

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

**2013 REPORT
TO THE KAUA'I COUNTY COUNCIL
AND MAYOR BERNARD CARVALHO, JR.**

INCLUDING RECOMMENDATIONS FOR PRIORITY PROJECTS TO BE
CONSIDERED FOR FUNDING



December 2013

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Executive Summary

Program Background

The Public Access, Open Space, and Natural Resources Preservation Fund (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. Ordinance No. 936, enacted in 2012, sets aside one point five percent (1.5%) of the certified real property taxes. The Fund accumulates and can neither lapse nor be utilized for other purposes. Additionally, 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, which is attached in the Appendices.

Status of the Fund

The fund's balance for Fiscal Year 2013-2014 is \$3,335,600.

Commission Recommendations

The Public Access, Open Space, and Natural Resources Preservation Fund Commission (Commission) in previous annual reports recommended the acquisition of fee interests or other property rights for various properties utilizing the Fund. The properties were listed in priority order and any action to be taken was left to the County Council or the Mayor's Office.

In 2012 with the passage of Ordinance No. 925, the Commission implemented a new process in an attempt to clearly articulate the acquisition process for selected Commission recommendations whether for purchasing properties or acquiring accesses and easements. This new process involves the preparation of dossiers that outlined a proposed strategy for following through with the Commission's recommendations. While a few draft dossiers were discussed and prepared, only one dossier has been submitted to the County Council for consideration. The Commission approved the dossier for access to Kukui'ula Bay through the former Hoban property (Kōloa District on November 17, 2011 and transmitted the dossier to County Council for consideration.)

The Commission will utilize the dossier process moving forward. The dossier process will enable the Commission to recommend immediate action to the County Council and Mayor's Office after the Commission does all the necessary due diligence and appraisals for the proposed acquisition.

Current Properties in the Dossier Process:

1. Access to Kukui'ula Bay (Kōloa District)
2. Salt Pond Beach Park Buffer Area for Protection of Hanapēpē Salt Pans (Waimea District)
3. Kauapea Beach Access (Hanalei District)
4. Papaa Bay Beach Access (Kawaihau District)
5. Kaakaaniu Beach Access (Hanalei District)

Current properties previously discussed but “on-hold”:

- Restoration and Expansion of Shoreline Access, Lāwa'i Kai to Port Allen (Kōloa District)
- Proposed Piwai (Ōma'o) Recreation Area (Kōloa District)
- Kaneiolouma Heiau Complex Preservation Area Expansion (South) (Kōloa District)
- Salt Pond Beach Park Expansion (Mauka and West) (Waimea District)

Other Activities:

- Written letters to the Department of Land and Natural Resources supporting the identification of the alleged historic ala loa in Lepeuli and Waipake ahapua'a.
- Site visits to both the South / West and North / East areas of the island.

2012 - 2013 Public Input Process

The Commission provided opportunities for public input in 2013 through:

- Regular Commission Meetings
- 2013 public meetings held April 6th at the Hanapēpē Orchid Show; May 4th at Anahola Village Soccer Park at the “Hokualele Canoe Club – A Prelude to Summer '13 Bash; May 15th Waimea Neighborhood Center; May 29th Kōloa Neighborhood Center; June 12th Līhu'e Civic Center; June 26th Kapa'a Neighborhood Center; July 24th at Hale Halawai 'Ohana O Hanalei and lastly August 21st- 24th at the 2013 Kaua'i County Farm Bureau Fair. Public survey which began on April 6, 2013 and continued

through August 24, 2013 and also available on the web page, public libraries and neighborhood centers during this period.

- The Commissioners staffed a booth at the 2013 Kauai County Farm Bureau Fair held August 21-24, 2013.

Sixty two (62) people attended the public meetings, eight y-two (82) online surveys were submitted, about fifteen (15) people attended regular Commission meetings. The booth at the 2013 Kaua'i County Farm Bureau Fair generated much attention and attendees over the 4 day weekend with 301 completing a survey.

2012 - 2013 Commissioner Positions

The Commission is working to fill the one vacancy for the Mayoral Appointee Līhu'e – Puhi district that was vacated the end of August 2013 due to a commissioner's resignation. One meeting was cancelled due to lack of quorum and one cancelled as it conflicted with the 2013 Kaua'i County Farm Bureau Fair.

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 Fund. The amendment specified that the Fund would receive a minimum of one-half of one percent (0.5%) of Kaua'i's certified real property taxes each year for purchasing or otherwise acquiring lands or property entitlements in the County of Kaua'i. As noted above, the Fund now receives one point five percent (1.5%) of the certified real property taxes given the County Council's enactment of Ordinance No. 936¹. 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 is attached in the Appendices.

