

City and County of Honolulu
Clean Water and Natural Lands Commission

First Annual Report to the City Council
June 30, 2009



Honouliuli Preserve
Photo by Phillip Spalding III

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CITY CLERK
HONOLULU, HAWAII

City and County of Honolulu
Clean Water and Natural Lands Commission
530 S. King Street, Rm. 202
Honolulu, Hawaii 96813

June 30, 2009

Honorable Chair Todd Apo and
Members of the City Council
Honolulu City Council
530 South King Street
Honolulu, Hawaii 96813

Dear Chair Apo and Members of City Council:

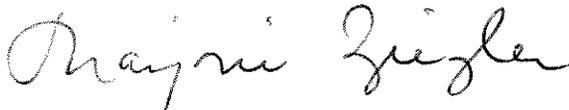
The Clean Water and Natural Lands Commission thanks you for your support this past year as we established, for the first time, the priorities for expenditures from the Clean Water and Natural Lands Fund.

Please find attached our First Annual Report to the City Council. As you know, the Commission has worked hard to determine the important priorities for fund expenditures, and to develop and implement an application process, guidelines, policies, and practices that are fair, balanced, and transparent.

We look forward to working with the City Council and the Mayor in the second year to refine the prioritization process and to ensure the projects selected for funding are successful.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Marjorie Ziegler, Chair 2009-2010
Clean Water and Natural Lands Commission

Commissioners:

Denise E. Antolini, Glenn R. Bauer, Kevin K.J. Chang, Mitch D'Olier, Jody L. Kaulukukui, Hans J. Krock, Alan T. Takemoto, Marjorie F.Y. Ziegler

Former Commissioners:

Gregory Koob, Alice Hewett

City and County of Honolulu
Clean Water and Natural Lands Commission
First Annual Report to the Honolulu City Council
June 30, 2009

Introduction

The Clean Water and Natural Lands Commission is pleased to submit this First Annual Report to the Honolulu City Council.

In 2006, the City's Clean Water and Natural Lands Fund ("Fund") was established by O'ahu voters by Charter Question 3, enacted as Section 9-204, Chapter 6, Article IX, Revised Charter of the City and County of Honolulu.

Pursuant to the charter amendment, the City Council passed Bill 9 (2007), CD2, which was signed into law as Ordinance 07-18 (Art. 6-62, ROH). According to Ordinance 07-18, the purpose of the Fund is to provide for or to otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes:

- Protection of watershed lands to preserve water quality and water supply;
- Preservation of forests, beaches, coastal areas and agricultural lands;
- Public outdoor recreation and education, including access to beaches and mountains;
- Preservation of historic or culturally important land areas and sites;
- Protection of significant habitats or ecosystems, including buffer zones;
- Conservation of land in order to reduce erosion, floods, landslides, and runoff; and
- Acquisition of public access to public land and open space.

Ordinance 07-18 provided that "All expenditures from this fund shall be made consistent with the priorities established by a commission created by council resolution or, in the absence of a commission, with the priorities established by the council by resolution."

The nine-member Commission was first convened in April 2008, under the authority of Resolution 07-355, CD 1, to "advise and assist the Council in its efforts to set priorities and policies for expenditures and the Council's efforts to ultimately approve specific expenditures from the Clean Water and Natural Lands Fund."

The Commission's website is www.honolulu.gov/council/abc/cwnl.htm and includes the following information: About the Clean Water and Natural Lands Commission, the 2009 Applications, 2009 Application for Funding, Agendas, Minutes, Communications, Documents Establishing the Commission, Members, and Contact information. The web

site and the Commission's email list of "interested persons" have been invaluable tools for keeping people informed about the Commission's process and progress.

The Commission particularly wishes to acknowledge the leadership and invaluable support of City Council Chair Todd Apo, Budget Chair Nestor Garcia, Councilmembers Donovan DeLa Cruz, Rod Tam, Romy Cachola, Charles Djou, and Gary Okino, and former Councilmember Ann Kobayashi. The Commission notes with regret the passing of the late Council members Barbara Marshall and Duke Bainum, both of whom shared the Commission's passion for the preservation of clean water and natural lands on O`ahu.

Commission Members

The Commission has a total of nine members, who are appointed by the City Council based upon criteria set forth in Reso. 07-355 CD1. The current and former commissioners are:

- Denise E. Antolini (Chair 2008-2009): Term expires: April 17, 2011¹
- Glenn R. Bauer (Vice-Chair 2009-2010): Term expires: April 17, 2012²
- Kevin K.J. Chang: Term expires: April 17, 2011
- Mitch D'Olier (Vice Chair 2008-2009): Term expires: April 17, 2010³
- Jody L. Kaulukukui: Term expires: April 17, 2011
- Hans J. Krock: Term expires: April 17, 2010
- Alan T. Takemoto: Term expires: April 17, 2010
- Marjorie F. Y. Ziegler (Chair 2009-2010): Term expires April 17, 2012⁴
- Gregory A. Koob, Term expired: April 17, 2009
- Alice P. Hewitt, Resigned February 2009

The Commission wishes to thank Alice Hewitt and Gregory Koob for their important work and valuable service on the inaugural Commission. The Commission welcomed Kevin Chang to the Commission in April 2009. The Commission currently has one available position open and interested persons have been invited to apply to Council Chair Apo.

Commission Meetings

Since the appointment of the Commission members and the first meeting on April 17, 2008, the Commission has conducted bi-weekly or monthly meetings in the Council Committee Meeting Room on the second floor of Honolulu Hale.

¹ Ms. Antolini was the Chair of the Commission from April 17, 2008 to June 5, 2009

² Mr. Bauer's first term expired April 17, 2009. He was reappointed for a second term on April 22, 2009 by Council Chair Todd Apo.

³ Mr. D'Olier was the Vice-chair of the Commission from April 17, 2008 to June 5, 2009

⁴ Ms. Ziegler's first term expired April 17, 2009. She was reappointed for a second term on April 22, 2009 by Council Chair Todd Apo.

At these meetings, the Commission was initially assisted through the office of the Chair of the City Council by staff liaison Lee Ann Bowman under Chair Marshall, and then Brysen Poulton under Chair Apo. The staff liaison position was recently changed into a position at the Office of Council Services (OCS), and the Commission looks forward to working with the new staff person who will be determined by OCS. During its meetings, the Commission received many helpful suggestions and testimony from the public and engaged in discussion with a number of invited guests from agencies, public interest groups, businesses, and community members. Many of the Commission meetings were attended by members of the City Council and their staff members. The Commission held a total of twenty-two meetings over a fifteen-month period, from its first meeting in April 2008 through the end of June 2009, as follows:

April 17, 2008	12:30-2:00
May 1, 2008	12:30 -2:00
May 16, 2008	12:30-2:00
May 29, 2008	12:30-2:00
June 12, 2008	12:30-2:00
June 27, 2008	12:30-2:00
July 25, 2008	12:30-2:00
August 8, 2008	10:00-12:00
August 21, 2008	12:30-2:00
September 5, 2008	12:30-2:00
September 19, 2008	12:30-2:00
October 3, 2008	12:30-2:00
October 17, 2008	12:30-2:00
October 31, 2008	12:30-2:00
November 14, 2008	12:30-2:00
December 5, 2008	12:30-2:00
January 30, 2009	12:30-2:00
March 13, 2009	12:30-2:00
April 13, 2009	12:30 to 4:30
April 22, 2009	2:30 to 4:30
June 5, 2009	12:30-2:00
June 29, 2009	1:30-3:30

Commission Training and Presentations

The Commission is expressly subject to certain aspects of the Sunshine law as specified in Reso. 07-355 CD1, and therefore arranged for a training on the Sunshine Law by the State office of Information Practices (Jennifer Brooks) in July 2008.

