

**COUNTY OF KAUA'I  
PUBLIC ACCESS, OPEN SPACE & NATURAL RESOURCES  
PRESERVATION FUND COMMISSION**

**2010 REPORT  
TO THE KAUA'I COUNTY COUNCIL  
AND MAYOR BERNARD CARVALHO, JR.**

INCLUDING RECOMMENDATIONS FOR PRIORITY PROJECTS TO BE  
CONSIDERED FOR FUNDING



December 29, 2010



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Prepared by:  
County of Kaua'i  
Public Access, Open Space & Natural Resources  
Preservation Fund Commission

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At Large – Commission appointee

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## **Executive Summary**

### **Program Background**

The Public Access, Open Space, and Natural Resources Preservation Fund (the Fund), was established in 2002 by County Charter Amendment. The fund receives a minimum of one-half of one percent (0.5%) of Kauai's annual certified real property taxes. The fund accumulates and can neither lapse nor be utilized for other purposes. No more than five percent (5%) of the fund may be used for administrative purposes. Purposes for which the fund can be used are outlined in the Charter Amendment found in the Appendices.

### **Status of the Fund**

The fund's balance for Fiscal Year 2010-2011 is \$1,162,000.

### **Commission Recommendations**

The Open Space Commission recommends the acquisition of the fee interest or other property rights for the following property, utilizing the Open Space Fund. The properties, listed geographically clockwise around Kaua'i and not in priority order, are:

- ❑ Kaneioulouma Heiau Complex Preservation Area Expansion (South), also known as Nukumoi [sic] Surf Shop Property (Kōloa District)
- ❑ Po'ipū Beach Park Expansion (West) at 2179 Hoone Road (Kōloa District)
- ❑ Access to Kukui'ula Bay through Former Hoban Property (Kōloa District)

Proposed Piwai (Ōma'o) Recreation Area (Kōloa District)

- ❑ Restoration and Expansion of Shoreline Access, Lāwa'i Kai to Port Allen (Kōloa District)
- ❑ Salt Pond Beach Park Expansion (Mauka and West) and Buffer Area for Protection of Hanapepe Salt Pans (Waimea District)

### **2010 Public Input Process**

The Commission conducted a survey of Kaua'i residents for suggestions on properties for acquisition. Various means, both new and standard were used to increase awareness of and participation in the public input process. The Commission also conducted a field trip of the north shore from 'Aliomanu to Princeville.

One hundred fifty-seven responses were received through the survey process, with forty-five places on Kaua'i suggested.

## **2010 Year in Review**

The Commission celebrates the acquisition of the Hodge property along Hanalei Bay for the expansion of the County's Black Pot Beach Park. This acquisition is significant as it is the first to be financially supported by the Open Space Fund. This project is also a model example in showing how the efforts and funds from many different sources can be coordinated to complete a project that no single agency or program could afford to do alone.

The unresolved public access issues of the Commission's 2005 report remains on the forefront of the Commission's concern. The Commission looks forward to reviewing a Planning Department report to be submitted separately to County Council.

Over the years, it has become clear that the intent of Ordinance 812 and the actual scope of the commission's duties are in conflict, leading to unfulfilled expectations and frustration. The Commission this past year worked on an amendment to Ordinance 812. The bill aims to better align the authority provided by the Ordinance with the expectations of the Commission, County Council, County Administration and the people of Kaua'i.

Unfulfilled vacancies on the commission continue to be a major impediment. There are currently four vacancies.

## **1. Program Background**

### **1.A. 2002 Charter Amendment and the Open Space Fund**

On November 5, 2002, Kaua'i voters passed an amendment to the Kaua'i County Charter creating the Public Access, Open Space, and Natural Resources Preservation Fund (the Fund). The amendment specified that the Fund would receive a minimum of one-half of one percent (0.5%) of Kauai's certified real property taxes each year for purchasing or otherwise acquiring lands or property entitlements in the County of Kaua'i. The charter amendment also stipulated that any balance remaining in the fund at the end of the fiscal year "shall not lapse, but shall remain in the fund, accumulating from year to year." The amendment also directed the County Council to "by ordinance establish procedures for the administration and priorities for the expenditure of moneys" in the Fund.

Purposes, for which the fund can be used, as well as the full scope of the fund, are outlined in the Charter Amendment, a copy of which can be found in the Appendices.

**Status of the Fund.** The fund's balance for Fiscal Year 2010-2011 is \$1,162,000.

### **1.B. Ordinance 812 and the Open Space Commission**

On December 8, 2003, the Kaua'i County Council fulfilled its obligation under the Charter to define the procedures for administering and spending moneys in the fund by passing Ordinance 812<sup>1</sup>, which is included in the Appendices. This ordinance established a "fund advisory commission" known as the Public Access, Open Space, and Natural Resources Preservation Fund Commission to solicit public input and work with the Planning Department to develop an annual list of priority projects to be considered for funding.

The Commission, more commonly known as the "Open Space Commission," was officially formed in September, 2004. It is made up of four Mayor-appointed members, four Council-appointed members, and one member appointed by the eight commissioners. Five of the nine commissioners represent specific geographic areas of Kaua'i (Waimea-Kekaha, Hanapēpē-'Ele'ele, Kōloa-Po'ipū-Kalāheo, Līhu'e-Hanamā'ulu, Kapa'a-Wailua and Anahola-Hā'ena, and four serve "at large."

### **1.C. Historical Perspective**

The recommendations of the Commission are formulated and submitted annually to

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<sup>1</sup> Ordinance 812 was signed into law by Mayor Bryan J. Baptiste on December 15, 2003

County Council & Mayor between 2005 through the present. These recommendations resulted from:

- Many hours of meetings,
- Regional field trips,
- Discussions with members of the public,
- Analysis of data collected from public surveys,
- Study of a wide range of topics relevant to open space preservation and public access protection, and
- Efforts and cooperation of commissioners, program staff, other Administration officials and members of the Kaua'i County Council.

With the commission's annual report, now in its fifth year of recommendations and the County's success with its first acquisition of Black Pot Beach Park Expansion utilizing the Open Space Fund, the Commission is now focused on improvements to Ordinance 812 and increased effectiveness.

## 2. Recommendations for Acquisition Using the Open Space Fund

The primary responsibility of the Open Space Commission is to present to the Kaua'i County Council and the Kaua'i Mayor with an annual list of priority projects for acquisition, using the Open Space Fund.

In addition to the recommendations listed below, the appendices contain corresponding property abstracts with diagrams/photos of the properties identified in this Chapter.

The Open Space Commission recommends the acquisition of the fee interest or other property rights for the following properties, utilizing the Open Space Fund. The properties, listed geographically clockwise around Kaua'i and not in priority order, are:

- Kaneiolouma Heiau Complex Preservation Area Expansion (South), also known as Nukumoi [sic] Surf Shop Property Kōloa District)

This parcel is part of the culturally significant Kaneiolouma Heiau Complex of Po'ipū. This privately-owned parcel is adjacent to County-owned land which encompasses the larger part of the Kaneiolouma Heiau Complex.

This parcel is zoned Open Special Treatment-Cultural (ST-C) and Open Special Treatment-Public (ST-P) in recognition of its cultural values.

The Open Space Fund can be used to acquire the property interest to allow the restoration, interpretation, education, and protection of this important cultural corridor.

- Po'ipū Beach Park Expansion (West) at 2179 Hoone Road (Kōloa District)

This parcel is the last undeveloped beachfront parcel adjacent to Po'ipū Beach Park. Po'ipū Beach Park is one of the most important beach parks on Kaua'i. In the Po'ipū Beach Resort Area, this is the only county beach park with lifeguards.

This privately-owned parcel would be part of the expansion of the county's Po'ipū Beach Park. With the significant growth of the South Shore and the very limited public beaches, this parcel would be necessary in order to provide continued growth of open space and public access.