1.B. Ordinance No. 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 monies in the Fund by passing Ordinance No. 812², which is attached in the Appendices. The 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 County Council-appointed members, and one member appointed by the eight commissioners. Six 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 three serve "at large."

¹ Ordinance No. 936 was signed into law by Mayor Bernard P. Carvalho Jr. on December 14, 2012.

² Ordinance No. 812 was signed into law by Mayor Bryan J. Baptiste on December 15, 2003.

1.C. Historical Perspective

The recommendations of the Commission were originally formulated and submitted annually to the County Council and Mayor's Office between 2005 through 2011. These recommendations resulted from:

- Many hours of meetings
- Input and discussions with members of the public
- Analysis of data collected from public surveys and public meetings
- 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

With the Commission's 2011 annual report consisting of the sixth year of recommendations, and the County's success with its first fund-acquisition of Black Pot Beach Park Expansion, the Commission has focused on improvements to Ordinance No. 812, identification of other feasible acquisition projects, and increased effectiveness of the Commission.

1.D. Ordinance No. 925 and the Open Space Commission

Ordinance No. 925³ and its passage proved to be quite an accomplishment and a big leap forward for the Commission as the idea and formulation was first introduced in 2009. As cited in the Commission's 2011 Report this is their "Call to Action" as this ordinance expands the scope of duties of the Commission and improves its operational efficiencies bringing the scope of their duties in alignment with the expectations and needs of the people of Kaua'i. 2013 is the first year in which a biennial report is being presented to the County Council and Mayor's Office. This report is different than previous reports as it is a compilation of work in-progress by the Commission. The properties and accesses identified will continue to be analyzed and worked on within the framework of the dossier process and recommendations will be made to the County Council when appropriate.

³ Ordinance 925 was signed into law by Mayor Bernard P. Carvalho Jr. on April 5, 2012.

2. Recommendations for Acquisition Using the Fund

The primary responsibility of the Commission is to present to the County Council and the Mayor's Office a biennial list of priority projects for acquisition.

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

Current Properties in the Dossier Process:

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

Current Dossier Progress: The Commission is looking into alternatives for access to this area. The Planning Department initiated a third-party consultant to provide an appraisal of the estimated value of the proposed easement, which has been provided to the Commission. However, the landowner engaged its own appraiser who's appraised value is approximately eight (8) times higher in value. In an effort to be prudent with the Open Space Funds the Commission felt it necessary to look at other potential options given the landowner's representatives indicated they are not willing to convey an easement for pedestrian access. As such, the Commission is currently awaiting a response to its correspondence regarding a vacant lot to the east of the subject property and information on the feasibility of providing access from the County Park at Spouting Horn to access this same area. A Commission recommendation on this property will be forthcoming after it has adequately reviewed these alternatives. The following is commentary from the Commission's status report on the subject property:

On November 17, 2011, the Commission approved for transmittal to the County Council a dossier encouraging acquisition of public access at Kukui'ula Bay through the former Hoban property. The transmittal was made to help implement this recommendation, which appeared in the Commission's 2010 report.

According to the Commission's 2010 report:

This proposal is to acquire a pedestrian shoreline access over an existing drainage easement on the former Hoban property. This existing 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 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). Those funds have been provided to the County's Parks and Recreation Department for expansion of Po'ipū Beach Park because no action was taken by the County before 2007, to establish a shoreline easement over a portion of the former Hoban property in Po'ipū, which was the recommendation of the Kōloa Community Association.

Salt Pond Beach Park Buffer Area for Protection of Hanapēpē Salt Pans (Waimea District)

Current Dossier Progress: This area has garnered interest from both a recreational area and a historical perspective. The Commission has been informed that that is an ongoing process of working with the "salt gathering" families. The Commission will respect the work in progress by the Mayor's Office for the salt pans properties and focus on the property mauka of the beach park as it is currently in agricultural leases through the State. The Commission would like to see a portion of the mauka State property be transferred to the County for potential buffer area. The following are previous concerns as identified in prior reports:

Survey respondents mentioned that nearby Salt Pond Beach Park is already heavily overused so creating a clear buffer zone between the park and the pans along with park expansion is a much needed acquisition.

The termination of Gay and Robinson's long-standing sugar operations provides the opportunity to request termination of a State of Hawai'i Department of Land and Natural Resources annual 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 Kaua'i for public recreational and cultural preservation purposes. There is an urgency associated with the acquisition of these properties due to a rare window of opportunity to obtain these lands for public purposes.

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 Po'ipū and Polihale, Salt Pond Beach Park is heavily used requiring expansion westward and mauka.

Funds may be used for the necessary subdivision of State-owned properties and for the acquisition of the private property interests in the beach park expansion area.

These lands could be land-banked for park and preservation purposes.