Non-profit organizations, community groups, and government agencies have given presentations to the Commission on various topics. Presenters have included The Nature

Conservancy (Sam Gon), the State Legacy Land Program (Molly Schmidt), the Trust for Public Land (Kevin Chang), Oahu Land Trust (Cynthia Rezendes, Elizabeth Dunne, and Howard Killian), Director of Parks and Recreation (Les Chang), City Clerk's Office (Allyson Hong and Bernice Mau), Water Resources Research Center, University of Hawaii at Manoa (James Moncur and Aly El-Kadi), Honolulu Board of Water Supply's Water Resources Program Administrator (Barry Usagawa and Amy Tsuneyoshi). In addition, the Commission welcomed public testimony at every meeting and received a large number of live and written testimonies at its April 13, 2009 and April 22, 2009 meetings with regard to particular projects seeking support from the Fund. (Written testimony from all of the Commission meetings is posted on the web site under "Communications".)

Policy on Priorities, Matrix, and Ranking Factors

After months of careful deliberation and discussion, the Commission adopted several documents to guide its process. In June 2008, the Commission adopted a Draft Policy on Priorities, which was circulated to the Council and Mayor for comment. A final version of the policy was adopted in September 2008. Also, in September 2008, the Commission issued a draft Timeline, Application Form, Matrix, and Guidelines for Applicants, which were circulated to the City Council and Mayor for comment.

The final versions of these documents are attached to this report and also can be located on the Commission's web site. The Policy on Priorities, the Application, and Matrix are based on the seven purposes of the Fund, as stated in the Revised Ordinances of Honolulu (ROH) 6-62 and Resolution 07-355 CD1.

In reviewing projects seeking funding, the Commission considered the Matrix score and five "other factors": (a) urgency of the acquisition opportunity; (b) funding matches; (c) consistency with other City and County of Honolulu priorities; (d) need and ability to satisfy long-term maintenance and stewardship, and (e) geographic diversity among Council districts.

The Commission's April 29, 2009 letter to the City Council with its recommendation on the 2009 cycle projects contains specific information about how the Matrix and "Other Factors" scores were calculated and applied by the Commission.

2009 Cycle Applications

The Commission approved the Application and Guidelines on September 5, 2008 and, at that time, anticipated opening the cycle for applications in October 2008. External factors, however, delayed the Commission process for four months. A press release announcing the application process was approved and published on February 5, 2009 and interested persons as well as the neighborhood boards were sent application information. The deadline for receipt of applications was set for March 9, 2009. Additional media advisories and coverage are posted on the Commission's web site under

“Communications.” A two-page document called “Guidelines for Applicants” was also distributed through the web site.

The Commission received six applications:

- (1) “Kūkaniloko – Galbraith Lands Surrounding” (Trust for Public Land)
- (2) “Galbraith Lands – Selected” (Trust for Public Land/North Shore Community Land Trust)
- (3) “Sunset Ranch” (Maui Coastal Land Trust/North Shore Community Land Trust)
- (4) “Honouliuli Preserve” (Trust for Public Land)
- (5) “Kunia Agricultural Research Station” (Hawai`i Agricultural Research Center/Agribusiness Development Corp.)
- (6) “Kahuku Golf Course/Dunes”(Keep Kahuku Country)

The Commission conducted site inspections in small permitted interaction groups at: Kūkaniloko on March 19, 2009; Galbraith Lands Selected on April 11, 2009; Sunset Ranch on April 11, 2009; Honouliuli on March 19, 2009; Kunia Agriculture Research Station on April 6, 2009; and at Kahuku Golf Course/Dunes on April 5, 2009.

On April 13, 2009, the Commission held a four-hour meeting at which the commissioners reported on their site visits, applicants provided supplemental testimony, and the public provided oral and written comments.

On April 29, 2009, Commission recommendations were submitted to Chair Apo and the City Council. A copy of that letter is attached to this report.

Community Support and Suggestions

The Commission received numerous positive and encouraging comments from a number of observers and applicants throughout the past fourteen months. In July 2008, the Commission was recognized by the Hawai`i Conservation Alliance – alongside several other land conservation entities from across the State – as “instigators or champions of a procedure that leads to significant advances to the structure or nature of environmental conservation in Hawaii.” On numerous occasions, members of the City Council expressed strong support for the Commission and its process. Initial concerns expressed by one Council member over the Commission’s implementation of its duties to prioritize expenditures from the Fund were resolved through a transition in leadership and closer communication between the Commission and the Council. During its review of the 2009 applications, the Commissioners greatly appreciated the support received from applicants, the public, and the City Council. Although the Commission encountered numerous challenges along the way, the vast majority of the feedback was very positive. One particular remark from a state agency representative who attended the Commission’s April 22, 2009 decision-making meeting seems to sum it up: “As an outside observer I

just think you guys did a fantastic job at the CWNL commission, especially [since] this is your first time.”

After the 2009 application cycle was completed, the Commission asked for further feedback and suggestions concerning the process at its June 5, 2009 meeting. Several good suggestions were made for improving the process for the next cycle. Of primary concern was the short amount of time between the application announcement and the submission date. The Commission agreed that the period should be longer in the future, consistent with its original intention for the 2008 cycle, which encountered undue delays due to circumstances beyond the Commission’s control. The Commission also concluded that it would also move up the application cycle in order to provide its recommendation to the Council much earlier in the 2010 City budget process. At present, the Commission anticipates starting the next application cycle on August 1, 2009, closing it on September 30, 2009, with recommendations to the City Council by November 16, 2009.

Applicants also commented that the costs associated with preparing the twelve hard copies of the applications were unduly burdensome. The Commission agreed that the process should become as paperless and digitized as possible for the next cycle, including, e.g., providing the applications on disk to Commissioners, posting PDF versions to the web site, and maintaining minimal hard copies for public review.

Other concerns included initial problems with the on-line application, suggestions for assigned staff, and improved communication among the Mayor, City Council, and the Commission. The Commission understands that the liaison support position has recently been reassigned from the City Council Chair to the Office of Council Services and will undergo a hiring process, which should address the concerns expressed about staff support.

Commission Acquisition and Management Concerns

The Commission has several concerns regarding the execution of the acquisition and management of the projects involved in the 2009 application cycle and overall timing, efficiency of process, and communication with the City Council and the Mayor. The Commission will follow up this report with a list of specific recommendations and concerns.

The Commission looks forward to working with all concerned parties to ensure the success of the Fund priorities and program. One specific example of an opportunity for cooperation would be to have City Council members and the Mayor’s representatives attend future site visits for projects that apply during the next cycle. In addition, City Council members, the Mayor, and their staff should be encouraged to continue to attend Commission meetings and be in direct contact with the Commission Chair and Vice-Chair. Additional suggestions will be considered as the Commission receives more information about the City Council and Mayor’s implementation of the projects selected from the 2009 cycle.

There are two additional concerns. First, attention should be given to real property valuation changes subsequent to the filing of applications for funding, especially due to the current economic cycle.

Second, consideration should be given to the question whether the Commission should be attached to a City Department, particularly for coordination and administrative support.

Looking Forward: 2009-2010 Cycle

The Commission anticipates that the next application cycle will begin on August 1, 2009. The deadline for application submission will be September 30, 2009. The Commission plans to submit its recommendations to the City Council by November 16, 2009.

The Commission also recently elected Marjorie Ziegler as Chair and Glenn Bauer as Vice Chair, replacing the inaugural Chair Denise Antolini and Vice-Chair Mitch D'Olier. At its next meetings, the Commission will be focusing on improving the process for the 2009-2010 cycle.

In conclusion, the Commissioners believe that -- through the efforts of the many stakeholders who supported this process -- they have been largely successful in establishing the fundamental processes that will continue to best serve the interests of the public, the City Council, and the Mayor in utilizing the Clean Water and Natural Lands Fund for the maximum benefit of present and future generations.

