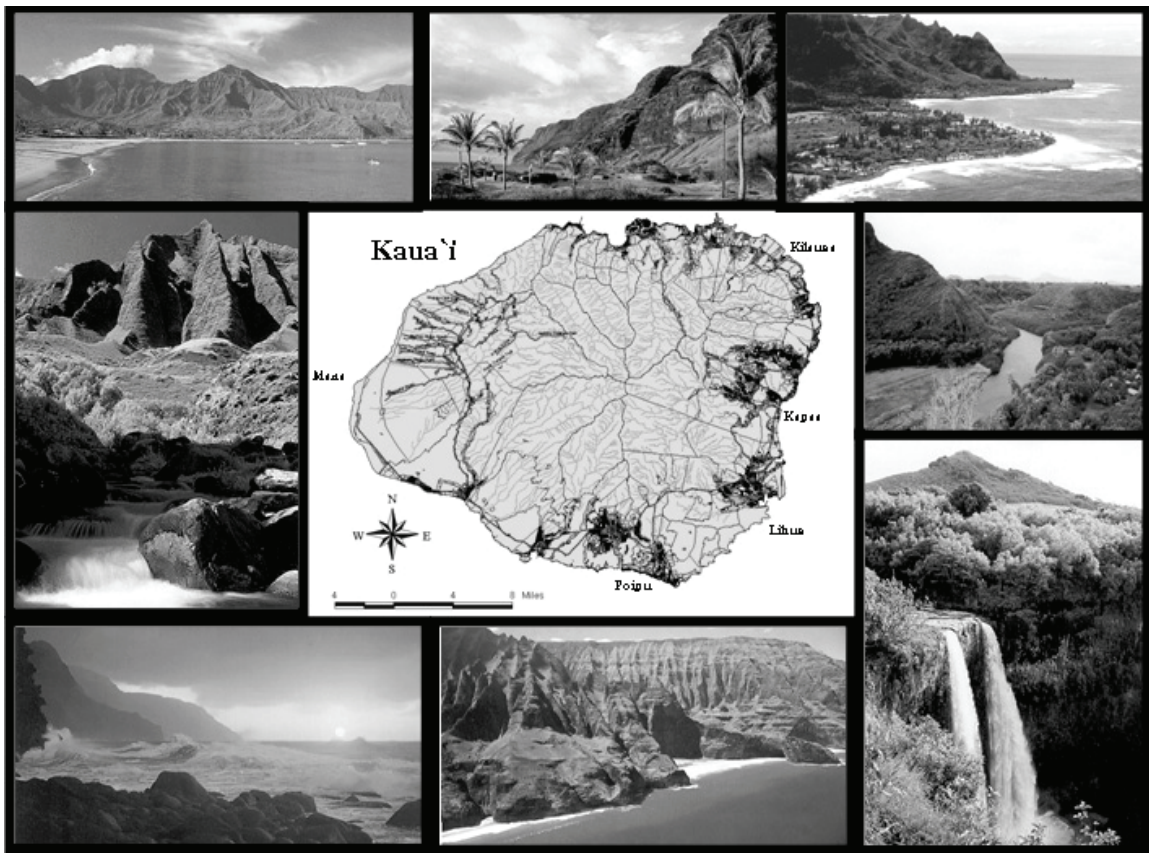


**PUBLIC ACCESS, OPEN SPACE & NATURAL
RESOURCES PRESERVATION FUND COMMISSION**

**2005 REPORT TO THE
KAUAI COUNTY COUNCIL**

INCLUDING RECOMMENDATIONS FOR PRIORITY PROJECTS



**FINAL REPORT
MAY 12, 2005**

**PUBLIC ACCESS, OPEN SPACE & NATURAL RESOURCES PRESERVATION
FUND COMMISSION**

**2005 REPORT TO THE
KAUAI COUNTY COUNCIL**

INCLUDING RECOMMENDATIONS FOR PRIORITY PROJECTS

**Final Draft
April 25, 2005**

**Prepared by:
The Public Access, Open Space and Natural Resources Preservation Fund
Commission**

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Planning Department
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 Community Response Specialists
County Council and the Office of the County Clerk and Council Services
Office of the County Attorney
Department of Public Works
 Division of Parks and Recreation
Department of Finance
 Real Property Tax Division
 Information Technology Division

State of Hawaii

Department of Business, Economic Development and Tourism
 Office of Planning
Department of Hawaiian Homelands
Department of Land and Natural Resources
 Division of Forestry and Wildlife
 Division of State Parks
 Land Division
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EXECUTIVE SUMMARY

This report to the Kauai County Council contains the first annual recommendations of the County of Kauai Public Access, Open Space and Natural Resources Preservation Fund Commission (Open Space Commission). This report was prepared by the Open Space Commission and staff and reflects its activities, findings and recommendations.

History

In response to Kauai voters' support of a November 2002 proposed County Charter Amendment, the Kauai County Council unanimously enacted Ordinance No. 812 in December 2003, which established the Public Access, Open Space and Natural Resources Preservation Fund (Fund) and Commission (Commission).

Ordinance No. 812 (03) requires that a minimum of one-half of one-percent (0.5%) of the County's annual real property tax revenues be placed in the Open Space Preservation Fund. The Fund is to be used to purchase or otherwise acquire lands or property entitlements or fund projects relating to public outdoor recreation and education; public access to beaches, mountains, public lands and open space; preservation of historically or culturally important areas; protection of significant habitats or ecosystems; preservation of forests, beaches, coastal areas and agricultural lands; protection of watershed lands; and conservation of lands to reduce erosion, floods, landslides, and runoff.

The Commission, consisting of six (6) members from Kauai development plan districts three (3) At-Large members, has been meeting since September 2004. The Commission's major accomplishments have been: adoption of interim Rules of Practice and Procedure; adoption of mission statement, goals, values, and five-year vision; communications with public access providers and potential collaborators; conduct of Commission training sessions; conduct of meetings in conformance with all applicable rules and laws; implementation of a community-based public input process; and production of this report of its findings and recommendations.

Findings and Recommendations

The Commission has found that numerous public access-ways have been required to be provided but have yet to be conveyed to the County. This has impeded public use of these areas and hindered the County's success in establishing new public access-ways.

The Commission's Recommendation #1 is: Resolve public accesses with operational, legal, and jurisdictional issues. Complete the dedication process for public accesses already required.

The Commission's Recommendation #2 is: Acquire lands or easements from the "List of Priority Sites for Possible Acquisition" developed by the Commission and based on public input. The Commission has identified ten sites for acquisition; however, the Fund is currently insufficient to acquire many of these sites. County funds could be leveraged and expanded by partnering with other agencies and organizations; seeking grants for land acquisitions; considering an increase to the percentage of annual real property tax dedicated to the Open Space Fund; allowing organizations to apply for grants and loans from the Open Space Fund; and establishing mechanisms to respond to opportunities to acquire priority lands. The Commission also recommends the formation of an "Acquisition Team" to lead the acquisition process.

The Commission has found that the purpose of the Open Space Fund could be expanded and the Commission's role could be broadened beyond its current function of preparing annual recommendations for the use of the Fund. The continuation of staff support is essential to accomplishing the work of the Open Space Commission and the County's goal to preserve open space. The Commission also finds that a strategy is needed for public access, open space, natural and cultural resource preservation for the County of Kauai. Recommendations and implementing actions to address these needs are identified in this report.

Finally, the Commission recognizes that there is an inherent conflict between the protection of natural and cultural resources and the expansion of public access and use. The Commission concludes that it is neither possible nor desirable for all places to be used by everyone. The Commission's recommendations and implementing actions to address this dilemma are also identified in this report.

1. INTRODUCTION

The Public Access, Open Space and Natural Resources Preservation Fund Commission was established by the Kauai County Council through enactment of Ordinance No. 812 on December 15, 2003 (Appendix A). The Public Access, Open Space and Natural Resources Preservation Fund Commission is charged with preparing annual recommendations to the Council for the use of the Public Access, Open Space and Natural Resources Preservation Fund. This is the Commission's first report to the Kauai County Council.

For brevity, clarity and consistency in much of the text of this report, the Public Access, Open Space and Natural Resources Preservation Fund will also be called the *Open Space Fund* or the *Fund*. The Public Access, Open Space and Natural Resources Preservation Fund Commission will similarly be shortened to the *Open Space Commission* or the *Commission*.

This report summarizes the work of work of the Commission and sets forth its recommendations to improve public access and expand open space opportunities for the people of Kauai. The report addresses the following:

- The purposes of the Open Space Preservation Fund and the mandate of the Open Space Commission;
- The formative organizational work and education of this new commission;
- The process and tools created to develop the recommendations within this report;
- Findings and recommendations regarding public access-ways on Kauai;
- Findings and recommendations regarding land acquisition for public access-ways;
- Findings and recommendations related to sustaining and improving the Commission itself; and
- Discussion of other issues relating to the general goal of increasing opportunities for open space and natural and cultural resources preservation.

2. ORDINANCE NO. 812 (03)

2.1. Establishment of Ordinance No. 812 (03)

In November of 2002, 73% of Kaua'i voters approved a proposed County Charter amendment establishing a Public Access, Open Space, Natural Resources Preservation Fund. The amendment had been initiated by a Council Resolution and unanimously supported by the full Council.

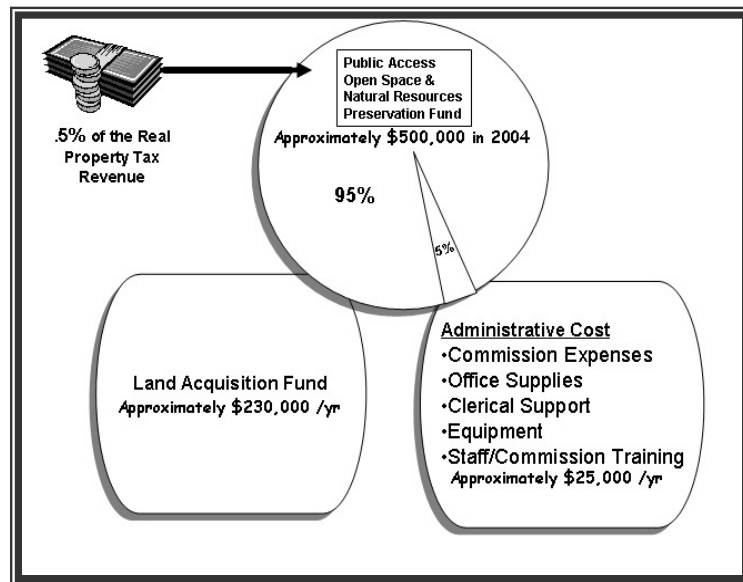
In December 2003, the Council enacted Ordinance No. 812, which added Article 14 (Public Access, Open Space and Natural Resources Preservation Fund) to Title III (Taxation and Financial Administration), Chapter 6 (General Provisions Relating to Finance) of the Kaua'i County Code 1987. Ordinance No. 812 (03) described the Fund, its purposes, administration and how monies should be appropriated.

2.2. The Purposes of Ordinance No. 812 (03)

The broad and diverse conservation purposes of Ordinance No. 812 (03) expresses Kauai residents' fervent hope that the island's special heritage sites and experiences would be saved, the environment protected, and recreation and access for all of the people would be increased and improved. The Open Space Preservation Fund is to be used to purchase or otherwise acquire lands or property entitlements, or to fund projects relating to the following public needs:

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;

Figure 1: Program Fund Allocation

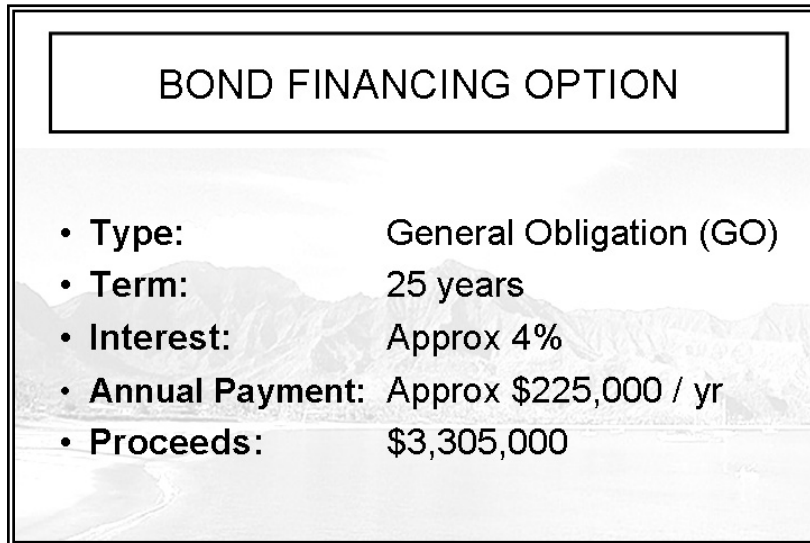


- 7. Improving disabled and public access to, and enjoyment of, public land and open space; and/or
- 8. Acquiring disabled and public access to public land, and open space.

Ordinance No. 812 (03) requires that a minimum of one-half of one-percent (.5%) of the County's annual real property tax revenue be placed in the Fund, of which no more than five percent (5%) may be used for administrative purposes. At this time, the total Fund is approximately \$500,000. Of this amount, \$25,000 may be used for administrative costs, while the balance remains in the Land Acquisition Fund.

The Fund may also be used for the payment of interest, principal, and premium with respect to bonds issued to the purchase of lands or property entitlements, and for the payment of costs associated with the purchase, redemption or refunding of such bonds. A projected scenario for the use of bonds is illustrated in Figure 2 below. This scenario shows a twenty-five year level debt service general obligation if a bond was floated.

Figure 2: Bond Financing Option Scenario (information prepared by the Department of Finance 9/23/04)



Monies from the Land Acquisition Fund are to be appropriated by the County Council after consideration of recommendations made by the Commission regarding priority projects.

3. THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION (OPEN SPACE COMMISSION)

Pursuant to Ordinance No. 812 (03), a Fund advisory commission known as the Public Access, Open Space, and Natural Resources Preservation Fund Commission was established by the County Council. The role of the Commission is to solicit suggestions for lands for acquisition or projects for funding from members of the public, and to work with the Planning Department to develop an annual list of priority projects to be considered by the Council for funding. The Commission consists of nine (9) members representing the six (6) development plan districts on the island and three (3) at-large positions.

Table 1: Commission Membership and Terms

Name	Development Plan District	Appointed by	Length of Term	Expiration
LaFrance Kapaka-Arboleda	At-Large	Mayor	3 yr	1/1/2008
Laura Marsh	Kapaa-Wailua	Mayor	3 yr	1/1/2008
Barbara Childers	Waimea-Kekaha	Mayor	3 yrs	1/1/2007
Puna Kalama Dawson	Lihue-Hanamaulu	Mayor	3 yrs	1/1/2007
Jean Nishida Souza, Vice Chair	Hanapepe-Eleele	Council	2 yrs	5/1/2006
Theresita Kinnaman	Koloa-Poipu-Kalaheo	Council	2 yrs	5/1/2006
Beryl L. Bailey Blaich, Chair	Anahola-Haena	Council	3 yrs	5/1/2007
Sherwood Iida	At-Large	Council	1 yr	5/1/2005
*Gary E. Smith	At-Large	Mayor/Council	1 yr	2/10/2006

*Appointment confirmed on February 10, 2005

3.1. Administration of the Open Space Commission

The Commission is administratively attached to the Planning Department. Staffing for one-year (from August 2004 to August 2005) and office equipment for staff were funded through the County General Funds. A facilitator was contracted using a portion of the Fund allocated for administrative costs. The role of the facilitator was to assist the Commission in the first few months of program development to organize, identify goals, and assist in the development of a process to gather community input to generate the list of priority projects. Monies from the Fund were also expended for meals for the Commission.