- Access to Kukui'ula Bay through former Hoban Property (Kōloa District)

This proposal is to acquire a pedestrian shoreline access over an existing drainage easement on the former Hoban property. This exciting County of Kaua'i drainage easement at this location was traditionally used by local residents to access the shoreline for gathering rights and outdoor recreation. In 1995, the property owner constructed a wall which blocked any access. This access would provide the only safe pedestrian transit to the shoreline between Kukui'ula Harbor and Spouting Horn.

The Open Space Fund could supplement, if necessary, the funds provided by conditions of Ordinance PM-2004-370 relating to Zoning Designation at Kukui'ula, Kaua'i, Section 2.15e (2).

The Commission, at its meeting on May 13, 2010, directed the Open Space Planner/Planning Department to prepare a dossier to provide the County Council with additional information on opportunities for implementation of this project.

□ Proposed Piwai (Ōma'o) Recreation Area (Kōloa District)

This property is currently used as a recreational vehicle track (motorcycle, all terrain vehicle and mountain bike). Non-profit organizations, such as the Kaua'i Motorcycle Club (KMXA) and The Garden Island Motorcycle Club (GIMC, founded in 1946), maintain and sponsor activities in this area. The acquisition of this land will allow these recreational uses to continue in a safe and environmentally compatible manner with stewardship opportunities by the non-profit organizations.

The closure of roadways and prohibition of access to Mauka areas over the years has significantly affected many Kaua'i residents in a negative way, including recreational vehicle track users. The availability of this land for a recreational vehicle track would help compensate for this loss. It may also discourage other trails and properties from being used or misused and may reduce on-trail user conflicts and environmental damage.

While the non-profit organizations have used this property as a recreational vehicle track for years, the landowner has recently placed the property on the market for sale, thereby jeopardizing the current use.

The acquisition of this sizeable property is compatible with the commissions past interest in "Public Hunting Area C" and the upland recreational potentials Mauka of Kalāheo.



- Restoration and Expansion of Shoreline Access, Lāwaʻi Kai to Port Allen (Kōloa District)

The shoreline area between Lāwaʻi Kai and Port Allen is now dominated by coffee cultivation. Public shoreline access along this long stretch of coastline has increasingly become more restricted for fishermen and other shoreline users due to the following reasons:

- The implementation by the landowner of an annual permit application process,
- Imposition of annual revocable permit fees,
- On-site check-in procedures,
- Restricted vehicular access to traditional fishing spots,
- Imposition of no-entry hours during non-harvesting months, and
- Imposition of a 4-month-long no public entry period during harvesting.

This proposal seeks to restore and expand shoreline accesses for fishermen and other coastal users from the Halewili Road along a narrow coastal corridor stretching parallel along the shoreline from Lāwaʻi Kai to Port Allen.

- Salt Pond Beach Park Expansion (Mauka and West) and Buffer Area for Protection of Hanapēpē Salt Pans (Waimea District)

The culturally significant Hanapēpē Salt Pans continue to be threatened by agricultural runoff and potential contamination. In addition, as the only major public beach park between Poʻipū and Polihale, Salt Pond Beach Park is heavily used requiring expansion westward and Mauka.

The termination of Gay and Robinson's sugar operations provides an opportunity to terminate a State of Hawaii Department of Land and Natural Resources revocable permit for State-owned lands westward and Mauka of the Salt Pans and Beach Park and to seek an Executive Order to the County of Kauaʻi for public recreational and cultural preservation purposes.

The Open Space Fund could fund the necessary subdivision process for the State-owned properties and the acquisition of the private property interests of a few of the properties in the Beach Park expansion area.

The Commission, at its meeting on May 12, 2010, directed the Open Space Planner/Planning Department to prepare a dossier to provide the County Council with additional information on opportunities for implementation of this project.

### 3. 2010 Public Input Process

The Commission is required to annually solicit public input. This chapter summarizes the public input opportunities and the 2010 public survey results.

#### 3.A. Public Input Opportunities

The following opportunities for public input occurred in 2010 and helped in the Commission's deliberations in putting forth its recommendations:

**Regular commission meetings.** With very few exceptions, the Commission met twice monthly on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of the month at duly noticed public meetings in publicly-accessible meeting rooms in the County's Civic Center Complex in Līhu'e.

**3/11/2010 North Shore Field Trip: 'Aliomanu to Princeville.** The Commission conducted a field trip encompassing 'Aliomanu to Princeville area on March 25, 2010. The Commission was joined by several members of the public at two of the publicly noticed stops on its agenda. Public testimony, while not allowed during the field trip, was accepted at two Commission meetings following the field trip and at each subsequent commission meeting that the field trip was listed on the commission's meeting agenda. The Commission completed a field trip report of its observations, issues identification, and suggestions for resolution. The field trip report is included in the Appendices.

**2010 Public Survey.** Each year the Commission looks for ways to improve its mandate of soliciting public input. This year, efforts included:

- Provision of opportunities for public comment during commission meetings with a specific agenda item,
- Distribution of a paper survey throughout the island at all public libraries and neighborhood centers,
- Articles and paid advertising in The Garden Island newspaper featuring the survey,
- Several radio interviews with OSC program staff on KONG radio promoting participation in the survey. This was a new strategy to encourage to a wider range of participation,
- Brief presentations at meetings of established community/neighborhood associations in the Hanalei, Kīlauea, Wailua-Kapa'a and Kōloa areas. Commissioner's and staff offered presentations and paper surveys to encourage participation,
- Commissioner's appeared on the Mayor's show to promote the 2010 public survey,
- Online survey through the website ([www.kauai.gov/openspacesurvey.com](http://www.kauai.gov/openspacesurvey.com)) available through the Planning Department. The County's Information and

Technology Department continued to be helpful with preparation and administration of the online survey,

- The survey period for both paper and online surveys was July 6 through August 15, 2010.

### **3.B. Summary of Public Input from 2010 Survey**

The Commission received a total of 157 surveys. One hundred fifteen (115) responses were received via the online survey. Thirty-five (35) paper surveys were submitted via mail, fax or dropped off at the Planning Department; four (4) were received in response to The Garden Island newspaper ads. Six (6) members of the public provided public testimony during commission meetings. The sites addressed by these individuals were: shoreline access between Lāwa'i Kai and Port Allen; recreational uses at Piwai (Ōma'o); and preservation of the Kaneioulouma Heiau Complex (Po'ipū).

Forty-five places on Kaua'i were suggested for acquisition (See the Appendices for the complete list). The most frequently suggested sites were:

- Proposed Piwai (Ōma'o) Recreation Area (Kōloa District)  
The Garden Island Motorcycle Club suggested this site, supported by a petition with 178 signatures. More information is in Chapter 2.
- Kapaia Swinging Bridge (LThu'e District)  
Hawai'i State Register of Historic Places. On August 23, 2008, the Kapaia Swinging Bridge was placed on the Hawai'i State Register of Historic Places by the Hawai'i Historic Places Review Board, confirming the invaluable historical significance of the bridge. The Mayor and County Council are conducting ongoing discussions to clarify the status of this property. Mentioned in 26 surveys.
- Secret Beach Three/Kauapea Beach (Hanalei District)  
Each year, this beach access has been identified by a significant number of survey respondents. This access, also of concern to the commission, is addressed in the County Planning Department report on unresolved public access issues, submitted separately. Mentioned in 16 surveys.
- Mahaulepu (Kōloa District)  
This large coastal property north of the Po'ipū resort area has consistently been suggested over the years by a number of survey respondents. While the open space and natural and cultural resources values of these properties are unquestionably high, the challenge lies with the inadequacy of the current Open Space Fund to purchase properties of this price and size. Mentioned in 19 surveys.

## **4. 2010 Year in Review**

The Commission has been working on several areas of concern that have remained unresolved for the last several years. Recent activities by the Planning Department and the Commission are aimed at resolving these important areas of concern. Undoubtedly, the support of the County Council and County Administration is important for resolution.