Appendices

Relevant Law:

- Charter Question 3 (2006) (creating RCH, Article IX, Section 9-204)
- Revised Ordinances of Honolulu 07-18 (2007) (amending Chapter 6) (June 6, 2007)
- Resolution O7-355 CD1 (adopted Feb. 2, 2008)

Commission Documents:

- Policy on Priorities (M-1861)
- Timeline as of Aug. 24, 2008 (M-1749)
- Guidelines for Applicants (M-0267)
- 2009 Application
- 2009 Matrix (M-1814)
- April 29, 2009 Recommendation Letter to Council Chair Apo

Appendices

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- Charter Question 3 (2006) (creating RCH, Article IX, Section 9-204)
- Revised Ordinances of Honolulu 07-18 (2007) (amending Chapter 6) (June 6, 2007)
- Resolution O7-355 CD1 (adopted Feb. 2, 2008)

Commission Documents:

- Policy on Priorities (M-1861)
- Timeline as of Aug. 24, 2008 (M-1749)
- Guidelines for Applicants (M-0267)
- 2009 Application
- 2009 Matrix (M-1814)
- April 29, 2009 Recommendation Letter to Council Chair Apo

Charter Question 3

On the November 2006 ballot: Should one percent of annual property tax revenues be appropriated to funds for land conservation and affordable housing?

Vote YES or NO

Digest of the proposed amendment:

Present: There are no specially dedicated funds for acquisition of public lands for land conservation or for providing and maintaining affordable housing.

If proposal passes:

- A minimum of one percent of real property tax revenues would be placed in two special funds; one fund would be known as the "Clean Water and Natural Lands Fund" and the other would be known as the "Affordable Housing Fund."
- Moneys in the "Clean Water and Natural Lands Fund" would be used to purchase or acquire real estate for land conservation.
- Moneys in the "Affordable Housing Fund" would be used to provide and maintain affordable housing for persons earning less than fifty percent of the median household income in the city.
- Moneys in the funds would not lapse, but shall remain in the funds, accumulating from year to year.

Note: [Brackets] indicate deletions, and underlining indicates additions.

FULL TEXT - CHARTER QUESTION #3

Create new section in RCH Article IX:

Section 9-204. Clean Water and Natural Lands Fund and Affordable Housing Fund —

1. There shall be established a Clean Water and Natural Lands Fund and an Affordable Housing Fund. In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one percent of the estimated real property tax revenues, one-half of which shall be deposited into the Clean Water and Natural Lands Fund and the remaining one-half of which shall be deposited into the Affordable Housing Fund.

2. Moneys in the Clean Water and Natural Lands Fund shall be used to purchase or otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land in order to reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space.

3. Moneys in the Affordable Housing Fund shall be used to provide and maintain affordable housing for persons earning less than fifty percent of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable in perpetuity.

4. The moneys in each fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 and 3 of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

5. At any given time, no more than five percent of the moneys in each fund shall be used for administrative expenses.

6. Any balance remaining in each fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in each fund shall not be used for any purposes except those listed in this section.

7. The council shall by ordinance establish procedures for the administration and expenditure of moneys in each fund. The appropriations to each fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this section.

Note: [Brackets] indicate deletions, and underlining indicates additions.

Create new section in RCH Article XVI:

Section 16- . Effective Date of Revisions -

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

V. November 7, 2006 General Election Results

On November 7, 2006, eight of the twelve ballot questions were approved by the voters of the City & County of Honolulu. Detailed results are shown below.

Bold font indicates amendments that passed

Question	YES	NO	Blank votes	Over votes
Charter Question 1: Change term limits and staggering of terms	96,660 40.5%	113,725 47.7%	27,979 11.7%	185 0.1%
Charter Question 2: Two alternatives for term limits and staggering	<i>Alt. A:</i> 47,943 20.1%	<i>Alt. B:</i> 140,690 59.0%	49,764 20.9%	152 0.1%
Charter Question 3: Land conservation and affordable housing funds	130,240 54.6%	92,478 38.8%	15,668 6.6%	163 0.1%
Charter Question 4: Curbside recycling	178,504 74.8%	41,309 17.3%	18,663 7.8%	73 0.0%
Charter Question 5: Civil fines for ethics violations	194,550 81.6%	25,721 10.8%	18,220 7.6%	58 0.0%
Charter Question 6: Races with two candidates in General Election	154,373 64.7%	64,827 27.2%	19,248 8.1%	101 0.0%
Charter Question 7: No Council rejection of Salary Commission	93,723 39.3%	120,315 50.4%	24,272 10.2%	239 0.1%
Charter Question 8: Pedestrian- and bicycle-friendly Honolulu; Bikeways	171,969 72.1%	49,656 20.8%	16,853 7.1%	71 0.0%

(continued on next page)



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 6, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO THE CLEAN WATER AND NATURAL LANDS FUND.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to create a fund to receive and expend monies for the purchase of or to otherwise acquire real estate or any interest therein for land conservation in the city, pursuant to Chapter 6, Article IX, Section 9-204, of the 1973 Revised Charter of the City & County of Honolulu (2000 Edition).

SECTION 2. Chapter 6, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Clean Water and Natural Lands Fund

Sec. 6-__1 Creation.

There is hereby created and established a special fund to be known as the "Clean Water and Natural Lands Fund" (hereinafter "fund").

Sec. 6-__2 Purpose.

The purpose of the fund is to provide for the purchase of or to otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land in order to reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space.

Sec. 6-__3 Deposit.

There shall be deposited into the fund an amount equal to one-half of the appropriation by the city council of a minimum of one percent of the estimated real property tax revenues, plus any interest earned on deposits in this fund.



A BILL FOR AN ORDINANCE

Sec. 6-__4 Report required.

Within fifteen calendar days after the mayor submits the budget documents specified in Section 9-102.1, Revised Charter of Honolulu, to the council, the mayor shall also submit a report on the fund which shall include but not be limited to:

- (1) The calculation of the minimum amount required by the charter to be appropriated from the estimated real property tax revenues and deposited into the fund and the amount to be deposited into the fund as provided in the proposed budget for the ensuing fiscal year, which shall at least equal the minimum amount.
- (2) An explanation of the operating and capital program for the ensuing six fiscal years for the use of the fund. The explanation may be in the form of a functional plan spanning at least the ensuing six fiscal years for the fund, adopted by the council, and any annual updates thereto, also adopted by the council. If applicable, the explanation shall demonstrate that the operating and capital program complies with the appropriation priorities the council has established for the fund. Identification of applicable information contained in the administration's budget submittal may satisfy this requirement.
- (3) The amount included in the mayor's proposed executive operating and capital budgets for the ensuing fiscal year from the fund, separately identifying the amount to be appropriated for administrative expenses and demonstrating that the appropriation complies with the charter's maximum amount, and an explanation of how the budgeted amount complies with the charter requirement that the amount does not substitute for but is in addition to the appropriations historically made for the purposes set forth in the charter.
- (4) A list of proposed amendments to the public infrastructure maps required by the proposed appropriations from the fund.

Sec. 6-__5 Additional requirements.

- (a) All expenditures from this fund shall be made consistent with the priorities established by a commission created by council resolution or, in the absence of a commission, with the priorities established by the council by resolution.



A BILL FOR AN ORDINANCE

- (b) Monies in this fund may be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this ordinance and pursuant to Sections 3-116 or 3-117 of the city charter, in whole or in part, for the purposes enumerated above and for the payment of costs associated with the purchase, redemption or refunding of such bonds; and
- (c) At any given time, no more than five percent of the monies in this fund shall be used for administrative expenses.
- (d) Any balance remaining in this fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The monies in this fund shall not be used for any purposes except those listed in this article.
- (e) The appropriations to this fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this article.

Sec. 6-__6 Administration.

The director of budget and fiscal services shall administer the fund.”



A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Barbara Marshall (BR)

DATE OF INTRODUCTION:

January 18, 2007
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Amy R. Kuroki
Deputy Corporation Counsel

APPROVED this 20th day of June, 2007.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 07-18

BILL 9 (2007), CD2

Introduced: 1/18/07 By: BARBARA MARSHALL (BY REQUEST)

Committee: BUDGET

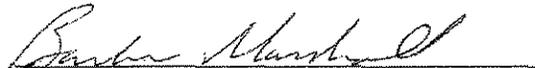
Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 6, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO THE CLEAN WATER AND NATURAL LANDS FUND.

