant application no later than 4:30 PM, Hawaii Standard Time. The Legacy Land Conservation Program will determine the time of submission by (1) postmark or shipping label; (2) Division of Forestry and Wildlife timestamp for hand-delivery; or (3) receipt of digital communication.

DELIVERY ADDRESS FOR PAPER APPLICATION:

Legacy Land Conservation Program
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, HI 96813

DELIVERY ADDRESS FOR DIGITAL APPLICATION:

- as an email attachment to legacyland@hawaii.gov, or
- as digital storage media delivered to above address for paper application.

REQUIRED FORMS

Legacy Land Conservation Program previously distributed other FY22 forms directly to applicants:

FY22 Form 6:	FY22 Agency Consultation for Debt Service (Applicant Information)
FY22 Form 6a:	FY22 Department of Land and Natural Resources (DLNR) Response <ul style="list-style-type: none">• submit pages completed by DLNR, only
FY22 Form 6b:	FY22 Department of Agriculture (HDOA) Response <ul style="list-style-type: none">• submit pages completed by HDOA, only
FY22 Form 6c:	FY22 Agribusiness Development Corporation (ADC) Response <ul style="list-style-type: none">• submit pages completed by ADC, only

*For FY22 Form 6 series, each application submittal (paper original and digital copy) shall include only one copy of Form 6 and only one set of maps and photos (as part of Form 6, alone). Do not attach additional sets of Form 6, including maps and photos, to each completed agency response (Forms 6a, 6b, and 6c).

FY22 ATTACHMENTS: Indicate below each item that is attached to the FY22 application. Select all that apply, and explain omissions and additions in Section L, below:

REQUIRED:

- ☒ A3 A map that represents the general location of the property (island or regional scale) and a map that represents the detailed location of the property (parcel scale, such as a county tax map plat sheet) (three page maximum).
- ☒ A4 At least one photograph of the property (three page maximum).
- ☒ A5 NONPROFIT LAND CONSERVATION ORGANIZATIONS, ONLY:
Mission statement and IRS favorable determination letter (or other evidence of IRS determination/designation of nonprofit status).
- ☒ A15 Table of Contents for Optional Attachment A15, OTHER DOCUMENTATION, if the application includes Attachment A16.

OPTIONAL:

- ☒ A16: OTHER DOCUMENTATION (such as analyses, assessments, applications, permits, plans, reports, statements, surveys; one file for all, see Attachment A15).

PLEASE SEE ALL MATERIALS ON FILE AT LEGACY LAND CONSERVATION PROGRAM DATED SEPTEMBER 24, 2018.

FY22 SECTION A. FY22 APPLICATION INFORMATION

- 1. Application Title: FY22 Turtle Bay Makai – Kahuku Kawela Forever
- 2. Island and District:
 - 2.a. Island: O'ahu
 - 2.b. District: Ko'olauloa
- 3. State Senate District (select one only, 1-25) Senator Gil Riviere 23
- 4. State House District (select one only, 1-56) Representative Sean Quinlan 47
- 5. Total number of parcels: 17
- 6. Total acreage conserved: 621.439
- 8.a. Total cost of land acquisition transaction: \$ 38,163,656
- 8.b. Total request from Land Conservation Fund: \$ 1,500,000
- 8.c. Total matching funds:
 - \$ 15,000,000+, secured
(FY16-FY21, Land Conservation Fund + TAT)
 - \$ 3,000,000 pending
(FY22 Land Conservation Fund + TAT)

FY22 SECTION B. FY22 APPLICANT INFORMATION

9. FY22 Applicant Type: State agency
- 10.a. FY22 Applicant Name: State of Hawaii Department of Land and Natural Resources
- 10.b. Applicant Postal Address: Post Office Box 621, Honolulu, HI 96809
- 10.c. Applicant Point of Contact: Suzanne D. Case, Chairperson
- 10.d. Application POC Telephone Number: (808) 587-0401
- 10.e. Applicant POC email address: suzanne.case@hawaii.gov
- 10.f. Applicant website URL: <https://dlnr.hawaii.gov/>
- 10.g. URL for website specific to this application: <http://files.hawaii.gov/dlnr/meeting/submittals/150925/D-18.pdf>

11. FY22 PARTNER INFORMATION

- 11.a. FY22 Partner Type: Nonprofit land conservation organization
- 11.b. FY22 Partner Name: The Trust for Public Land
- 11.c. Partner Postal Address: 1163 Bishop Street, Suite 1512
Honolulu, HI 96813 (U.S. Postal Service)
- 11.d. Partner Point of Contact: Lea Hong, State Director (POC)
- 11.d. Partner POC Telephone Number: 808-783-3653 (preferred)
- 11.e. Partner POC email address: lea.hong@tpl.org (preferred)
- 11.f. Partner website URL: <https://www.tpl.org/our-work/kawela-bay#sm.0000czihm7uu2dwyufl1vqddci59m>

FY22 SECTION C. FY22 PROPERTY INFORMATION

15. Narrative description of location, ecosystems, land use, and human activity on the property and in the surrounding area.

PLEASE SEE ALL MATERIALS ON FILE AT LEGACY LAND CONSERVATION PROGRAM DATED SEPTEMBER 24, 2018.

16. Identify and discuss the types of assessments, surveys, permits, and documented analyses conducted regarding the property during the previous year.

Division of Forestry and Wildlife (DOFAW) + Land Division (LAND):

- On December 17, 2021, staff from DOFAW and LAND conducted field monitoring to assess compliance with the terms of the conservation easement held by DLNR and the lease held by the resort.
- In a letter dated January 12, 2021, DOFAW approved a final Forest Management and Sand Dune Restoration Plan prepared by H.T. Harvey & Associates for Turtle Bay Resort, as required under the conservation easement, noting that:

- The North Shore Community Land Trust (NSCLT) has been working with DOFAW on Kahuku Point restoration, including DOFAW-permitted outplanting of endangered 'ōhai (*Sesbania tomentosa*).
- DOFAW will work with NSCLT on adding additional plant species to the outplanting permit as needed.
- Plant stock for endangered species restoration should be sourced from wild populations on Oahu and not from cultivated materials or from stock that has been in cultivation for more than one generation.
- Phytosanitation is extremely important to prevent the introduction of new invasive species of ants, weeds and other pests to restoration sites.
- On December 7, 2020, staff from DOFAW and LAND conducted field monitoring to assess compliance with the terms of the conservation easement held by DLNR and the lease held by the resort.
- In a letter dated June 3, 2020, the Department of Land and Natural Resources approved a proposal from Turtle Bay Development to extend an existing structure (Golf Cart Barn), which the Department deemed compliant with the restrictions and terms and conditions in the Conservation Easement.

North Shore Community Land Trust:

For updates please visit <https://www.northshoreland.org/land-conservation/#Turtle-Bay-Ma-Kai>.

City and County of Honolulu:

Please contact the City Department of Land Management.

FY22 SECTION E. FY22 ENVIRONMENTAL HAZARDS

Describe known, suspected, and potential environmental hazards, including industrial use; release of toxic substances or hazardous materials/Unexploded Ordinance (UXO); illegal dumping; flooding; drainage problems; rock fall, mudslide, and other mass wasting; potentially hazardous terrain (uneven, rocky, overgrown); seismic hazard level; tsunami evacuation zone; sea level rise exposure area, and other suspected or potential hazards.

PLEASE SEE ALL MATERIALS ON FILE AT LEGACY LAND CONSERVATION PROGRAM DATED SEPTEMBER 24, 2018.

FY22 SECTION K. FY22 CONSULTATION WITH STATE AGENCIES

([Subsection 173A-5\(i\), Hawai'i Revised Statutes](#), see paragraphs (6) and (7))

28. Indicate the State agencies from which the applicant received a response to the FY22 request for agency consultation (select all that apply):
- ☐ Department of Land and Natural Resources
 - ☐ Department of Agriculture
 - ☒ Agribusiness Development Corporation

29. Explain how the proposed acquisition could maximize public benefits, including (1) where public access may be practicable or not practicable and why, and (2) consideration and incorporation of responses from consulting State agencies.