### **4A. Acquisition Completed for Black Pot Beach Park Expansion**

The Commission celebrates the efforts by many that resulted in the recent acquisition of the Hodge property along Hanalei Bay for the expansion of the County's Black Pot Beach Park. The expansion of the popular beach park has been on the commission's priority list of recommendations to the County Council and the Mayor for the last few years. This acquisition is significant as it is the first to be funded (in part) by the Open Space Fund. This project is also significant in showing how funds from many different sources can be coordinated to implement a project that no single agency or program could afford to do alone. The cooperation, coordination, persistence, strategizing, and courage on the part of many people on Kaua'i and elsewhere to work on the project towards completion over these many years is inspirational and rewarding. The Commission looks forward to the implementation of more recommendations in the months to come.

### **4B. Unresolved Public Access Issues**

From the onset, there has been a high level of public interest and frustration about lost and unfulfilled promises of public access. Since its first annual report (2005) to the County Council, the commission has identified a number of unresolved issues related to specific public accesses on Kaua'i. Last year, the Planning Department committed to completing its report on these unresolved issues by the end of calendar year 2010. The Commission looks forward to reviewing the report when it is submitted separately by the Planning Department to the County Council.

### **4C. Amendment to Ordinance 812**

Over the years, it has become clear that the intent of Ordinance 812 and the actual scope of the Commission's duties are in conflict, leading to unfulfilled expectations and high levels of frustration. Over a several year period, the Commission has worked to identify changes to Ordinance 812. The Amendments are aimed at better aligning the authorities provided by the Ordinance with the County Council's intents and expectations, the County Administration's, the Commission's, and the public's expectations and needs.

#### **4D. Commission Vacancies**

Between 2009 and all of 2010, the Commission has not convened with a full complement of commissioners. Expired terms and resignations have led to vacancies, which require appointments from both the County Council and the Mayor. The commission's authority to appoint the ninth member, as currently worded in Ordinance 812, prevents the Commission from acting until all 8 commissioners are seated.

Current and anticipated vacancies include the Mayoral appointment for Līhu'e-Hanamā'ulu, Mayoral appointment for Kapa'a-Wailua, County Council's appointment for Anahola-Hā'ena and the Commission's appointment for at-large.

## **5. Conclusions**

The long-awaited acquisition of the first property using the Open Space Fund has been accomplished due to the foresight and hard work of a number of people. It has taken these many years for the fund, established with one-half of one percent of the annual certified real property taxes of the County of Kaua'i, to accumulate beyond two million dollars. The rate of growth of the fund has been outdistanced by the increase in property values, particularly coastal property. The vision and fortitude that enabled the collaborative acquisition of the Hodge property at Hanalei Bay for expansion of the County's Black Pot Beach Park are an inspiration. The Commission celebrates with the community on this notable accomplishment.

While the commission's activities of the past year fulfill its official mandates to the County Council and the County administration, they also lay important groundwork for improved effectiveness and productivity for the future.

## **Appendix A**

### **Charter Amendment**





## OFFICE OF THE COUNTY CLERK

### 2002 AMENDMENT The Charter of the County of Kauai

#### "Section 19.15. Fund Administration.

A. Deposit of Funds. Money received by officers and employees shall be deposited promptly to the county's account in depositories authorized by law.

B. Creation of Funds. In addition to the funds established by this charter, the mayor, with the approval of the council, may establish other funds when necessary and when no appropriate class of funds exists. Nothing in this section shall preclude the council from introducing and adopting other funds by ordinance.

#### C. Public Access, Open Space, Natural Resources Preservation Fund.

(1) In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one-half of one percent of the certified real property tax revenues to a fund known as the public access, open space, natural resources preservation fund. The moneys in this fund shall be utilized for purchasing or otherwise acquiring lands or property entitlements for land conservation purposes in the county of Kauai for the following purposes: 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; preserving forests, beaches, coastal areas and agricultural lands; protecting watershed lands to preserve water quality and water supply; conserving land in order to reduce erosion, floods, landslides, and runoff; improving disabled and public access to, and enjoyment of, public land, and open space; acquiring disabled and public access to public land, and open space.

(2) The moneys in this fund may also be used for the payment of interest, principal, and premium, if any, due with respect to bonds issued pursuant to Sections 3.13, 3.14, or 3.15, Charter, in whole or in part – for the purposes enumerated in paragraph (1) of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

(3) At any given time, no more than five percent (5%) of this fund shall be used for administrative expenses

(4) 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 moneys in this fund shall not be used for any purpose except those listed in this section.

(5) The Council shall by ordinance establish procedures for the administration and priorities for the expenditure of moneys in this fund."

**"Section 19.08. Administration and Enforcement of the Annual Budget Ordinance.**

A. The enactment of the annual budget ordinance shall constitute an appropriation of the sums specified therein for the purposes and from the funds indicated. Such appropriation shall be considered valid only for the fiscal year for which made, and any part of such appropriation which is not encumbered or expended shall lapse at the end of the fiscal year, except that appropriations to the fund established by paragraph C of section 19.15 shall not lapse, but shall remain in the fund, accumulating from year-to-year. Agencies authorized to make expenditures under the annual budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available and as allotted.

B. Immediately following the enactment of the annual budget ordinance, the heads of all agencies shall submit to the director of finance schedules showing the expenditures anticipated for each quarter of the fiscal year.

C. The approval of an expenditure schedule by the mayor shall constitute a budgetary allotment which shall, unless a revision thereof is approved by the mayor, be binding upon such agencies and the director of finance shall approve or issue no requisition, purchase order, voucher or warrant that is not in accordance with such allotment.

D. The allotment herein provided may be altered at any time by the mayor. The mayor shall direct appropriate revisions in allotments to keep expenditures within the revenues received or anticipated.

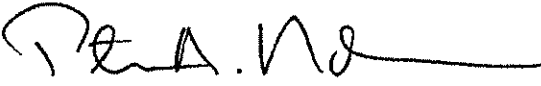
E. Any part of an allotment which is not expended or encumbered shall be deemed re-allotted for the next allotment period.

F. The mayor may at any time transfer an unencumbered appropriation balance or portion thereof within a division or between divisions in the same department. Transfers between departments, boards or commissions shall be made only by the council by ordinance adopted pursuant to Section 19.07B, upon the recommendations of the mayor."

**"Section 19.12. Lapse of Appropriations.** Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, except appropriations to the fund established by paragraph C of section 19.15 and appropriations for capital budget items where any portion of said appropriation has been expended."

These Amendments to Sections 19.15, 19.08, and 19.12 of The Charter of the County of Kauai were duly adopted by the voters at the November 2002 General Election.

Lihue, Hawaii  
November 26, 2002

  
Peter A. Nakamura  
County Clerk, County of Kauai

**Appendix B**

**Ordinance 812**



**A BILL FOR AN ORDINANCE TO ADMINISTER THE PUBLIC ACCESS,  
OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. A new Article 14, entitled "Public Access, Open Space and Natural Resources Preservation Fund" is hereby added to Title III, Chapter 6, of the Kaua'i County Code 1987, as amended, to read as follows:

**"TITLE III.**

**TAXATION AND FINANCIAL ADMINISTRATION**

**CHAPTER**

**6 GENERAL PROVISIONS RELATING TO FINANCE**

(The purpose of this Chapter is to accommodate those non-tax ordinances that deal with the subject of county fiscal administration.)

Article 14	Public Access, Open Space, and Natural Resources Preservation Fund.
Sec. 6-14.1	Purpose.
Sec. 6-14.2	Administration.
Sec. 6-14.3	Appropriation of Funds.