Kauapea Beach Access (Hanalei District)

Current Dossier Progress: The Planning Department and Office of the County Attorney are actively engaged with the new landowner on issues relative to access to the eastern portion of Kauapea Beach. The Commission has been informed that the Office of the County Attorney and the new landowner's legal team are evaluating options to address parking and trail location to this access. The following commentary is from a prior Commission report:

The Commission continues to be seriously concerned about the lack of public access to Kauapea Beach from the east end. This access is one of many that the Commission has identified from the onset of the Commission's existence. There continues to be high levels 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. The County Planning Department was responsible in researching this, and had committed to the County Council that a report would be submitted by the end of calendar year 2010.

The lack of public access at Kauapea from the east end has been exacerbated over the intervening years by private landowner actions. The safety of the public during winter ocean swells (associated with using the existing west shoreline access) continues to be one of several concerns about this access.

The Commission reiterates its longstanding concerns about all of the unresolved accesses.

Papaa Bay Beach Access (Kawaihau District)

Current Dossier Progress: The Commission toured this area in the past year and has requested information regarding the County's Federal District Court case relative to this property and also requested maps of all current accesses to Pāpa'a Bay.

Council resolution 2012-59 has asked the Commission to investigate whether it is feasible to open an additional beach access from the State land on the west and/or the county Pāpa'a Beach Road roadway lot.

Kaakaaniu Beach Access (Larsen's) (Hanalei District)

Current Dossier Progress: The Commission sent a letter to the State of Hawai'i Department of Land and Natural Resources requesting that it provide an update as to whether it intends to identify the alleged historic alaloa. The State replied that

they are not prepared to take action to identify the historic trail at the present time. Despite the State's inaction regarding lateral access, the Commission will continue to encourage a resolution to access issues for this area. The Commission recognized that this area garnered the most public commentary relative to preserving vertical and lateral beach access in the Kaakaani, Lepeuli, and Waipake ahupuaa.

Current properties previously discussed but “on-hold”:

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

Current Dossier Progress: Access to Lāwa'i Kai is currently being reevaluated given the recent designation of preservation subzones within the State Land Use Conservation District. The Commission is aware that in January 2007, community members and stakeholders formed the Lāwa'i Kai Citizens Advisory Committee, made up of organizations, businesses, residents, beach users and other interested parties. Furthermore, the Commission respects the Lāwa'i Kai Citizens Advisory Committee's determination that Lāwa'i Kai is a special and sacred place that must be protected, respected and cherished. The Commission intends on reviewing alternatives for limited access to avoid any impacts beach users may have on the natural resources at Lāwa'i Kai. The Commission intends on also reviewing the access protocol instituted by Kaua'i Coffee Company for access to the shoreline from Lāwa'i Kai to Port Allen. The Commission has received continued public support for t shoreline access in this area. The Commission's 2010 report stated:

The shoreline area between Lāwa'i 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 Lāwa'i Kai to Port Allen. (2010)

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

Current Dossier Progress: The Commission previously ranked the proposed Piwai Recreation Area high on its list for acquisition, this property has been put on hold as the non-profits who are utilizing this area have been looking at other alternatives and are actively seeking community partnerships for acquisition of the property.

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 would allow these recreational uses to continue in a safe and environmentally compatible manner with stewardship opportunities by the non-profit organizations.

The Commission recognizes that the closure of off-road trails 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 property has been on the market for sale, thereby jeopardizing the current use if purchased by a party seeking to discontinue the current use.

The acquisition of this sizeable property is compatible with the Commission's continued interest in "Public Hunting Area C" and the upland recreational potentials mauka of Kalāheo and Ōma'ō.

Kaneiolouma Heiau Complex Preservation Area Expansion (South) (Kōloa District)

Current Dossier Progress: Previously, the Commission felt the Fund could be used to acquire the property where the Nukumoi Surf Shop is located. This privately-owned parcel is adjacent to the County-owned and County-controlled (but State-owned land which was transferred to the County in

September 2011). The idea was to reestablish the traditional entrance for the Kaneioulouma Heiau Complex, which has been significant to the island's culture since the 1400's. The public lands are covered under a County of Kaua'i Adopt-A-Park Agreement with Hui Malama O Kaneioulouma for the stewardship of the heiau. However, the Commission has been informed that Hui Malama O Kaneioulouma is currently working on access to the complex through alternative means. The Commission intends to track progress and is willing to re-evaluate the situation if necessary.

Hui Malama O Kaneioulouma has made significant strides with protecting and clearing of this South Side treasure. Great progress and good partnerships have been formed by Hui Malama O Kaneioulouma while restoring the heiau.

3. 2012 - 2013 Public Input Process

The Commission is tasked to solicit public input. This chapter summarizes the public input opportunities provided in 2012 - 2013 and the results.