PLEASE SEE ALL MATERIALS ON FILE AT LEGACY LAND CONSERVATION PROGRAM DATED SEPTEMBER 24, 2018.

FY22 SECTION L. FY22 FORMS AND ATTACHMENTS

30. If the application does not include a required form or attachment, please explain why the application does not include it.

No response from HDOA (Form 6b) or DLNR (Form 6a).

Form 6

FY2022 Agency Consultation and Request for Advice: Information from Debt Service Grant Applicant

Applicant: State of Hawai'i, Department of Land & Natural Resources

Application Title: Turtle Bay Makai - Kahuku Kawela Forever

Point of Contact: Lea Hong, The Trust for Public Land

Postal Address: The Trust for Public Land, 1003 Bishop St., Suite 740
Honolulu, HI 96813

Email Address: lea.hong@tpl.org

Phone: 808-524-8563

Fax: 808-524-8565

Identify the state financial instruments for debt service payment: _____
General obligation bond.

Identify the interests or rights in land having value as a resource to the State to which the state financial instruments relate: Kawela Bay fee simple interest in 52.575 acres of
shoreline land, conservation easement over 568.864 shoreline acres from Kawela to Kahuku.

Location (maps and photos attached): O`ahu Ko`olauloa
Island District

Number of Parcels: 17

Total Acreage Conserved: 621.439

Tax Map Key Numbers: See attached table.

Estimated total cost of the acquisition: \$38,163,656

Amount requested from the Land Conservation Fund: \$1,500,000

Form 6

FY2022 Agency Consultation and Request for Advice: Information from Debt Service Grant Applicant

Describe the location of the land, the characteristics of the land, and the key resources protected (see subsection 173-5(g), Hawai'i Revised Statutes):

The property includes shoreline land surrounding the Turtle Bay Resort on O`ahu's North Shore, including Kawela Bay and Kahuku Point. White sand beaches serve as nesting and loafing habitat for threatened green sea turtles, and pupping and resting areas for endangered Hawaiian monk seals. Sand dunes at Kahuku Point serve as albatross nesting areas. The property also includes miles of privately maintained trails that are open to the public. Punaho`olapa Marsh serves as habitat for native endangered wetland birds. The property is open space with scenic views of the ocean, and provides the public with access to the shoreline for numerous recreational activities (e.g., beach picnics, surfing, stand up paddling, snorkeling, and fishing). Iwi (ancient Hawaiian burials) are present in the sand dunes near Kahuku Point.

Describe the public benefits of the land, including but not limited to where public access may be practicable or not practicable and why:

Public benefits include public access to Kawela Bay, State fee owned land, which is maintained by the Turtle Bay Resort at no cost to the State; public access to miles of trails on private land under the conservation easement, also maintained by Turtle Bay Resort at no cost to the State; enhanced public access to the shoreline from Kawela Bay to Kahuku Point maintained by Turtle Bay Resort at no cost to the State; increased public parking (from 40 to 80 stalls); habitat for threatened green sea turtles, endangered Hawaiian monk seals, endangered native waterbirds, and albatross; scenic views and open space; iwi or ancient Hawaiian burials are present in the sand dunes near Kahuku Point; free golf for the Kahuku High School golf team.

Describe the context and plan for long-term management of the land:

DLNR's fee owned lands at Kawela Bay are leased to and managed by Turtle Bay Resort. Turtle Bay manages the lands under a Conservation Easement owned by the State DLNR pursuant to the restrictions therein.

(Revised May 2019) TBR Subdivision Lots & TMK No.(s)

TYPE	LOT	SIZE (acres)	TMK No.(s)	New TMKS	State Land Use Dist.	County Land Use Ord.	Existing Use/ Encumbrances ¹	Planned Change of Use, If Any	Future Encumbrances
CITY FEE SIMPLE	1 (P-1 to be conveyed to County in future)	4.936	5-7-006- (por.) 022	5-7-006- 024	ULUD	P-2	Park/Open Space	N/A	N/A
(not part of Legacy application)									
	2	7.049	5-7-006- (por.) 023	5-7-006- 025	ULUD	Resort	Park/Open Space; County lease to Resort	N/A	N/A
	R-1	0.235	5-7-006- (por.) 022 5-7-006- (por.) 023	5-7-006- (por.)031	ULUD	Resort	Park/Open Space; County lease to Resort	N/A	N/A
	R-2	0.358	5-7-006- (por.) 023	5-7-006- (por.)031	ULUD	Resort	Park/Open Space; County lease to Resort	N/A	N/A
Total City Fee Simple		12.578							

¹ Many of the subject properties are impacted by restrictions and easements, including sewer, drainage, utilities, pipelines, and shoreline setbacks. A complete list of easements and restrictions can be found in Schedule B of the respective lots' title reports which have been previously submitted in previous years, and if required, will be submitted again. In many cases, the list of the easements per lot is too long to submit in this summary table report.

(Revised May 2019) TBR Subdivision Lots & TMK No.(s)

TYPE	LOT	SIZE (acres)	TMK No.(s)	New TMKS	State Land Use Dist.	County Land Use Ord.	Existing Use/ Encumbrances ¹	Planned Change of Use, If Any	Future Encumbrances
STATE FEE SIMPLE	3	31.367	5-7-006- (por.) 002 5-7-006- (por.) 023	5-7-006- 026	ULUD	Resort	Park/Open Space; State lease to Resort	N/A	N/A
	R-6	0.047	5-7-006- (por.) 023	5-7-006- (por.) 31	ULUD		Park/Open Space; State lease to Resort	N/A	N/A
	4	21.161	5-7-001- (por.) 020 5-7-001- (por.) 022 5-7-006- (por.) 001 5-7-006- (por.) 002 5-7-006- (por.) 023	5-7-006- 027	ULUD	Resort	Park/Open Space; State lease to Resort	N/A	N/A
Total State Fee Simple		52.575							
STATE CE PHASE I	5	2.604	5-7-006- (por.) 001	5-7-006- 028	ULUD	P-2	Open Space; trails; State CE	N/A	N/A

(Revised May 2019) TBR Subdivision Lots & TMK No.(s)

TYPE	LOT	SIZE (acres)	TMK No.(s)	New TMKS	State Land Use Dist.	County Land Use Ord.	Existing Use/ Encumbrances ¹	Planned Change of Use, If Any	Future Encumbrances
			5-7-006- (por.) 002						
	7	9.103	5-7-001- (por.) 022 5-7-006- (por.) 001 5-7-006- (por.) 002	5-7-006- 030	ULUD	P-2	Open Space; trails; State CE	N/A	N/A
	8	50.766	5-7-001- (por.) 020 5-7-001- (por.) 022	5-7-001- 043	ULUD	P-2	Golf Course; State CE	N/A	N/A
	14	9.351	5-7-001- (por.) 001 5-7-001- (por.) 016	5-7-001- 049	ULUD	P-2	Open Space; drainage; State CE	N/A	N/A
	18	25.683	5-6-003- (por.) 041	5-6-003- 055	ULUD	P-2	Open Space; Golf Course; State CE	N/A	N/A

(Revised May 2019) TBR Subdivision Lots & TMK No.(s)

TYPE	LOT	SIZE (acres)	TMK No.(s)	New TMKS	State Land Use Dist.	County Land Use Ord.	Existing Use/ Encumbrances ¹	Planned Change of Use, If Any	Future Encumbrances
			5-7-001- (por.) 033						
	20	3.783	5-6-003- (por.) 033	5-6-003- 057	ALUD	AG-2	Open Space; Golf Course; State CE	N/A	N/A
	21	12.053	5-6-003- (por.) 041	5-6-003- 058	ULUD	P-2	Open Space; Golf Course; State CE	N/A	N/A
	22	75.208	5-6-003- (por.) 040 5-6-003- (por.) 041 5-6-003- (por.) 042 5-6-003- (por.) 044 5-7-001- (por.) 033	5-6-003- 059	ULUD & ALUD	Resort	Open Space; Golf Course; State CE	N/A	N/A