Monies expended from the Fund for administrative costs were replenished by an appropriation from the County General Fund, pursuant to Ordinance No. B-2005-625 which was signed on December 16, 2004.

3.2. Accomplishments of the Open Space Commission

Regular public meetings of the Commission began on September 16, 2004. To date the Commission has conducted fifteen (15) regular meetings and one (1) Select Editing Committee meeting. In addition to regularly-scheduled commission meetings three (3)

regional community meetings were held to solicit public input of priority sites and projects to be recommended to the County Council.

During its deliberations, the Commission has accomplished the following:

- Adopted interim Rules of Practice and Procedure;
- Selected of Chairperson and Vice Chairperson;
- Adopted a Mission Statement, Five-Year Vision, Values, and Goals;
- Reviewed Ordinance No. 812 (03) and identified provisions needing clarification;
- Initiated communications with public access providers and potential collaborators;
- Conducted ongoing Commission training sessions on topics relating to Ordinance No. 812 (03), Sunshine Law and other legal matters (relating to the Program), planning and land use management, State trail systems, and coastal resources preservation;
- Developed and utilized a community-based public input process; and
- Formulated a list of priorities and recommendations for Council consideration.

3.3. Adopted Mission, Vision, Values and Goals

The Commission formulated and adopted a Mission Statement, a Five-Year Vision, and strategic Goals through a series of facilitated meetings. In addition, the Commission adopted the Community Values of the 2000 Kauai General Plan. Please refer to Appendix C for a description of these processes, as well to review the entire Vision Statement.

<p>COMMISSION MISSION: To record, enhance, expand, and preserve Kauai’s public access, open space, and natural resources by developing priorities, recommending specific projects for public acquisition, and encouraging implementation of priority projects to benefit current and future generations.</p>	<p>VISION 2005-2010 “By 2010 we have resolved long-standing public access issues, leveraged County funds to acquire priority lands and resource areas, and created an open space plan. In the process, we have engaged the community and inspired all to <i>malama</i>, to take care of and respect, our precious lands and waters.”</p>
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The Vision can be realized through the attainment of the following strategic Goals:

COMMISSION STRATEGIC GOALS		
<p><i>Immediate</i> Develop annual priority of projects/sites to improve public access, open space, and natural resources preservation.</p>	<p><i>Short Term</i> Develop mechanisms to encourage implementation of existing laws relating to public access, open space, and natural resources preservation.</p>	<p><i>Long Term</i> Develop a plan and resource guide for public access, open space, and natural resources preservation as a guiding document for Kauai’s residents and decision makers.</p>

4. PAST STUDIES AND CURRENT RELATED EFFORTS

In addition to Ordinance No. 812 (03) and Ordinance No. 777, amendment to Chapter 9 (Subdivision) of the County Charter, the Commission reviewed the following studies for information regarding the status of accesses, open space, and natural resources management and possible processes for resolving concerns over loss of these resources, user conflicts, and for Program development. All documents are on file with the Program’s Staff Specialist at the Planning Department.

Table 2: Studies Utilized by the Commission

STUDIES	APPLICATION BY COMMISSION
<p><i>Kauai General Plan</i> County of Kauai Planning Department November 2000</p>	<ul style="list-style-type: none"> ▪ Adopted the Plan’s Community Values as the program’s Values ▪ Used Plan as overall guiding document.
<p><i>1991 Kauai Beach Access Inventory Update</i> Prepared for the County of Kauai by the Keith & Companies (list of accesses available in Appendix G of this report)</p>	<ul style="list-style-type: none"> ▪ Used as a basic inventory of beach accesses on Kauai (public or otherwise) and status in 1991. ▪ Used to develop the Kauai Beach Access GIS Project.
<p>“Follow-Up to the 1991 Kauai Beach Access Inventory Update” Prepared in 2003 by individual members of the community (available in Appendix H of this report)</p>	<ul style="list-style-type: none"> ▪ Provided additional information regarding the status of beach accesses.
<p><i>Local Greenprinting for Growth</i> The Trust for Public Land 2002</p>	<ul style="list-style-type: none"> ▪ Provided a guide and model of program organization, goal setting, and implementation.
<p>“Roads in Limbo: An Analysis of the State-County Jurisdictional Dispute” Report No. 11, 1989 by the Legislative Reference Bureau</p>	<ul style="list-style-type: none"> ▪ To understand conflicting positions regarding ownership and maintenance of unpaved/substandard roads and remnant parcels between the State and County.
<p><i>EPA Environmental Planning for Small Communities: A Guide for Local Decision Makers</i> US Environmental Protection Agency Office of Research and Development September 1994</p>	<ul style="list-style-type: none"> ▪ Provided a guide and examples of program organization, goal setting, and implementation.
<p><i>Hawaii Trails Analysis: Risk management and Data Profile</i> Final Report Prepared for DLNR Risk Assessment Working Group By the UH Department of Urban & Regional Planning Practicum 731 March 2001</p>	<ul style="list-style-type: none"> ▪ Provided information regarding the physical profile of four mauka trails on Kauai. ▪ Elevated understanding of risk trends and management of mauka trails statewide.
<p><i>Kauai Parks & Recreation Master Plan</i> Prepared for the County of Kauai County By Aotani and Hartwell Associates, Inc. April 1978</p>	<ul style="list-style-type: none"> ▪ Provided history and overview of the Kauai Parks and Recreation Program. ▪ Identified areas of program that overlap with the purpose of Ordinance No. 812 (03). ▪ Reaffirmed necessity for a Master Plan for Public Access, Open Space, and Natural Resources Management, including an update of this master plan.

In addition to the studies listed above, the Commission has been tracking the following legislative bills that relate to appropriation of monies for conservation purposes or to expand upon public access opportunities.

Table 3: 2005 Legislative Bills Relating to Program Purpose

BILL NO.	DESCRIPTION
House Bill 760	<p>Shoreline; Public Access; Appropriation</p> <p>Appropriates funds for the Department of Land and Natural Resources to survey and map all existing public access ways to shoreline areas.</p>
House Bill 1308 Senate Bill 1897	<p>Acquisition of Land for Conservation and Environmental Protection (also known as the Legacy Lands Act)</p> <p>Requires 25% of real estate conveyance tax collected be deposited into the land conservation fund. Allows grants to state agencies, counties, and nonprofit land conservation organizations to acquire interest in lands having a value as a resource to the State.</p>
House Bill 1442	<p>Lateral Public Access; Shoreline</p> <p>Establishes an additional requirement for county ordinances to require a subdivider or developer to provide public access from a public highway or public streets to also connect existing or proposed access points with each other, so the public can easily and safely traverse shoreline areas.</p>
Senate Bill 1884	<p>Lateral Public Access; Shorelines</p> <p>Requires counties to adopt ordinances that require subdividers or developers to connect existing accesses to the shoreline with lateral public access along the shoreline as a condition to final approval of a subdivision.</p>

The passage of these bills may provide additional resources to the County to help the Open Space Program and fund recommendations accepted by the Council. The Commission is in contact with Departments responsible for the formation of these bills and has also submitted testimony in support of the Legacy Lands Act (House Bill 1308 / Senate Bill 1897).

4.1. Studies Key to the Work of the Commission

The 2000 Kauai General Plan

As aforementioned, Ordinance No. 812 (03) was a response to wide-spread concern over the loss of public access ways, open space, and natural resources and the protection of these resources. The Kauai General Plan, released in November of 2000, reflected residents' concerns over the increasing loss of rural lifestyle, valuable environmental and cultural resources and access to these. The General Plan set forth specific policies based on the shared values of community members across the island. The Commission, with input from members of the public who attended meetings, felt it necessary to adopt the Vision for Kauai 2020 and Community Values described in Chapter 2 of the General Plan. In doing so, the Commission anticipates implementing, through its continued work, the values of Kauai's communities. The Mission Statement, Vision, and subsequent

Goals of the Commission, which are described in Section 3.1. and in Appendix C of this report are largely based on Chapter 2 of the General Plan.

The 1991 Kauai Beach Access Inventory Update

The 1991 Kauai Beach Access Inventory Update (referred to as the '91 Inventory) was prepared by Keith and Companies for the County of Kauai and released in 1993. This inventory consists of a hardcopy map of the island of Kauai and profiles of beach accesses throughout the island. All beach accesses, both public and private, were surveyed.

The *Kauai Beach Access GIS Project* was developed to begin the process of updating the '91 Inventory and to document new public beach access-ways recorded since 1991. In October 2004, the Staff Specialist created a Geographic Information Systems (GIS) Project based on the '91 Inventory called the *Kauai Beach Access GIS Project*. The GIS project depicts the approximate location of the *makai-end* of beach access-ways documented in the '91 Inventory in a virtual platform, based on Tax Map Key (TMK) data. The 2002 United States Geological Survey (USGS) Digital Raster Grid (DRG – also referred to as a *digital topographic map*) is used as a base map for the project. Roads, streams, and other digital data are included in the project as well. For a complete list of GIS data repositied for this Program, please refer to Appendix I. “Kauai Beach Access GIS Project.”

The GIS project is utilized by staff to prepare Commission documents and also during Commission meetings to locate sites, determine approximate land boundaries, identify natural, archaeological, and other resources near sites, and to analyze the distribution of problem areas throughout Kauai. The Commission feels that the GIS project has been an invaluable resource. For more information regarding the development of the GIS Project and use restrictions of the data, please refer to Appendix I.

4.2. Current Regulatory Policies Utilized to Create Public Accesses and Open Space

The Commission desired to understand the County process of land conveyance.

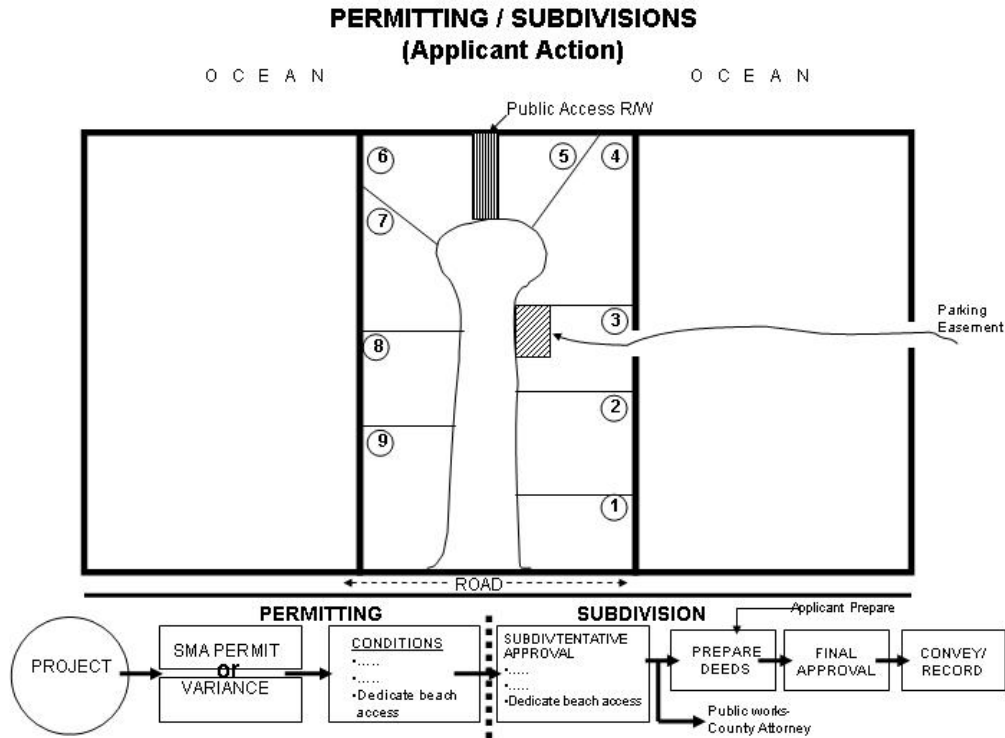
Through discussion with various County agencies, the Commission learned that full conveyance of land entails the following procedures:

- a) Survey of metes and bounds of proposed easement or extent of parcel to be purchased or dedicated
- b) Title search
- c) Land appraisals
- d) Environmental assessments, including historic and cultural assessments
- e) Generation of legal documents describing the parcel metes and bounds
- f) County Council review and acceptance of documents
- g) Recordation with Bureau of Conveyances

Furthermore, the Commission learned that the above procedures may be led by all or one of the following County agencies: the Department of Public Works, Office of the County Attorney, or other agency. The participation of the Planning and Finance Departments are also necessary. These discussions helped to clarify for the Commission possible points in the land acquisition process where lack of a defined lead agency or lack of action by an applicant may have led to the incomplete dedications of easements for public access-ways.

The Planning Department staff also briefed the Commission regarding the subdivision, Special Management Area, and other permit processes during which public accesses may be dedicated. The following figure was used by the Planning Department to describe the process of creating public access easements and parking through permit conditions.

Figure 3: Creation of Accesses through the County Permitting or Subdivision Process (General Description)



5. FORMULATING THE 2005 LIST OF PRIORITY ACQUISITION SITES

5.1. The “Double-Sided Discussion:” A Necessary Clarification

From its first meeting the Commission was struck by the public’s concern about long-standing, unresolved issues relating to accesses. During regular commission meetings and during the community input process, members of the public repeatedly affirmed the need to abate problems of some “infamous” access-ways, most of which are coastal or beach accesses. Problems include, but are not limited to the following situations:

1. an access-way that is thought to be designated for public use is blocked by gates or boulders, or a “no entry” sign is posted in the area;
2. easement documents for a public access-way has not been recorded with the Bureau of Conveyances;
3. discrepancies exist between the mapped location and the physical location of a public access-way;
4. ownership of an access-way needs to be clarified;
5. the intended use of an easement needs to be clarified; and
6. responsibility (shared or otherwise) for maintenance liability of an access-way needs to be clarified.

Although the Commission’s role is to develop and submit a list of priority lands for new acquisitions, the Commission also feels compelled to: (1) explore ways in which the Program and Fund can resolve long standing issues; and (2) mitigate unresolved access issues in the future.

Thus, from the inception of this program, a “double-sided” discussion has ensued. While the Commission has diligently deliberated the candidacy of each of the fifty-six “distinct sites”¹ for acquisition, it consistently returned to the question of whether “acquisition” is the best means of resolving issues relating to some sites. With each meeting it became more apparent that there is a great need to address unresolved issues before new land acquisitions are funded. What finally resulted was the formation of Recommendation #1 of this report, which will be described in Section 6.