3.A. Public Input Opportunities

The following opportunities for public input occurred in 2012 and 2013 and helped in the Commission's deliberations in putting forth its recommendations:

Regular Commission meetings. The Commission meets twice monthly on the 2nd and 4th Thursdays of the month at duly noticed public meetings in publicly-accessible meeting rooms in the County's Civic Center Complex in Līhu'e. Inadequate quorum or unavailability of meeting rooms were reasons for cancelled meetings. Public comment was allowed during Commission meetings with a specific agenda item or during the announcements segment.

2013 public meetings. Public meetings at Hanapēpē Orchid Show, Anahola Village Soccer Park at the "Hokualele Canoe Club – A Prelude to Summer '13 Bash, Waimea Neighborhood Center, Kōloa Neighborhood Center, Līhu'e Civic Center, Kapa'a Neighborhood Center, Hale Halawai 'Ohana O Hanalei and at the 2013 Kaua'i County Farm Bureau Fair were attended by about 445 members of the public.

Public survey. Each year the Commission looks for ways to improve its mandate of soliciting public input. A paper survey was distributed throughout the island at all public libraries and neighborhood centers. The survey was also available online on the Commission's webpage (www.kauai.gov/openspacesurvey.com) available through the Planning Department.

The survey period for both paper and online surveys was April 6 through August 24, 2013. However, the Commission intends to reevaluate the online survey and the timeframe for submissions.

The Commission received a total of four hundred and forty-five (445) surveys over the course of the 2013 public input process period.

The following lists are all of the properties identified by the public between 2012 and 2013 that were brought to the attention of the Commission):

- 'Aliomanu Beach (Hanalei District)
- Kauapea (Hanalei District)
- Ahukini (Līhu'e District)
- Alekoko Fish Pond (Līhu'e District)

- Allerton Beach (Kōloa District)
- Anahola (access trail to Kalalea) (Hanalei District)
- Anahola Beach Park (Hanalei District)
- Coastal Alaloa Moloa'a to Kaakaaniu (Hanalei District)
- Coco Palms (Kawaihau District)
- Coastline Mahaulepu to Nāwiliwili (Kōloa District)
- Coconut Plantation (Kawaihau District)
- Donkey Beach (Hanalei District)
- Makahuena Point (Kōloa District)
- Hanalei Ridge (Hanalei District)
- Hanamā'ulu Beach (Līhu'e District)
- Waipake (Hanalei District)
- Kaloko Reservoir (Hanalei District)
- Kapaia Swinging Bridge (Līhu'e District)
- Kekaha Dirt Bike Track (Waimea District)
- Kīlauea Falls (Hanalei District)
- Kīpū Falls (Līhu'e District)
- Larsen's Beach (Kaakaaniu) (Hanalei District)
- Mahaulepu (Kōloa District)
- Pāpa'a Bay (Hanalei District)
- Waipahee (Hanalei District)
- Waita Reservoir (Kōloa District)

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.

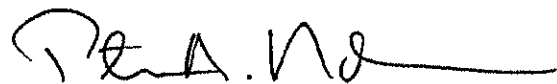
E. Any part of an allotment which is not expended or encumbered shall be deemed re-allotted for the next allotment period.

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**

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

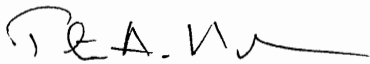
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CERTIFICATE OF THE COUNTY CLERK

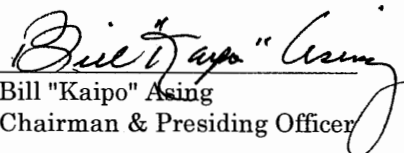
I hereby certify that heretofore attached is a true and correct copy of Bill No. 2078, Draft 1, which was adopted on second and final reading by the Council of the County of Kauai at its meeting held on December 8, 2003, by the following vote:

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:

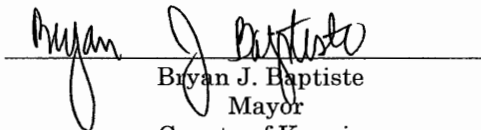

Bill "Kaipo" Asing
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

December 9, 2003

Approved this 15th day of

December, 2003.


Bryan J. Baptiste
Mayor
County of Kauai

Appendix C

Ordinance 925

A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14,
KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC
ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE
OF HAWAII:

SECTION 1. Findings and purpose. The Council of the County of
Kauai finds that to better manage the Public Access and Open Space on Kauai, the
Council should expand the scope of duties of this Commission.

The Council finds that it needs to improve the Commission's operational
efficiencies and bring the scope of the Commission's duties in alignment with the
expectations and needs of the people of the County of Kauai.

SECTION 2. Chapter 6, Article 14 of the Kauai County Code 1987, as
amended, is hereby amended to read as follows:

"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 Kauai 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.
- (9) Conserving land for open space and scenic values.