(Revised May 2019) TBR Subdivision Lots & TMK No.(s)

TYPE	LOT	SIZE (acres)	TMK No.(s)	New TMKS	State Land Use Dist.	County Land Use Ord.	Existing Use/ Encumbrances ¹	Planned Change of Use, If Any	Future Encumbrances
	23	99.910	5-6-003- (por.) 040 5-6-003- (por.) 042 5-6-003- (por.) 044 5-7-001- (por.) 001 5-7-001- (por.) 017 5-7-001- (por.) 033	5-6-003- 060	ULUD & ALUD	P-2 & Resort	Open Space (Punaho`olapa Marsh); Golf Course; State CE	N/A	N/A
	24	8.774	5-6-003- (por.) 044	5-6-003- 061	ULUD	AG-2	Open Space; Golf Course; State CE	N/A	N/A
	25	157.885	5-6-003- (por.) 040 5-6-003- (por.) 041 5-6-003- (por.) 042	5-6-003- 062	ULUD	P-2	Open Space; Golf Course; State CE	N/A	N/A

(Revised May 2019) TBR Subdivision Lots & TMK No.(s)

TYPE	LOT	SIZE (acres)	TMK No.(s)	New TMKS	State Land Use Dist.	County Land Use Ord.	Existing Use/ Encumbrances ¹	Planned Change of Use, If Any	Future Encumbrances
			5-6-003- (por.) 044 5-7-001- (por.) 001 5-7-001- (por.) 016 5-7-001- (por.) 033						
	26	69.072	5-7-001- (por.) 001 5-7-001- (por.) 016	5-7-001- 052	ULUD	P-2	Open Space; Golf Course; State CE	N/A	N/A
	1204-A (Map 187)	7.260	5-6-003- 050	5-6-003- 050	ULUD	Road lot	Road; State CE	N/A	N/A
Total State CE Phase I		531.452							
STATE CE PHASE I / CITY FEE SIMPLE	17	37.412	5-6-003- (por.) 041 5-6-003- (por.) 042	5-6-003- 054	ULUD	P-2	Open Space; Park; State CE	N/A	N/A

(Revised May 2019) TBR Subdivision Lots & TMK No.(s)

TYPE	LOT	SIZE (acres)	TMK No.(s)	New TMKS	State Land Use Dist.	County Land Use Ord.	Existing Use/ Encumbrances ¹	Planned Change of Use, If Any	Future Encumbrances
			5-6-003- (por.) 033 5-6-003- (por.) 044 5-7-001- (por.) 033						
Total State CE Phase/City Fee Simple (Interim CE)²		37.412							
Total State CE at closing (including Interim CE)		568.864							
TOTAL Conserved Land Covered By Legacy		621.439							

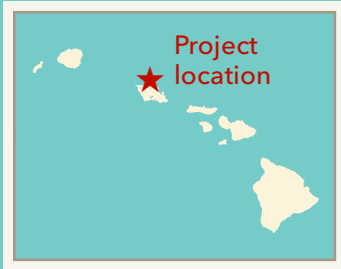
² The State's conservation easement over Lot 17 will be released when the land is conveyed to the City and County of Honolulu in fee simple in the future.

(Revised May 2019) TBR Subdivision Lots & TMK No.(s)

TYPE	LOT	SIZE (acres)	TMK No.(s)	New TMKS	State Land Use Dist.	County Land Use Ord.	Existing Use/ Encumbrances¹	Planned Change of Use, If Any	Future Encumbrances
Application (State Fee Simple + State CE Phase I + Interim State CE/City Fee Simple)									
TOTAL Conserved Land		634.017							

KAHUKU KAWELA FOREVER

ISLAND OF O'AHU, HAWAII



Kahuku Kawela Project

- | | |
|--|---|
| Overall boundary | Public access trail |
| State fee purchase | Soon to be conserved |
| State conservation easement purchase | Parks, open space, and other protected land |
| City fee purchase and future park lands | Military land |
| Interim conservation easement owned by State | |
| Excluded acreage | |

0 0.25 0.5 Miles



NORTH SHORE
COMMUNITY
LAND TRUST



THE
TRUST
for
PUBLIC
LAND



August 19, 2015



Turtle Bay Resort

KUILIMA RESORT COMPANY 57-091 KAMEHAMEHA HWY-
KAHUKU, HI 96731 PHONE: (808) 232-2285 FAX:
(808) 232-2396



0 250 500 1000
SCALE IN FEET

EXISTING TAX MAP KEY (TMK) PARCEL



Date: 09/02/2016 nh

LD. CT.APP:1095, MAP 129, KOOLAULO, OAHU, HAWAII

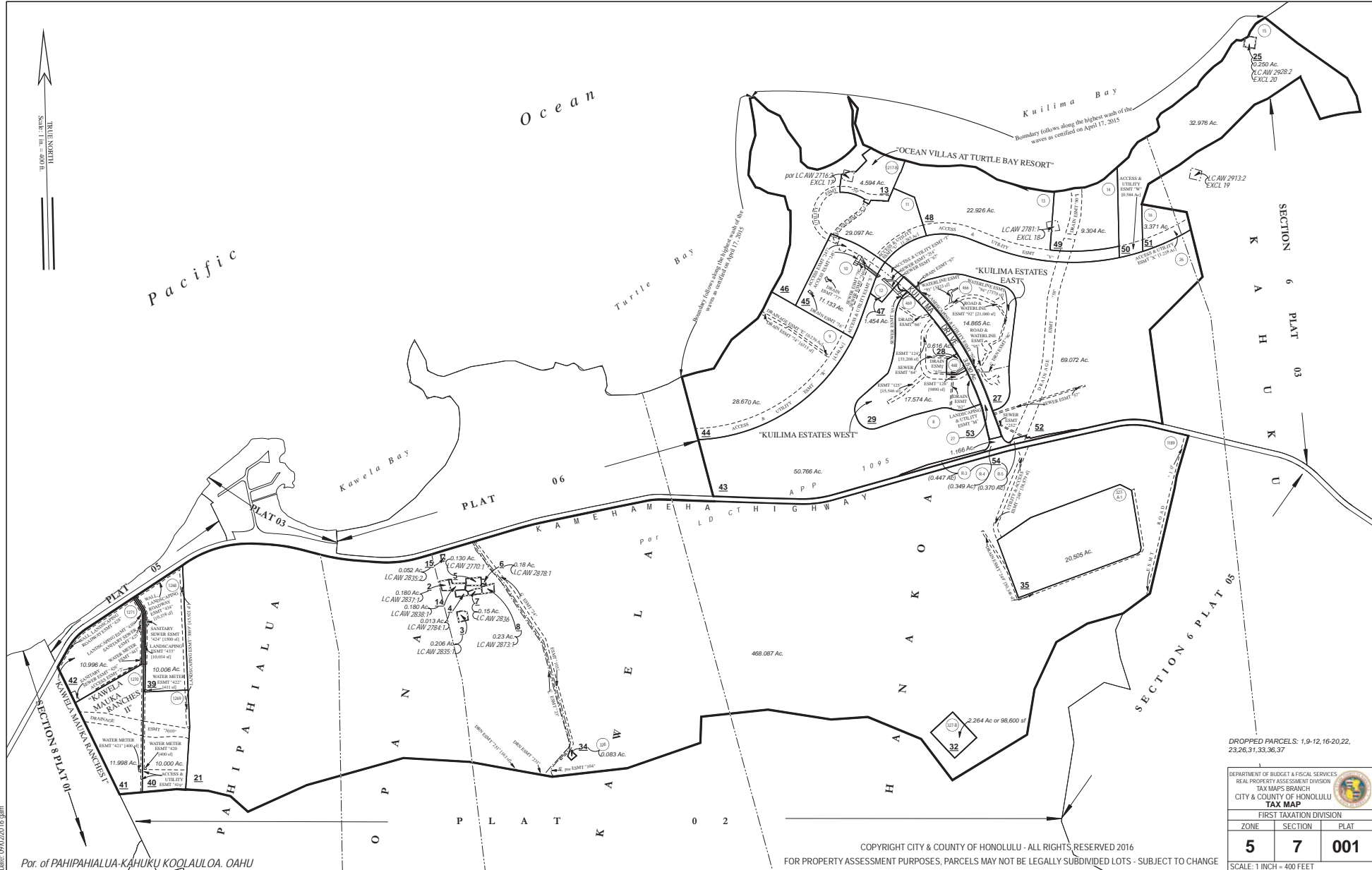
COPYRIGHT CITY & COUNTY OF HONOLULU - ALL RIGHTS RESERVED 2016
FOR PROPERTY ASSESSMENT PURPOSES, PARCELS MAY NOT BE LEGALLY SUBDIVIDED LOTS - SUBJECT TO CHANGE