Links: [BILL 9 \(2007\)](#)
[BILL 9 \(2007\), CD1](#)
[BILL 9 \(2007\), CD2](#)
[CR-95](#)

COUNCIL	01/24/07	BILL PASSED FIRST READING AND REFERRED TO THE COMMITTEE ON BUDGET.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM E		
BUDGET	02/07/07	BILL DEFERRED IN COMMITTEE.				
BUDGET	03/28/07	CR-95 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.				
PUBLISH	03/31/07	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-BULLETIN.				
COUNCIL/ PUBLIC HEARING	04/11/07	BILL PASSED SECOND READING AS AMENDED (BILL 9 (2007), CD1), CR-95 ADOPTED, PUBLIC HEARING CLOSED AND REFERRED TO BUDGET COMMITTEE.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
PUBLISH	04/16/07	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
BUDGET	05/16/07	BILL DEFERRED IN COMMITTEE.				
SPECIAL BUDGET	05/23/07	CR-215 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM				
COUNCIL	06/06/07	BILL PASSED THIRD READING AS AMENDED (BILL 9 (2007), CD2) AND CR-215 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER



RESOLUTION

ESTABLISHING A COMMISSION TO SET PRIORITIES FOR EXPENDITURES FROM THE CLEAN WATER AND NATURAL LANDS FUND.

WHEREAS, Hawaii is blessed with natural resources and environmental beauty that are utilized and appreciated by residents and visitors alike; and

WHEREAS, certain lands on Oahu, still undeveloped and important environmental and aesthetic assets, are vulnerable to ongoing development, commercial interests, and urban sprawl; and

WHEREAS, the voters of Oahu recognized the threat to these valuable Oahu lands and approved a charter amendment in 2006 that sets aside a portion of real property tax revenues to purchase real estate expressly for land conservation; and

WHEREAS, pursuant to this charter amendment, the city council passed Bill 9 (2007), CD2 (signed into law as Ordinance 07-18), establishing the Clean Water and Natural Lands Fund ("fund"); and

WHEREAS, the purpose of the fund is to provide for the purchase of or to otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes:

- Protection of watershed lands to preserve water quality and water supply;
- Preservation of forests, beaches, coastal areas and agricultural lands;
- Public outdoor recreation and education, including access to beaches and mountains;
- Preservation of historic or culturally important land areas and sites;
- Protection of significant habitats or ecosystems, including buffer zones;
- Conservation of land in order to reduce erosion, floods, landslides, and runoff; and
- Acquisition of public access to public land and open space;

and



RESOLUTION

WHEREAS, Ordinance 07-18 provides that: "All expenditures from this fund shall be made consistent with the priorities established by a commission created by council resolution or, in the absence of a commission, with the priorities established by the council by resolution"; and

WHEREAS, the council finds that the timely establishment of a commission to advise the council is necessary for the protection and conservation of these lands on Oahu; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that there is established a Clean Water and Natural Lands Commission to advise and assist the Council in its efforts to set priorities and policies for expenditures and the Council's efforts to ultimately approve specific expenditures from the Clean Water and Natural Lands Fund; and

BE IT FURTHER RESOLVED that the Commission shall be comprised of nine members selected by the Council Chair and be governed by the following provisions:

- (1) To be eligible for appointment to the Commission, a person shall be a duly registered voter of the city;
- (2) At least one member of the commission shall possess scientific qualifications as evidenced by an academic degree in wildlife or marine biology, botany, forestry, ecology, resource management, geography, zoology or geology;
- (3) At least one member shall be a person possessing membership in an environmental or land conservation organization present in the state;
- (4) At least one member shall be a person possessing membership in agricultural association organized in the state;
- (5) At least one member shall be a person knowledgeable about preserving freshwater quality and freshwater supply;
- (6) At least one member shall be a person knowledgeable about public outdoor recreation and education;
- (7) At least one member shall be a person knowledgeable about Hawaiian culture;



RESOLUTION

- (8) At least one member shall be a person knowledgeable about the preservation of historic or culturally important land areas and sites;
- (9) Any individual member may fulfill multiple membership requirements;
- (10) The initial appointments shall be three commissioners for a one-year term, three commissioners for a two-year term, three commissioners for a three-year term, and thereafter each succeeding appointment shall be for a staggered term ending three years from the date of the expiration of the term for which the predecessor had been appointed, provided that appointees shall serve a maximum of three three-year terms after initially serving any shorter term;
- (11) Any vacancy, whether by term expiration or any other reason, shall be filled by appointment by the Council Chair;
- (12) Any vacancy occurring other than by expiration of the term of office shall be filled for the remainder of such term;
- (13) The membership shall elect a chair annually;
- (14) A majority of the members shall constitute a quorum;
- (15) All meetings shall be held in city hall or other public places, noticed by the filing of an agenda with the City Clerk at least six days in advance, open to the public, and open to public testimony on all agenda items; and
- (16) The affirmative vote of a majority of the existing membership shall be necessary to take any action, and such action shall be made at a properly noticed meeting open to the public;

and



RESOLUTION

BE IT FINALLY RESOLVED that the duties of the Commission shall include, but not be limited to advising the Council on:

- Developing priorities applicable to expenditures from the fund for land conservation; and
- Formulating recommendations on applying these priorities to the proposed and approved expenditures from the Clean Water and Natural Lands Fund.

INTRODUCED BY:

Donovan Dela Cruz

Ann Kobayashi

DATE OF INTRODUCTION:

November 7, 2007
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 07-355, CD1

Introduced: 11/07/07 By: DONOVAN DELA CRUZ

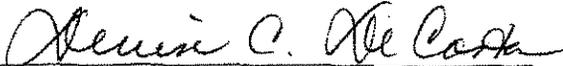
Committee: BUDGET

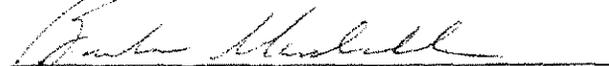
Title: RESOLUTION ESTABLISHING A COMMISSION TO SET PRIORITIES FOR EXPENDITURES FROM THE CLEAN WATER AND NATURAL LANDS FUND.

Links: [RES07-355](#)
[RES07-355, CD1](#)

BUDGET	11/28/07	RESOLUTION DEFERRED IN COMMITTEE.			
BUDGET	1/9/08	RESOLUTION DEFERRED IN COMMITTEE.			
BUDGET	2/6/08	CR-38 (2008) - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.			
COUNCIL	2/20/08	CR-38 (2008) AND RESOLUTION AS AMENDED (RES07-355, CD1) WERE ADOPTED.			
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA E
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y	

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER

CITY AND COUNTY OF HONOLULU
CLEAN WATER AND NATURAL LANDS COMMISSION
POLICY ON COMMISSION PRIORITIES

RECEIVED

SEP 26 3 41 PM '08

CITY CLERK
HONOLULU, HAWAII

WHEREAS:

1. City and County of Honolulu Resolution No. 07-355 CD1 establishes the Clean Water and Natural Lands Fund ("Fund") and the Clean Water and Natural Lands Commission ("the Commission");
2. Ordinance 07-18 provides that "All expenditures from this fund shall be made consistent with the priorities established by a commission created by council resolution";
3. Resolution 07-355 CD1 states that the Commission's role is to "advise and assist the Council in its efforts to set priorities and policies for expenditures and the Council's efforts to ultimately approve specific expenditures" from the Fund;
4. Resolution 07-355 CD1 states that the "purpose of the fund is to provide for the purchase of or to otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes:
 - Protection of watershed lands to preserve water quality and water supply;
 - Preservation of forests, beaches, coastal areas and agricultural lands;
 - Public outdoor recreation and education, including access to beaches and mountains;
 - Preservation of historic or culturally important land areas and sites;
 - Protection of significant habitats or ecosystems, including buffer zones;
 - Conservation of land in order to reduce erosion, floods, landslides, and runoff;
 - and
 - Acquisition of public access to public land and open space";
5. Resolution 07-355 CD1 does not express a priority among the seven purposes of the fund, and each of the seven purposes itself contains multiple important objectives;
6. Resolution 07-355 CD1 also gives the Commission two specific tasks, stating "the duties of the Commission shall include, but not be limited to advising the Council on:
 - Developing priorities applicable to expenditures from the fund for land conservation; and
 - Formulating recommendations on applying these priorities to the proposed and approved expenditures from the Clean Water and Natural Lands Fund";