(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] biennial 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 nine (9) appointees.

(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)] seated members. If there is no agreement on the selection of the one (1) additional member within [forty-five (45)] seventy-five (75) days of the [appointment of the eight member] vacancy, [the one (1) additional member shall be appointed by] the power to fill that vacancy shall fall to 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.]

(4) 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 a [annual] biennial list of priority projects to be considered for funding; and

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

(C) Prepare an annual report for the Mayor and Council's review. This report should include, but not be limited to, a list of:

(i) Accomplishments;

(ii) Challenges;

(iii) Future goals and objectives; and

(iv) Recommendations.

(6) The Commission is also authorized to:

(A) Advocate and be a resource for public access, open space, and natural resources preservation planning for the County of Kaua'i;

(B) Provide feedback on Department's implementation of priority recommendations;

(C) Serve as a forum to receive public input on issues relating to the nine land conservation purposes outlined in Section 6-14.1 (a) (1) through (9);

(D) Assist with the resolution of issues relating to the nine land conservation purposes outlined in Section 6-14.1 (a) (1) through (9); and

(E) Biennially report the balance and review the sufficiency of the Public Access, Open Space and Natural Resources Preservation Fund to the Council and the Administration.

(b) The Commission shall establish [annual] biennial 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] biennial 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.

(c) Funds may be appropriated to another government entity, private owner, or nonprofit organization and used to acquire an interest in property with the requirement that lands or entitlements benefit the public and are protected in perpetuity.

(d) Lands or other property entitlements to be acquired may be owned or held by the County of Kaua'i, other government entity, or nonprofit organization with the requirement that lands or entitlements benefit the public and are protected in perpetuity.

(e) Lands or other property entitlements to be acquired may be managed by the County of Kaua'i, other government entity, private owner, or nonprofit organization with the requirement that lands or entitlements benefit the public and are protected in perpetuity."

SECTION 3. If any provision of this ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Kaua'i County Code, 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 5. This ordinance shall take effect upon approval.

INTRODUCED BY:

/s/ NADINE K. NAKAMURA
(By Request)

DATE OF INTRODUCTION:

December 1, 2011

Lihu'e, Kaua'i, Hawai'i


(V:\CS OFFICE FILES\BILLS\2010-2012 term\Public Access Open Space Natural Resources Preservation Fund Bill 2423, D1(SS)_ds.doc)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2423, Draft 1, which was adopted on second and final reading by the Council of the County of Kaua'i at its meeting held on March 28, 2012 and continued on March 29, 2012 by the following vote:

FOR ADOPTION: Bynum, Chang, Kualii, Nakamura, Rapozo	
Yukimura, Furfaro	TOTAL -7,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0,
RECUSED & NOT VOTING: None	TOTAL - 0.

Lihu'e, Hawai'i
March 30, 2012


Ricky Watanabe
County Clerk, County of Kaua'i

ATTEST:

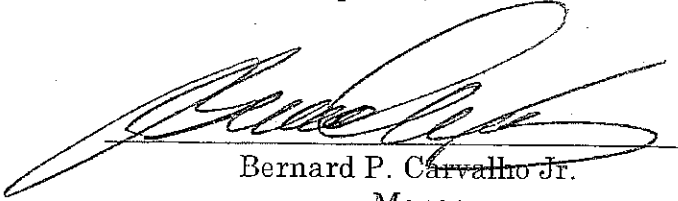

Jay Furfaro
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

April 3, 2012

Approved this 5th day of

April, 2012.


Bernard P. Carvalho Jr.
Mayor
County of Kaua'i

Appendix D

Ordinance 936

A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14,
KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC
ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE
OF HAWAII:

SECTION 1. Findings and purpose. The Council of the County of
Kauai finds that areas of Public Access and Open Space are of immense importance
to the community of Kauai.

The Council finds that, in order to provide the community of Kauai with
adequate areas of Public Access and Open Space, the annual allocation made to the
Public Access, Open Space, and Natural Resources Preservation Fund should be
increased from a minimum of one-half of one percent (0.5%) to one and one-half of
one percent (1.5%) of the County's certified real property tax revenue.

SECTION 2. Chapter 6, Article 14 of the Kauai County Code 1987, as
amended, is hereby amended to read as follows:

"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%)]
one and one-half of one percent (1.5%) 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 Kauai 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 public access to, and enjoyment of, public land and open space;
- (8) Acquiring public access to public land, and open space.
- (9) Conserving land for open space and scenic values.

(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 biennial 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 nine (9) appointees.

(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 seated members. If there is no agreement on the selection of the one (1) additional member within seventy-five (75) days of the vacancy, the power to fill that vacancy shall fall to the Mayor and confirmed by the Council.