**ARTICLE 14. PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES  
PRESERVATION FUND**

**Sec. 6-14.1 Purpose.**

(a) In adopting each fiscal year's budget and capital program, the Council shall appropriate a minimum of one-half of one percent (0.5%) of the certified real property tax revenues to a fund known as the Public Access, Open Space, and Natural Resources Preservation Fund ("Fund"). The moneys in this Fund shall be utilized for purchasing or otherwise acquiring lands or property entitlements for land conservation purposes in the County of Kaua'i for the following purposes:

- (1) Public outdoor recreation and education, including access to beaches and mountains;
- (2) Preservation of historic or culturally important land areas and sites;
- (3) Protection of significant habitats or ecosystems, including buffer zones;
- (4) Preserving forests, beaches, coastal areas and agricultural lands;
- (5) Protecting watershed lands to preserve water quality and water supply;
- (6) Conserving land in order to reduce erosion, floods, landslides, and runoff;
- (7) Improving disabled and public access to, and enjoyment of, public land and open space;
- (8) Acquiring disabled and public access to public land, and open space.

(b) The moneys in this Fund may also be used for the payment of interest, principal, and premium, if any, due with respect to bonds issued pursuant to Sections 3.13, 3.14, or 3.15, Charter, in whole or in part – for the purposes enumerated

in paragraph (a) of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

(c) 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 moneys in this Fund shall not be used for any purpose except those listed in this section.

**“Sec. 6-14.2 Administration.**

(a) A community-based process that incorporates countywide community input for the purposes of establishing annual recommended priorities of lands or other property entitlements to be acquired for those land conservation purposes described in Section 6-14.1(a) of this article and paragraph C of Section 19.15 of the Charter shall be utilized by the County.

To meet this intent, a fund advisory commission (‘Commission’) shall be established consisting of [seven (7)] nine (9) appointees. [The Mayor shall appoint three (3) members, the Council shall appoint three (3) members, and the seventh member shall be appointed by the appointed six (6). If there is no agreement on the selection of the seventh member within forty-five (45) days of the appointment of the sixth member, the seventh member shall be appointed by the Mayor and confirmed by the Council. The appointing authorities shall consider representation from each of the following six (6) development plan areas when making appointments to the Commission:

- (1) Waimea – Kekaha;
- (2) Hanapēpē – ‘Ele‘ele;
- (3) Kōloa – Po‘ipū – Kalāheo
- (4) Līhu‘e – Hanamā‘ulu;
- (5) Kapa‘a – Wailua; and
- (6) North Shore (Anahola to Hā‘ena)]

(1) The Mayor shall select four (4) appointees, with at least one (1) from each of the following development plan areas and one (1) at-large:

- (A) Waimea – Kekaha;
- (B) Līhu‘e – Hanamā‘ulu; and
- (C) Kapa‘a – Wailua.

(2) The Council shall select four (4) appointees, with at least one (1) from each of the following development plan areas and one (1) at-large:

- (A) Hanapēpē – ‘Ele‘ele,
- (B) Kōloa – Po‘ipū – Kalāheo; and
- (C) North Shore (Anahola to Hā‘ena)

(3) One (1) island wide, at-large appointee shall be selected by the appointed eight (8). If there is no agreement on the selection of the one (1) additional member within forty-five (45) days of the appointment of the eight member, the one (1) additional member shall be appointed by the Mayor and confirmed by the Council.

(4) Initial terms of appointment shall be as follows:

- (A) All at-large appointees shall serve initial terms of one (1) year.
- (B) Two (2) Mayoral district appointees shall serve three-year terms.
- (C) One (1) Mayoral district appointee shall serve an initial one-year term.
- (D) Two Council district appointees shall serve initial terms of two (2) years.
- (E) One Council district appointee shall serve a three-year term.

- Pursuant to Charter Section 23.02(B), all subsequent appointments shall serve for staggered terms of three (3) years and until their successors are appointed. However, no holdover term shall extend beyond ninety (90) days.

- (5) The role of the Commission shall be to:

- (A) Work with the Planning Department to develop an annual list of priority projects to be considered for funding; and

- (B) Solicit public input on development of the annual list of priority projects to be considered for funding.

(b) The Commission shall establish annual recommended priorities of lands or property entitlements to be acquired, or for the funding of projects directly related to the purposes of this article.

(c) For administrative purposes, this Commission shall be attached to the Planning Department.

(d) At any given time, no more than five percent (5%) of this fund shall be used for administrative expenses.

(e) Meetings of this Commission shall comply with requirements of Chapter 92, Hawai'i Revised Statutes (the 'Sunshine Law').

(f) The Commission shall adopt administrative rules of procedure pursuant to Chapter 91, Hawai'i Revised Statutes (the 'Hawai'i Administrative Procedures Act') within one hundred and eighty (180) days of the full appointment of the Commission's membership.

#### **Sec. 6-14.3 Appropriation of Funds.**

(a) Appropriations for expenditure from this fund shall be made by ordinance.

(b) The Commission shall transmit annual recommendations to the Council for priorities of lands or other property entitlements to be acquired, or for the funding of projects directly related to the purposes of this article."

SECTION 2. Severability. If any provision of this ordinance, or the application thereof to any person or property or circumstances is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 3. Effective Date. This ordinance shall take effect upon its enactment.

INTRODUCED BY: /s/ BILL "KAIPO" ASING

DATE OF INTRODUCTION:

**July 17, 2003**

Lihu'e, Kaua'i, Hawai'i

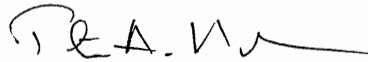
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CERTIFICATE OF THE COUNTY CLERK

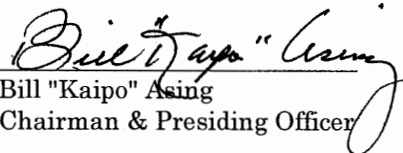
I hereby certify that heretofore attached is a true and correct copy of Bill No. 2078, Draft 1, which was adopted on second and final reading by the Council of the County of Kauai at its meeting held on December 8, 2003, by the following vote:

FOR ADOPTION: Furfaro, Munechika, Rapozo, Tokioka, Yukimura, Asing	TOTAL - 6,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: Kaneshiro	TOTAL - 1.

Lihue, Hawaii  
December 9, 2003

  
Peter A. Nakamura  
County Clerk, County of Kauai

ATTEST:

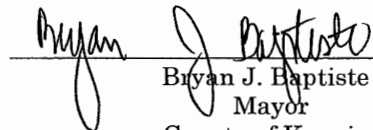
  
Bill "Kaipo" Asing  
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

December 9, 2003

Approved this 15<sup>th</sup> day of

December, 2003.

  
Bryan J. Baptiste  
Mayor  
County of Kauai



## **Appendix C**

### **Abstracts for each Acquisition Recommendation**



**Kaneiolouma Heiau Complex Preservation Area Expansion (South) also known as Nukumoi [sic] Surf Shop Property (Kōloa District)**



Owner	TMK	Address	Acres	Assessment
Kaha Kai Condominium	(4)2-8-017:016	2080 Hoone Rd	(1.202)	\$0
Kaha Kai LLC	(4)2-8-017:016;0001	Hoone Rd	.21	\$763,400
Kaha Kai LLC	(4)2-8-017:016;0002	Hoone Rd	.484	\$996,100
Kaha Kai LLC	(4)2-8-017:016;0003	Hoone Rd	.484	\$1,755,900
			1.202	\$3,515,400

**Recommendation:**

- This parcel is adjacent to County owned land and is part of the culturally significant Kaneiolouma Heiau Complex of Po‘ipū.
- The parcel’s zoning is Open Special Treatment – Cultural (ST-C) and Open Special Treatment – Public (ST-P).
- Acquire the land lease or other encumbrances, or purchase the fee to expand efforts to restore, interpret and protect this important cultural place.

\*Parcel boundaries appearing in aerial images are approximate.