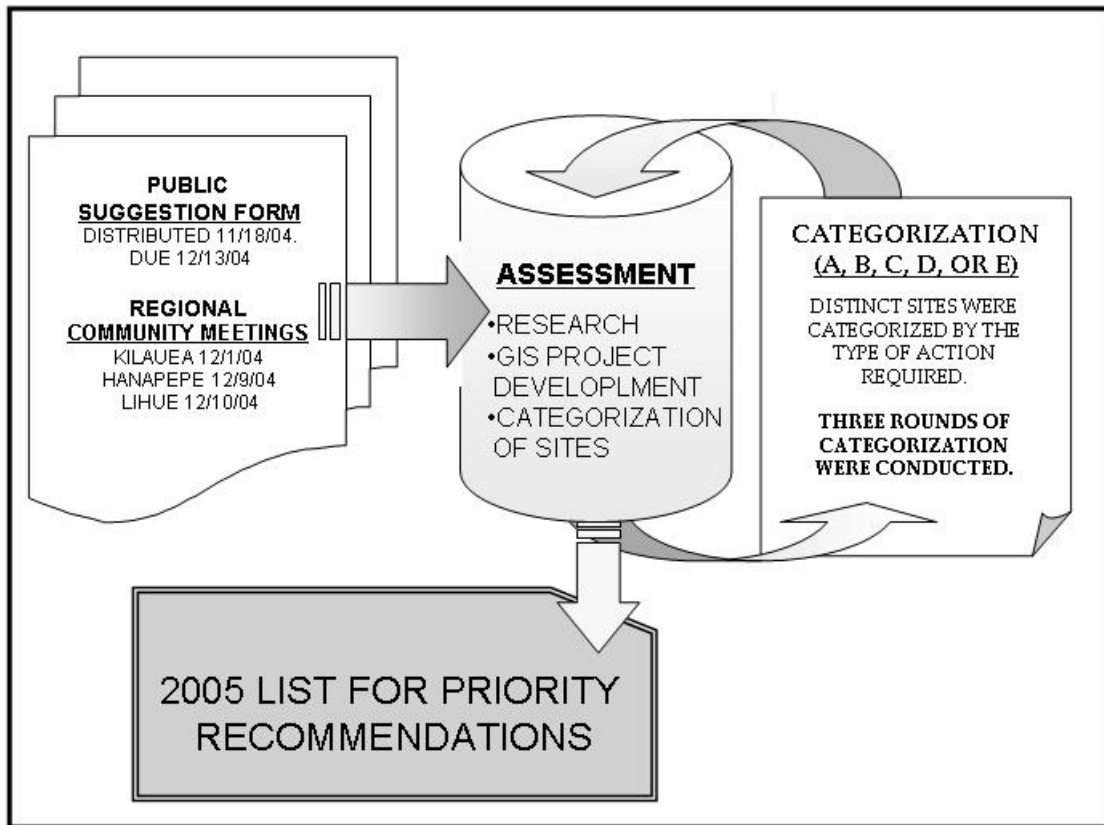
5.2. Putting Ordinance No. 812 (03) into Motion

To reiterate, Ordinance No. 812 (03) directs the Commission to provide the County Council an annual list of priority sites for acquisition relating to public access, open space, and natural resources preservation, to which monies from the Program Fund may be allocated. The development of this list must include community participation through a community based process.

Figure 4 summarizes the process developed and utilized by the Commission to develop the 2005 List for Priority Recommendations.

¹ One-hundred and five (105) “suggestions” were submitted to the Commission for acquisition. Of these, fifty-six “distinct sites” were identified. Refer to Appendix E.2. for the list of distinct sites.

Figure 4: Process for Formulating the 2005 List for Priority Recommendations



5.2.1. Community Input Process

The Commission commenced with its community input process in November 2004. A “public suggestion” form was created and distributed through various community organizations, libraries, surf shops, and fishing supply stores throughout the island. The suggestion form was also available at the Planning Department counter. (A sample form is included in Appendix E.1.). The community process was announced on the KONG and KKCR radio stations’ community bulletins. In addition, the process was posted in the Garden Island, Star Bulletin, and Honolulu Advertiser newspapers. A press release was also issued to all County employees. Commission Chair Beryl Blaich and Planning Director Ian Costa were invited to discuss the community input process and Commission activities with Mayor Bryan Baptiste on a segment of *Kuleana* television show.

The Commission scheduled three (3) regional meetings to hear the concerns and ideas of the public first-hand. These meetings were held Kilauea, Lihue, and Hanapepe. The meetings provided a way of informing the public about the Program and to distribute and collect the Public Suggestion Form. The Program’s Staff Specialist, other Planning Department staff, and at least two commissioners attended each meeting. Staff prepared and provided a Power Point presentation explaining Ordinance No. 812 (03), the Public Suggestion Form and Community Input process. The Staff Specialist also demonstrated the Kauai Beach Access GIS Project to meeting attendees.

The regional meetings took place during the month of December, a time when many citizens are especially busy and less likely to attend public meetings. At that time, the annual priority list was due to the County Council in March 2005. The short timeframe between the first commission meeting in mid September and the March deadline necessitated holding community meetings in December. Community meetings scheduled in the second year of work will be held before December.



Picture 1: Regional Meeting in Kilauea. Courtesy of Tim Bynum.

5.2.2. Results of the Community Input Process and Staff Research Process

One hundred and five (105) Public Suggestion Forms were returned to the Planning Department in December 2004. From these suggestions a total of 56 distinct sites or projects (such as the expansion of beach parks) were submitted for Commission consideration.

The Staff Specialist conducted research on the various suggested sites/projects and presented the results of this research to the Commission, aided by digital maps. The following is a summary of staff's research process:

1. Gathered public suggestions (105 suggestions).
2. Added information provided by public on a Microsoft Access Database (for filing and faster indexing).
3. Located sites using the GIS and identified overlaps. Compiled sites (56 distinct sites)
4. Utilized GIS data layers (refer to Appendix I) to identify ownership, natural and cultural resources, hazards, topography and other information about sites. Compiled information.
5. Reviewed project files for information regarding the status of sites. Compiled information.
6. Interviewed Planning Department Staff (Director, Plans Examiners, Technicians, Inspectors, and Planners) for information regarding all 56 sites. Compiled information.
7. Communicated with staff of DLNR DOFAW, DLNR OCCL, DHHL, Office of Planning, DPW, and OCA for information and status of sites. Compiled information.
8. Compiled, analyzed, and summarized all information and presented this to Commissioners in tabular format and on a digital map platform for discussion.

After discussing the information presented by staff regarding the 56 distinct sites, the Commission organized the sites into one of five categories, described in Table 4. During this process, some sites were taken off the list when it was found that public concerns were already addressed. For instance, suggestions for public access at Anini Beach (in the area of Stallone’s Anini Subdivision) were removed from the list, as there are three public accesses and parking areas in addition to the County park at Anini Beach.

Table 4: Site Category Descriptions

CATEGORY	DESCRIPTION
A	Lands or accesses with high public interest, imminent needs for acquisition, and largest benefit to the general public.
B	Lands or accesses that have limitations due to site constraints, hazards, or those that have a narrower public benefit.
C	Lands or accesses that have operational or legal issues associated with it.
D	Lands or accesses that require County, State, and Federal collaboration to resolve issues relating to public use or maintenance.
E	Projects already being considered or dealt with by County agencies which could provide an opportunity for access, open space, or natural resources preservation.

After the first round of categorization, the Staff Specialist conducted further research on sites, specifically those projects listed in categories A, C, D, and E (in this order) and shared the results of this new research. The Commission then revisited and revised the categorization of each site.

5.2.3. Development and Use of Assessment Criteria

As a newly formed Program, the Commission recognizes that it is pioneering its process for developing a list of recommendations for Kauai to the Council, and that this new process will need to be refined as the Program develops.

Without an existing County model to emulate, the Staff Specialist reviewed criteria utilized by other land-acquisition programs, including the DLNR State Parks Division, Trust for Public Lands Hawaii, Maui Coastal Land Trust, the California Coastal Conservancy, New York State Open Space Acquisition Advisory Committee, and the Oregon Watershed Enhancement Board, in order to develop a method of assessing and comparing potential sites and/or projects. However, the purposes, structures and decision making entities of these established programs were not particularly applicable to Kauai’s new program. Therefore, the Commission developed its own project assessment methodology.

Table 5 describes the six criteria established to systematically review, evaluate and rate projects.

Table 5: Assessment Criteria Descriptions

CRITERIA	DESCRIPTION
1	Considers whether a project meets the purposes of Ordinance No. 812 (03).
2	Determines whether a project coheres to and furthers the vision and goals of the County's General Plan. This is an important criterion, especially to members of the public who participated in the development of the General Plan, and who are interested in ensuring that priority projects support the realization of the Plan Vision.
3	Notes the level of community support for a project, based on the community input process.
4	Assesses whether a project could be implemented using existing Program Funds. It should be noted that Criteria No. 4 is not meant to dismiss a project if current funding is not available, but to distinguish projects that may be successfully implemented with currently available funds. In addition, Criteria No.4 identifies projects that may be implemented by leveraging funds available from other sources.
5	Considers whether boundaries, need, maintenance options, and steps toward acquisition are known. This is necessary for identifying projects that may be too great in scope for immediate action.
6	Is specific to public access. It assesses conditions at these sites relating to the dedication of an access, use conflicts, site maintenance, and adequacy of amenities such as parking.

After two rounds of research and narrowing of priorities, sites were rated by staff using the Assessment Criteria Form. This includes a method for assessing projects based on the six criteria described above. Each of the six criteria includes subcriteria that projects were measured by using a four point system:

- 0 = "No"
- 1 = "Unknown" (needs more assessment/research)
- 2 = "Somewhat" (site only partially meets this criteria)
- 3 = "Yes"

A percentage for each the six criteria and a total percentage were calculated for each site (highest score possible is 100%). A sample Assessment Criteria Worksheet is included in Appendix F.

The result of assessing site Category A, as compared to assessments of site Categories C, D and E, showed that it was possible to identify projects of high interest, need and benefit. Category A sites scored between 60.5% and 78.5% whereas sites in the other categories scored below 60%. This first assessment process will help the Commission improve the criteria methodology in the future.

5.3. Prioritization of Sites Suggested Through the 2004-2005 Community Input Process

After three rounds of research and discussion, the Commission identified ten projects to submit to Council for consideration for acquisition. These are projects described in Appendix D.2.

However, as mentioned in Section 5.1., the Commission questioned whether acquiring lands should be its highest recommendation to the Council. As reflected in the Commission's discussions and in discussions with members of the public, the majority of projects remained in Categories D "State, County, and Federal Collaboration Needed to Resolve Issues." In addition, the six projects in Category C "Operational and Legal Issues" were also highly supported by the public. On the other hand, projects in Category B, "Limitations due to site constraints, hazards, or narrower public benefit" were recognized as those that needed to be further defined and are considered to be beyond the scope of immediate work.

6. 2005 RECOMMENDATIONS TO THE KAUAI COUNTY COUNCIL FOR CONSIDERATION

6.1. Recommendation #1

RESOLVE PUBLIC ACCESSES WITH OPERATIONAL, LEGAL, AND JURISDICTIONAL ISSUES. COMPLETE THE DEDICATION PROCESS FOR PUBLIC ACCESSES ALREADY REQUIRED.

The Commission recommends that the County act to finalize accesses that have been required but not conveyed. The Commission has prioritized fifteen (15) accesses. These are found in Appendix D.1. "List of Priority Sites with Unresolved Issues (relating to Recommendation #1)."

Finding I: *Unresolved issues significantly hinder the County's success in establishing new public access-ways.*

Over the first year of the Commission's work, the issue of "lost" or "unresolved" accesses kept recurring. More than half of the "distinct sites" refer to problems of use of accesses thought to be legal public accesses. The Commission came to refer to these intractable situations as the "opala" issues, and by implication "old" issues needing to be "cleaned up."

Through study of the '91 Inventory, public input, staff research and the Commissioner's knowledge of specific areas, the Commission observed the following problems:

1. Access, in favor of the County, was supposedly granted. However, operational or legal issues prevent public use or accesses. For example:
 - a. Access is not allowed by a landowner on land where a recorded public access easement exists.
 - b. A public access easement exists. However, the pathway is no longer physically located where the recorded deed and maps place it.
 - c. Access is blocked by vegetative growth and responsibility for maintenance is unclear.
 - d. Use of the access is problematic because of inadequate or insufficient parking.
2. A pedestrian access easement exists. It has been and continues to be utilized. However, dedication of easement has not been completed. These accesses are vulnerable. Many of them fall into the P (Potential) category of the '91 Inventory. Refer Appendix G "List of Beach Access Sites from the 1991 Kauai Beach Access Inventory Update," "List 2 Potential Beach Accesses."
3. The County has initiated or been involved in legal action for a few especially well-known "hot spot" accesses.

4. Many access-ways identified by the public as problematic fall under the auspices of the State or Federal governments, rather than County jurisdiction.

The Commission also found that jurisdictional issues can be *intragovernmental* as well as *intergovernmental*. Within each jurisdiction, multiple agencies are involved in the acquisition, establishment and maintenance of public open space, parks and access-ways. Within the County alone, the Planning Department, several divisions of the Department of Public Works, Department of Finance Office of the County Attorney, Office of the Mayor, County Council, and Office of the County Clerk and Council Services are all participants. Refer to Section 4.2.

In addition, the Commission found that lack of designated or sufficient staff is a significant reason for dedication of public accesses not having been completed.

The Commission recommends that the County resolve the “opala” public access issues beginning this year with those listed in Appendix D.1.

One way to accomplish this goal could be to establish a team charged with finalizing a list of public accesses within a set time period.

Implementing Actions:

- Establish a team to finalize dedication of public accesses already required.
- Complete the dedication process for public accesses already required.

Discussion:

Considering the expertise necessary to accomplish this task, the Commission suggests two possibilities:

1. Designate team members from existing County staff; and/or
2. Contract necessary team members for a specified time frame and determined compensation.

Such a team should have the following expertise:

- Land surveying
- Legal
- Land appraising
- Research
- Land negotiating
- Facilitating/Coordinating

Whether or not the team is contracted or uses existing staff, a coordinator will be critical. Ideally, the Public Access and Open Space Specialist/Planner would fulfill the role of coordinator. However, a consultant or consulting firm could be contracted to coordinate activities and be responsible for subcontracting for specific expertise.

Possible Costs:

Funding for both implementing actions could be allocated from the Open Space Fund or other appropriations.

Each access is unique. Topography and resources, size, stakeholders, uses, and what is lacking for completion of dedication differ for each site. Therefore, costs will differ for each site, particularly for survey work. While it is not possible to calculate an exact per-access cost, surveys to the standard required for legal recordation of easements could cost between \$3,000 and \$15,000 per site.

6.2. Recommendation #2

ACQUIRE LANDS OR EASEMENTS FROM THE “LIST OF PRIORITY SITES FOR POSSIBLE ACQUISITION” DEVELOPED BY THE COMMISSION AND BASED ON PUBLIC INPUT.

The Commission recommends that the County consider ten sites for acquisition. These sites meet the criteria of high public interest, imminent need, and largest public benefit (Category A). They include both accesses and open space opportunities. These sites are found in Appendix D.2. “List of Priority Sites for Possible Acquisition”.

