



**II.**  
**APPLICATION PACKAGE**

Include the following required documents in the Application. If the documents are not attached, explain why. (Use font not smaller than 12-point, Times New Roman for PDF fill, and single-spaced pages with 1" margins for any separate attachments.)

Application

Maps:  General location map  
 Topographic map (e.g., USG quad map) with project delineated, and  
 Parcel map

At least one, but not more than five photos of the property

Any concise and relevant appended/supplementary materials

Letters from the current and intended holder of the property interest that state a willingness to participate

For nonprofit land conservation organizations

mission statement, and

IRS 501 (c) (3) or (c) (1) non-profit status determination letter

Explain any omitted documents:

Letter from landowner is pending. A confidential buyer of the property is under contract to purchase the property from the Galbraith Estate and will provide letter of participation when confidentiality restrictions are lifted.

**CERTIFICATION:** *I/We hereby certify that (1) the statements and information contained in this Clean Water and Natural Lands Fund Application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected; and that (2) applicant is aware of, and consents to, public disclosure of the application in accordance with the State Uniform Information Practices Act, H.R.S. Chapter 92F.*

Lea Hong, The Trust for Public Land

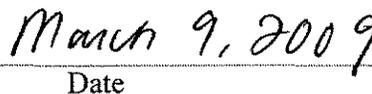
Hawaiian Islands Program Director

\_\_\_\_\_  
Name (type/print)

\_\_\_\_\_  
Title

(An authorized person must sign here, such as the applicant's executive director, county commission chairperson, or agency director.)

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

**SECTION A. APPLICANT INFORMATION**

Agency/Organization Name:	The Trust for Public Land, Hawaiian Islands Program
Mailing Address (P.O. Box or Street, City, State, Zip):	212 Merchant Street, Suite 320 Honolulu, HI 96813
Contact Person and Title:	Lea Hong, Hawaiian Islands Program Director
Phone Numbers (work, cellular):	524-8563 (office); 783-3653 (cell)
Email Address:	lea.hong@tpl.org
Agency/Organization Website (include URL to any specific pages regarding this project):	www.tpl.org
Attach a statement no longer than 3 paragraphs describing your organization's expertise and experience with similar land acquisitions:	Attached

**SECTION B. TYPE OF ACQUISITION**

1. We are requesting funding for the acquisition of:

Fee Simple Interest in Private Land:	<input type="checkbox"/>
Permanent Conservation Easement:	<input checked="" type="checkbox"/>
Additional description, if needed:	Agricultural/conservation easement

2. We intend for the property interest to be held by:

City and County of Honolulu:	<input type="checkbox"/>
State of Hawai'i:	<input type="checkbox"/>
Other (indicate individual(s) or entity and %) or additional description, if needed:	The Trust for Public Land initially, and then the North Shore Community Land Trust or other acceptable land trust organization

**SECTION C. DESCRIPTION OF LAND**

1. Describe the location of the property including ahupua`a (e.g., "Wai`anae, in ahupua`a of Nānākuli, mauka of highway, O`ahu"):

Central O`ahu, Wailua District, in the ahupua`a of Kamananui, near an area known as Līhu`e, northwest of Kūkaniloko (birth stones) and Wahiawā.

Attach:

- General location map
- Topographic map (e.g., USG quad map) with project delineated, and
- Parcel map

2. Tax Map Key(s) [use the following format: (1) 2-003:004]:

(1) 6-5-002:10 (319.769 acres), (1) 6-5-002:25 (193.069 acres), (1) 7-1-001:02 (299.768 acres), (1) 7-1-001:03 (132.648 acres), (1) 7-1-001:05 (221.902 acres), (1) 7-1-001:13 (31.08 acres), Lot 10-B (4.314 acres) (lot pending)

3. City Council District:        District 2

4. Size of property (indicate acreage or square footage):

Total: 1,202.55

5. List easement(s) located on the property (e.g., vehicular, pedestrian, beach access, utility, water):

TMK (1) 7-1-001:005 (Lot 10-A) - Easement "B" - 10 feet wide, Easement "C" - 40 feet, Easement "D" - 20 feet wide, Easement H - 10 feet wide (communications lines under, over and across).