(4) 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 a biennial list of priority projects to be considered for funding; and

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

(C) Prepare an annual report for the Mayor's and Council's review. This report should include, but not be limited to, a list of:

- (i) Accomplishments;
- (ii) Challenges;
- (iii) Future goals and objectives; and
- (iv) Recommendations.

(6) The Commission is also authorized to:

(A) Advocate and be a resource for public access, open space, and natural resources preservation planning for the County of Kaua'i;

(B) Provide feedback on Department's implementation of priority recommendations;

(C) Serve as a forum to receive public input on issues relating to the nine land conservation purposes outlined in Section 6-14.1 (a) (1) through (9);

(D) Assist with the resolution of issues relating to the nine land conservation purposes outlined in Section 6-14.1 (a) (1) through (9); and

(E) Biennially report the balance and review the sufficiency of the Public Access, Open Space and Natural Resources Preservation Fund to the Council and the Administration.

(b) The Commission shall establish biennial 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 biennial 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.

(c) Funds may be appropriated to another government entity, private owner, or nonprofit organization and used to acquire an interest in property with the requirement that lands or entitlements benefit the public and are protected in perpetuity.

(d) Lands or other property entitlements to be acquired may be owned or held by the County of Kaua'i, other government entity, or nonprofit organization with the requirement that lands or entitlements benefit the public and are protected in perpetuity.

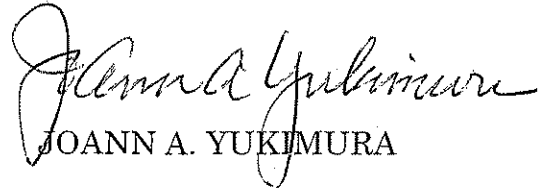
(e) Lands or other property entitlements to be acquired may be managed by the County of Kaua'i, other government entity, private owner, or nonprofit organization with the requirement that lands or entitlements benefit the public and are protected in perpetuity."

SECTION 3. If any provision of this ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Kaua'i County Code, 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 5. This ordinance shall take effect on July 1, 2013.

INTRODUCED BY:



JOANN A. YUKIMURA



TIM BYNUM

DATE OF INTRODUCTION:

October 10, 2012

Lihu'e, Kaua'i, Hawaii


V\Bills\Open Space preservation fund/2010-2012 term\JY-TB/GG_lc

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2453, which was adopted on second and final reading by the Council of the County of Kauai at its meeting held on November 28, 2012, by the following vote:

FOR ADOPTION: Bynum, Chang, Kualii, Nakamura, Rapozo Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0.

Lihu'e, Hawai'i
November 30, 2012


Ricky Watanabe
County Clerk, County of Kaua'i

ATTEST:

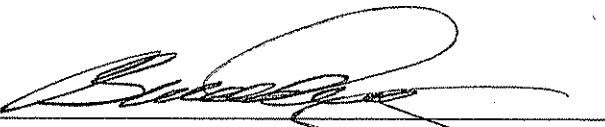

Jay Furfaro
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

November 30, 2012

Approved this 14th day of

December, 2012.


Bernard P. Carvalho Jr.
Mayor
County of Kaua'i

Appendix E

Abstracts for each Acquisition Recommendation

Salt Pond Beach Park 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	373.060	\$1,682,700
Robinson Family Partners	(4)1-8-008:021	Kaumuali'i Hwy	.900	\$207,200
State of Hawai'i(County of Kaua'i, Lessee)	(4)1-8-008:044	Off Lokokai Rd	1.906	\$260,700
			375,866	\$2,150,600

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.

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



Owners	TMK	Address	Acres	Assessment
McBryde Sugar Co LTD	(4)2-5-001:002	Kaunualii Hwy.	122.472	\$2,370,300
McBryde Sugar Co LTD	(4)2-5-001:008	Kaunualii Hwy.	81.82	\$2,148,200
			204.282	\$4,518,500

Recommendation:

- Properties first listed in August 2008 as a combined sale with purchase price at \$3.2M and are still available for purchase.
- 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.

Kaneiolouma Heiau Complex Preservation Area Expansion (South)



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	\$489,300
Kaha Kai LLC	(4)2-8-017:016;0002	Hoone Rd	.484	\$638,500
Kaha Kai LLC	(4)2-8-017:016;0003	Hoone Rd	.484	\$1,755,900
			1.202	\$2,883,700

Recommendation:

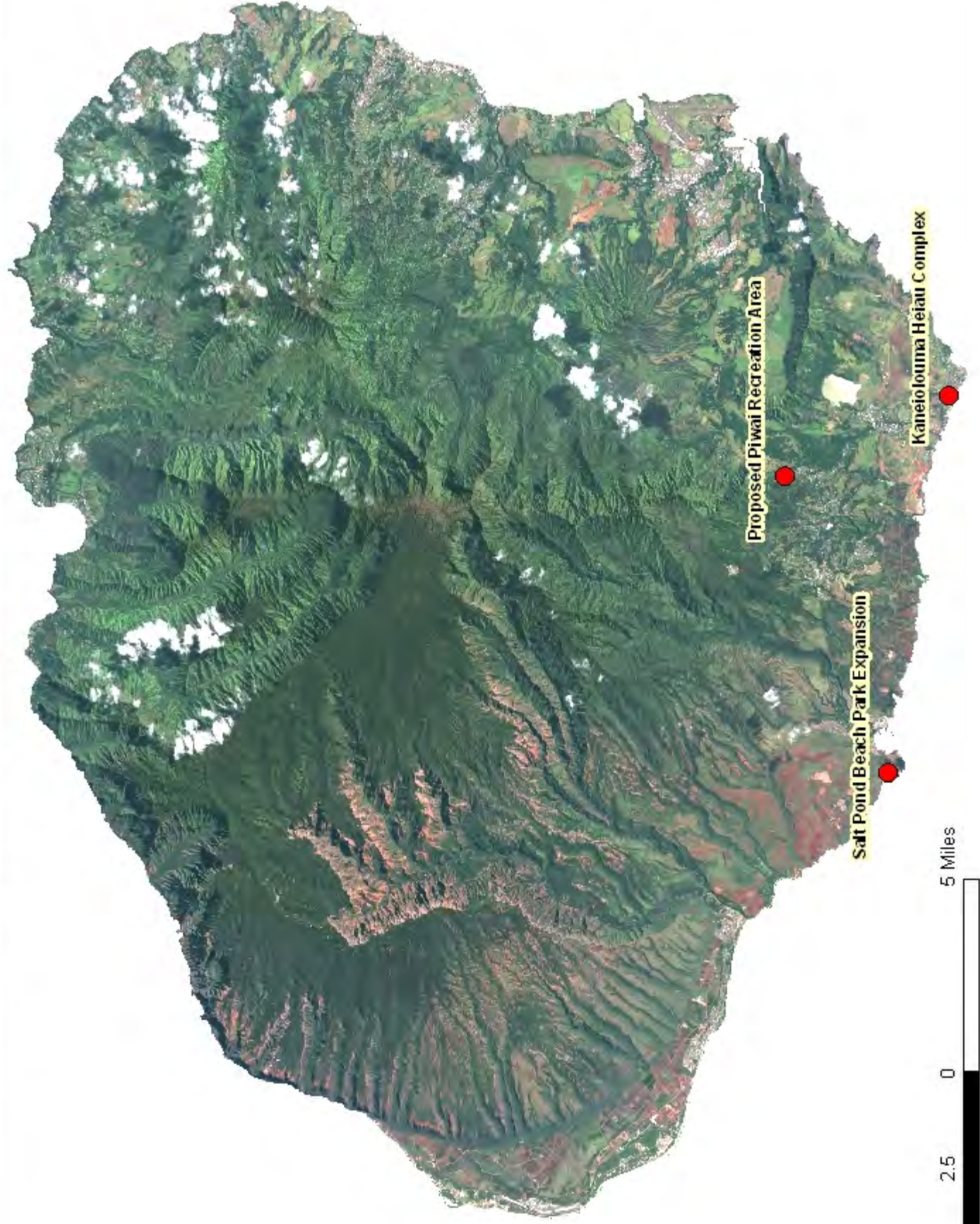
- This parcel is adjacent to County owned land and is part of the culturally significant Kaneiolouma Heiau Complex of Po'ipū.
- The public lands are covered under a County of Kaua'i Adopt-A-Park Agreement with Hui Mālama of Kaneiolouma for the stewardship of the heiau.
- The parcel's zoning is Open Special 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.

Appendix F

Island Map indicating Acquisition Recommendations

Public Access, Open Space and Natural Preservation Fund Commission



Appendix G

2012 South/West and North Shore Fieldtrips

2012 South/West Field Trip



Proposed Piwai (Ūma'o) Recreation Area



Kaneioulouma Heiau Complex



Lawai Kai overlooking West Coastline



Access to Kukui'ula Bay



Salt Pond Beach Park



Kaumuali'i Hwy view to Salt Pond Beach Park

2012 North Shore Field Trip



“Aliomanu Beach Access



Old government Rd aka Pāpa'a Rd to Pāpa'a Bay



Aliomanu Beach Access overlooking Pāpa'a Bay



Kaakaaniu aka "Larsen's Beach"