MISC. COM. 1861

CWNLC

City and County of Honolulu Clean Water and Natural Lands Commission
Policy on Commission Priorities - Page 2

7. The Commission has discussed these tasks at each of its meetings since convening for the first time on April 17, 2008; and

8. At the Commission's meeting on June 27, 2008, the Commission adopted a draft policy on priorities; on June 30, 2008, the Commission circulated the draft policy to, and invited comment from, the Mayor, the City Council, and interested persons; and, as discussed at its meeting on September 19, 2008, the Commission has since carefully considered all comments received on this matter including through a permitted interaction group consultation with Council Chair Marshall and Council Budget Chair Apo;

NOW THEREFORE:

9. To ensure that the public, the City Council, the Mayor, and interested persons have a clear understanding of the position of the Commission on its task of "developing priorities," the Commission hereby adopts by motion this final Policy on Commission Priorities:

A. The Commission currently considers each of the seven purposes of the Fund as stated in Resolution 07-355 CD1 to be equally important high priorities;

B. This policy does not preclude the Commission from determining, after a year of experience, that the seven purposes themselves should be ranked, or that the Commission should actively encourage projects that achieve one or more of the seven purposes;

C. The Commission has adopted (a) a "Matrix: Determination of Clean Water and Natural Lands Funds Priorities" that will be used to assess the "resource priorities" of proposed projects by scoring them according to the seven purposes of the fund; and (b) a list of five additional "opportunity priorities," as stated in the Application and Guidelines, which are (1) urgency of the acquisition opportunity; (2) funding matches contributed or pledged by other sources; (3) consistency with the other stated priorities of the City and County of Honolulu; (4) need and ability to satisfy long-term maintenance and stewardship, including burdens on the City; and (5) geographic diversity among Council districts;

D. The Commission has therefore accomplished its first task of "Developing priorities applicable to expenditures from the fund for land conservation" by developing this "Policy on Commission Priorities," the Application, the Guidelines, the "Matrix: Determination of Clean Water and Natural Lands Fund Priorities," and the Timeline for the 2008-2009 cycle of project review; and

E. The Commission will accomplish its second task, "Formulating recommendations on applying these priorities to the proposed and approved expenditures from the Clean Water and Natural Lands Fund," as it reviews and

City and County of Honolulu Clean Water and Natural Lands Commission
Policy on Commission Priorities - Page 3

evaluates applications for proposed land conservation, based on this Policy, the information provided by applicants using the Application, the Guidelines, the Matrix, site visits, and public comment; the Commission will then forward its ranked recommendations on the applications received for the 2008-2009 cycle to the City Council, along with all of the application materials, for the Council's final review and decision-making on the expenditures from the fund.

10. The Commission staff shall herewith transmit a copy of this motion and the Commission vote on the motion to each of the members of the City Council and to the Mayor, as well as by email to any interested persons, and post this document on the Commission web site.

The Commission passed the draft policy at its June 27, 2008 meeting, unanimously with five of nine commissioners in attendance. The Commission passed the final policy at its September 19, 2008 meeting, with a 5-2-0 vote, with seven of nine commissioners in attendance.

Clean Water and Natural Lands Commission

Denise E. Antolini	Mitch D'Olier	Jody L. Kaulukukui
Glenn R. Bauer	Alice P. Hewett	Gregory A. Koob
Hans J. Krock	Alan T. Takemoto	Marjorie F.Y. Ziegler

2 LLCC app
deadline
3 work with Council
and Mayor on next
budget cycle

CITY CLERK
HONOLULU, HAWAII

City and County of Honolulu
Clean Water and Natural Lands Commission
2009 CLEAN WATER AND NATURAL LANDS FUND 4:26 35 PM '09
GUIDELINES FOR APPLICANTS

Clean Water and Natural Lands Commission
530 S. King Street, Room 202
Honolulu, Hawaii 96813
Web Address: www.co.honolulu.hi.us/Council/cwnl.htm

RECEIVED

1. Commission Criteria Used In Formulating Recommendations on Fund Expenditures

The Clean Water and Natural Lands Commission ("Commission") evaluates applications requesting funding for proposed land acquisitions from the City and County of Honolulu's Clean Water and Natural Lands Fund ("Fund"). Upon completing its review, the Commission will forward its recommendations on proposed projects and fund expenditures to the City Council based on the applications and information it has received. Only the City Council can select and approve proposed projects and will do so as part of its annual budget process in light of recommendation made by the Commission. The Commission will use the following standards and guidelines in making its recommendations to the City Council.

Purposes of the Funds

The Clean Water and Natural Lands Fund has seven purposes as stated in the Revised Charter of Honolulu, Section 9-204(2), the Revised Ordinances of Honolulu, Section 6-62, and Resolution 07-355 CD1. They are:

- Protection of watershed lands to preserve water quality and water supply;
- Preservation of forests, beaches, coastal areas and agricultural lands;
- Public outdoor recreation and education, including access to beaches and mountains;
- Preservation of historic or culturally important land areas and sites;
- Protection of significant habitats or ecosystems, including buffer zones;
- Conservation of land in order to reduce erosion, floods, landslides, and runoff;
- and
- Acquisition of public access to public land and open space.

The Commission has created a scoring "matrix" to evaluate applications in accordance with each of these seven purposes. A copy of the Matrix is posted on the Commission's web site <http://www.honolulu.gov/council/cwnl.htm>. Applicants should address how they intend to meet or achieve each of these purposes throughout the application.

Additional Factors

The Commission will also consider additional factors in reviewing applications and making its recommendation to the Council. These factors are, in no particular order, (a) whether or not the opportunity for acquisition is urgent; (b) matching funds contributed or pledged by other sources; (c) consistency of the project with the other stated priorities of the City and County of Honolulu; (d) need and ability to satisfy the project's long-term maintenance and stewardship, including burdens on the

City; and (e) geographic diversity among Council districts. Applicants should also address these factors specifically in their application.

Recommendations to Council

After completing its review of applications, the Commission will rank the submitted proposals according to the priorities indicated above and suggest a recommended funding level. The Commission will then forward all applications along with its recommended rankings to the City Council. Once the Commission's recommendation has been submitted to the Council, the Commission will be available to answer questions and clarify any issues the City Council regarding the review process, but otherwise will have completed its tasks and responsibilities for that cycle of funding. The Council, not the Commission, is responsible for the final selection of projects to be included in the city budget.

2. **Accurate and complete information.** The Commission will review all applications for accuracy and completeness. Any missing required information or inaccurate information may result in the rejection of an application.
3. **Public record.** All applications and any subsequent information provided by applicants to the Clean Water and Natural Lands Commission shall be considered public record.
4. **Matching Funds and Verification.** If matching funds are used, they may be in the form of direct monies, a combination of public and private funds, land value donation, in-kind contributions, or any combination thereof. An entity may apply for funds while other applications are pending. Verification may be copies of grant applications submitted to other sources (and the status of these applications), contact information, or award letters.
5. **Title report.** Any title reports, if available, concerning the subject property should be included with the application.
6. **Appraisal report.** Any appraisals, if available, concerning the subject property should be included with the application.
7. **Other documents.** Other documents verifying information included in the application or deemed necessary by the Clean Water and Natural Lands Commission may be requested.