Finding I: *Priority projects exceed the Public Access, Open Space, and Natural Resources Preservation Fund at its current level.*

The ten recommended projects include both parcel acquisitions and the creation of easements and parking. The prices of these recommendations are high. At this time, the Fund cannot support the attainment of all recommendations made. However, a few of the recommendations may be pursued through additional grants, partnerships, or other funding opportunities.

Ultimately, acquiring important accesses, open space, and natural resources areas may require more than the County is able to allocate, even if the percentage of property tax revenues is increased and a substantial bond is floated. Seeking additional sources of funding such as through grants, loans, fundraising, and partnerships could be pursued. In addition, opportunities could be made available for individuals and organizations to donate monies to the Fund.

The Commission recommends that money from the Fund be used for the purchase of property, for the creation of easements, and for processing the appropriate documents to complete the conveyance process of these actions, which will include surveying work, preparation of legal documents, and recording transactions. Although the Commission acknowledges that having a management/maintenance plan for each acquisition is important, acquisition of properties is the Commission’s primary focus at this time.

Implementing Actions:

Leverage and expand County funds available for land acquisition through:

- a) Partnering with other agencies and organizations.
- b) Applying for grants/seeking grant funding for land acquisitions.
- c) Considering increasing the percentage of annual property tax dedicated to the Open Space Fund.
- d) Allowing established non-profit organizations to apply for grants and loans from the County's Open Space Fund.
- e) Establishing mechanisms to respond to opportunities to acquire priority lands.

Finding II: *Flexibility to respond to land availability and market conditions are more important than a site's rank on the priority list.*

Acquisition should be viewed as contingent on *opportunity*, such as when or if a special funding opportunity or negotiation exists. Therefore, although a recommendation may be highly desirable, it may not be feasible to pursue. Flexibility and vigilance will ensure that opportunities aren't lost for purchase or negotiation. This will be a topic of discussion as the Commission enters its second year of work.

Finding III. *Specialized expertise is needed to fully convey lands.*

Implementing Action:

If the purposes of Ordinance No. 812 (03) are to be fully realized, it is suggested that, at least for priorities recommended by the Commission and approved by the Council, a portion of the Fund be allocated to create, in the next year, a permanent "Acquisition Team." This team could consist of a surveyor, appraiser, lawyer, planner, grant writer, and administrative assistant who will work with the Commission after approval of fund expenditure by the Council to negotiate purchases and convey lands. Team members could be designated personnel from DPW/Parks, Planning, CAO, Finance/Real Property, if available. If not, all or some of the team could be contracted consultants with necessary expertise until such time that County personnel is available to assume tasks.

In addition to leading negotiations and completing the conveyance process for new acquisitions, the team could be responsible for repository of all records relating to County owned and managed lands.

7. SECONDARY RECOMMENDATIONS

The following findings and recommendations are related to policy and planning needs.

7.1 Secondary Recommendation #1.

SUSTAIN AND IMPROVE THE OPEN SPACE PROGRAM.
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Finding I: *The purposes of the Open Space Fund could be expanded, and Commission's role could be broadened beyond its current function of preparing annual recommendations for use of the Fund.*

Over the course of the first year of the Open Space Program, questions have arisen regarding:

- The roles and mandates of the Commission;
- The staffing required to sustain and improve the program; and
- The need for a plan to guide and expand fiscal and management resources for public access, parks, open space and natural resources preservation and acquisitions.

Purposes of the Fund

While the purposes for use of the Fund listed in Ordinance No. 812 (03) appear numerous and diverse, the Commission found that Section 6-14.1 of Article 14 implies but does not specify the protection of open space and scenic areas. These categories, which could include land forms and view sheds distinctive to Kauai, should be an additional purpose of the fund.

Implementing Action:

Amend Ordinance No. 812 (03) to add a ninth purpose (new language underlined):

9) conservation of open space and scenic areas.

Purposes of the Commission

The provisions of Ordinance No. 812 (03) limit the role and functions of the Commission to developing an annual list of priority projects to be considered for use of the Fund.

The Commission has found that the Open Space Fund is currently insufficient to meet all of the needs and expectations for the program. Fortunately, other opportunities exist for acquiring access and open space. The Commission might assist the County in utilizing these opportunities to supplement the Fund and to better fulfill its mandate. In order to do so, the Commission needs clarification on the extent of its roles, responsibilities, and authority. For instance, and as discussed in this report, the County's permitting processes provide numerous opportunities to condition applicants' provision of lands for public

access ways, parks, open space and preserves. To date, it seems that there has been piecemeal advocacy for the acquisition of these lands and inconsistent follow up to implement and complete imposed conditions. Lack of designated staff or insufficient staff seem to be primary reasons for accesses, in particular, not being finalized in the public interest. Implementation of the access-way provisions in the Subdivision Ordinance (Ordinance No. 777) also requires tracking and follow through.

Education is another way to avoid loss of access and open space commitments and opportunities. The Commission feels that the real estate, development and travel industries need educational programs about easement obligations and the County's public access-ways and open space regulations. The Commission also believes that education for the general public, travel writers and members of the travel industry about appropriate behaviors in sensitive areas would help to protect special places and fragile resources.

To further the goal of protecting and expanding public access ways and open space, Commissioners are willing to contribute their collective skills in any way deemed helpful and useful. The following is a list of activities that could measurably contribute to the provision of management of Kauai's open spaces:

- Grant writing to increase funding of projects;
- Partnership with County agencies and with other government agencies and non profits;
- Oversight of the projects that the Council approves for Fund use;
- Preliminary review of permit applications to suggest conditions of access and open space;
- Tracking of public access dedications;
- Tracking past permit conditions relating to the dedication of public access-ways and open spaces;
- Reviewing the Comprehensive Zoning Ordinance (CZO) in order to assess and suggest new regulations related to open space, such as view and view shed protection;
- Assisting with compilation of a conservation glossary to be part of the CZO;
- Participating in future updating of the County's parks master plan and other plans relating to open space conservation;
- Educating interested groups that may have a role in the creation, appropriate use and maintenance of open space:

In order to formally assign additional responsibilities (such as those listed above) to the Commission enabling provisions may need to be added to Article 14 "The Public Access, Open Space, and Natural Resources Preservation Fund."

Implementing Action:

Amend Section 6-14.2 (5). To read (new language underlined):

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

Work with the Planning Department to develop an annual list of priority projects to be considered for funding;

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

Work with the Planning Department and other pertinent government agencies toward the implementation of the Council's directives about the use of the Public Access, Open Space, and Natural Resources Preservation Fund.

Assist the County, under the supervision of the Planning Department, to further the public purposes of Article 14.

Finding II: *Continued staffing is essential to accomplishing the work of the Open Space Commission and the County's open space preservation goals.*

Staff support has been pivotal to the Open Space Commission's productivity this year. Specifically, the Commission has had the following staff support: the Staff Specialist, facilitator, the advice and oversight of senior planning staff, and some clerical assistance.

The Staff Specialist position is provided for the duration of one year. Since August, 2004 Staff has become highly informed about the public's access and open space acquisition hopes and priorities and about the multi- jurisdictional nature of establishing and maintaining public access ways, parks, and natural and cultural preserves. The Staff Specialist has begun to develop productive relationships with other government agencies and with the public. Staff will continue to be critical to:

- Organizing and servicing the Commission, including meeting scheduling, logistics, and coordination;
- Conducting research;
- Representing the Commission and the County;
- Working with other County and government agencies, landowners and the public; and
- Expanding the Program's GIS database (beyond the Kauai Beach Access GIS Project).

Additional tasks related to expanding the County's conservation and recreation opportunities include:

- coordinating multi-agency resolution of access issues;
- furthering the Council's decisions regarding use of the Fund;
- seeking and writing grants; and
- reviewing and implementing subdivision permits and other development permit conditions and agreements.

The Staff Specialist should logically participate in, if not be responsible for these tasks. If these responsibilities are not designated to an administrative entity with sufficient designated staff, unresolved issues are likely to continue and the County may not realize its public access, open space, and natural resources preservation goals.

At this time the responsibilities of the Staff Specialist are already full. Even without additional duties, the Staff and Commission require clerical support to produce timely meeting minutes, develop and post agendas, mail correspondences, organize and file information, and conduct other task.

Implementing Actions:

- Retain the staff planner position.
- Expand staffing to better support the Program.

Finding III: *A plan is needed for public access, open space, natural and cultural resource preservation for the County of Kauai.*

This plan would build upon the Kauai General Plan, specifically Section 3, *Caring of the Land and Waters*, and the Heritage Resource Maps, and provide long term direction for the County's Public Access, Open Space and Natural Resources Acquisition Program. The plan could guide the Commission and the County by setting forth priorities and listing and describing funding opportunities and partnership possibilities. The development of such a plan within two years will improve coordination of the County's land acquisition projects and help to maximize limited funding. The plan should include:

- Federal and state intentions and initiatives for the County of Kauai;
- A list of funding methods and sources, including grant and partnerships opportunities; and
- Guidelines and/or policies for maintenance of different types of resources.

In addition, the plan would help to direct and leverage the fiscal and personnel resources of all the County agencies involved with creation and management of open space, accessways, parks, preserves, and view corridors.

Implementing Action:

Appropriate funds to develop a plan for public access, open space, natural and cultural resources preservation for the County of Kauai.

Possible Cost:

Hiring planning consultants to develop the plan would likely cost up to \$250,000.

7.2. Secondary Recommendation #2

DEVELOP POLICIES WHICH INSURE BOTH APPROPRIATE PUBLIC USE AND PROTECTION OF RESOURCES.

Finding: *It is neither possible nor desirable for all places to be used by everyone.*

There is an inherent conflict between protection of natural and cultural resources and the expansion of public access and public use of open space. On one hand, public access ensures our ability to go to beaches, coastal bluffs, or mauka areas for recreation, subsistence gathering, hunting, and fishing. In areas that are highly impacted or threatened by development, establishment of public access ways insures that residents and visitors are able to experience the best of our island—our natural resources—without worrying that these areas will be obstructed. On the other hand, public use can have negative impacts on natural and cultural resources, particularly if maintenance and management is inadequate in highly sensitive areas. Increased pedestrian or vehicular access and use of these areas increase the possibility of destruction of native flora and fauna, cultural sites, burial areas, and other resources. In addition, increased access to sensitive and fragile places by the general public can generate conflicts with traditional users. Increased numbers of users of parks and playing fields can also cause friction between long time residents and newcomers.

There are places used by long-time fishermen, hunters and gatherers that may contain sensitive resources or are perilous to those unfamiliar with these areas. There are places that are sacred to cultural practitioners, including cultural sites and resource-gathering areas. There are places that are generally safe during one season and hazardous at other times. On the other hand, there are places that are generally less hazardous and their resources are less vulnerable, or places that offer adequate space for parking and other amenities. These “less sensitive” places can accommodate more users, and are appropriate for the general public. Thus, recreational activities would be encouraged in these areas.

The concerns in the paragraphs above were expressed by members of the public at the information gathering meetings, in testimony before the commission, and during staff research. These concerns warrant that discussions regarding limitations to access in some areas ensue.

The following are questions to consider when discussing limited access or open space use of an area:

1. What are the significant resources and experiences of this area?
2. What kinds of activities are compatible? (For instance is a trail for walkers, horses, bikes, wheel chair accessible? motorized vehicles?) What kinds of activities are *not* compatible?

3. What kinds of improvements or amenities are needed? For instance: parking, warning signs, interpretive signs, bathrooms, showers, picnic tables, lights, emergency phones, etc.
4. What kind of maintenance and maintenance plan is needed and how frequently should it be done?
 - a. Are there opportunities to share the work and cost of maintenance?
5. Should this area be allowed to be publicized in maps and guidebooks?
 - a. How should information regarding the appropriate use of an area be distributed?
6. How will liability be limited if access is limited in this area? Is this possible?

Currently, "public" is thought to mean general public or all residents and visitors. The probability of providing access to the general public may inhibit the expansion of both access-ways and open spaces. To residents, the prospect of losing another access or causing further damage to sensitive resources makes them hesitant to identify these special places. For landowners, use of areas on or adjacent to their land by the general public raises liability and privacy concerns as well as questions of where parking will be located in relation to their property.

There are models for allowing different levels of use. For instance, the DLNR provides trails for the general public. These "Na Ala Hele" program trails are signed and are maintained frequently. The DLNR provides other hiking trails where general public use is not encouraged, as well as trails that only hunters use and help to maintain.

The Commission views all these questions as a stimulus to formulate policies that will address the issue of *how to balance resource protection and use*. This discussion will be pursued in the next year. However, to begin the conversation, a possible solution may be to establish different "public" categories such as 1) subsistence users, 2) community users and 3) the general public. Questions relating to the balance of resource protection and use will arise when considering any new access, trail, park or preserve. The Commission is willing to assist the County to identify innovative solutions to this issue.

Implementing Action:

- Formulate policies that allow different kinds and levels of use for public access and use of open spaces in order to protect both natural and cultural resources, and public safety and well-being.
- Use a community-based approach to discuss solutions and develop policies to balance resource protection and use.

APPENDIX A: ORDINANCE NO. 812 (03)

**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

Līhu'e, Kaua'i, Hawai'i


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CERTIFICATE OF THE COUNTY CLERK

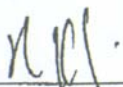
I hereby certify that heretofore attached is a true and correct copy of Bill No. 1968, Draft 3, which was passed on second and final reading by the Council of the County of Kauai at its meeting held on November 15, 2001, by the following vote:

FOR ADOPTION: Asing, Baptiste, Hooser, Kaneshiro, Tokioka, Valenciano, Kouchi	TOTAL - 7,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0.

Lihue, Hawaii
November 16, 2001


Peter A. Nakamura
County Clerk, County of Kauai

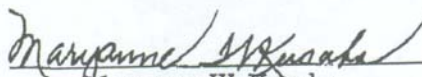
ATTEST:



Ron Kouchi
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

November 20, 2001
Approved this 28th day of
November



Maryanne W. Kusaka
Mayor
County of Kauai

APPENDIX B: ORDINANCE NO. 777 SUBDIVISION

**A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9,
KAUAI COUNTY CODE 1987, RELATING TO PUBLIC ACCESS-WAYS**

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

SECTION 1. Findings and purpose. The Kaua'i County Council finds that our community's resources such as shoreline, waters, and inland recreational resources have become increasingly inaccessible as development adjacent to these areas increases. The absence of public access-ways *mauka* and *makai* diminishes the quality of life and constitutes an infringement upon the historic rights of the people to enjoy these integral privileges. It must also be recognized that there is a balance to be struck when permitting access through private property which may conflict with the exclusivity traditionally associated with fee simple ownership of land. Therefore, this section is enacted within the context of our understanding of the traditional Hawaiian way of life in which cooperation and non-interference with the well-being of other residents were fundamental parts of the culture. The purpose of this section is to guarantee the provision of public access-ways to the sea, shoreline, and inland recreational areas of the island.

SECTION 2. Chapter 9, Article 2, Section 9-2.9 of the Kauai County Code 1987 as amended, is hereby amended as follows:

"Sec. 9-2.9 Public Access-Ways for Any Subdivision.