## Po'ipū Beach Park Expansion (West) at 2179 Hoone Road (Kōloa District)



Owner	TMK	Address	Acres	Assessment
James Hoselton	(4)2-8-017:005	2179 Hoone Road	0.74	\$3,734,000

### Recommendation:

- Property currently on the market and listed on MLS (Realtors-multiple listing sales) for \$5.4M and has been on the market since January 2009.
- This parcel is the last undeveloped beachfront parcel adjacent to Po'ipū Beach Park. Po'ipū Beach Park is one of the most important beach parks on Kaua'i. In the Po'ipū Beach Resort Area, this is the only county beach park with lifeguards.
- Purchase of this privately-owned parcel could be part of the expansion of the county's Po'ipū Beach Park. With the significant growth of the South Shore and the very limited public beaches, this parcel would be necessary in order to provide continued growth of open space and public access.

\*Parcel boundaries appearing in aerial images are approximate.

## Access to Kukui'ula Bay through the former Hoban property (Kōloa District)



Owner	TMK	Address	Acres	Assessment
2001 Leight Family Trust	(4)2-6-003:017	4432 Lāwa'i Beach Rd	0.2842	\$3,765,800

### Recommendation:

- Purchase of pedestrian easement from Lāwa'i Beach Road to shoreline along southwest property line.
- Existing County of Kaua'i drainage easement at this location was traditionally used by local residents to access the shoreline, but property owner now prohibits access.
- Additional funding for the creation of a pedestrian easement for beach access may be available through Conditions of Ordinance PM-2004-370 relating to Zoning Designation at Kukui'ula, Kaua'i, Section 2.15e(2), in consultation with the Kōloa Community Association.
- The commission, at its meeting on May 13, 2010, directed the open space planner/Planning Department to prepare a dossier to provide the County Council with additional information on opportunities for implementation of this project.

\*Parcel boundaries appearing in aerial images are approximate.



## Proposed Piwai (Ōma'o) Recreation Area (Kōloa District)



Owners	TMK	Address	Acres	Assessment
McBryde Sugar Co LTD	(4)2-5-001:002	Kaumuali'i Hwy.	122.472	\$1,125,800
McBryde Sugar Co LTD	(4)2-5-001:008	Kaumuali'i Hwy.	81.82	923,600
			204.282	\$2,049,400

### Recommendation:

- Properties currently on the market and listed on MLS (Realtors-multiple listing sales) as a combined sale with purchase price at \$3.2M, listed since August 2008.
- This property is currently used as a recreational vehicle track (motorcycle, all terrain vehicle and mountain bike). The acquisition of this land will allow these recreational uses to continue in a safe and environmentally compatible manner with stewardship opportunities.
- The acquisition of this sizeable property is compatible with the commissions past interest in "Public Hunting Area C" and the upland recreational potentials Mauka of Kalāheo.

\*Parcel boundaries appearing in aerial images are approximate.



## Restoration and Expansion of Shoreline Access, Lāwa'i Kai to Port Allen (Kōloa District)



Owners	TMK	Address	Acres	Assessment
McBryde Sugar Co. Ltd.	(4)2-3-010:001	Niho Rd.	1504.928	\$2,191,500
State of Hawai'i	(4)2-3-010:004		18	\$0
McBryde Sugar Co. Ltd. (Lessee, Manuel Mederios)	(4)2-3-010:010		56.96	\$673,000
McBryde Sugar Co. Ltd.	(4)2-1-001:003	Halewili Rd.	233.499	\$319,000
			1813.387	\$3,183,500

### Recommendation:

- Public shoreline access along this coastline has become increasingly restricted by the land owner including the imposition of a 4-month long no public entry period every year.
- Restore and expand shoreline accesses for fisherman and other coastal users from Halewili Road along a narrow coastal corridor stretching parallel along the shoreline.

\*Parcel boundaries appearing in aerial images are approximate.



**Salt Pond Beach Park Expansion (Mauka and West) and Buffer Area for Protection of Hanapēpē Salt Pans (Waimea District)**



Owners	TMK	Address	Acres	Assessment
State of Hawai'i(Gay & Robinson Inc, Lessee)	(4)1-8-008:020	Kaumuali'i Hwy	379.060	\$662,900
Robinson Family Partners	(4)1-8-008:021	Kaumuali'i Hwy	.900	\$231,600
State of Hawai'i(County of Kaua'i, Lessee)	(4)1-8-008:044	Off Lokokai Rd	1.906	\$0
			381.866	\$837,900

**Recommendation:**

- Opportunity for the County to seek an executive order to transfer a portion of state lands to the County of Kaua'i for public recreational and cultural preservation purposes.
- Expansion Mauka and westward would allow reposition of uses in the area for improved protection and establishment of buffers for the significant salt pans.
- The Open Space Fund could fund the necessary subdivision process for the State-owned properties and the acquisition of the private property interests of a few of the properties in the beach park expansion area.

\*Parcel boundaries appearing in aerial images are approximate.



## **Appendix D**

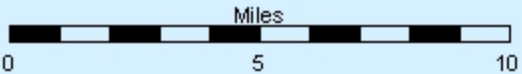
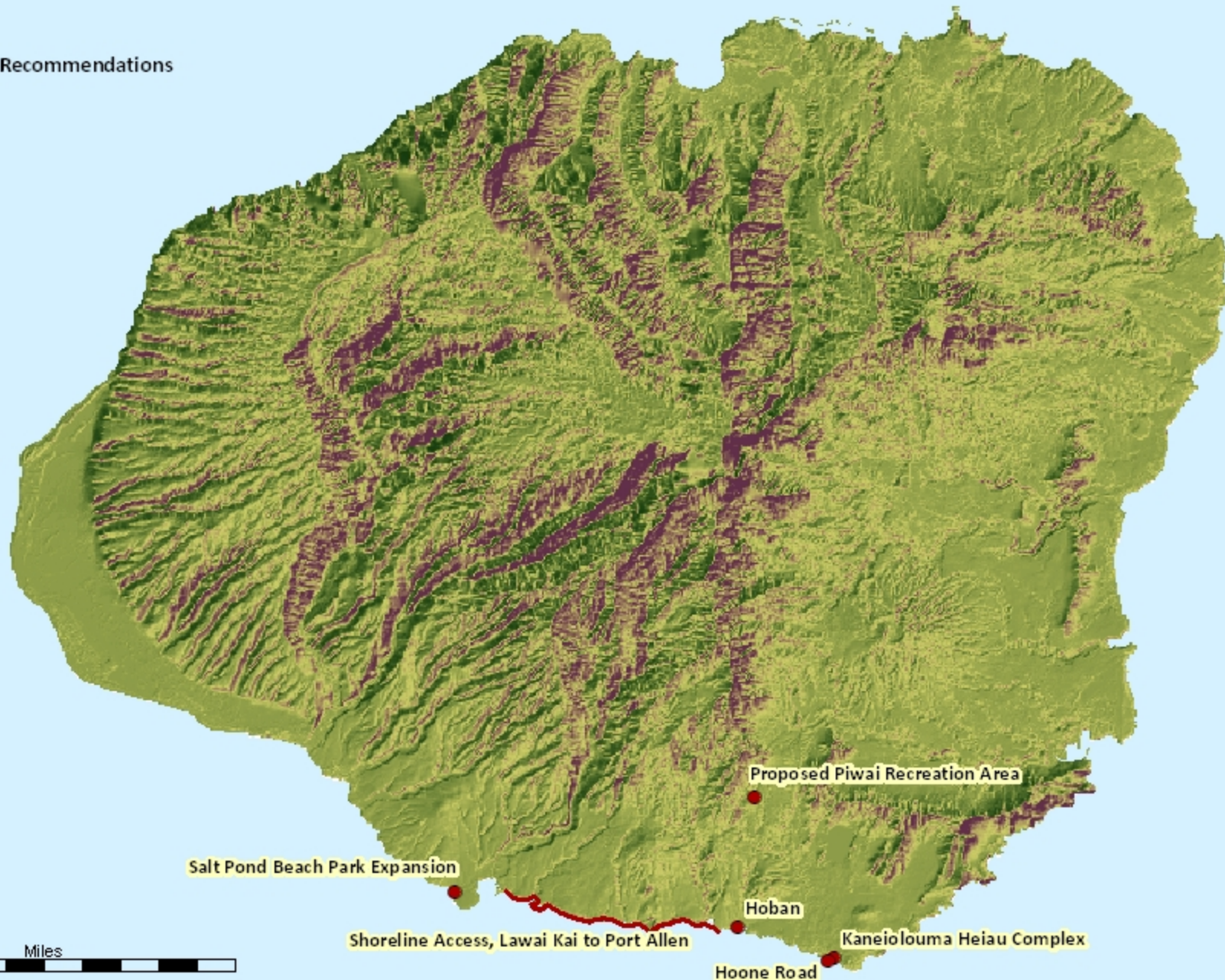
### **Island Map Indicating all Acquisition Recommendations**