DROPPED PARCELS: 1-23

DEPARTMENT OF BUDGET & FISCAL SERVICES REAL PROPERTY ASSESSMENT DIVISION TAX MAPS BRANCH CITY & COUNTY OF HONOLULU TAX MAP		
FIRST TAXATION DIVISION		
ZONE	SECTION	PLAT
5	7	006
SCALE: 1 INCH = 120 FEET		



Date: 09/01/2016 qam



Date: 09/22/2016 gmm

Por. of PAHIPAHIALUA-KAHUKU KOOLAULO, OAHU

COPYRIGHT CITY & COUNTY OF HONOLULU - ALL RIGHTS RESERVED 2016
FOR PROPERTY ASSESSMENT PURPOSES, PARCELS MAY NOT BE LEGALLY SUBDIVIDED LOTS - SUBJECT TO CHANGE

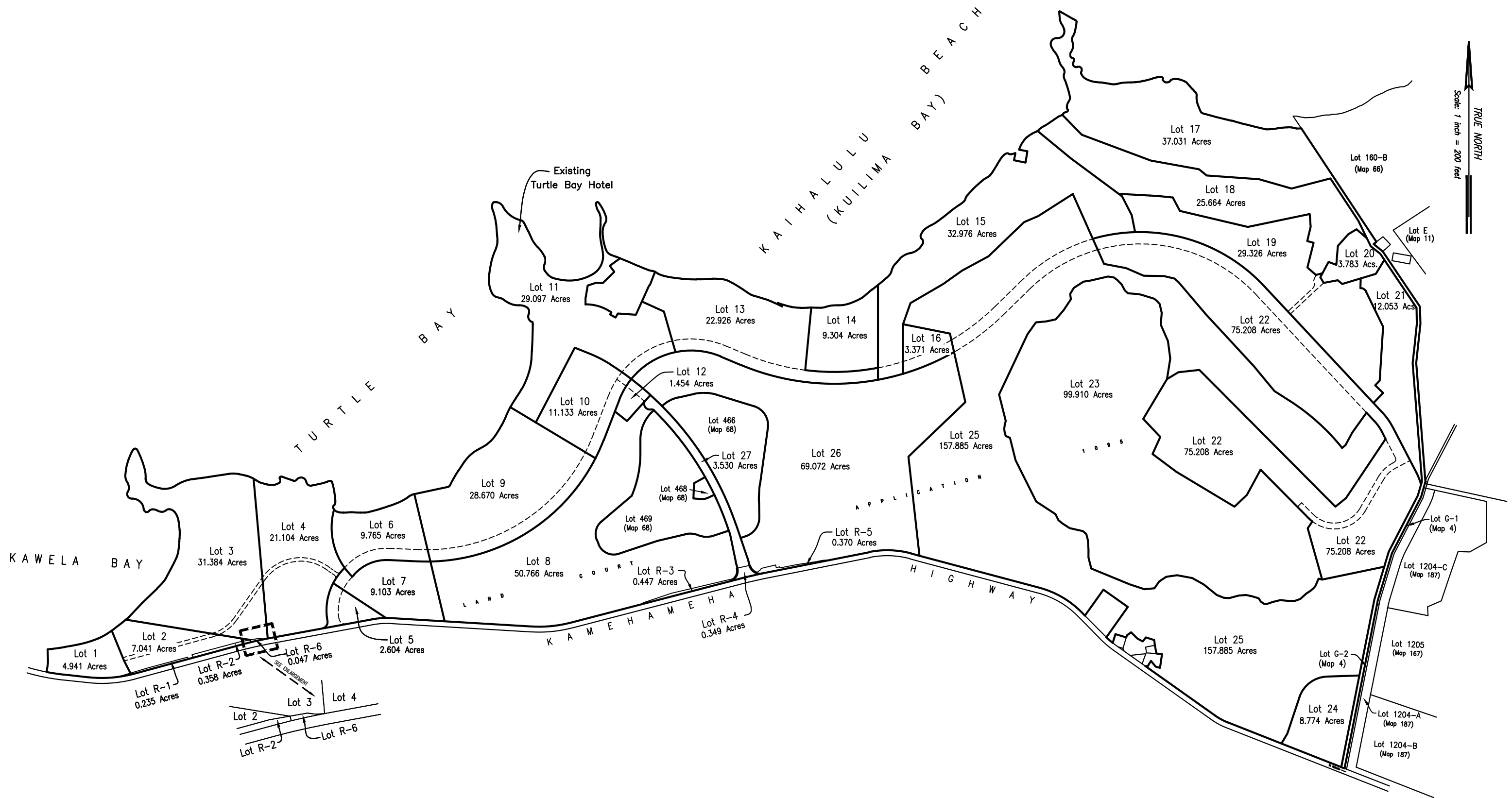
DROPPED PARCELS: 1,9-12,16-20,22, 23,26,31,33,36,37

DEPARTMENT OF BUDGET & FISCAL SERVICES
REAL PROPERTY ASSESSMENT DIVISION
TAX MAPS BRANCH
CITY & COUNTY OF HONOLULU
TAX MAP