TMK (1) 7-1-001:003, (1) 6-5- 002:10 0 Easement K - 10 feet wide (underground communication lines)

6. Describe the terms and scope of the public access to the property or easement:

The property is agricultural land and the public does not currently have access to it. Under the proposed conservation/agricultural easement, the status quo would continue. Public access to active agricultural operations is dangerous (e.g., spraying of pesticides or fertilizers), interferes with operations (e.g., tillage, irrigation), and compromises crop security (e.g., theft of crops). Under the proposed conservation/agricultural easement, the land trust that holds the easement would monitor the property regularly to verify compliance with the easement's restrictions.

7. Describe how fee title is held (including percentage of ownership, if any):

Currently, fee title is held by the Bank of Hawaii as Trustee under the Will and of the Estate of George Galbraith, deceased. The property is under contract to be sold to a confidential buyer who will provide this Commission with a letter of its willingness to sell the easement once confidentiality restrictions are lifted.

Attach a preliminary title report:

8. Provide the following land use information:

State Land Use Designation (include subzone if applicable):

Agriculture

County Zoning:

AG-1

County General/Community Plan Designation:

Agriculture

Flood Zone Designation:

FIRM Zone D

9. Is the property located in a Special Management Area?

Explanation, if needed:

10. Describe any structures on the property, including size, location, use, condition:

Irrigation well pump and associated structures in good, usable condition on TMK (1) 6-5-002:025.

11. List all adjacent landowners and indicate if they have been consulted about the project:

U.S. Army Garrison Hawai'i (Schofield Barracks Military Reservation) - Yes  
Howard Green - Yes

12. Describe all current and past uses of the property (include neighboring properties, if relevant):

Current use: Fallow agricultural land.  
Past uses: Pineapple plantation agriculture  
Past traditional Hawaiian uses: Not known; possible mauka agriculture or forest

13. What types of surveys or documented analyses, if any, have been conducted regarding the property (e.g., environmental assessments, cultural assessments, environmental impact statements, biological field surveys, archaeological surveys, Special Management Area permit applications, geological hazard assessment, etc.)?

Galbraith Trust Estate, Wahiawa Land Development, Final EIS, April 1993;  
Environmental Phase I Survey (pending)

#### SECTION D. RESOURCE PURPOSES

The applicant proposes that the property be acquired for the following purpose(s) identified in Revised Ordinances of Honolulu § 6-62.2 and City Council Resolution 07-355 CD 1 (check all that apply and provide more detailed information regarding the checked purpose(s) below):

- 1  Protection of watershed lands to preserve water quality and water supply.
- 2  Preservation of forests, beaches, coastal areas, and agriculture lands.
- 3  Public outdoor recreation and education, including access to beaches and mountains.
- 4  Preservation of historically or culturally important land areas and sites.
- 5  Protection of significant habitats or ecosystems, including buffer zones.
- 6  Conservation of land in order to reduce erosion, floods, landslides, or runoff.
- 7  Acquisition of public access to public land and open space.

1. Protection of watershed lands to preserve water quality and water supply. Describe the watershed values of this property, including how the acquisition will achieve the protection of groundwater and surface water quantity and/or quality that is conducive to recharging groundwater aquifers (e.g., +/- 60 inch isohyet, elevation gradient, type/condition of vegetation, presence of perennial or ephemeral streams or drainage channels, other water bodies, etc.):

The property is located over the Wahiawā/Central aquifer (23 mgd sustainable yield), and part of the Ki'iki'i watershed, the largest watershed on the island of O'ahu. It is bounded on the east by Poamoho Stream (perennial in its upper reaches, impacted by agricultural diversions in its middle reaches), which converges with Kaukōnāhua Stream at Ki'iki'i Stream (a perennial stream), and then flows into Kaiaka Bay. The Atlas of Hawaiian Watersheds gives it a total watershed ranking of 8 of 10 points.

2. Preservation of forests, beaches, coastal areas, and agriculture lands. Describe how the acquisition will preserve forests, beaches, coastal areas (including near-shore marine resources), or agricultural lands.