[The Planning Commission may require the dedication of adequate public access-ways not less than the minimum widths specified in the Comprehensive Zoning Ordinance to publicly owned lands or waters, and may require the preservation of all historic and archaeological sites, known or discovered on the parcel to be subdivided.]

(a) The Planning Commission shall require a subdivider or developer, as a condition precedent to final approval of a subdivision, in cases where public access is not already provided, to dedicate land for public access by right-of-way or easement for pedestrian travel from a public highway or public streets to the land below the high-water mark on any coastal shoreline, and to dedicate land for public access by right of way from a public highway to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding and other recreational purposes, and where there are existing mountain trails.

The Planning Commission may require dedication of public access as described above to areas where there are no existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding and other recreational purposes, and where there are no existing mountain trails.

The Planning Commission may also require similar public access in areas in which a subdivision abuts, encompasses, or is in close proximity to other public resources, recreational areas, parks, schools, or other public facilities.

(b) Designation of public access-ways shall be subject to the following requirements:

(1) "Standard" public access-ways shall be a minimum of ten (10) feet in width.

(2) The Planning Commission shall establish the preferred public access alignment with consideration of such factors as topography, approximate location to the nearest public street, and configuration of subdivision lots or development site.

(3) "Standard" public access-ways shall be designated at intervals of not less than three hundred (300) feet and not greater than fifteen hundred (1,500) feet. The Planning Commission may require that access-ways be consolidated to provide sufficient area for vehicular access, parking, development of shoreline or other recreational facilities, or other public purposes; or may modify "standard" public access-ways to take into consideration terrain features, length of frontage, uses of the parcel to be subdivided, and other pertinent factors; provided, however, that the total area to be conveyed shall not differ substantially from that which would be required by the provision of "standard" public access-ways, unless additional areas and improvements are mutually agreed to by the subdivider and the appropriate county agencies.

(4) Public access-ways shall be designed to specifications approved by the Department of Public Works and the Planning Department.

(5) Where lands comprising a subdivision do not span the entire distance between public resources, recreational areas, parks, schools, or other public facilities to which it has been determined that public access is necessary, the Planning Commission shall require conveyance of those segments of the needed public access-way laying within the proposed subdivision. Partial access-way segments shall be conveyed to the County pursuant to requirements contained in Section 9-2.9 i. Partial access-way segments so designated need not be open to public access until the entire access-way is dedicated.

(6) Public access-ways shall be clearly designated on the final map(s) of the subdivision.

(7) The County shall indemnify the landowner from injury to members of the public who are injured within the access-way.

(8) Other specifications for improvements may include but not be limited to off-street parking requirements, turnarounds, grading, and greater access width.

(9) The County Engineer may restrict or prohibit passage over a public access-way if the County Engineer determines that:

(A) the access-way is unsafe;

(B) the area being accessed is hazardous; or

(C) the area is being reserved by the County as a partial segment for a future public access-way.

(c) In cases where a subdivision is in close proximity to an existing access-way or where the County Engineer determines that an access-way is not feasible due to physical constraints or hazardous conditions, the Planning

Commission may require the subdivider to improve existing access-ways within or in close proximity to the parcel being subdivided.

In cases where a subdivision is in close proximity to an existing access or where the County Engineer determines that an access is not feasible due to physical constraints or hazardous conditions, and where it has been determined that existing access-ways within or in close proximity to the parcel being subdivided cannot be improved, the Planning Commission may assess an in-lieu fee equivalent to the difference between the fair market value of the affected lot or lots without an access easement and the fair market value of the affected lot or lots with an access easement. The land area shall be calculated as a ten-foot (10') wide portion of the property extending from the location that the property boundary line fronts a public street to the boundary line abutting the public resource.

(1) Fees paid pursuant to this section shall be made directly to the Director of Finance and said fees shall be deposited in a separate 'Public Access Fund.' Payment may be made in a lump sum at the time of Final Subdivision Map approval; or fifty percent (50%) at the time of Preliminary Subdivision Map approval and the balance paid at the time of Final Subdivision Map approval.

(2) All monies received shall be used for the acquisition and development of public access-ways.

(3) If the County and the subdivider fail to agree on the fair market value of the land, the value shall be fixed and established by the majority vote of three (3) land appraisers: one (1) being appointed by the subdivider, one (1) being appointed by the County, and the third (3rd) being appointed by the Fifth Circuit Court. The subdivider and the County shall equally bear the fees of appraisal and costs thereof.

(d) The Planning Commission may require a subdivider to improve an access-way in a subdivision prior to dedication to the County. Upon dedication of land for a public access-way as required by this section and upon acceptance by the County, the County shall thereafter assume the costs of additional improvements for and maintenance of the access-way, and the subdivider shall accordingly be relieved from such costs.

(e) The Planning Commission may also require public access to and the preservation of all significant historic and archaeological sites known or discovered on the parcel to be subdivided, as determined by the Planning Commission after seeking and receiving input from affected agencies, and community and cultural groups.

(f) For the purposes of this section, "subdivision" means any land which is divided or is proposed to be divided for the purpose of disposition into six (6) or more lots, parcels, units, or interests and also includes any land whether contiguous or not, if six (6) or more lots are offered as part of a common promotional plan of advertising and sale. However, the Planning Commission may require access-ways to be conveyed to the County when the land is divided into less than six (6) lots, parcels, units or interest. For the purposes of this section, the definitions of lots, parcels, units, or interests shall be applicable to condominium property regime projects created and established pursuant to Chapter 514A, Hawai'i Revised Statutes.

(g) The right of transit along the shoreline exists below the private property line which is defined as being along the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation or by the debris left by

the wash of the waves. However, in areas of cliffs or areas where the nature of the topography is such that there is no reasonably safe transit for the public along the shoreline below the private property lines, the Planning Commission may require the conveyance of a right of way or easement along the makai boundaries of the property lines public transit corridors which shall be not less than ten feet wide. The Planning Commission may also require lateral access or transit ways in other situations where they determine it is in the public interest.

(h) The access-way shall be clearly designated on the final map of the subdivision or development.

(i) Upon approval of the preliminary subdivision map and prior to receiving approval of the final subdivision map from the Planning Commission, the subdivider shall deposit conveyancing documents in form and content acceptable to public access free and clear of all encumbrances. Failure to timely submit such documents to the Planning Commission prior to approval of the final subdivision map shall be sufficient grounds for disapproval of the final subdivision map."

SECTION 3. If any provision of this ordinance, or the application thereof to any person 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 4. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Kauai County Code 1987, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY: /s/ Bryan J. Baptiste

DATE OF INTRODUCTION:

July 12, 2001

Lihue, Kauai, Hawaii


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CERTIFICATE OF THE COUNTY CLERK


I hereby certify that heretofore attached is a true and correct copy of Bill No. 1968, Draft 3, which was passed on second and final reading by the Council of the County of Kauai at its meeting held on November 15, 2001, by the following vote:

FOR ADOPTION: Asing, Baptiste, Hooser, Kaneshiro, Tokioka, Valenciano, Kouchi	TOTAL - 7,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0.

Lihue, Hawaii
November 16, 2001


Peter A. Nakamura
County Clerk, County of Kauai

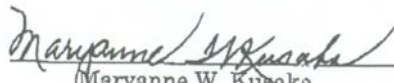
ATTEST:



Ron Kouchi
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

November 20, 2001
Approved this 28th day of
November



Maryanne W. Kusaka
Mayor
County of Kauai

APPENDIX C: MISSION, VISION, AND GOALS

APPENDIX C. THE COMMISSION MISSION, VISION, AND GOALS

The **Mission** statement is intended to capture what the Commission felt their long term role would be in promoting public access, open space, and natural resources preservation.

Mission of Commission
Created on October 27, 2004

To preserve, enhance, record, and expand Kauai's public access, open space, and natural resources by developing priorities, recommending specific projects for public acquisition, and encouraging implementation of priority projects, to benefit current and future generations.

To carry out its Mission, the Commission created a Five-Year **Vision** to better describe the anticipated results of the Program. Development of the Vision Statement included participation by members of the public as well as Planning Department staff.

2005-2010 Vision of the Public Access Open Space & Natural Resources Preservation Fund
Commission
Created on October 27, 2004

By 2010 we will have...

- Produced an open space plan, or "greenprint," for preserving and enhancing public access, open space, cultural, historical, traditional, and natural resources on Kaua'i.
 - Important *mauka* and *makai* public access, open space, cultural, historic, traditional, and natural resources on Kaua'i are identified, as well as researched, and prioritized;
 - Oral history is documented;
 - Alternative land preservation tools, such as conservation easements, land trusts, and transfer of development rights, are described; and
 - A menu of methods of financing priority acquisitions is established.

The open space plan and its on-going implementation are recognized nationally. It is a source of guidance and a critical planning tool not only for the Commission and Planning Department, but also for the Planning Commission, County Council, and other government agencies.

- Fully engaged government, business, community, and kupuna in the process of public access, open space, and natural resources preservation. Public input and interest in our efforts are strong. There is a sense of ownership in the results and recommendations made by the Commission.
- Acquired and recorded priority lands and resource areas for the public's use;
- Creatively leveraged funds and partnered with others to accomplish our goals.
- Established improvements to current County policies relating to public access, open space, and natural resources preservation.

Commissioners...

Work well together, respect one another, and are productive. They communicate and share their knowledge. Commissioners have been proactive by partnering with agencies responsible for implementation. They are proud of their individual contributions and the accomplishments of the Commission.

The Planning Department Staff...

Partner closely with the Commission and provide critical coordination linkages to other departments, agencies, and commissions. Staffing to support the Commission has increased and is permanent. Staff members have developed strong communications with Commissioners and help to creatively problem-solve. Staff members assisting the Commission are happy, proud, and productive.

The community...

Recognizes the importance to *malama*, to take care and respect subsistence, recreation, cultural, spiritual needs in relation to our lands and waters. There is a high level of trust and interest, and as a result, considerable public input. The community has helped to gather information. The community has actively interacted with the Commission and believes that the Commission’s priorities are aligned with their concerns and priorities. They feel they have been heard.

Financial resources...

Come from multiple sources to acquire lands and accesses, including bond financing, government funds, private grants, and resident and visitor donations. We have found successful ways to make our financial resources grow, without encumbering future generations.

The keys to our success...

Have been our ability to focus, involve the community, be creative, and reasonable. We have been bold and responsible. We have maintained open communications and worked together as a team.

At the same time that the Commission was developing its Vision, members engaged in facilitated exercises to establish specific **Goals** toward actuating its vision. These exercises also included participation from members of the public and the Planning Department. Participation by members of the public and Planning Department helped the Commission determine how closely their ideas and values matched that of others. The result of the exercise was the formulation of three goals, action steps toward achieving each goal, resources needed, performance measures, and specific actions or outcomes that are necessary to the process of implementation. Goals were approved on November 8, 2004.

GOAL # 1	Develop annual priority of projects/sites to improve public access, open space, and natural resources preservation
OBJECTIVES	<ol style="list-style-type: none"> 1. Identify specific lands. 2. Define key terms (such as “access, “recordation,” “open space,”) etc. 3. Create criteria. 4. Recommend process for acquisition. 5. Recommend new policy for reviewing projects to equal community needs. 6. Develop process/menu for working with multi-stakeholders.
ACTION STEPS	<ol style="list-style-type: none"> 1. Start list of priority lands. 2. Develop list of important terms. 3. Research other models for language for development of criteria to identify priority lands and projects for recommendation. 4. Create menu of options. 5. Revisit current standards/conditions relating to new development to insure proration by community needs. 6. Recommend process for recordation of Ordinance with Bureau of Conveyances. 7. Recommend new policy for County of Kauai lateral shoreline access.
RESOURCES NEEDED	<ol style="list-style-type: none"> 1. More advertising of Commission meetings. 2. Adequate time at public meetings to gather significant/thoughtful input.

	<ol style="list-style-type: none"> 3. Utilize community association meetings to distribute information. 4. A mail-in survey.
PERFORMANCE MEASURES	<ol style="list-style-type: none"> 1. Number of surveys returned. 2. Number of people who attend meetings (regular and regional). 3. Report to Council by 3/14/05. 4. Approval/support of final report. 5. Conveyance of an easement, parcel, or funding of a recommended project. 6. Increased program funding. 7. Implementation of existing laws.
PUBLIC WOULD LIKE TO SEE	<ol style="list-style-type: none"> 1. Encourage participation by kupuna, traditional users (such as hunters and fishermen, limu and medicinal gatherers, etc). 2. Collection of data from the bureau of conveyances, other County and State agencies. 3. Development of a priority list that is flexible, that can change as opportunities present themselves. 4. Research done for each priority project suggested, as to status and current use by the public.

GOAL # 2	Develop mechanisms to encourage implementation of existing laws relating to public access, open space, and natural resources preservation
OBJECTIVES	<ol style="list-style-type: none"> 1. Explore County, State, and Federal laws which affect the Commission and its goals 2. Learn about private property rights relative to public access, open space, and natural resources preservation 3. Encourage, and where possible, assist in the enforcement of laws to improve and expand upon public access, open space, and natural resources preservation 4. Develop new Ordinances as necessary 5. Expand upon Ordinance 812 where possible, mindful of the Commission's and support staff's ability to accomplish tasks
ACTION STEPS	<ol style="list-style-type: none"> 1. Research and collect copies of laws relating to public access, open space, and natural resources preservation; create a repository of laws for the Commission and members of the public to refer to 2. Develop workshops to educate the Commission regarding County, State, and Federal agency roles relating to public access, open space, and natural resources preservation 3. Expand upon Commission mandate to allow for mechanisms to assist in the enforcement of laws relating to public access, open space and natural resources preservation through the creation of new ordinances, ability to recommend action to the Planning Department, Planning Commission, Council, and other County agencies, and through educational workshops.
RESOURCES NEEDED	<ol style="list-style-type: none"> 1. More support staff, in order to carry out research, reposit information, create workshops, collaborate with the Council, Planning Commission, Planning Department and other agencies. 2. Experienced, competent legal assistance
PERFORMANCE MEASURES	<ol style="list-style-type: none"> 1. The ability of Commissioners to verbalize its understanding and application of pertinent laws. 2. Upon review of development projects, a consistency in conditioning for access, open space, and natural resources preservation. 3. Public feedback indicating recognized improvements in the consistency of conditioning and implementation of conditions relating to public access, open space, and natural resources preservation.

OUTCOMES	Guaranteed public access in perpetuity
PUBLIC WOULD LIKE TO SEE...	<ol style="list-style-type: none"> 1. Commission obtain adequate and permanent staffing 2. Increased ability of the county to maintain public accesses (both mauka and makai) 3. If and when necessary, for the Council to utilize County Charter Section 3.09 "Eminent Domain." 4. The Public Access and Open Space Planner review projects to recommend access or open space as conditions when opportunities arise. 5. The County participate in shoreline certifications to end fragmentation of the permitting process.