# Public Access, Open Space and Natural Resources Preservation Fund Commission: 2010 Recommendations

## Legend

- Project Recommendations





## **Appendix E**

### **Prior Year's Priority Recommendations**



## Prior Years' Priority Recommendations

### Year 2009

- **Acquisition:**
  - Black Pot Beach Park Expansion (Hanalei District)
  - Salt Pond Beach Park Expansion and Buffer area for Protection of Hanapepe Salt Pans (Waimea District)
  - Kaneioulouma Heiau Complex-Nukumoi [sic] Surf Shop Property (Kōloa District)
  - CGB/Evslin Property (Waimea District)
  
- **Acquisition without necessitating fund:**
  - Hoban access (Kōloa District)
  - Kauapea Beach East access (Hanalei District)
  - Kaakaaniu Beach (Larsen's Beach) access (Hanalei District)
  - Pāpa'a Bay access (Kawaihau District)
  - Waita Reservoir access (Kōloa District)
  - Alexander Dam access (Kōloa District)
  
- **Partnerships for acquiring:**
  - Haena Point Properties (e.g., Brescia Property, Hanalei District)
  - Coco Palms Property (Kawaihau District)
  - Alekoko Fish Pond (Līhu'e District)
  - Mahaulepu (Kōloa District)

### YEAR 2007-2008

- **Priority Recommendation:**
  - Black Pot Park Expansion (Hanalei District)
  - Salt Pond Park Expansion (Waimea District)
  - Haena Point (Brescia) (Hanalei District)
  - North Kapaa Coastal Lands (Kawaihau District)
  - CGB/Evslin (Waimea District)
  - Haena Beach Park Lateral Access (Hanalei District)
  
- **Secondary Recommendation:**
  - Hoban (Kōloa District)
  - Nokumoi Surf Shop (Kōloa District)
  - Mahaulepu & Gillin's (including CJM and Haula (Kōloa District)
  - Alekoko Fishpond (Līhu'e District)
  - Coco Palms (Kawaihau District)
  - Pāpa'a Bay Easement (Kawaihau District)

## **YEAR 2006**

- **Priority Acquisition:**
  - Black Pot Park Expansion (Hanalei District)
  - Hoban (Kōloa District)
  - Pāpa‘a Bay (Kawaihau District)
  - Kauapea Beach (Hanalei District)
- **Places/Parcels of Interest**
  - Nounou Trail Connector (Kawaihau District)
  - Kealiakealanani (Hanalei District)
  - North Kapa‘a Coastal Lands (Kawaihau District)
  - Alexander Reservoir Road (Kōloa District)
  - Moelepe Trail Link (Kawaihau District)
  - Kaneiolouma Heiau Expansion (Kōloa District)
  - Hapa Road (Kōloa District)
  - Nukoli‘i Beach Park Expansion (Līhu‘e District)
  - Puolo Point (Waimea District)
  - Moloa‘a Trail and Coastal Lands (Hanalei District)

## **YEAR 2005**

- **Acquisition:**
  - Hoban (Kōloa District)
  - McCalla (Kōloa District)
  - Knudsen – Po‘ipū (Kōloa District)
  - Expansion of Po‘ipū Beach Park (Kōloa District)
  - Mahaulepu (Kōloa District)
  - Pāpa‘a Bay/Beach (Kawaihau District)
  - Pīla‘a (Hanalei District)
  - Kauapea / Secret Beach 2 (Hanalei District)
  - Expansion of Black Pot Park (Hanalei District)
  - Canela – Makai (Hanalei District)