This area is a key piece of the rural/agricultural gateway to O'ahu's famed North Shore, and was historically in pineapple production. The property's dedication to agricultural uses will maintain or improve re-charge to the aquifer. Rates of re-charge will vary with type of crop and irrigation practice. The landowner will be required to implement a soil conservation plan approved by USDA NRCS to reduce erosion and runoff into Poamoho Stream, located upstream of Ki'iki'i Stream and Kaiaka Bay ("impaired" streams and waterbodies).

3. Public outdoor recreation and education, including access to beaches and mountains. Describe how the acquisition will help preserve public outdoor recreation and educational opportunities, which may include parks, beaches, or interpretive trails, and/or access to such opportunities.

N/A

4. Preservation of historically or culturally important land areas and sites. Describe how the acquisition will preserve historic and/or important cultural sites and lands, including ancient Hawaiian archaeological sites. Priority will be given to acquisitions that preserve important ancient Hawaiian sites (such as heiau, ko`a, house sites, or petroglyphs for preservation and/or cultural purposes), or for property that is actively used for traditional and customary Hawaiian cultural practices. Next priority will be given to acquisitions that preserve historical (i.e., post-Contact) sites.

The property that will be dedicated to agricultural uses is located to the east, north, and northwest of Kūkaniloko (the birthing stones), one of the most important cultural sites on O`ahu. The views of the Wai`anae and Ko`olau mountains from this sacred area will be protected and limited to agricultural uses.

5. Protection of significant habitats or ecosystems, including buffer zones. Describe how the acquisition protects significant habitats or ecosystems, including buffer zones, and whether there is substantial, significant, or minimal presence of: native-dominated plant cover, endangered or threatened species, critical habitat, or species of greatest conservation need.

N/A

6. Conservation of land in order to reduce erosion, floods, landslides, or runoff. Describe how the acquisition achieves conservation and reclamation of land that would reduce erosion from runoff, slippage from landsliding, flood protection, and possible protection of buffer zones from rockfall hazards.

See responses to 1 and 2 above.

7. Acquisition of public access to public land and open space. Describe how the acquisition provides public access to public land and open space for public enjoyment, including whether the acquisition would secure important and critical access that has not previously existed, secures and protects additional access easements, or expands already sufficient access.

N/A

**SECTION E. ENVIRONMENTAL HAZARDS**

1. If there are suspected or potential hazards associated on or related to this property, check all the following that apply and describe each:

There are no known hazards:	<input checked="" type="checkbox"/>
The property is a designated brownfield (former industrial use):	<input type="checkbox"/>
There has been illegal dumping/hazardous materials:	<input type="checkbox"/>
The property is prone to flooding or is a natural drainage basin:	<input type="checkbox"/>
The property is prone to falling rocks or other geological hazards:	<input type="checkbox"/>
The features of the property's surface are potentially hazardous (i.e., uneven, rocky, or fallow terrain, overgrowth of flora, etc.):	<input type="checkbox"/>
Other suspected or potential hazards:	<input type="checkbox"/>
Describe any checked information:	

**SECTION F. FUNDING REQUEST**

1. What is the fair market value of the fee simple property?

\$16 million to \$19.2 million (est'd)

2. What is the fair market value of the conservation/agricultural easement?

\$6 million to \$9.6 million (est'd)

3. How were the estimated values determined? (Use following chart)

	<u>Fee Simple</u>	<u>Easement</u>
Appraisal Report (indicate date & author of report)	John Child & Co., Paul Cool, Sept. 2008 (draft/prelim)	Estimated based on appraisal of fee simple value (1/3-1/2 of fee)
Current County Tax Assessed Value	\$42,110,469	
Other (please specify)		

4. Is the property or easement currently listed for sale or has it been listed for sale within the past two years? If so, provide asking price.

Yes. All of the Galbraith properties (2,100 acres) were listed for sale at \$40 million in 2008.