GOAL # 3	Develop a plan and resource guide for public access, open space, and natural resources preservation as a guiding document for Kauai's residents and decision makers.
OBJECTIVES	<ol style="list-style-type: none"> 1. Clarify Commission role and mandate 2. Sustain planning staff 3. Develop scope of work, roles, detailed project timeframes 4. Get organized! 5. Produce plan
ACTION STEPS	<ol style="list-style-type: none"> 1. Meet with Planning Department and Council to discuss Commission role(s) (immediate and long term) 2. Support staff planner as a permanent position 3. Develop scope of work 4. Become a working-commission through the creation of committees with specific tasks and timelines 5. Produce plan (April 2005 through April 2007) <ol style="list-style-type: none"> a. Establish a committee to lead this effort b. Hold community meetings to gain input c. Schedule site visits island-wide to gain a better perspective of issues (such as site constraints, maintenance, etc) <p>PLAN CONTENTS</p> <ol style="list-style-type: none"> 1. Inventory of sites 2. Prioritized list of opportunities 3. Menu of preservation methods 4. Menu of financing options
RESOURCES NEEDED	<ol style="list-style-type: none"> 3. More support staff, in order to carry out research, reposit information, create workshops, collaborate with the Council, Planning Commission, Planning Department and other agencies. 4. Experienced, competent legal assistance
PERFORMANCE MEASURES	<ol style="list-style-type: none"> 4. The ability of Commissioners to verbalize its understanding and application of pertinent laws. 5. Upon review of development projects, a consistency in conditioning for access, open space, and natural resources preservation. 6. Public feedback indicating recognized improvements in the consistency of conditioning and implementation of conditions relating to public access, open space, and natural resources preservation.
OUTCOMES	Guaranteed public access in perpetuity
PUBLIC WOULD LIKE TO SEE...	<ol style="list-style-type: none"> 6. Commission obtain adequate and permanent staffing 7. Increased ability of the county to maintain public accesses (both mauka and makai) 8. If and when necessary, for the Council to utilize County Charter Section 3.09 "Eminent Domain." 9. The Public Access and Open Space Planner review projects to recommend access or open space as conditions when opportunities arise.

	10. The County participate in shoreline certifications to end fragmentation of the permitting process.
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APPENDIX D: 2005 LIST OF PRIORITY SITES

**D.1. LIST OF PRIORITY SITES WITH UNRESOLVED ISSUES
RELATING TO RECOMMENDATION #1**

**D.2. LIST OF PRIORITY SITES FOR POSSIBLE ACQUISITION
RELATING TO RECOMMENDATION #2**

**APPENDIX D1:
LIST OF PRIORITY SITES WITH UNRESOLVED ISSUES
Relating to Recommendation #1**

Recommendation #1 suggests that funding be allocated to resolve issues relating to dedication of accesses or collaboration that will result in perpetual public use of accesses. All the sites describe access-ways with varying issues. Specific actions for resolving issues are suggested. Sites are listed in geographic order from west (Mana) to north (Haena).

In addition to this list of sites with “unresolved issues,” please refer to Appendix G “List of Beach Access Sites from the 1991 Kauai Beach Access Inventory Update,” List 2, “Potential Beach Accesses.” As described, these are beach accesses that have not yet been dedicated to the County. Although the Commission is only recommending that in the first year the following sites be concentrated on, if funding and personnel are available, the Potential Beach Accesses listed in the ’91 Beach Access Inventory could also be researched and issues resolved/accesses dedicated.

	NAME(S)	TMK & OWNER	LOCATION	ISSUE	'91 INVENTORY?	COMMISSION CATEGORIZATION	RECOMMENDED ACTION
1	PMRF (including Nohili and Kokole Points)	(4) 1-2-002:010 (Kokole Point); 13 (Major’s Beach up to Nohili Point;	Kekaha- Mana	-Events, especially 911, resulted in increased limitation of beach and cultural areas on PMRF base. -Also concern over expansion of base, especially loss of access to Pooahonu (Queen’s Pond) and Polihale State Park.	Yes, “Majors” Beach listed as “D” Desirable Access, D1.02	“D” State, Federal, County collaboration needed.	Collaborate with PMRF. Perhaps a brochure with information regarding current access opportunities at PMRF could be developed with the Navy. In addition, collaboration could ensue to expand upon access opportunities.

2	Nukolii Beach	(4) 3-7-003:007 Haseko Corp; (4) 3-7-003:014 Jane S. Pang Trust, Etal; (4) 3-7-003:015 DVI Kauai Hotel LLC	Between Hanamaulu and Wailua (Kawailoa) / beach fronting the Radisson Hotel	-Some concern over inability to drive vehicles on beach to water. -Confirmation of public beach access easement and its location.	Yes, as a Potential beach access – P5.01	“C” – Sites with operational or legal issues	(1) Determine public accesses and ensure property signage is posted. (2) Develop community and visitor educational brochures regarding the impact of ATV’s and other vehicles to coastal and historic resources.
3	Old Cart Trail / Wailua Cart Road/ Kuamoo Road / Cart Road	(4) 4-2-008:999 State	Wailua (Homestead area)	Ensure public access on this trail. There is currently a modified gate across the trail to allow for pedestrian access while keeping vehicles out.	No	“D” State, Federal, County collaboration needed.	There is opportunity for County to assume ownership of this area (including management of area). Collaborate with State to discuss liability and long-term maintenance partnerships (if not ownership).
4	Moalepe	(4) 4-4-013:003 & 004 State	Kapaa (Mauka)	Ensure public mauka access.	No	“D” State, Federal, County collaboration needed.	There is opportunity for County to assume ownership of this area (including management of area). County currently working with DLNR regarding ownership and management (maintenance and liability) regarding this trail.

5	Kahuna Road	(4) 4-6-004:999 State / County (ownership needs to be clarified)	Mauka of Kapaa Gauging Station	State lessee (parcel 32) erected a gate. Mayor to initiate letter to lessee that both the County and the State that public access should be allowed. This is considered a “Road in Limbo.”	No	“D” State, Federal, County collaboration needed.	There is opportunity for County to assume ownership of this area (including management of area). Collaborate with State to discuss liability and long-term maintenance partnerships (if not ownership).
6	“Old Anahola Landing” and Pili Kai Road	(4) 4-8-010:010 “Old Anahola Landing” DHHL; (4) 4-8-007:999 Pili Kai Road (railway under dirt road is DHHL; “dirt” is considered County but actual ownership is unknown”	Anahola Bay	-County acquisition of both Old Anahola Landing and Pili Kai Road to guarantee public access. -Resolve ownership of Pili Kai Road and enforce property boundaries on this road. -At this time, the public is allowed beach access at the Old Anahola landing and through Pili Kai Road through parcel (4) 4-8-007:001.	No	“D” State, Federal, County collaboration needed.	Collaborate with DHHL. *Per DHHL(letter 1/31/05) – there may be an opportunity for the County to license the entire Anahola Beach. Collaborate with DHHL to discuss liability and partnership for long-term maintenance.

7	Hundley Road Access	(4) 4-8-013:999 State	Aliomanu, Anahola	<p>Hundley road is a 10' easement for public beach access. Landowners are also extending their boundaries by encouraging naupaka to grow onto beach area and by building structures in the beach reserve (shoreline setback)</p> <p>In 1986 the Planning Department requested to create a public beach access sign at this location. This request was denied. However there is opportunity for the County to assume ownership of this access (and with this ownership, maintenance and liability responsibility).</p>	No	"D" State, Federal, County collaboration needed.	There is opportunity for County to assume ownership of this area (including management of area). Collaborate with DHHL to discuss liability and partnership for long-term maintenance.
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8	Owama Point	(4) 4-8018:028 State	Kuaehu Point, Aliomanu, Anahola	Per DLNR – this area can be used by the public.	No	“D” State, Federal, County collaboration needed.	There is opportunity for County to assume ownership of this area (including management of area). Collaborate with DHHL to discuss liability and partnership for long-term maintenance.
9	“Kaai Road”	(4) 4-9-004:010 Esther Medeiros	Aliomanu, Anahola	In the past members of the public were able to access the beach from what is known as “Kaai Road.” However, it is not certain whether there is an actual County road right-of-way at this location. It seems that what is known as “Kaai Road” is actually a part of parcel 10 and not an actual road or easement (no division from parcel).	No	“C” – Sites with operational or legal issues	Determine whether “Kaai Road” is an actual County road or easement. If it is not, and if there is high community support, approach the landowner to create a pedestrian easement on parcel and/or add project to “List A” to be recommended in 2006 for purchase.
10	Kukuna Road	Road is County; parcel (4) 4-9-005:014 owned by Jeffrey Lindner (negotiate parking easement?)	Aliomanu, Anahola	Create parking (on parcel 14) for public use (to access Kukuna access A)	No	“D” State, Federal, County collaboration needed.	Work with DPW and other departments to approach landowner to negotiate dedication of parking easement alongside property; or work with DPW to create parking by other means.

11	Kukuna Road A	Road between (4) 4-9-004:019 (Linda Moriarty) and :020 (CL+2 QTip Trust)	Aliomanu, Anahola	Confirm public beach access at this location. Create parking in this location.	No	“D” State, Federal, County collaboration needed.	Parking is needed in this area. Also, enforcement of road as public, so that private property owners do not block road.
12	Moloaa Bay “A” & “B” Accesses	(4) 4-9-011:001 Large landowner is Moloaa Bay Ranch; various others.	Moloaa Bay / Moloaa Beach	Create better opportunity for public beach access and parking at both these sites.	Yes, as an “E” existing beach accesses E6.04 (Moloaa A) and E6.95 (Moloaa B)	“D” State, Federal, County collaboration needed.	Negotiate with large landowner for access and parking, perhaps through conditions of permit.
13	Kilauea Agricultural Subdivision	(4) 5-1-005:036 Jacquelyn Barnard	Mauka end of Waiakalua Road (East Waiakalua), Kilauea	There is no record of the dedication of this easement in the original Kilauea Agricultural Subdivision files. There is resistance by current landowner to allow pedestrian access through existing trail.	No	“C” – Sites with operational or legal issues	Work with landowner and other necessary parties to record easement. Note that pedestrian easement is publicized on Tax Map Key.
14	Kauapea Beach / “Secret Beach 1” / Puukumu	(4) 5-2-010:032 Gary L. & Beryl L. Blauch; :033 Victor B. & Betty C. Giordano; :034 Geoffrey O. Wall/Etal; and :035 Howard Yamaguchi	Kauapea Beach / Puukumu, Kilauea	Grant of Easement involving TMK (4) 5-1-2-010:031 for the relocation of a portion of beach access to Kaupea Beach has been accepted by the Council. However, the relocation of the vehicular easement (to the parking lot) is still an outstanding issue.	Yes, as an Existing beach access – E6.11	“C” – Sites with operational or legal issues	Work with landowners and their representatives to relocate vehicular easement “B” and if necessary, access easement “B-3” and to record new location of vehicular and access easement.

15	Waiakaama / Kapukaamoi	(4) 5-2-001:026 Ben and Christine Stiller and :072 Boy Akana Farms Inc	Kapukaamoi Point, Kalihiwai Bay	The owner of parcel 26 allows public access to the beach through a trail that was improved on his property. There also exists a public access trail along the boundary of parcels 26 and 72, however, record of this has not been found.	Yes, original (un- aligned) beach access over parcel 26 was listed as a Desirable shoreline access – D6.12 in 1991.	“C” – Sites with operational or legal issues	Locate record of dedication or complete dedication process if it has not been done. Also, approach owner of parcel 26 to acquire the access trail on his property to assume liability.
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16	Alealea No. 1	(4) 5-8-008:034: Charles Burmeister; State Surveyor's Monument within this parcel is parcel 36.	Kepuhi Point, Haena	The purpose of the easement that was used by public for beach access was to access the surveyor's monument. This monument was abandoned in the 1980's. Thus the purpose of the easement (legally) does not exist, even if the easement physically exists. According to DLNR, the State has an obligation to offer parcel 36 to the current landowner. If the County would like public beach access at this location it would need to approach the landowner to create a new easement specifically for pedestrian (and perhaps) vehicular access.	Yes, as "P" Potential Access P7.22B	"D" State, Federal, County collaboratio n needed.	If this is a priority site, the Commission, through the Planning Department could negotiate an access through conditions. Note that there is a public access easement ("Alamoo 2" two parcels west of parcel 34).
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APPENDIX D.2.
LIST OF PRIORITY SITES FOR POSSIBLE ACQUISITION

(RELATING TO RECOMMENDATION #2)

The ten (10) sites listed below are being recommended by the Commission for acquisition. These sites are described in more detail on the following pages. For discussion purposes “names” have been given for each site. Names reflect place names or ownership.

[Sites/Projects listed from Southshore-Kukuiula to Northshore-Haena]

1. “Hoban”
2. “McCalla”
3. “Knudsen – Poipu”
4. Expansion of Poipu Beach Park
5. Mahaulepu
6. Papaa Bay / Beach
7. Pilaa Beach
8. Kauapea / “Secret Beach 2”
9. Expansion of Hanalei Beach Park 2 / “Black Pot”
10. “Canela – Makai”

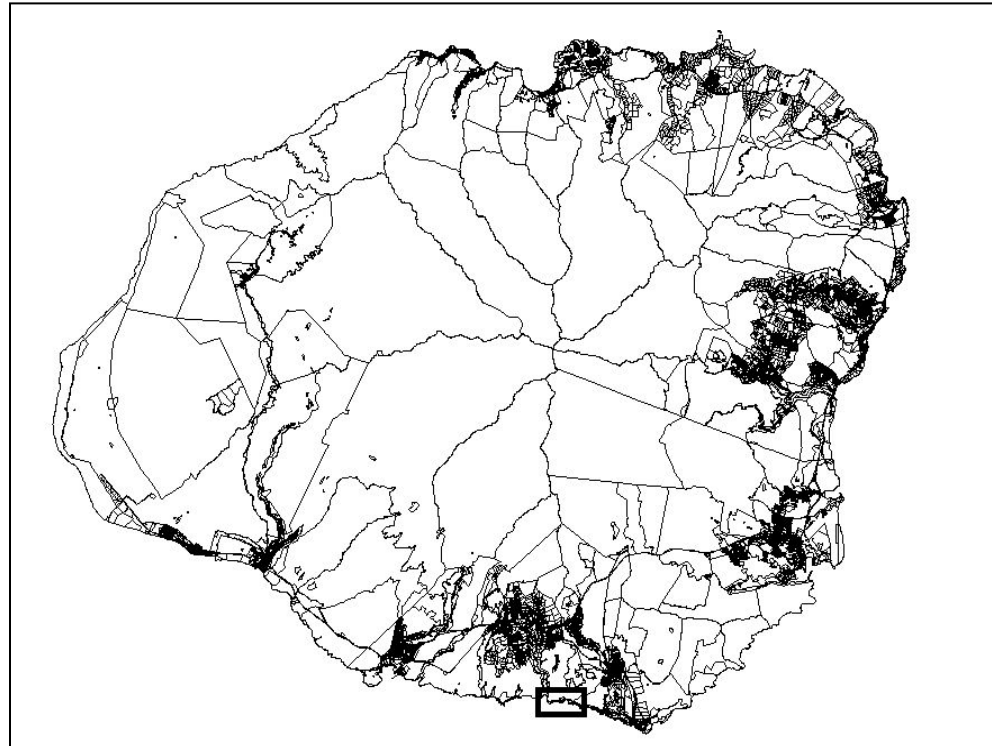
Costs associated with surveying work to create easements are estimates. Information was compiled through interviews with County and private survey engineers and attorneys who are familiar with land conveyance procedures.