FIRST TAXATION DIVISION

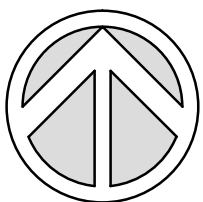
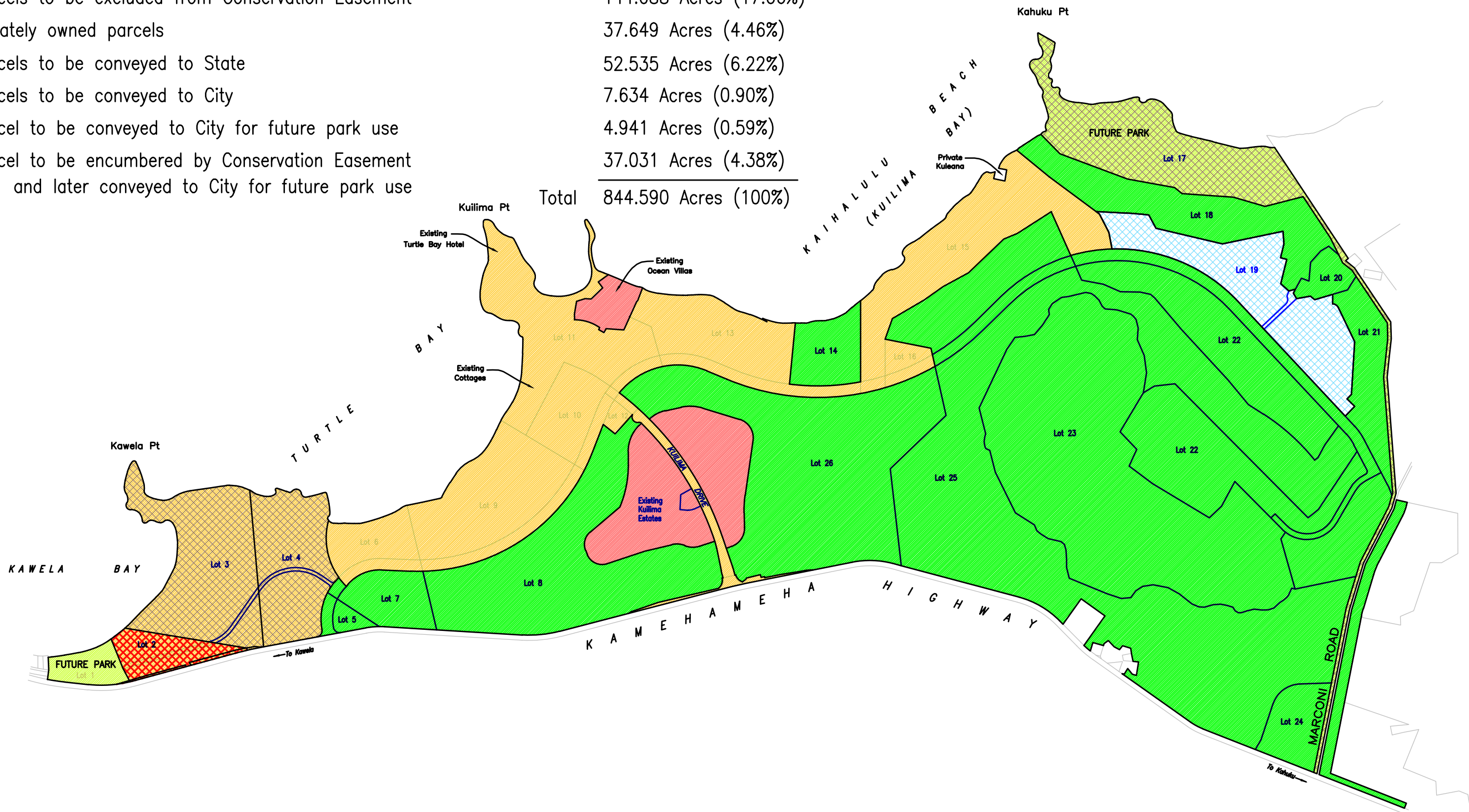
ZONE	SECTION	PLAT
5	7	001

SCALE: 1 INCH = 400 FEET



LEGEND

	Parcels to be encumbered by Conservation Easement	531.386 Acres (62.92%)
	Parcel to be encumbered by Phase II Conservation Easement	29.326 Acres (3.47%)
	Parcels to be excluded from Conservation Easement	144.088 Acres (17.06%)
	Privately owned parcels	37.649 Acres (4.46%)
	Parcels to be conveyed to State	52.535 Acres (6.22%)
	Parcels to be conveyed to City	7.634 Acres (0.90%)
	Parcel to be conveyed to City for future park use	4.941 Acres (0.59%)
	Parcel to be encumbered by Conservation Easement and later conveyed to City for future park use	37.031 Acres (4.38%)
Total		844.590 Acres (100%)



TRUE NORTH
GRAPHIC SCALE

0 1000 2000



1 INCH = 1000 FT.

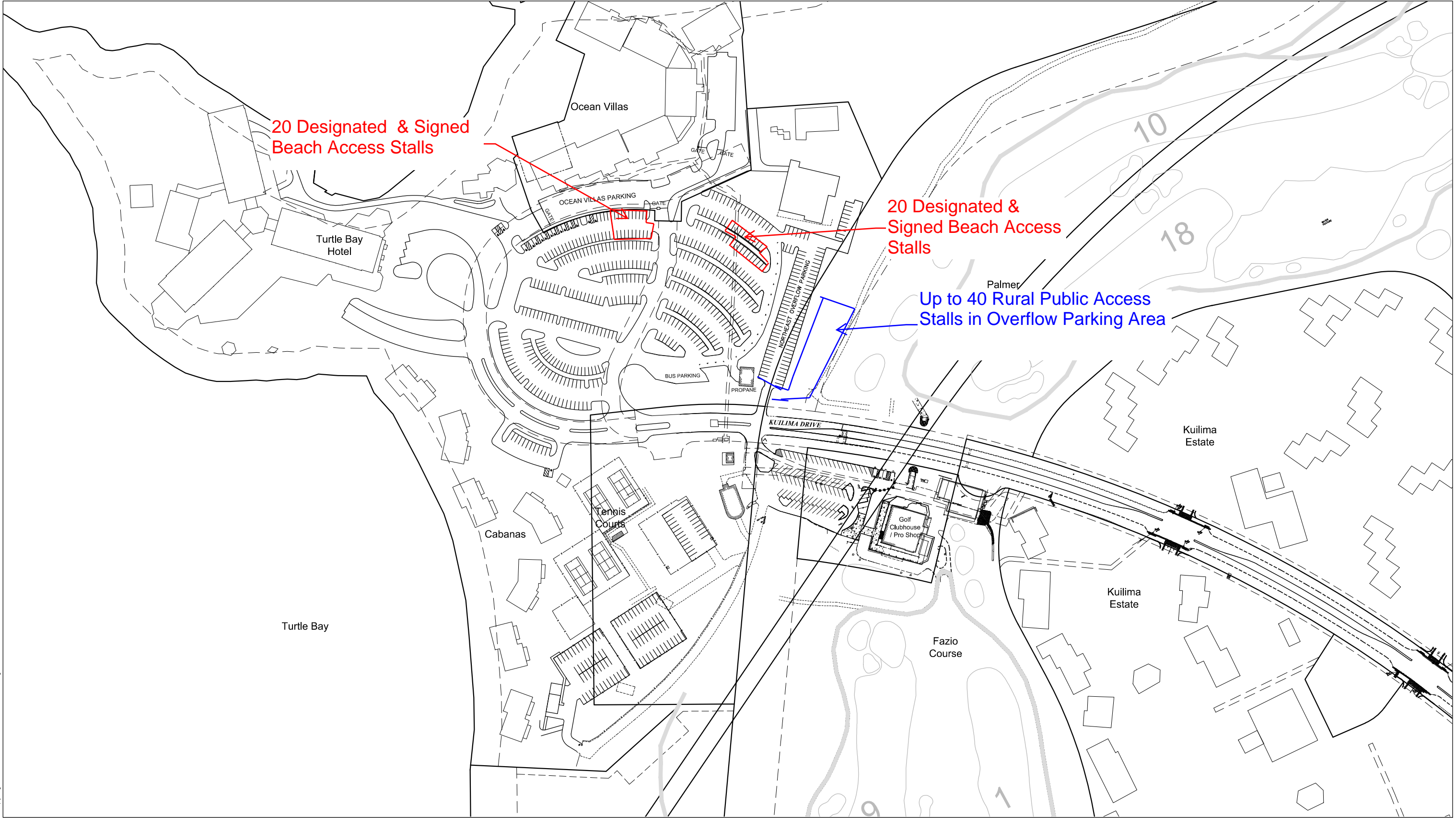
CONSERVATION EASEMENT

TAX MAP KEYS: 5-6-003, 5-7-001, 5-7-006 (VARIOUS)



TURTLE BAY RESORT
JULY 2015

Turtle Bay Resort Public Access Stalls

Mon, 10 Aug 2015 - 1:46pm
M:\Turtle Bay\Shared Bases\Existing\Turtle Bay Hotel Parking Base\Parking Layout 20150810.dwg



©Copyright 2011 Belt Collins, All Rights Reserved



0 50 100 200

SCALE IN FEET

PARKING LAYOUT PLAN



Lei Ola and pup, Keiki Pool 2016 (courtesy of Nate Yuen)



Kawela Bay to Kahuku Point (courtesy of Sean Davey)



Endangered 'ohai (*Sesbania tomentosa*) near Kahuku Point (courtesy of North Shore Community Land Trust)



**Legacy Land
Conservation Program**

Hawai'i Department of Land and Natural Resources

Form 6c

***FY2022 Agency Consultation for Debt Service:
Agribusiness Development Corporation***

To: James Nakatani, Executive Director
State of Hawai'i Agribusiness Development Corporation
State Office Tower, Room 205
235 South Beretania Street.
Honolulu, HI 96813

Please return completed form to Applicant.