5. What is the total estimated cost for the acquisition? (Use following chart)

Estimated Acquisition Cost Worksheet				
Expense Item	Estimated Cost	% of Costs to be Paid by:		
		Land Owner	Applicant	Other (specify)
Appraisal report	\$30,000	50	50	
Title report	\$500	100		
Property survey				
Subdivision				
Environmental investigation	\$5,000	100		
Other:				

Other:				
Subtotal:	\$ \$35,500			
Estimated Value of Property	\$ 6,000,000			
<b>Total Anticipated Cost of Acquisition</b>	\$ 6,035,500	%	%	%

6. What are the anticipated matching funds, if any? (Use following chart)

Estimated Matching Funds Worksheet			
Type	\$ Amount	Source of Funds or Basis of Valuation	Status (Secured/Pending)
Private funds			
Public/other funds	\$2,000,000	Army Compatible Use Buffer Zone	Secured
Public/other funds	\$2,000,000	State	Pending
Public/other funds			
Land value donation (can include bargain sale reduction in price from fair market value)			
In-kind contributions	\$35,500		
<b>TOTAL MATCHING FUNDS</b>	\$ ( 66 )% 4,000,000		
<b>AMOUNT REQUESTED FROM CWNL FUND</b>	\$ ( 34 )% 2,000,000		
<b>TOTAL ANTICIPATED COST OF ACQUISITION</b>	\$ ( 100 )% 6,035,500		

7. Provide an estimated timeline for the acquisition and indicate any urgency of your request.

TPL has tentative agreement with prospective landowner to close by December 2009. Funds must be released by December 2009.

**SECTION G. PROJECT IMPORTANCE**

Answer the questions below in the space provided; attach additional sheets (no longer than two single-spaced pages total) only if necessary.

1. Briefly describe the overall significance and importance of the property and/or easement.

See attached.

2. Identify any conditions that threaten the significance and importance of the subject site. This may include anticipated uses of neighboring lands, or environmental conditions (e.g., sedimentation, runoff, invasive species, conflicting activities, proposed development, etc.).

N/A

**G.1. Briefly describe the overall significance and importance of the property and/or easement.**

The Galbraith Estate Lands are the rural/agricultural gateway to the O'ahu's famed North Shore. These lands are extremely significant -- they are seen and enjoyed by nearly every person who drives to the North Shore, resident and visitor alike (visitors estimated at 2.4 million per year), serving as visual and aesthetic buffer between urban Honolulu and the rural North Shore.

Moreover, the Galbraith Estate Lands are key to Hawai'i's food and energy self-sufficiency. As reported in the February 11, 2009 Honolulu Advertiser, agricultural land in the State is quickly disappearing. The latest census by the U.S. Department of Agriculture reports a loss of 180,000 acres of farmland between 2002-2007, a 14% total loss and the greatest decline in any five-year period since 1987. Industry experts say the trend is difficult to stop, with high land costs and pressure from urbanization making farming an economic struggle.

The Galbraith Estate lands are "Unique Agricultural Lands" under the Agricultural Lands Important to the State of Hawai'i (ALISH) system. Unique Agricultural Land is land other than Prime Agricultural Land and is used for the production of specific high-value food crops. Unique Agricultural Land has the special combination of soil quality, growing season, temperature, humidity, sunlight, air drainage, elevation, aspect, moisture supply, or other conditions, such as nearness to market, that favor the production of a specific crop of high quality and/or high yield when the land is treated and managed according to modern farming methods. The Galbraith Estate lands have excellent access to water (well and surface), flat terrain, and a convenient location near to Hawai'i's major markets and population.

Voluntary agricultural/conservation easements dedicate land to agricultural uses in perpetuity. Programs like the Clean Water & Natural Lands Fund can provide voluntary incentives to landowners to give up speculative development schemes that convert valuable agricultural land into residential uses or "gentlemen's estates." Land that is voluntarily dedicated to agriculture in perpetuity through agricultural/conservation easements is stripped of any speculative value. In subsequent transactions, the land can be sold to future farmers at its lower affordable prices since it is stripped of its development rights.

The threat of development of the Galbraith Estate Lands is very real. Suburban development now sprawls over former productive agricultural land throughout Central O'ahu - in Waiawa, Kunia, and Mililani. In 2007-2008, a Canadian developer offered to purchase the Galbraith Estate Lands, and quickly began marketing smaller five-acre parcels where residences could be built with scenic views of the North Shore. Luckily, the Canadian developer's financing did not materialize, and he was not able to close the transaction.