## **Appendix F**

### **North Shore – Aliomanu to Princeville Field Trip Report**

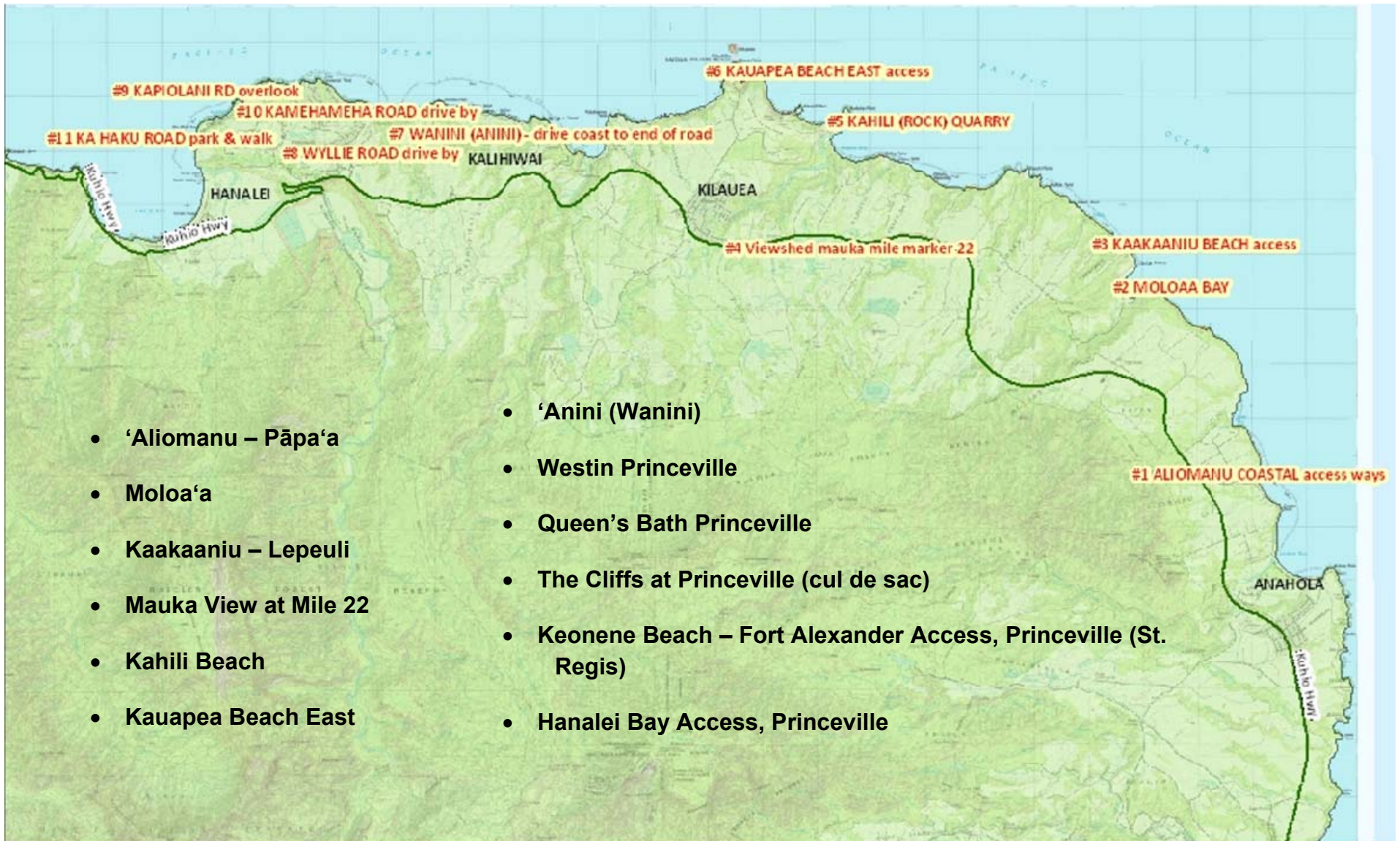




**COUNTY OF KAUA'I  
PUBLIC ACCESS, OPEN SPACE &  
NATURAL RESOURCES  
PRESERVATION FUND COMMISSION**

**3/11/2010 Field Trip Report: 'Aliomanu to Princeville**


## Commission Observations & Suggested Opportunities for Action Noted at the Following Sites:






- ‘Aliomanu – Pāpa‘a
- Moloa‘a
- Kaakaaniu – Lepeuli
- Mauka View at Mile 22
- Kahili Beach
- Kauapea Beach East
- ‘Anini (Wanini)
- Westin Princeville
- Queen’s Bath Princeville
- The Cliffs at Princeville (cul de sac)
- Keonene Beach – Fort Alexander Access, Princeville (St. Regis)
- Hanalei Bay Access, Princeville







PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
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<p>'Aliomanu – Pāpa'a</p> <p>TMK: (4)-4-0-005:004</p>	<p>Unresolved status of legal access to Pāpa'a Bay around the eastern point.</p> 	<p><b>NOTE: The statements in this column are opportunities for actions, identified by the Commission that the State, County or Open Space Commission (OSC) could take in the future.</b></p> <p>County: Continue to monitor resolution of legal issues between neighbors and to work toward providing eastern access to Pāpa'a Beach/Bay.</p> <p><b>OSC: Ask for updates from the County Attorney's Office.</b></p>
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<p>'Aliomanu – Pāpa'a</p>	<p>Inconsistent and inadequate beach access signage. Faded letters on PVC pole in ground.</p> 	<p>County: Review access way signs and establish consistent signage. Information to consider: location (Hawaiian names), hazards awareness, resource protection information.</p> <p><b>OSC: Encourage County to develop consistent signage.</b></p>
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PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
*not site specific	The County lacks liability protection for the County's public access ways (and preserved natural places and cultural sites).	<b>OSC: Hold an education session to explore how the commission can best support efforts to address liability protection for County trails and other open space assets.</b>
Moloa'a Bay  TMK: (4)-4-8-014 & 017	Landowner informally provides some needed parking (8 stalls).  	County: Investigate the acquisition of a permanent public parking easement with the owner.
Moloa'a Bay	Segment of the State Na Ala Hele coastal trail to Kaakaaniu is blocked by a landowner.  	<b>OSC: Invite Na Ala Hele to provide an OSC education session about the status of the state trails program on Kaua'i, including the trails from Moloa'a to Kaakaaniu as well as possible future segments (Lepeuli to Pila'a).</b>

PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
<p>Kaakaaniu – Lepeuli</p> <p>TMK: (4)-5-1-003:021</p>	<p>Two access ways, long used by public, were closed by landowner. Newly cleared access way (of record) is steep, difficult to discern and will be hard to maintain.</p> 	<p>State &amp; County with partners: Work to address remaining public concerns regarding access to this beach.</p> <p><b>OSC: Continue to monitor this area regarding access.</b></p>
<p>Kaakaaniu - Lepeuli</p>	<p>Scenic, natural, cultural, recreational coastal area vulnerable to possible degradation from new activities like cattle ranching.</p> 	<p>County with partners: Work to address public concerns regarding the management of this area.</p> <p><b>OSC: Continue to monitor this area regarding access.</b></p>

PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
<p data-bbox="92 168 273 237">Mauka View Mile 22</p> <p data-bbox="92 272 268 354">Beautiful Mauka view shed over rolling pastures</p>	<p data-bbox="331 168 982 201">County lacks measures to protect view sheds.</p> <p data-bbox="331 237 1037 490">This and other significant open space views could be lost. The 2000 General Plan recommended “preparing amendments to the CZO, SMA rules and the Subdivision Ordinance to provide specific criteria and guidelines for evaluating and protecting scenic view in the siting of new development.</p> 	<p data-bbox="1073 168 1919 272">County: Investigate measures to permanently protect highly emblematic Kaua’i view sheds, including such measures as identified in the 2000 General Plan.</p> <p data-bbox="1073 308 1965 451"><b>OSC: Encourage amendment to Ordinance 812 so that the Open Space Commission is empowered to advocate and propose policies and legislation to further public access and open space efforts on Kaua’i.</b></p>
<p data-bbox="92 961 273 993">Kahili Beach</p> <p data-bbox="92 1097 296 1166">TMK: (4)-5-2- 004:047</p>	<p data-bbox="331 961 1024 1065">Good example of private nonprofit and public partnership to conserve partnership conservation a beach area.</p> 	<p data-bbox="1073 961 1927 1029">County: Continue past support and partnering for the federal wildlife refuge expansion in this area.</p>



PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
<p>Kahili Beach (continued)</p>	<p>Erosion from dirt access road and parking lot runoff on to the beach</p> 	<p><b>OSC: Encourage County to assess erosion of soils etc. onto beaches and into streams at access ways and to adopt measures to minimize such runoff.</b></p>
<p>Kauapea Beach – East</p> <p>TMK: (4)-5-2-004:071</p>	<p>Access to eastern side of Kauapea Beach continues to be blocked. Re-establishing access in this area has been an Open Space Commission priority because of substantial public input.</p> 	<p>County: Prioritize negotiations with landowner(s) to provide managed eastside access.</p> <p><b>OSC: Ask for updates from the County Attorney's Office.</b></p>

PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
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'Anini  
(Wanini)

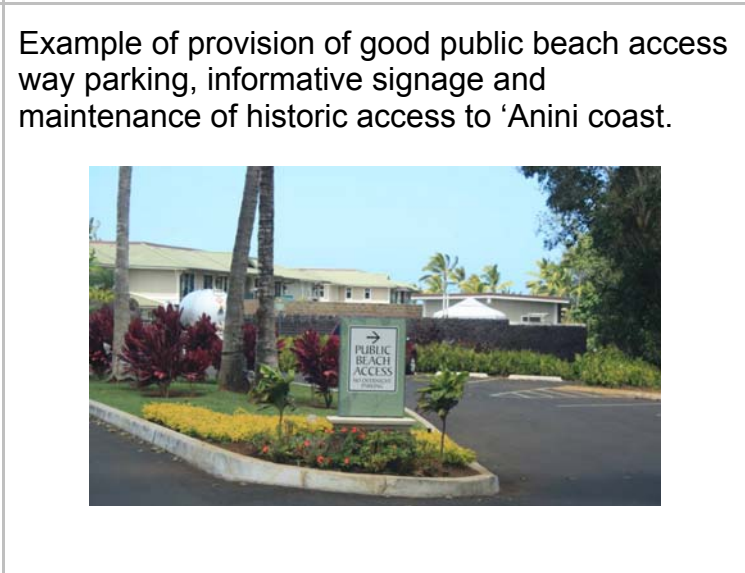
TMK: (4)5-3-004:038





County: Review access way signs and establish consistent signage. Information to consider: location (Hawaiian names), hazards awareness, resource protection information.