City and County of Honolulu
Clean Water and Natural Lands Commission
2009 CLEAN WATER AND NATURAL LANDS FUND
APPLICATION

Forms and required documents must be emailed, postmarked, or hand delivered by

March 9, 2009, 4:30 p.m. HST to:

Clean Water and Natural Lands Commission

530 S. King Street, Room 202

Honolulu, Hawaii 96813

Web Address: www.co.honolulu.hi.us/Council/cwnl.htm

I. GUIDELINES FOR APPLICANTS

A. Commission Criteria Used In Formulating Recommendations on Fund Expenditures

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The Clean Water and Natural Lands Fund has seven purposes as stated in the Revised Charter of Honolulu, Section 9-204(2), the Revised Ordinances of Honolulu, Section 6-62, and Resolution 07-355 CD1. They are:

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- and
- Acquisition of public access to public land and open space.

The Commission has created a scoring “matrix” to evaluate applications in accordance with each of these seven purposes. A copy of the Matrix is posted on the Commission’s web site <http://www.honolulu.gov/council/cwnl.htm>. Applicants should address how they intend to meet or achieve each of these purposes throughout the application.

Additional Factors

The Commission will also consider additional factors in reviewing applications and making its recommendation to the Council. These factors are, in no particular order, (a) whether or not the opportunity for acquisition is urgent; (b) matching funds contributed or pledged by other sources; (c) consistency of the project with the other stated priorities of the City and County of Honolulu; (d) need and ability to satisfy the project's long-term maintenance and stewardship, including burdens on the City; and (e) geographic diversity among Council districts. Applicants should also address these factors specifically in their application.

Recommendations to Council

After completing its review of applications, the Commission will rank the submitted proposals according to the priorities indicated above and suggest a recommended funding level. The Commission will then forward all applications along with its recommended rankings to the City Council. Once the Commission's recommendation has been submitted to the Council, the Commission will be available to answer questions and clarify any issues the City Council regarding the review process, but otherwise will have completed its tasks and responsibilities for that cycle of funding. The Council, not the Commission, is responsible for the final selection of projects to be included in the city budget.

- B. Accurate and complete information.** The Commission will review all applications for accuracy and completeness. Any missing required information or inaccurate information may result in the rejection of an application.
- C. Public record.** All applications and any subsequent information provided by applicants to the Clean Water and Natural Lands Commission shall be considered public record.
- D. Matching Funds and Verification.** If matching funds are used, they may be in the form of direct monies, a combination of public and private funds, land value donation, in-kind contributions, or any combination thereof. An entity may apply for funds while other applications are pending. Verification may be copies of grant applications submitted to other sources (and the status of these applications), contact information, or award letters.
- E. Title report.** Any title reports, if available, concerning the subject property should be included with the application.
- F. Appraisal report.** Any appraisals, if available, concerning the subject property should be included with the application.
- G. Other documents.** Other documents verifying information included in the application or deemed necessary by the Clean Water and Natural Lands Commission may be requested.

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:

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.*

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:	
Mailing Address (P.O. Box or Street, City, State, Zip):	
Contact Person and Title:	
Phone Numbers (work, cellular):	
Email Address:	
Agency/Organization Website (include URL to any specific pages regarding this project):	
Attach a statement no longer than 3 paragraphs describing your organization's expertise and experience with similar land acquisitions:	

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 type="checkbox"/>
Additional description, if needed:	

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:	

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"):

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]:

3. City Council District: District 1

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

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

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

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

Attach a preliminary title report:

8. Provide the following land use information:

State Land Use Designation (include subzone if applicable):

County Zoning:

County General/Community Plan Designation:

Flood Zone Designation:

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:

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

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

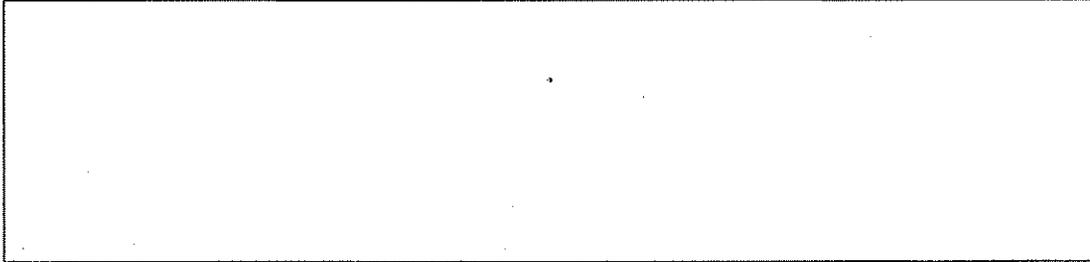
13. What types of surveys or documented analyses, if any, have been conducted regarding the property (e.g., environmental assessments, cultural assessments, environmental impact statements, biological field surveys, archaeological surveys, Special Management Area permit applications, geological hazard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

SECTION D. RESOURCE PURPOSES

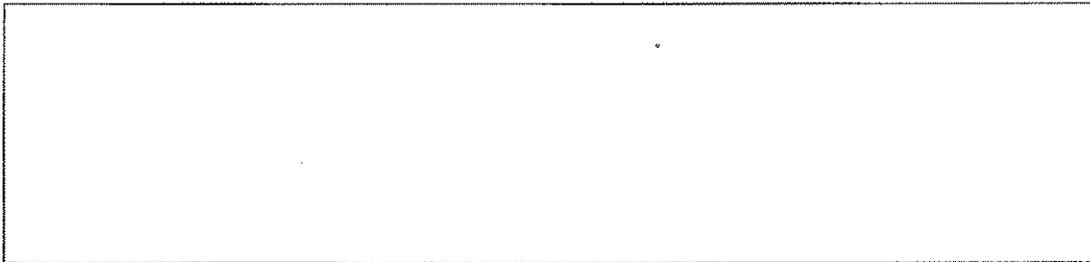
The applicant proposes that the property be acquired for the following purpose(s) identified in Revised Ordinances of Honolulu § 6-62.2 and City Council Resolution 07-355 CD 1 (check all that apply and provide more detailed information regarding the checked purpose(s) below):

- 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.

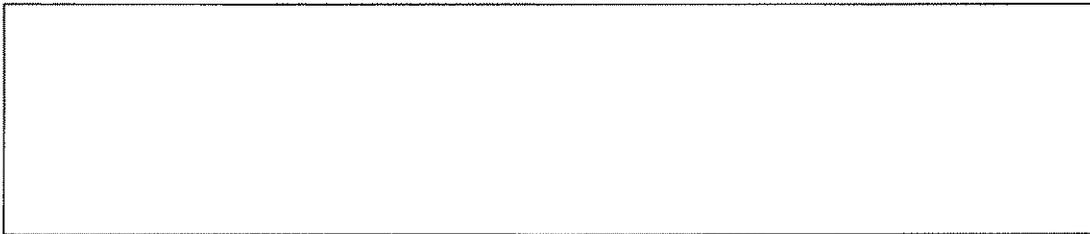
1. Protection of watershed lands to preserve water quality and water supply. Describe the watershed values of this property, including how the acquisition will achieve the protection of groundwater and surface water quantity and/or quality that is conducive to recharging groundwater aquifers (e.g., +/-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



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.



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.



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.

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.

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.

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.

--

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 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?

--

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

--

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

	<u>Fee Simple</u>	<u>Easement</u>
Appraisal Report (indicate date & author of report)		
Current County Tax Assessed Value		
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.

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				
Title report				
Property survey				
Subdivision				
Environmental investigation				
Other:				

Other:				
Subtotal:	\$			
Estimated Value of Property	\$			
Total Anticipated Cost of Acquisition	\$		%	%

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			
Public/other funds			
Public/other funds			
Land value donation (can include bargain sale reduction in price from fair market value)			
In-kind contributions			
TOTAL MATCHING FUNDS	\$ ()%		
AMOUNT REQUESTED FROM CWNL FUND	\$ ()%		
TOTAL ANTICIPATED COST OF ACQUISITION	\$ (100)%		

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

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.

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.).

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

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

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.