Applicant:	State of Hawai'i, Department of Land & Natural Resources
Application Title:	Turtle Bay Makai - Kahuku Kawela Forever
Point of Contact:	Lea Hong, The Trust for Public Land
Postal Address:	The Trust for Public Land, 1003 Bishop St., Suite 740 Honolulu, HI 96813
Email Address:	lea.hong@tpl.org
Phone:	808-524-8563
Fax:	808-524-8565
Date:	February 18, 2020
Subject:	<i>Request for Consultation regarding Land Conservation Fund Grant Application for Debt Service (Section 173A-5, Hawai'i Revised Statutes)</i>

2020 FEB 18 A 11: 18



Legacy Land Conservation Program

Hawai'i Department of Land and Natural Resources

Form 6c

**FY2022 Agency Consultation for Debt Service:
Agribusiness Development Corporation**

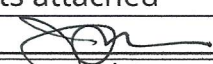
In order to help the Legacy Land Conservation Commission and the Board of Land and Natural Resources to process and prioritize applications for funding, the Legacy Land Conservation Program (LLCP) requests that a consulting agency complete this form and return it—with comments, if any, on agency letterhead—to the Applicant at the address listed above, **no later than April 3, 2020.**

Thank you!

The LLCP expects that a consulting agency will base its responses on the information presented in the attached Form 6 (Information from Debt Service Grant Applicant, including maps and photos). Please contact the Applicant directly with questions regarding the proposed debt service grant (Form 6), and contact the LLCP at 586-0921, or legacyland@hawaii.gov, with questions regarding agency consultation and the grant process.

If the Applicant does not receive an agency response before April 4, 2020, then the application will indicate that the agency "Did Not Respond." Please note that a lack of agency response does not affect the review of an application.

Subsection 173A-5(i), Hawai'i Revised Statutes, requires that an application for grant from the Land Conservation Fund include "(7) Results of the applicant's consultation with the staff of the department [of land and natural resources], the department of agriculture, and the agribusiness development corporation regarding the maximization of public benefits of the project, where practicable." The attached Information Form (Form 6) describes the proposed debt service grant for which we request agency consultation.

FOR AGENCY USE ONLY	
<input checked="checked" type="checkbox"/>	We do not object to the proposed grant
<input type="checkbox"/>	We do not wish to comment on the proposed grant
<input type="checkbox"/>	Comments attached
Signed: 	Date: <u>2/19/2020</u>
Name: <u>James J. Nakatani</u>	
Title: <u>Executive Director</u>	

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

February 19, 2020

Ms. Lea Hong
The Trust for Public Land
Department of Land and Natural Resources
1003 Bishop Street, Suite 740
Honolulu, Hawaii 96813

Subject: Form 6c, FY 2022 Agency Consultation for Debt Service
Turtle Bay Makai – Kahuku Kawela Forever

Dear Ms. Hong:

Thank you for the opportunity to review your Legacy Land Conservation Program application for the above named project.

Please find enclosed your Form 6c and related documents. We have reviewed and indicated our response on the form as requested – we do not object to the proposed grant.

Sincerely,

A handwritten signature in black ink, appearing to be "James J. Nakatani".

James J. Nakatani
Executive Director

Enclosure



HAWAII

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Howard Hughes Corp.

Tom Reeve

Conservationist

Michael S. Spalding

Michael Spalding Realty

Carol Wilcox

Author

July 13, 2020

Legacy Land Conservation Commission
Department of Land and Natural Resources
Attn: David Penn, Coordinator
1151 Punchbowl Street
Honolulu, HI 96813

Re: The Trust for Public Land – Transparency Letter

Aloha Legacy Land Conservation Commission:

As a matter of policy, The Trust for Public Land provides this type of transparency letter providing more information about itself and its projects to all of its funding partners. Please feel free to provide copies of this letter to your staff and other interested parties. We are currently working on the following projects:

Turtle Bay Makai/Kahuku Kawela Forever (Debt Service). In 2015, The Trust for Public Land assisted the State of Hawaiʻi Division of Forestry & Wildlife (DOFAW) in purchasing approximately 53 acres in fee and a conservation easement over approximately 568 acres around the Turtle Bay Resort on Oʻahu's North Shore. Lot 17//P-2 (37.996 acres) will temporarily be under the conservation easement until a possible future conveyance to the City and County of Honolulu. The project conserves 5 miles of shoreline, enhances and secures public access to the undeveloped shoreline, continues public access to 7 miles of trails, and protects habitat for endangered Hawaiian monk seals, threatened green sea turtles, migratory birds, and all four species of endemic Hawaiian waterbirds.

Wailau Fishpond. The Trust for Public Land is assisting Kuaʻāina Ulu ʻAuamo's (KUA) to protect and purchase the 2.5 acre Wailau Fishpond Property in Kahaluʻu, Oʻahu. Protecting Wailau Fishpond will preserve community access to the pond, sustainable aquaculture for food production, habitat for native fish, seaweed, shorebirds, native coastal vegetation, underground springs or streams, and open space and scenic views. Wailau Fishpond also provides critical ecosystem services, acting as a habitat and nursery for spawning and juvenile fish that enhances Kāneʻohe Bay's larger fishery. The fishpond acts as a natural sediment basin, minimizing soil erosion and runoff which pollutes nearshore waters damaging estuary and coral reef ecosystems. Kahalu'u estuary and Kāneʻohe Bay are rich marine ecosystems, home to the endangered Hawaiian Monk Seal, threatened Green Sea Turtle, and native fish and seaweed.

Kāneʻohe Pali. The Trust for Public Land is assisting the State of Hawaiʻi Division of Forestry & Wildlife, and local ʻāina-focused nonprofits to protect four parcels, totaling nearly 950 acres that comprise a vast cultural landscape from the peaks of the Koʻolau Mountains to a vast series of higher elevation historic loʻi kalo terraces (wetland taro fields), including the renown Luluku and Kuou terrace systems. The lands include freshwater springs, famous waterfalls, at least 11 streams and tributaries, native forest and priority watershed, critical habitat for a wide range of native plant and animal



species, Luluku banana patches, heiau, ahu, historic trails and roads, burials, ‘auwai (irrigation ditches), birthing stones, and mountain peaks and other geological formations famed in Hawaiian mo‘olelo, mele and oli. This project previously received FY19 funding, but the appraisal has indicated a higher value than projected. Additional funds are needed.

What is the Trust for Public Land?

The Trust for Public Land is a national, non-profit land conservation organization that conserves land for people to enjoy as parks, gardens, and other natural places, ensuring livable communities for generations to come. TPL assists public agencies, communities, and other non-profit organizations in achieving their park and open space conservation goals through conservation finance and conservation real estate services. The Trust for Public Land is a qualified tax-exempt 501(c)3 charitable, public benefit corporation.

Experience in Acquiring Land

The Trust for Public Land relies on its legal, real estate and finance expertise to successfully complete conservation land transactions. Since The Trust for Public Land’s founding nearly 45 years ago, it has, through its national network of offices, conserved over 3.3 million acres with a fair market value of approximately \$7.6 billion in over 4,600 separate conservation transactions across the United States.

In Hawai‘i, The Trust for Public Land has protected over 53,000 acres and 53 special places since 1979. A one page fact sheet summarizing our projects in the State of Hawai‘i is attached to give you a sense of the range and diversity of The Trust for Public Land’s work.

How The Trust for Public Land Works

The Trust for Public Land works in the marketplace, acting quickly and independently to acquire land in its own name from willing landowners for conservation. The Trust for Public Land acts as a principal in these transactions and not as an agent of the landowner or of any public agency. The Trust for Public Land seeks to have the landowner pay as many of the pre-acquisition costs as possible, either directly or through a tax-deductible contribution to The Trust for Public Land.