To date, the Bank of Hawaii, as Trustee of the Galbraith Estate, has been able to sell or contract for sale several parcels:

- The land under Lake Wilson, the former pineapple display triangle along Kamehameha Highway, and a corner property across from Schofield have been sold to Howard Green, an attorney and owner/developer of the North Shore Marketplace.
- A parcel north of the waste transfer station next to Schofield (TMK (1) 6-5-002:026) is under contract.
- A parcel located just outside of Wahiawā (TMK (1) 7-001:006) is also under contract.
- The remainder of the Galbraith property (approximately 1,750 acres) is under contract with another prospective purchaser (hereinafter "Prospective Galbraith Purchaser").

Since 2006, TPL has been working with the State Legislature, the State Department of Agriculture, the USDA Natural Resources Conservation Service, the U.S. Army Garrison Hawai'i, the City Council and City Administration, and Wahiawā community, to protect these important lands and ensure that they remain in agriculture for future generations. TPL has been negotiating with the Prospective Galbraith Purchaser, which intends to use the land for permitted agricultural uses and is willing to dedicate the land to agricultural uses in perpetuity. TPL's approach is two fold: (1) a fee-simple purchase of land surrounding Kūkaniloko working with the Office of Hawaiian Affairs (see companion Galbraith application), and (2) a conservation easement purchase over all remaining land under control of the Prospective Galbraith Purchaser. In the future, TPL will work with other purchasers of the smaller Galbraith parcels on possible voluntary conservation/agricultural easements.

The Galbraith Estate Lands are key pieces of Hawai'i's food and energy self-sufficiency and agricultural heritage. It is vital that these lands remain in agriculture, and that the speculative development value of these lands be voluntarily removed so that future generations of farmers will be able to afford and productively farm these lands.

3. Describe the consistency of the acquisition with the other stated priorities of the City and County of Honolulu.

Dedication of the land to agricultural uses is consistent with the County General Plan, and the North Shore and Central O'ahu Sustainable Communities Plans which designate this area for agricultural uses.

4. Describe any other issues related to the acquisition of which the Commission or Council should be made aware during their review process:

The prospective purchaser of the land and TPL are both bound by confidentiality agreements. The identity of the prospective purchaser until confidentiality restrictions are lifted. Once those restrictions are lifted, the prospective purchaser will provide a letter stating its willingness to participate in this program, and share its proposed future uses of the property.

## SECTION H. STEWARDSHIP AND MANAGEMENT

Answer the questions below in the space provided; attach additional sheets (no longer than one single-spaced page total) only if necessary.

1. Briefly describe the proposed use of the acquired property or easement including any short and long term goals, resource management plan, sources of start up funding, and operation and maintenance funding. Disclose any intended commercial uses. What entity (if not the applicant) will manage the property/easement? Describe the expertise and experience of the managing entity.

The prospective landowner will be managing and maintaining the land at its own cost under a conservation plan approved by the USDA Natural Resource Conservation Service. As confidentiality restrictions are relaxed, the prospective landowner will provide a more specific description of the types of agricultural uses planned for the property under the easements. An endowment/stewardship fund will be established to enable the North Shore Community Land Trust (NSCLT) to monitor the landowner's compliance with the easement on a yearly basis. NSCLT led efforts to protect 1,129 acres at Pūpūkea-Paumalū and raised over \$1 million private dollars for acquisition and stewardship. NSCLT has stewardship agreement with State Parks Division regarding the Pūpūkea-Paumalū Park Reserve, and is leading a community-based management planning effort for the future of the area.

2. Describe the potential obligations (e.g., financial, staffing) of the City and County of Honolulu, if applicable.

With a conservation easement, the duties for management, maintenance, and any liability related to the property remain with the landowner. The City will not have continuing financial obligations with regard to the land. NSCLT will be monitoring the landowner's compliance with the easement regularly and can provide the City with copies of the monitoring reports if requested.

*Thank you for your application to the Clean Water and Natural Lands Fund.*

\* \* \*

SUPPORTING DOCUMENTS  
ON FILE  
WITH THE  
CWNL COMMISSION  
AND  
CITY CLERK'S OFFICE