

**Legacy Land Conservation Program
2009-2010 Grant Application Instructions
(Fiscal Year 2010)**

The Grant Application and Grant Application Instructions are available on the Legacy Land Conservation Program website at: <http://hawaii.gov/dlnr/dofaw/lcp>. Applicants may call (808) 586-0921 or email molly.e.schmidt@hawaii.gov with any questions.

ATTENTION APPLICANTS:

Due to the fiscal situation it is uncertain if any awards will be issued in upcoming year, however, the Department of Land and Natural Resources feels it is worthwhile to proceed with a request for applications as that situation is evolving. **This request for applications may be cancelled and any or all proposals rejected in whole or in part, without liability, when it is determined to be in the best interest of the State. Final awards are subject to the availability of funds and are also subject to budget restrictions and procedures implemented under the Fiscal Year 2010-2011 Executive Biennium Budget Instructions.**

How to Apply:

- 1) First, read through the Grant Application Instructions (below); then download the Grant Application Form. Type your responses using a computer (the application is writable); do not handwrite. Complete the Grant Application Form and gather Required Preliminary Documentation.

- 2) Submit the completed Grant Application Form and Required Preliminary Documentation by September 16, 2009, 4:30 p.m., Hawaii-Aleutian Time (HST). All materials must be submitted in hard copy and Portable Document Format (PDF). The application will not be considered complete until both formats have been received.

Send hard copy to: DLNR Legacy Land Conservation Program
1151 Punchbowl Street, Room 325, Honolulu, HI 96813

Email PDF to: molly.e.schmidt@hawaii.gov.

- 3) Be prepared to submit other supporting documentation (see below) upon the request of the Legacy Land Conservation Commission or Legacy Land Conservation Program. Preview the Grant Recipient Guidelines (available on website) to anticipate what may be required of applicants receiving awards.

General Instructions for Grant Application Form

1. Accurate and complete information. All applications will be reviewed for accuracy and completeness. Any missing required information or inaccurate information may result in the rejection of an application.

2. Project area. Switching, adding, or dropping parcels of land from a project application will not be allowed past deadline; applicants anticipating a change in the project area may

submit multiple applications, however, any withdrawal of projects should be done before the Commission meets to receive testimony on projects.

3. Public record. All applications and any subsequent information provided by grant applicants relating to the Legacy Land Conservation Program shall be of public record except as may be excluded pursuant to Hawaii Revised Statutes, Chapter 92F.
4. Match. Where the intended recipient of a grant is a county agency or nonprofit land conservation organization, matching funds of at least 25% of the total project costs are required. Matching funds 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. Evidence of the matching funds shall be made available prior to any distribution of grant funds. However, an entity may apply to the Legacy Land Conservation Program while other applications are pending.
5. Sale, lease or other disposal of land. Land acquired with State funds and subsequently sold or leased will be subject to pay back provisions and the approval of the BLNR.
6. Deed restrictions, covenants and/or agricultural and conservation easements. To ensure protection of the property, the Board of Land and Natural Resources may require that deed restrictions, covenants, or conservation/agricultural easements be placed on the property as a condition of the receipt of funds.
7. Appraised fair market value. Funds from the Legacy Land Conservation Program may not be used to fund any acquisition where the property is being acquired for a price that is higher than the fair market value of the property as determined by a DLNR-approved appraisal.
8. Regulatory approvals. Prior to the disbursal of funds, all legal and regulatory approvals (i.e. subdivision, etc.) required for the conveyance to the grantee shall be completed.
9. State acquisitions. If this application results in the acquisition of interests or rights in property or easement by the State of Hawai'i:
 - a. All State acquisitions approved by BLNR shall be done in compliance with Sections 107-10, 171-11 and 171-30, H.R.S., as amended, and Chapter 101, HRS, as may be necessary.
 - b. Pursuant to H.R.S. §171-30(e), total consideration paid in any Legacy Land Conservation Program project shall not be greater than the fair market value of the interest to be acquired as determined by an independent professional appraisal.
 - c. Pursuant to H.R.S. Chapter 343, an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required.
 - d. Any conveyance of fee title in private lands to the State of Hawaii DLNR shall be via the State's standard warranty deed document form, as may be amended from time to time, which contains hazardous waste testing provisions and indemnity language.
 - e. The issuance of a Governor's Executive Order to the Applicant or cooperating governmental agency may be recommended.

- f. Any conveyance tax is the responsibility of the seller of the real property.
 - g. If escrow services are used, then all fees shall be the sole responsibility of the seller; moreover the seller shall be responsible for providing escrow instructions subject to DLNR review and approval.
10. Federal partnership. Any permanent easement established that includes partnership with a federal land conservation program may be transferred only as provided by rules of the federal program.
 11. Expenditure deadline. Should grant funds be awarded, such moneys must be expended within two years of receipt of funds unless the BLNR approves of an extension in writing prior to expiration. Should awarded funds not be expended within the allotted time, a new application must be submitted for future consideration.
 12. Reimbursement of costs. Applicants may choose to include, for reimbursement consideration, the cost of obtaining documents or services in Section F. ("Funding Request") of the Grant Application. A current title report and appraisal will be required for all grant recipients.
 13. Final awards. Final funding awards are at the discretion of the BLNR, the Attorney General, the Governor, and the Senate President and Speaker of the House of Representatives of the Hawaii State Legislature. Awards are subject to the availability of funds and are also subject to budget restrictions and procedures implemented under the Fiscal Year 2010-2011 Executive Biennium Budget Instructions.

Required Preliminary Documentation

Please include the following documents with your Grant Application (provide/attach an explanation for any of the following documents that are not included).

1. Letter from current landowner acknowledging project and indicating willingness to sell OR an explanation of why applicant is not able to obtain this letter.
2. A preliminary title report. Include documentation for any exceptions listed in Schedule B and Schedule C. An updated report may be required for any projects that are approved for award.
3. A general location map and a parcel map
4. At least one (1), but no more than three (3) photos of the property
5. FOR NONPROFIT LAND CONSERVATION ORGANIZATIONS, Copy of mission statement and IRS 501 (c) (3) or (c) (1) non-profit status determination letter
6. WHERE THE INTENDED HOLDER OF PROPERTY IS OTHER THAN APPLICANT: the intended holder of the property interest must sign the application form as a co-applicant and provide any forms required of applicants (e.g., if the form is a nonprofit land

conservation organization) and provide a letter indicating willingness to participate as holder.

Other Supporting Documentation

The documents listed below may be requested from applicants whose projects are nominated for funding. Applicants are encouraged to submit these documents with the application if they are available, in order to assist the evaluation. The inclusion of any concise and relevant appended/supplementary materials is optional; please provide an index for these materials. Do not submit documents that cannot easily be reproduced, scanned or converted to a digital format.

1. An appraisal report. For the purposes of applying, any available appraisals concerning the subject property may be included with the application, however, an appraisal report that has been approved by the Department of Land and Natural Resources will be required from applicants that have been approved for awards.
2. Verification of the sources and status of matching funds. Verification could be copies of grant applications submitted to other sources (and the status of these applications), contact information, or award letters.
3. Environmental Site Assessment(s) or Cultural Impact Assessment(s).
4. Other documentation verifying information included in application or deemed necessary by the Legacy Land Conservation Commission and the DLNR for evaluation.
5. Non-profit organizations may be required to submit copies of their bylaws, tax clearances, budgetary information, or other information in order to determine their non-profit status.