The Trust for Public Land’s position as a principal also clearly puts it in a risk position. During the course of negotiations and pre-acquisition work, The Trust for Public Land incurs significant costs. These costs are substantially increased if The Trust for Public Land acquires the property and holds it well in advance of the public agency's or non-profit’s acquisition from The Trust for Public Land. If a project fails, these costs must be absorbed by the organization.

The Trust for Public Land has experience working with landowners to satisfy their particular needs including those related to tax, timing, or estate planning issues. It is The Trust for Public Land’s policy to preserve the confidentiality of its dealings with landowners, which can often be the difference between success and failure in an acquisition.

As a principal with access to its own capital, The Trust for Public Land can sometimes offer landowners much shorter closing timetables than might be possible with public agencies which must, of necessity, deal with public board and council approvals and long lead-time financing mechanisms.

The Trust for Public Land has assisted many agencies at the local, state and federal level in nearly every state in the nation. The Trust for Public Land tackles complicated transactions that public agencies may not have the

staff or resources to do themselves. It offers a professional and streamlined approach and brings extra hands and minds to assist often over-extended government staff.

It is The Trust for Public Land's intention that the property it purchases be preserved and used eventually for public open space purposes, agriculture, heritage lands and ecological services. The Trust for Public Land targets its work to those properties identified by agencies or other non-profits as priorities for protection, and it is entirely up to a public agency or non-profit as to whether or not it wants to acquire property from The Trust for Public Land.

Typically, The Trust for Public Land secures a property with a purchase option agreement. During the option period, on average 12-18 months, The Trust for Public Land performs, at significant cost, the due diligence associated with the purchase, such as obtaining an appraisal, title review, environmental investigations, and surveys. The Trust for Public Land understands the need to meet the requirements of funding programs and to coordinate its due diligence with public agency staff to ensure that the legal and physical condition of the property is acceptable to funders and the ultimate owner and property manager. If the public agency or other non-profit has decided to acquire the property, the land is typically sold by The Trust for Public Land at its purchase price, which cannot exceed the fair market value as established by an appraisal.

As described in the attached Land Appraisal Policy, The Trust for Public Land will work to ensure that this appraisal report is prepared in accordance with the highest professional standards and the specific agency's or non-profit's requirement. The Trust for Public Land will provide the agency or non-profit with whatever additional assistance we can for its review of this report. Please let us know if your agency has its own appraisal rules or procedures that need to be followed. Otherwise, The Trust for Public Land will use its own national guidelines in engaging an MAI or other qualified appraiser acceptable to your agency.

Once the due diligence has been completed, the acquisition funding has been secured, and an agency or non-profit has agreed to purchase the property, The Trust for Public Land normally exercises its option, buys the property from the landowner and sells it to the public agency or non-profit. While every transaction brings its own opportunities, challenges, and quirks, a project can, in some instances, take up to two years or more to complete from the date of the initial introduction to the landowner to the conveyance of the property to the public agency or other conservation entity.

What does The Trust for Public Land Charge for its Services?

The Trust for Public Land assumes the risks and liabilities of land ownership, as well as the costs associated with buying, owning and selling land. The Trust for Public Land believes that public agencies and non-profits have enough burdens in just paying for the land. The Trust for Public Land's business philosophy is to charge the government or non-profit only for the land, and to obtain our operational support from charitable donations from individuals, landowners with whom we work, foundations, and other philanthropic sources. This arrangement allows The Trust for Public Land to meet its financial needs while assuring public agencies that they are paying no more than a property is worth. In keeping with this philosophy, we will be requesting a donation from the landowner, interested community members and individuals, surrounding landowners, and foundations, on the projects described above. [Please see the attachment for further information on The Trust for Public Land's Public Benefits Policy.]

A public agency or non-profit is under no financial obligation to The Trust for Public Land until a specific purchase agreement has been entered into with The Trust for Public Land. At that point, the agency or non-profit is buying the land from The Trust for Public Land using dollars that have been identified by the agency or non-profit and which The Trust for Public Land may have assisted in securing.

Conclusion

I hope this letter helps to clarify how the Trust for Public Land works to conserve land for public use and enjoyment. Please do not hesitate to contact me if you have any questions. We look forward to working with you on these important projects.

Sincerely,
The Trust for Public Land

A handwritten signature in cursive script, reading "Lea Hong".

Lea Hong
Hawaiian Islands State Director

Attachments: TPL Appraisal Policy

TPL Public Benefits Policy

TPL Hawai'i Fact Sheet

The Trust for Public Land Appraisal Policy

The appraisal is a key element in any Trust for Public Land (TPL, www.tpl.org) assisted conservation transaction. An appraisal sets the property value for public agencies and non-profits, many of which are legally required to offer fair market value for property, and an appraisal assures that TPL will not be overpaying for a property, and thus conferring a private benefit on a landowner.

It is in TPL's, the acquiring agency's or non-profit's and the public's best interests that appraisals be performed by qualified appraisers, in conformance with appropriate standards and methodologies, and based upon the best data suggesting value, with rigorous review of the final results.

TPL's policy is to support a public agency appraisal process that is independent, fair and has integrity. TPL believes it is important to assure the public, and the public agencies to which we transfer lands, that they are acquiring land from TPL for a fair price.

To implement this policy, TPL will:

- rigorously follow each agency's or non-profit's appraisal rules and procedures;
- hire only the most accomplished appraisers;
- instruct appraisers to conform to the standards identified in the *Uniform Standards of Professional Appraisal Practice*, and where applicable, the *Uniform Appraisal Standards for Federal Land Acquisitions*;
- provide to the agency or non-profit, upon its request, any written information in our possession that is relevant to the value of the subject property, unless TPL is prohibited from releasing this information by a confidentiality agreement; and
- conform to the highest ethical standards.

Trust for Public Land Public Benefits Policy

The Trust for Public Land (TPL, www.tpl.org) is a national nonprofit organization that conserves land for people to enjoy as parks, community gardens, historic sites, rural lands, and other natural places. Protecting the places people care about—from inner city to wilderness—is at the heart of TPL’s work.

TPL’s work depends on the generous support of donors and volunteers who share our mission of conserving land for people. *The Wall Street Journal’s SmartMoney* magazine, *Money*, *Forbes*, and *The Chronicle of Philanthropy* have all rated TPL among the most efficient charities in the United States for keeping fund-raising and operating costs low while meeting mission goals.

TPL is a recognized 501 (c)(3) public charity and as such, donations to TPL are tax deductible. TPL is not a membership organization and receives no dues. Instead, TPL receives donations and support from corporations, foundations and individuals – including landowners. We ask landowners to contribute to TPL in virtually every transaction, and because they well understand our mission, skills and dedication, we usually are successful in receiving their support.

All donations to TPL are plowed back into our work to conserve land for people. Our donors voluntarily support TPL because of their interest in the land we protect, and because of our “Land and People” mission.

This support allows TPL to risk its own funds to protect threatened lands for the public, to pay for the considerable project costs that we incur, and to generally support the organization and our mission.

The public, and public agencies in particular, benefit from TPL’s Public Benefits Policy in several ways.

Save cherished lands. Because we are independently funded, we can take financial risks to protect extraordinary, and often threatened, properties - risks that public agencies are appropriately reluctant to take. As an experienced organization with a thirty-year track record of success, TPL has protected over 2 million acres of land valued at \$ 4 billion.

Allow limited public funds to go further. Our goal is to create savings for the public by conveying land to public agencies for less than fair market value, the price that many agencies are required to offer. Since 1972, TPL has saved the public \$ 569 million in these land acquisition costs alone.

TPL typically saves agencies project costs. We save agencies hundreds of thousands of dollars each year in appraisal, survey, staff, option consideration and other project costs by absorbing them ourselves. Thanks to our donors, we are able to pay for costs that otherwise would be borne by the government agency, and ultimately, by the taxpayer.