**OSC: Encourage County to develop consistent signage.**

Westin  
Princeville





**OSC: Send acknowledgment letter to the entity responsible for the maintenance and the signage.**

PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
<p>Queen's Bath Princeville</p>	<p>Extremely popular, lovely and well publicized trail and ocean lava rock pool that can be extremely hazardous due to its proximity to the open ocean as well as crashing waves.</p>  <p>Many warning signs put up by various entities. Not sure if this helps, is confusing or ignored.</p> 	<p><b>OSC: Invite Kaua'i Visitor's Bureau to provide an OSC education session about visitor trends on Kaua'i, including KVB and County efforts to promote visitor safety. "(Sue Kanoho conducted an education session at the OSC meeting of July 22, 2010.)"</b></p> <p>County: Review access way signs and establish consistent signage. Information to consider: location (Hawaiian names), hazards awareness, resource protection information.</p> <p><b>OSC: Encourage County to develop consistent signage.</b></p>

PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
<p>The Cliff's Area, Princeville</p> <p>TMK: (4)5-4-005:019</p>	<p>Beautiful ocean view spot with no parking, no pull over. Here and in other areas within the Princeville, private development failure to share substantial stretch of coastal Kaua'i.</p>	<p><b>OSC: Encourage the County to work with various master developers and community associations, including Princeville, to improve and expand public view opportunities through the use of pullovers, view sites and other methods.</b></p> <p><b>OSC: Invite the Planning Department's long range and subdivision planners to hold an OSC education session regarding opportunities for establishing public use trails during agricultural lot subdivision proceedings.</b></p>
<p>Keonene Beach – Fort Alexander Access, Princeville (St. Regis)</p>	<p>Parking sign misleading as it does not state <u>Public Beach Access</u> Parking</p> 	<p>County: Require change of language on misleading sign.</p>



PLACE	ISSUE/ CONDITIONS	POSSIBLE OPPORTUNITIES/ACTIONS
<p>Keonene Beach – Fort Alexander Access, Princeville (St. Regis)</p>	<p>Insufficient 9 stalls for public parking at highly used look-out, historic site and beach access. Community member reported at site visit that stalls are often utilized by hotel employees.</p> 	<p>County: Inform hotel owner of insufficient parking and negotiate for expansion of free public parking for beach access within the adjacent parking lot.</p> <p><b><i>OSC: Urge the County to accomplish the above recommendations.</i></b></p>
<p>Hanalei Bay Access, Princeville (St. Regis hotel to Hanalei Bay)</p> <p>TMK: (4)5-4-001:004</p>	<p>Good sign clearly identifying beach access. An example of how an access design can discourage public use because the route goes behind hotel, past garbage area, and has no sense of ocean or presence of Hanalei Bay.</p> 	<p><b><i>OSC: Encourage the County to explore establishing an alternative public beach access way.</i></b></p> <p><b><i>OSC: Research access to Hanalei Bay from Princeville to the coastline.</i></b></p>



## **Appendix G**

### **2010 Survey Questionnaire**





County of Kauai  
Public Access, Open Space, and Natural  
Resources Preservation Fund Commission



**Annual Survey**  
*Suggest Land or Public Access  
to be Acquired for Public Benefit*

**Please kokua**  
***Input needed by August 15, 2010***

Survey also available online at:  
**[www.kauai.gov/OpenSpaceSurvey](http://www.kauai.gov/OpenSpaceSurvey)**

***For more information, call 241-4050***

**IMPORTANT: Return survey by 8/15/10**

Completed survey forms can be mailed  
to the address below or faxed to: 241-6699

Survey also available online at:

**[www.kauai.gov/OpenSpaceSurvey](http://www.kauai.gov/OpenSpaceSurvey)**

County of Kauai Open Space  
Commission  
4444 Rice Street, Suite #473  
Lihue, HI 96766

## 2010 Suggestions for Land or Access to Protect

The County of Kauai's Public Access, Open Space & Natural Resources Preservation Fund Commission is asking the public to make suggestions for lands or property entitlements (like access ways) that the County should consider for purchase or to otherwise acquire as part of the County's Open Space Program (pursuant to Chapter 6, Article 14 of the County of Kauai Charter).

**Please use this form** to tell the Open Space Commission about a place or access you would like to see protected or acquired. Forms are also available at public libraries and County of Kauai recreation centers.

Survey also available online at: [www.kauai.gov/OpenSpaceSurvey](http://www.kauai.gov/OpenSpaceSurvey)

Use one (1) Survey Form for EACH Site Suggestion.

### 1. Address, place name and/or common name of site:

### 2. Other helpful information like owner's name, tax map key (TMK #):

### 3. What type of protection do you suggest for this place? ( one)

acquire property    acquire easement

other (specify): \_\_\_\_\_

### 4. Why do you suggest this place? What's the opportunity / problem?

Survey available online: [www.kauai.gov/OpenSpaceSurvey](http://www.kauai.gov/OpenSpaceSurvey)

## Purposes for Use of the Open Space Fund

5. To qualify for purchase, acquisition or property entitlement for land conservation purposes using Open Space funds, sites must meet at least one of the following purposes.

### Please check any that you feel apply:

- Outdoor recreation/education, including access to beaches and mountains.
- Preservation of historically or culturally important lands and sites.
- Protection of significant habitats or ecosystems, including buffer zones.
- Preserving forests, beaches, coastal areas and agricultural lands.
- Protecting watershed lands to preserve water quality and water supply.
- Conserving land in order to reduce erosion, floods, landslides, and runoff.
- Improving disabled and public access to, and enjoyment of, public land.
- Acquiring disabled and public access to public land and open space.

You may include photos and other documentation relating to the site with this form, but please do NOT send originals as they will NOT be returned.

6. (Optional) You may include your name and phone/email in case the commission has a question about your suggestion: \_\_\_\_\_

## SUGGESTIONS DUE NO LATER THAN 8/15/2010

fax to: **241-6699**

or mail to:

**County of Kauai Open Space Commission**  
**4444 Rice Street, Suite 473**  
**Lihue, HI 96766**

Survey also available online at:

[www.kauai.gov/OpenSpaceSurvey](http://www.kauai.gov/OpenSpaceSurvey)

For more information about the  
Open Space Program, visit:

## **Appendix H**

### **List of Sites Suggested in 2010 Public Survey**



# List of Sites Suggested in 2010 Survey

(Number indicates number of surveys)

Knudsen Property - Mauka to Hwy, Ōma'o + 176 signed Petitioners (In Report as Proposed Piwai Recreation Area)	177
Kapaia Swinging Bridge (Laukini Road)	26
Mahaulepu Beach	19
Kauapea or Secret Beach	16
Larsen's Beach	7
Coco Palms	7
Information Incomplete - no legible data	7
North Shore Bike Path	5
Kaua'i - anywhere on island	4
Lāwa'i Bay (Allerton's)	4
DLNR trail from Kapahi to Kapa'a (Mahelona)	4
Sheehan/Wilcox Property (adj to Black Pot)	4
Lepeuli ancient Alaloa	3
Pāpa'a Beach	3
2179 Hoone Road	3
Mehehune Fish Pond (Alekoko)	3
Salt Pond Park	3
Kīlauea Falls (sometimes called Rainbow Falls)	2
Majors Bay	2
'Anini Beach	2
Evslin/CGB & Knudsen Parcels	2
Martin Family Property (formerly Lono Farm aka Kenny Martin's)	2
Kīlauea, Princeville, Hanalei bike path	2
Former Guava Kai (land accessed from Kūhi'ō Hwy)	1
Kūhi'ō Shores	1
Kapule Hwy & Aukini	1
Puolu Point	1
Kalihiwai Beach (by the trees)	1
Hanalei Bay Beach (Waikoko side)	1
Wailapa Beach Access (Wailapa Road)	1
Black Pot	1
Mowry buffalo farm	1
Haupt Range	1
Moloa'a Beach	1
Princeville Ranch	1
Keālia to Anahola	1
Wailua River Park	1
Hanalei Valley	1
Līhu'e Sugar Mill	1
Waioli & Waipa Valleys	1
Hanalei Plantation Road	1
Princeville St. Regis parking lot	1
Alexander Dam	1
Wainiha Valley	1
Hanapēpē Valley	1
Haula Beach	1
Old Chinese Tunnel (Kōloa to Kīpū for bike bath)	1