Kahili Beach



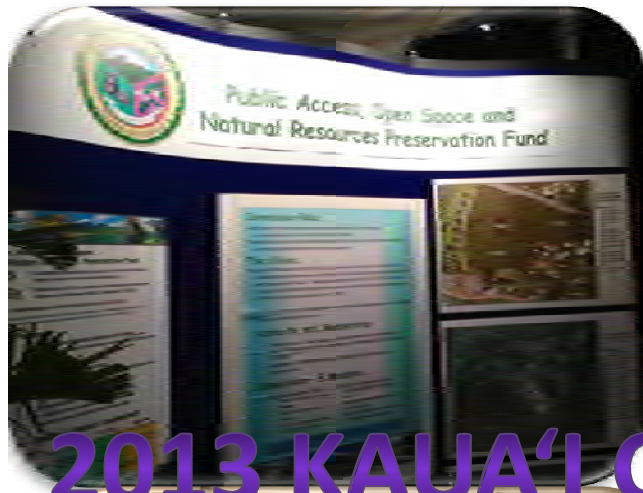
Westin Princeville Beach Access



Black Pot "Hodge Property" - Funds 1st acquisition view from edge of lot

Appendix H

2013 Kaua'i County Farm Bureau Fair



2013 KAUA'I COUNTY FARM BUREAU FAIR



Appendix I

Current and Prior Year's Priority Recommendations

Current and Prior Years' Priority Recommendations

Year 2013

- **Current Properties in the Dossier Process:**
 - Access to Kukui'ula Bay (Kōloa District)
 - Kauapea Beach Access (Hanalei District)
 - Pāpa'a Bay Beach Access (Kawaihau District)
 - Kaakaaniu Beach Access (Hanalei District)

- **Current Properties previously discussed but "ON HOLD"**
 - Restoration and Expansion of Shoreline Access, Lāwa'i Kai to Port Allen (Kōloa District)
 - Proposed Piwai (Ōma'o) Recreation Area (Kōloa District)
 - Kaneiolouma Heiau Complex Preservation Area Expansion (South), also known as Nukumoi [sic] Surf Shop Property (Kōloa District)
 - Salt Pond Beach Park Expansion (Mauka and West) (Waimea District)

Year 2011

- **Acquisition:**
 - Salt Pond Beach Park Expansion (Mauka and West) and Buffer Area for Protection of Hanapēpē Salt Pans (Waimea District)
 - Proposed Piwai (Ōma'o) Recreation Area (Kōloa District)
 - Kaneiolouma Heiau Complex Preservation Area Expansion (South) (Kōloa District)

- **Other Recommendations:**
 - Access to Kukui'ula Bay through the Former Hoban Property (Kōloa District)
 - Restoration and Expansion of Shoreline Access, Lāwa'i Kai to Port Allen (Kōloa District)

Year 2010

- **Acquisition:**
 - Kaneiolouma 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 Hanapēpē Salt Pans (Waimea District)

Year 2009

- **Acquisition:**
 - Black Pot Beach Park Expansion (Hanalei District)
 - Salt Pond Beach Park Expansion and Buffer area for Protection of Hanapēpē Salt Pans (Waimea District)
 - Kaneiolouma 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:**
 - Hā'ena 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 J

2013 Survey Questionnaire

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



Annual Public Input

***Assist with Planning
Project for Public Benefit***

See inside for more information regarding projects under consideration and commission work.

You can also provide input online at:

www.kauai.gov/OpenSpaceSurvey

Email: openspace@kauai.gov

For more information, call 241-4050

IMPORTANT: Return survey

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

Survey also available online at:

www.kauai.gov/OpenSpaceSurvey

County of Kauai Open Space
Commission

4444 Rice Street, Suite #473

Lihue, HI 96766

2013 Public Input Process

In 2011, the County of Kaua'i 's Public Access, Open Space and Natural Resources Preservation Fund Commission identified three (3) sites that the County should consider for acquisition using the Open Space Fund. In 2013, the Commission would like to work more with the communities engaged with these sites to identify strategies for protection and/or acquisition that will assist the County in its Open Space Fund planning.

The public may also make suggestions for other lands or property entitlements (like access ways) that the County should consider for purchase or to otherwise acquire.

Please use this form to share information about a place or access you would like to see protected or acquired. Use one (1) 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

Assist with Planning Projects for Public Benefit

Open Space Commission sites identified in the 2011 Open Space Priority List

- ◆ Salt Pond Beach Park (Mauka and West) Buffer Area for Protection of Hanapepe Salt Pans
- ◆ Kaneiolouma Heiau Complex Preservation Area Expansion (South) also known as Nukumoi [sic] Surf Shop Property
- ◆ Proposed Piwai (Omao) Recreation Area

Other suggestions (form on left side)

fax to: **241-6699**

or mail to:

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

Email: openspace@kauai.gov

Survey also available online at:

www.kauai.gov/OpenSpaceSurvey

For more information about the
Open Space Program, visit:

www.kauai.gov/openspace