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

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

* * *

City and County of Honolulu, Clean Water and Natural Lands Commission Matrix:
 Determination of Clean Water and Natural Lands Fund Priorities

			5 Points		3 Points		1 Point	Score
Protection of Watershed Lands to Preserve Water Quality and Water Supply								
1	Acquisition will protect land for watershed enhancement, including the protection of groundwater and surface water quantity and/or quality that is conducive to recharging groundwater aquifers		Substantially achieves protection for watershed enhancement (=60-inch isohyet), or includes the protection of groundwater and surface water quantity and/or quality that is conducive to recharging groundwater aquifers.		Moderately achieves protection for watershed enhancement (=60-inch isohyet), or includes the protection of groundwater and surface water quantity and/or quality that is conducive to recharging groundwater aquifers.		Minimally achieves protection for watershed enhancement (=60-inch isohyet), or includes the protection of groundwater and surface water quantity and/or quality that is conducive to recharging groundwater aquifers.	
Preservation of Forests, Beaches, Coastal Areas and Agricultural Lands								
2	Acquisition will preserve forests, beaches, coastal areas, or agricultural lands.		Substantially achieves preservation of forest, beaches, coastal areas (including near-shore marine resources), or agricultural lands.		Moderately achieves preservation of forest, beaches, coastal areas (including near-shore marine resources), or agricultural lands.		Minimally achieves preservation of forest, beaches, coastal areas (including near-shore marine resources), or agricultural lands.	
Public Outdoor Recreation and Education, Including Access to Beaches and Mountains								
3	Acquisition will help preserve public outdoor recreation and educational opportunities and may include parks, beaches, or interpretive trails, and/or access to such opportunities.		Substantially helps to preserve public outdoor recreation and educational opportunities and may include parks, beaches, or interpretive trails, and/or access to such opportunities.		Moderately helps to preserve public outdoor recreation and educational opportunities and may include parks, beaches, or interpretive trails, and/or access to such opportunities.		Minimally helps to preserve public outdoor recreation and educational opportunities and may include parks, beaches, or interpretive trails, and/or access to such opportunities.	

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**City and County of Honolulu, Clean Water and Natural Lands Commission Matrix:
Determination of Clean Water and Natural Lands Fund Priorities**

Preservation of Historic or Culturally Important Land Areas and Sites							
4	Acquisition will preserve historical and/or important cultural sites and lands, including ancient Hawaiian archaeological sites.		Preserves important ancient Hawaiian sites, such as heiau, ko'a, house sites, or petroglyphs for preservation and/or educational purposes, or property is actively used for traditional and customary Hawaiian cultural practices		Preserves historical and/or important cultural sites and lands, including ancient Hawaiian archaeological sites.		Preserves properties of limited historical or cultural importance.

**City and County of Honolulu, Clean Water and Natural Lands Commission Matrix:
Determination of Clean Water and Natural Lands Fund Priorities**

Protection of Significant Habitats or Ecosystems, Including Buffer Zones							
5	Protection of significant habitats or ecosystems, including buffer zones.		Substantial presence of native dominated plant cover (over 50%) AND presence of any endangered or threatened species or critical habitat.		Significant presence of native plant cover (25%-50%) OR presence of any endangered or threatened species or critical habitat, or species of greatest conservation need (see http://www.state.hi.us/dlnr/dofa/w/cwcs/index.html).		Minimal presence of native species and project would provide habitat for species of greatest of conservation need.
Conservation of Land in Order to Reduce Erosion, Floods, Landslides, and Runoff							
6	Conservation and reclamation of land to reduce erosion from runoff, slippage from landsliding, flood protection, and possible protection of buffer zones from rockfall hazard		Substantial reduction of geologic hazards to the public, erosion of material into streams or storm drains, or flooding.		Moderate reduction of geologic hazards to the public, erosion of material into streams or storm drains, or flooding.		Minimal reduction of geologic hazards to the public, erosion of material into streams or storm drains, or flooding.
Acquisition of Public Access to Public Land and Open Space							
7	Acquisition of land to provide public access to public land and open space for public enjoyment.		Project would secure important and critical access to public land and open space that has not previously existed.		Project would secure and protect additional access easements to public land or existing parks.		Property already has sufficient access, but project would expand access to public lands.
Total Score							
							Total Score

City and County of Honolulu
Clean Water and Natural Lands Commission
530 S. King St. Rm. 202
Honolulu, HI 96813

April 29, 2009

Honorable Chair Todd Apo and
Members of the City Council
Honolulu City Council
530 South King Street
Honolulu, HI 96813

Dear Chair Apo and Members of the City Council:

The Clean Water and Natural Lands Commission respectfully submits its recommendation to the City Council for the funding of projects that have applied to the City's Clean Water and Natural Lands Fund, established by Charter Question 3 (Revised Charter of Honolulu (ROH), Section 9-204(a)).

As you know, after a year of working on establishing a fair, transparent, and balanced process for prioritizing and reviewing applications to the Fund, the Commission opened the inaugural application cycle on February 5, 2009 with an application deadline of March 9, 2009. Six applications were submitted to the Commission for review, made available for public comment on the Commission's web site and in hard copy, and announced through press releases, communication with the Neighborhood Boards, and use of an interested persons list. The Commissioners also conducted site visits in small groups to each of the project sites. On April 13, 2009, the Commission held a four-hour meeting at which the applicants provided supplemental testimony and the public provided oral and written comments. Additional applicant information and public testimony were submitted after this meeting.

At its meeting on April 22, 2009, the Commission reviewed and finalized its recommendations. Each Commissioner individually ranked each project according to:

(1) the Commission's Matrix,¹ which is based on the seven purposes of the Fund, as stated in Revised Ordinances of Honolulu (ROH) 6-62 and Resolution 07-355 CD1, which are: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas, and agriculture lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historically or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land in order to reduce erosion,

¹ The Matrix is posted on the Commission's web site as Misc. Comm. 1814 (9/5/2008).

Clean Water and Natural Lands Commission

Denise E. Antolini Mitch D'Olier Jody L. Kaulukukui
Glenn R. Bauer Kevin Chang
Hans J. Krock Alan T. Takemoto Marjorie F.Y. Ziegler

floods, landslides, or runoff; and, acquisition of public access to public land and open space; and

(2) five "Other Factors,"² which are (a) urgency of the acquisition opportunity; (b) funding matches contributed or pledged by other sources; (c) consistency with the other stated priorities of the City and County of Honolulu; (d) need and ability to satisfy long-term maintenance and stewardship, including burdens on the City; and (e) geographic diversity among Council districts. The individual ranks were then averaged and both sets of rankings were reviewed holistically by the Commission.

The Commission's recommendation and rankings of the six projects is attached. Staff will separately provide you with a complete set of the six applications, all of the documentation and testimony relevant to each application, and the minutes of our April 13, 2009 and April 22, 2009 meetings.

We appreciate that, from this point forward, the Council will undertake its own review of the applications as part of the Council's annual budget process. We note, however, that according to ROH 6-62.5(a): "All expenditures from this fund shall be made consistent with the priorities established by a commission created by council resolution or, in the absence of a commission, with the priorities established by the council by resolution."

In the Commission's view, its decision at the April 22 meeting to provide the City Council both the Matrix and "Other Factors" scores, without a combined overall ranking for the six projects, provides more latitude for review and decision-making by the Council, is particularly appropriate given that many of the projects involve complex land transactions that are still evolving (e.g., realization of matching funds), and that this is the Commission's first year of experience advising the City Council on fund expenditures.

In making this recommendation to the City Council, the Commission also wanted to highlight several other issues and concerns:

1. Overall, the Commission was very pleased with the quality of the applications, the professionalism of the applicants in presenting their projects, the knowledge and passion of the public testimony, and the potential for significant land conservation offered by these diverse and significant land conservation opportunities. The total acreage of land on O`ahu that could be protected in perpetuity with the assistance of the Fund is over 5,600 acres; the range of resources that would be protected includes high-elevation native forest, prime agricultural land, and spectacular coastal dunes.