The land values provided for proposed open space area, including park expansions, were provided by the County Department of Finance Real Property Tax Assessment Office on for the Open Space Commission.

Costs described for each site does not include cost of site improvements or long-term maintenance. This will need to be discussed with the Department of Public Works, pending the outcome of Council deliberation of recommendations.

It is not certain that any of the priorities listed can be acquired with current Program Funds. However, as revealed through the site descriptions on the following pages, there may be opportunities for acquisition of some of these lands/easements either through additional funds or by negotiation.

1. HOBAN



DESCRIPTION

Location	South Shore, Kukuiula
Tax Map Key & Ownership	(4) 2-6-003:017 Robert M. Hoban Trust
Description of Priority Site	Approx quarter-acre parcel with drainage easement that has been used for beach access for more than thirty-years
Proposed Project	Creation of a pedestrian easement on the property for beach access

Listed on the 1991 Kauai Beach Access Inventory Update?	Yes, as a Potential Beach Access – P3.01B
Success of Project Implementation?	Possible with additional funds appropriated through Ord No. PM-2004-370 (see notes)
Costs Associated with Acquisition	Shoreline survey, metes and bounds of new easement; preparation of documents
Cost of Surveying Easement	\$3,000 - \$10,000

ZONING, FLOOD, AND PHYSICAL HAZARDS

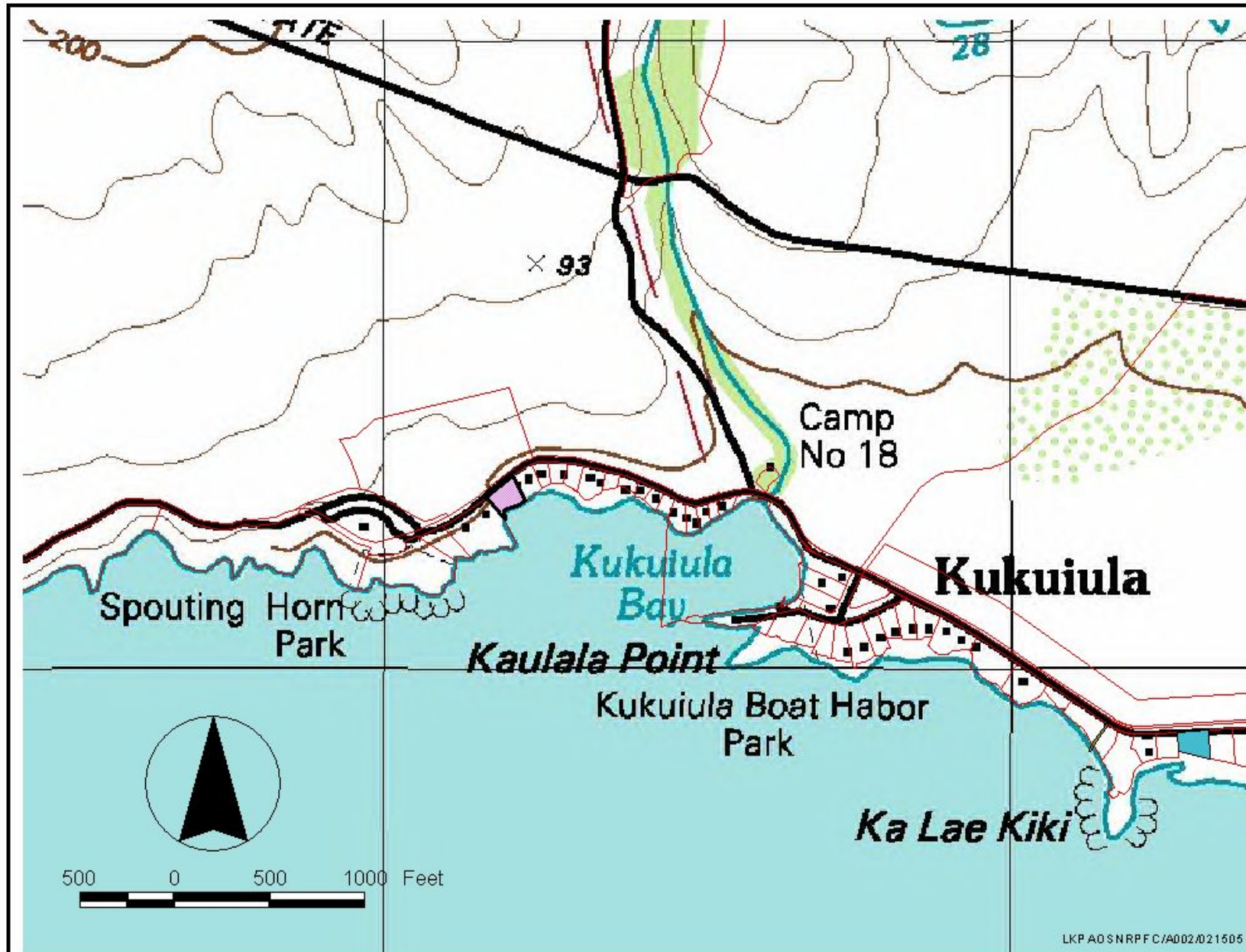
State Land Use Designation	Urban
County Zoning	R-2 and O
Within the Special Management Area?	Yes
Within the Flood Zone?	Yes
Physical Hazards on Property?	None known on parcel

NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	None on parcel
Wetlands, such as Estuaries Present?	Not on or adjacent to parcel
Coral Reefs Present?	None directly makai of parcel
Other Resources	Nearshore resources, recreational opportunities.



NOTES

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 Kukuiula, Kauai, Section 2.15 e (2), in consultation with the Koloa Community Association and the Public Access, Open Space & Natural Resources Preservation Fund Commission.



Location of Hoban - Kuku'iula Southshore, Kauai

LEGEND

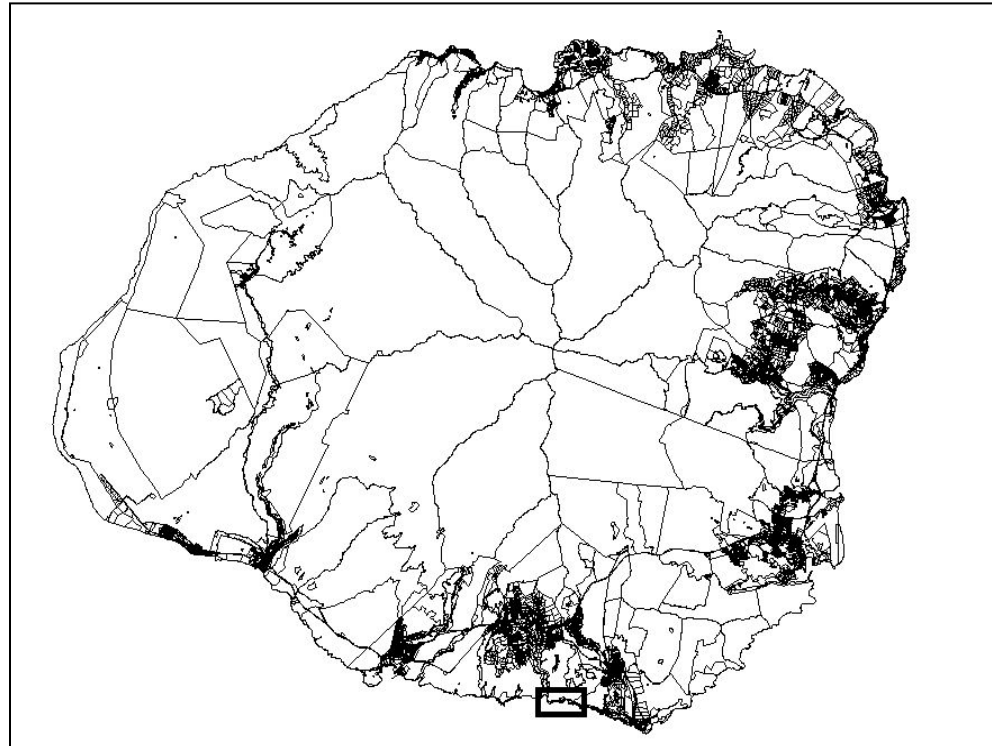
-  (4) 2-6-003:017 Robert Hoban Trust
-  2002 Tax Map Key
- IMAGE** 2002 Digital Raster Grid

This map was created using the 2002 Digital Raster Grid of Kauai by the US Geological Survey and 2002 Tax Map Key data for the County of Kauai and Niihau.

This map is to be used for locating properties and not for siting of easements or facilities, or for navigational purposes.

LKP A0 SNRPF C/A002/021505

2. “MCCALLA”



DESCRIPTION

Location	South Shore, Kukuiula
Tax Map Key & Ownership	(4) 2-6-012:005 Don McCalla Ltd Partnership
Description of Priority Site	Approx quarter-acre parcel in which the community of Koloa are interested in acquiring or creating a pedestrian easement over.

Proposed Project	Creation of a pedestrian easement on the property for beach access
Listed on the 1991 Kauai Beach Access Inventory Update?	No
Success of Project Implementation?	Possible for creation of easement with additional funds appropriated through Ord. No. PM-2004-370 (see notes).
Costs Associated with Acquisition	Shoreline survey, metes and bounds of new easement; preparation of documents.
Cost of Surveying Easement	\$3,000 - \$10,000

ZONING, FLOOD, AND PHYSICAL HAZARDS

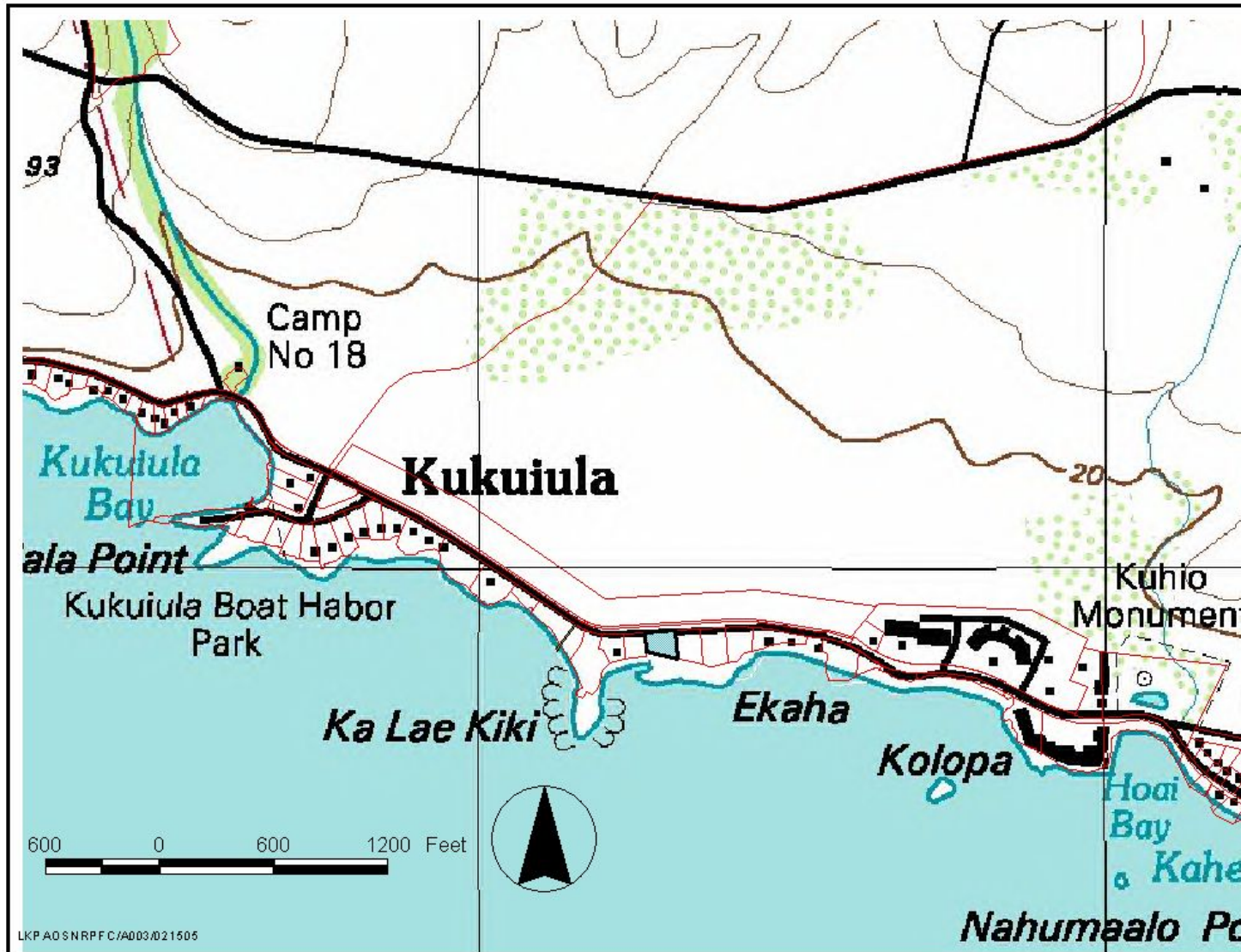
State Land Use Designation	Urban
County Zoning	O
Within the Special Management Area?	Yes
Within the Flood Zone?	Yes
Physical Hazards on Property?	None known on parcel

NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	None on parcel
Wetlands, such as Estuaries Present?	Yes, corals directly makai of parcel
Coral Reefs Present?	Yes, corals directly makai of parcel
Other Resources	Nearshore and recreational opportunities

NOTES

This project is the top priority of the Koloa Community Association in regard to the use of funding for beach access through Ordinance PM-2004-370 relating to Zoning Designation at Kukuiula, Kauai, Section 2.15 e (2).



Location of McCalla- Kukuiula Southshore, Kauai

LEGEND

 (4) 2-6-012:005
Don McCalla Ltd
Partnership

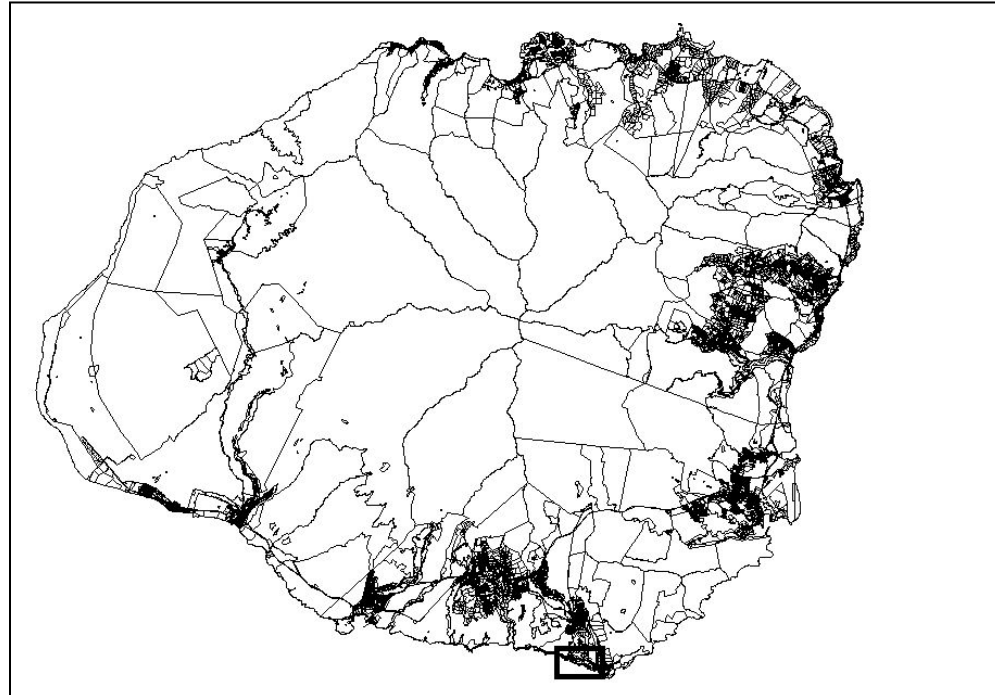
 2002 Tax Map Key

IMAGE 2002 Digital Raster
Grid

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County of Kauai and Niihau.