The Trust for Public Land Hawai'i

1003 Bishop St. Suite 740 Honolulu, HI 96813 | Phone: (808) 524-8560 | Visit : tpl.org/hawaii

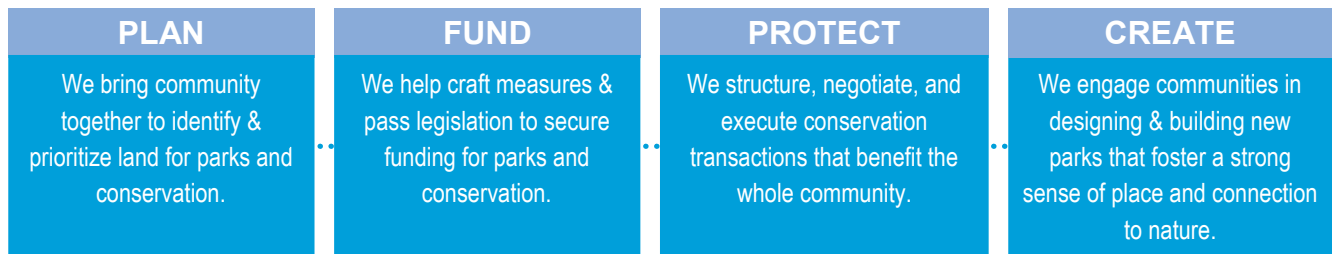
THE
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What we do & why

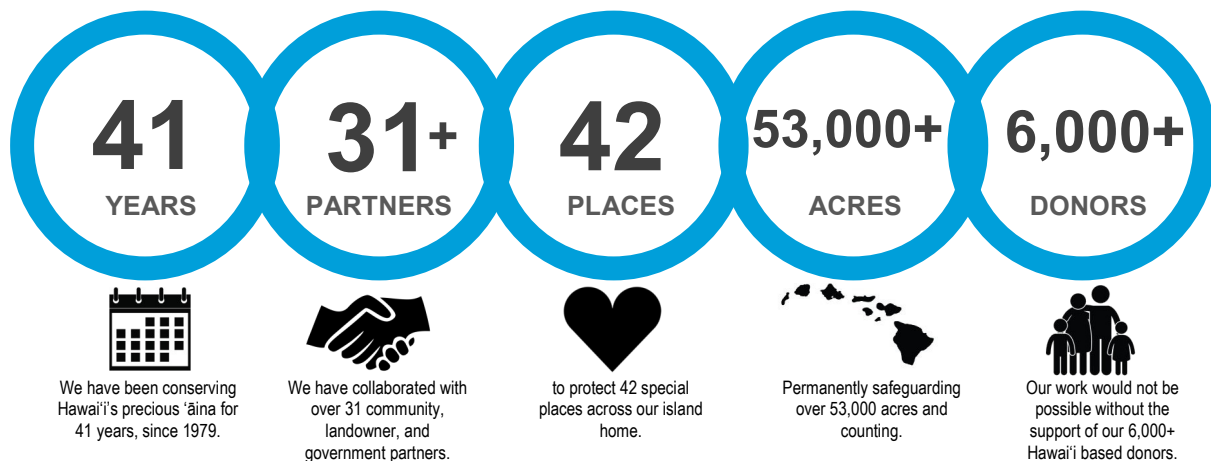
The Trust for Public Land creates parks and protects land for people, ensuring healthy livable communities for generations to come. We believe that equity and fairness matter, and that a relationship between people and nature is critical for healthy people and a healthy landscape.

In Hawai'i, health is the foundation of our work. We focus on meaningfully connecting people to the land and each other, and support the empowerment of underserved and Native Hawaiian communities. Our vision is that the people of Hawai'i are thriving and healthy, and meaningfully connected to the land, each other, and a living Hawaiian culture. The Trust for Public Land accomplishes this vision through our strategies of [Connected Communities](#), [Sustainable Hawai'i](#), and [Aloha 'Āina](#).

How we do it



Our work by the numbers



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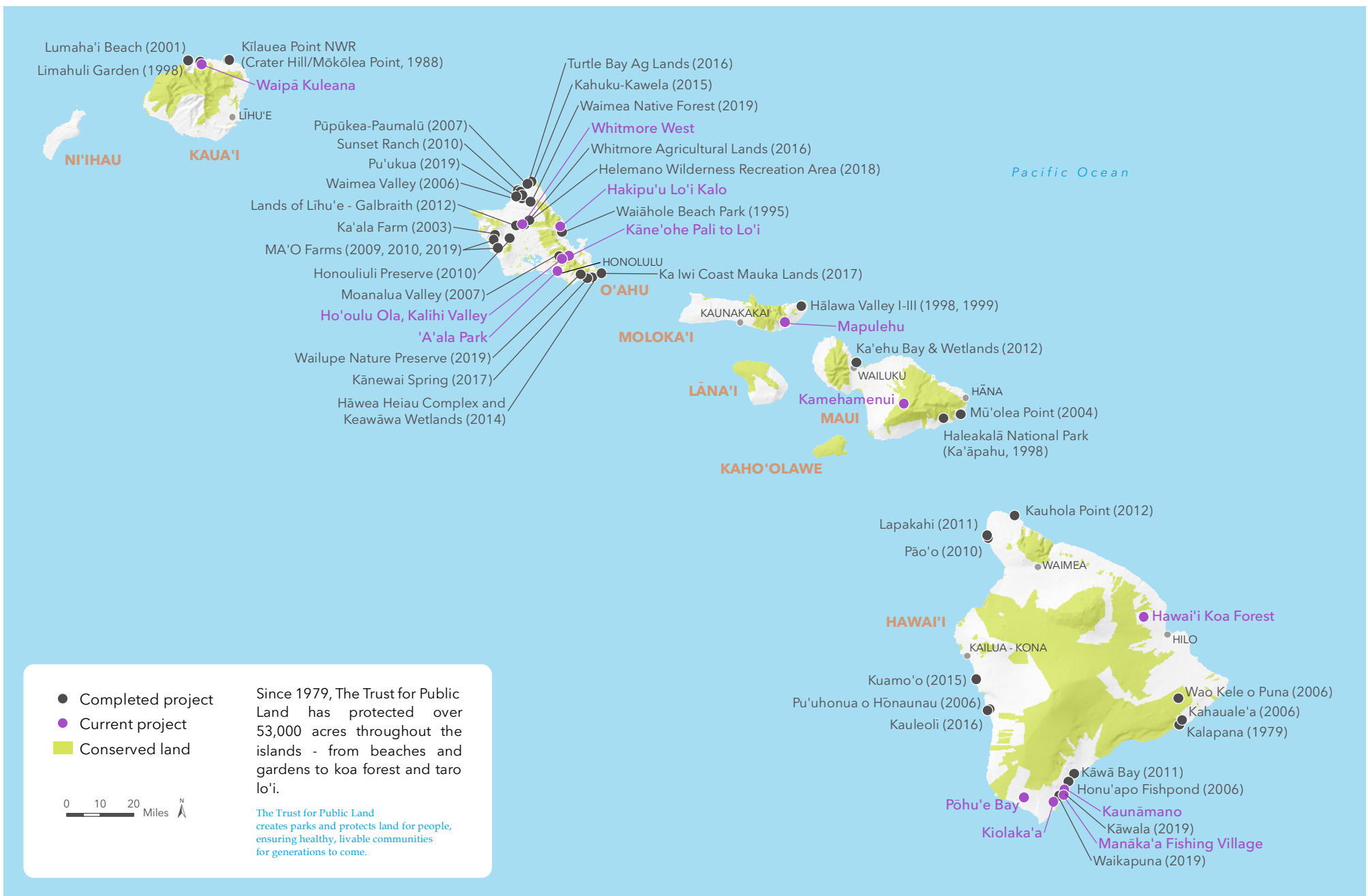
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Hawai'i

CURRENT AND COMPLETED PROJECTS

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