² The five "Other Factors," the seven purposes included in the Matrix, and additional guidance are restated for applicants on the first page of the Commission's 2009 Application, available on the Commission's web site: <http://www.honolulu.gov/council/cbc/cwnl.htm>.

2. The Commission acknowledges the concerns expressed by public testimony regarding the need for consultation with lineal descendants, the importance of appropriate cultural surveys, proper treatment of burials, protection of traditional and customary access, and respectful land stewardship. The Commission recommends that the City Council and the Administration address these issues further during project review and early in the implementation stage of any project recommended for funding.

3. The Commission recommends that further consideration be given to the long-term water availability for parcels involving agricultural operations (e.g., well permits).

4. The Commission recognizes that economic issues may affect how the City Council views its recommendations in three different ways: (1) the Commission recommends that revised appraisals be considered, if appropriate, for projects that may be based on older appraisals completed before the economic downturn; (2) the Commission passed a motion (4/22/09) that "the City Council review our recommendations in light of the current context of budgetary considerations," and (3) the Commission passed a motion (4/22/09) asking the City Council to recognize that "the Clean Water and Natural Lands Fund is a dedicated special fund."

5. With respect to all projects, the Commission's recommendation is based upon its current understanding of the entities involved in the potential conservation easements and ownership partnerships, which is based upon the information provided by the applicants as of the April 22 meeting. Some of these partnerships are evolving and may change during review by the City Council or during the implementation stage. For example, for the Kūkaniloko Project (Galbraith Lands), the applicant proposes that title be held by the Office of Hawaiian Affairs, but this arrangement has not been finalized. (The Commission notes that one testifier objected to OHA holding title.) Before decision-making, the City Council should reconfirm with all applicants the level of commitment of the entities involved in each easement or acquisition.

6. The Commission recommends that the City Council adopt a reasonable time frame for implementation of projects (e.g., two years) after the awarding of the funds to ensure that unused funds are not tied up with incomplete projects.

The Commission stands ready to assist the Council in the event that it desires further information about its review of the applications. We will not be meeting during May, but the Commission Chair, Vice-Chair, and other commissioners are available for consultation. We plan to hold our next meeting of Friday, June 5, 2009 from 12:30 p.m. – 2:30 p.m. to consider any issues referred to us by the Council, as well as to assess our own process.

In closing, each of the Commissioners and the support staff have worked hard for the past year, since the Commission held its first meeting on April 17, 2008, to create a public process that sets a bar of excellence for how this new fund is used for the benefit of the City and all of its citizens. Later this Summer, the Commission will be providing you an

Clean Water and Natural Lands Commission
April 29, 2009
Page 4

Annual Report that evaluates our experience with the first year. However, overall, we think that the process implemented for the inaugural cycle of funding best utilized the expertise of the Commission's diverse members, appropriately invited public input, and provided valuable and timely assistance to the City Council.

The Clean Water and Natural Lands Fund is itself a strong and long-lasting commitment by the people of O'ahu to the preservation of important natural lands and resources in our island state. We thank you for the privilege of serving for this past year as your Commissioners and look forward to continuing to assist you in the future. We hope that you share our enthusiasm for this important new program that will provide critical support for voluntary land conservation in Hawai'i.

Sincerely,



Denise Antoliri, Chair
Clean Water and Natural Lands Commission

Mitch D'Olier, Vice-Chair
Clean Water and Natural Lands Commission

Cc: Mayor Mufi Hannemann

Attachment 1: Commission Recommendation to City Council on Fund Expenditures
(2009 Applications)

Attachment 1:

City and County of Honolulu -- Clean Water and Natural Lands Commission
2009 Applications to Clean Water and Natural Lands Fund

Commission Recommendations to City Council on Fund Expenditures

Commission's Final Vote on Overall Recommendation: 6 For (0 Against 0 Abstain 0 Absent)

Commission's Public/Applicant Testimony Meeting Date: April 13, 2009

Commission's Decision-making Meeting Date: April 22, 2009

Projects' Matrix Score and Ranking (out of possible 35 points):

1. Honouliuli – 27.00
2. Kahuku Dunes/Golf Course – 20.33
3. Kūkaniloko (Galbraith) – 20.16
4. Sunset Ranch – 18.8
5. Kunia Ag Research Station – 13.67
6. Galbraith Lands (Selected) – 13.20

Projects' "Other Factors" Score and Ranking (out of possible 3 points):

1. Honouliuli – 2.65
2. Sunset Ranch – 2.50
3. Kūkaniloko (Galbraith) – 2.42
4. Kunia Ag Research Station – 2.29
5. Galbraith Lands (Selected) – 1.75
6. Kahuku Dunes/Golf Course – 1.46

See table below for complete project and ranking information.

Final Rank ¹	Name of Project/Location	Applicant/Holder	Average Matrix Score ²	Average Other Factors Rank ³	Total Project Cost ⁴ (acreage)	Amount Requested by Applicant from CWNL Fund \$total + %total	Amount Recommended by Commission \$ total + %total ⁵	Commissioners Voting ⁶ (Abstaining):
	"Kūkaniloko – Galbraith Lands Around"	Trust for Public Land/Office of Hawaiian Affairs	20.16 (3d)	2.42 (3d)	\$6,035,500 (511)	\$2,000,000 (33.3%)		Antolini Bauer D'Olier Kaulukukui Takemoto Ziegler
	"Galbraith Lands – Selected"	Trust for Public Land/North Shore Community Land Trust	13.20 (6 th)	1.75 (5 th)	\$6,035,000 (1,202)	\$2,000,000 (33.3%)		(Antolini) Bauer D'Olier Kaulukukui Takemoto Ziegler
	"Sunset Ranch"	Maui Coastal land Trust/North Shore Community Land Trust	18.8 (4 th)	2.50 (2d)	\$2,318,850 (27)	\$609,425 (26%)		(Antolini) Bauer D'Olier Kaulukukui Takemoto Ziegler

¹ At its April 22, 2009 meeting, the Commission decided not to provide a combined overall rank for the six projects.

² The Matrix score total is based on each of the seven categories (5 possible points in each): 35 points = high, 17.5 = medium, 0 = low.

³ Other Factors score is based on a scale of: A (3 points) = high, B (2 points) = medium, C (1 point) = low.

⁴ Information provided by applicant, considering all needed and matching funds.

⁵ The Commission decided to forward the recommendations for the full amounts requested by the applicants, with the understanding that further information provided by the applicants to the City Council may provide a basis on which to adjust the amounts requested.

⁶ Commissioner Krock was unavailable due to travel; Commissioner Koob's term ended on April 17, 2009; Commissioner Hewett resigned in Feb. 2009; the terms of Commissioners Ziegler and Bauer expired on April 17, 2009 and were extended for an additional three-year term by Chair Apo on April 22, 2009; Commissioner Chang was appointed by Chair Apo on April 22, 2009 and did not participate in decision-making.

	“Honouliuli Preserve”	Trust for Public Land	27.00 (1 st)	2.65 (1 st)	\$4,368,410 (3,578)	\$92,043.50 (2%)		Antolini Bauer D’Olier (Kaulukukui) Takemoto Ziegler
	“Kunia Ag Research Station”	Hawai’i Ag Research Center/Agribusiness Development Corp.	13.67 (5 th)	2.29 (4 th)	\$3,100,700 (108)	\$400,000 (13%)		Antolini Bauer D’Olier Kaulukukui Takemoto Ziegler
	“Kahuku Dunes/Golf Course”	Keep Kahuku Country	20.33 (2d)	1.46 (6 th)	\$2,896,000 (269)	\$1,646,000 (57%) (revised by applicant 4/22/09 to \$2,150,000) (74%)		Antolini Bauer D’Olier Kaulukukui Takemoto Ziegler
				Total =	\$24,754,460 (5,695)	\$6,747,469 (avg 27.43%) (revised ⁷ 4/22/09 to: \$7,251,469) (30.27%)		

⁷ Revised based on increased request by applicant for Kahuku project at 4/22/09 meeting.