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easements or facilities, or for
navigational purposes.

3. “KNUDSEN POIPU”



DESCRIPTION

Name	KNUDSEN POIPU
Location	South Shore, Kukuiula
Tax Map Key & Ownership	(4) 2-8-016:022 Eric A. Knudsen Trust
Description of Priority Site	Vacant parcel makai of Sheraton Poipu and Kiahuna Plantation currently used by public to access beach.
Proposed Project	Acquisition of parcel for beach access and open space

Listed on the 1991 Kauai Beach Access Inventory Update?	No
Success of Project Implementation?	Possible with additional funding appropriated through Ord. No. PM-2004-370 (see notes).
Costs Associated with Acquisition	Shoreline survey, confirmation of metes and bounds of existing access; preparation of documents.
Value of Land	\$313,313 in 2005

ZONING, FLOOD, AND PHYSICAL HAZARDS

State Land Use Designation	Urban
County Zoning	O, Tax class “2 – Apartment”
Within the Special Management Area?	Yes
Within the Flood Zone?	Yes
Physical Hazards on Property?	None known on parcel

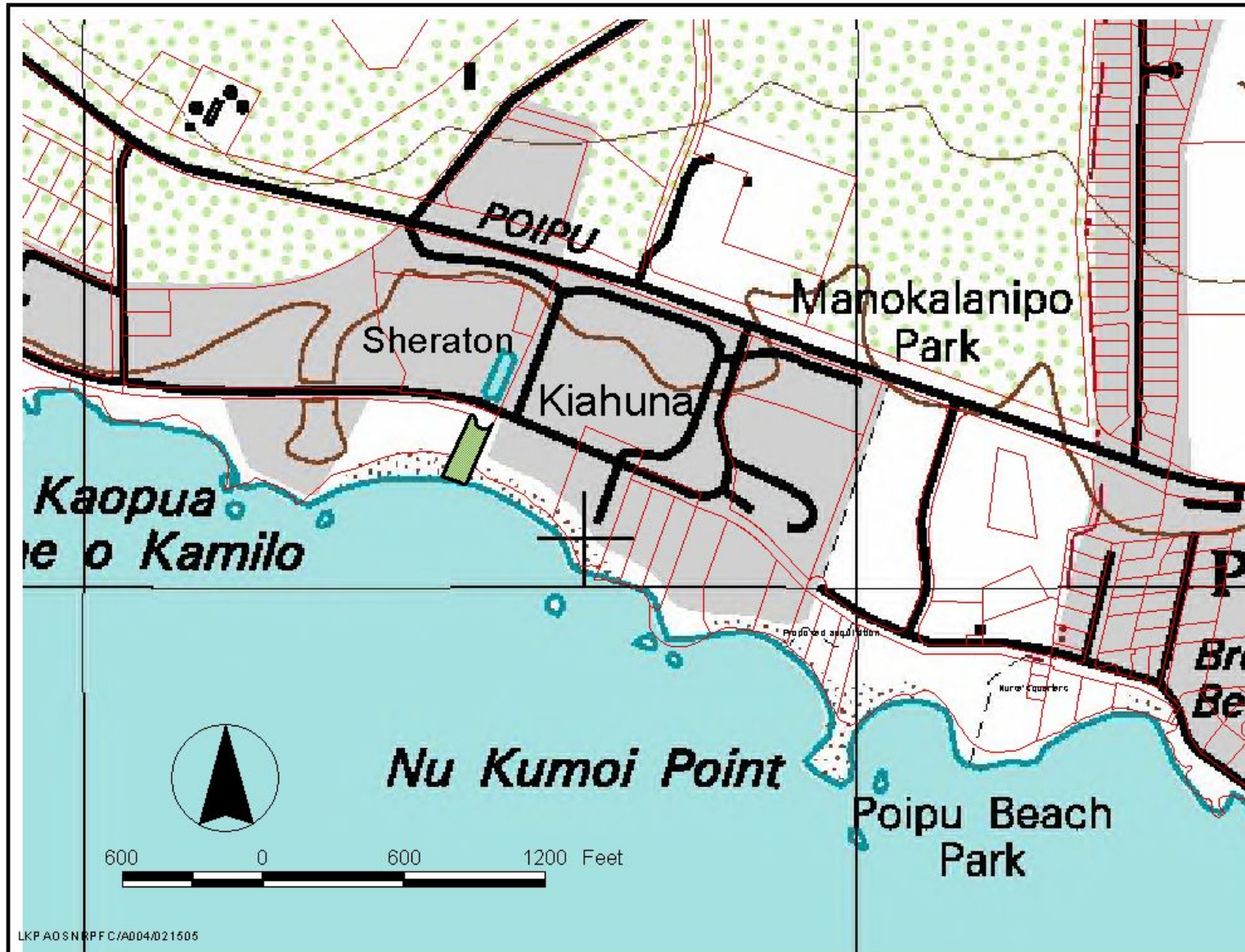
NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	None on parcel
Wetlands, such as Estuaries Present?	Yes, corals directly makai of parcel and fishpond(s) mauka of parcel on the Sheraton Poipu property
Coral Reefs Present?	Yes, corals directly makai of parcel
Other Resources	Nearshore resources and recreational opportunities

NOTES



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 Kukuiula, Kauai, Section 2.15 e (2) in consultation with the Koloa

Community Association and the Public Access, Open Space & Natural Resources
Preservation Fund Commission.



Location of Knudsen - Poipu Southshore, Kauai

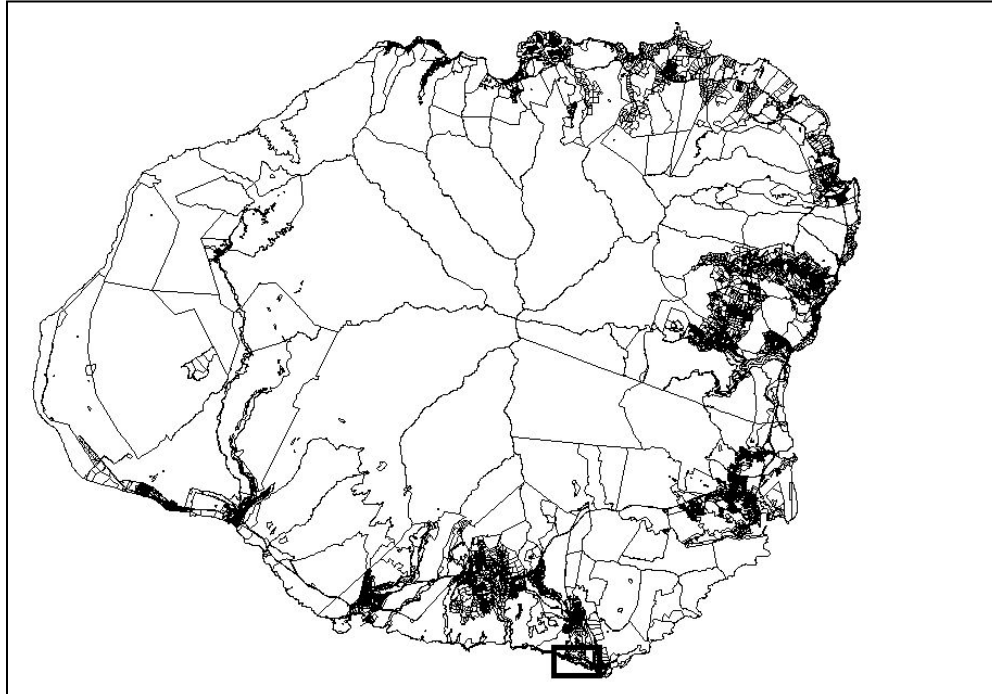
LEGEND

-  (4) 2-6-016:022 Eric A. Knudsen Trust
-  2002 Tax Map Key
- IMAGE** 2002 Digital Raster Grid

This map was created using the 2002 Digital Raster Grid of Kauai by the US Geological Survey and 2002 Tax Map Key data for the County of Kauai and Niihau.

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4. EXPANSION OF POIPU BEACH PARK



DESCRIPTION

Name	POIPU BEACH PARK
Location	South Shore, Kukuiula
Tax Map Key & Ownership	(4) 2-8-017:005 Gary & Joclyn Wampler; :021 Leah L. Felt Grandchild's Trust; :006 The Semler Group LLC
Description of Priority Site	Parcels adjacent to area referred to as the "Waiohai-side" of Poipu Beach Park. Parcel 5 is .74 acre (vacant); parcel 6 is .57

	acres (dwelling exists); parcel 21 is .63 acres (dwelling exists).
Proposed Project	Acquisition of one or all parcels to expand the current beach park
Listed on the 1991 Kauai Beach Access Inventory Update?	Beach Park is an Existing public access – E3.10. Parcels of priority are not listed on '91 Inventory.
Success of Project Implementation?	Unknown, even with additional funding appropriated through the Department of Public Works Capital Improvement Program.
Costs Associated with Acquisition	Purchase of land, shoreline survey, metes and bounds confirmation, preparation of documents.
Value of Lands	2005 values as follows: Parcel 5 - \$3,734,040; parcel 6 - \$3,972,360; and parcel 21 - \$5,052,420.

ZONING, FLOOD, AND PHYSICAL HAZARDS

State Land Use Designation	Urban
County Zoning	Open (zoned for residential use)
Within the Special Management Area?	Yes
Within the Flood Zone?	Yes
Physical Hazards on Property?	None known on parcels

NATURAL OR OTHER RESOURCES

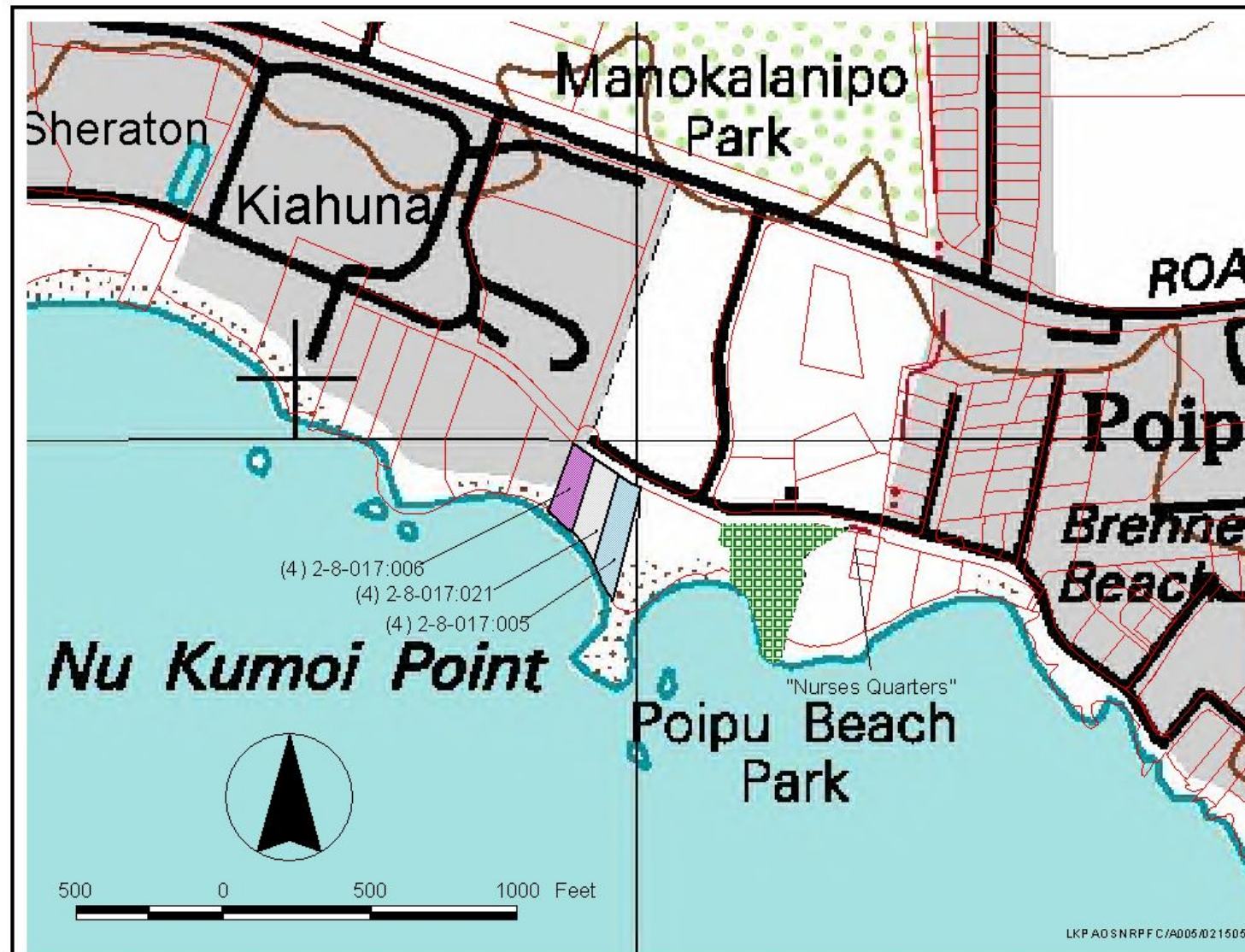
Archaeological and Cultural Sites Present?	Unknown on parcels listed
Wetlands, such as Estuaries Present?	Yes, corals directly makai of parcels and fishpond(s) mauka of parcels
Coral Reefs Present?	Yes, corals directly makai of parcels

Other Resources	Nearshore resources; recreational and educational opportunities.
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NOTES


In anticipation of the new residences and resorts to be developed in the area and in consideration of the high use of the beach park, it would be advantageous to expand the beach park. The Department of Public Works has listed the Poipu Beach Park expansion in their six-year Capital Improvements Project plan. Parcels (4) 2-8-018:041-043 known as the "nurses' quarters" have already been acquired by the County.

Additional funding may be available through Conditions of Ordinance PM-2004-370 relating to Zoning Designation at Kukuiula, Kauai, Section 2.15 e (3) "Poipu Beach Park Expansion," in consultation with the Koloa Community Association and the Public Access, Open Space & Natural Resources Preservation Fund Commission.



Location of Poipu Beach Park Southshore, Kauai

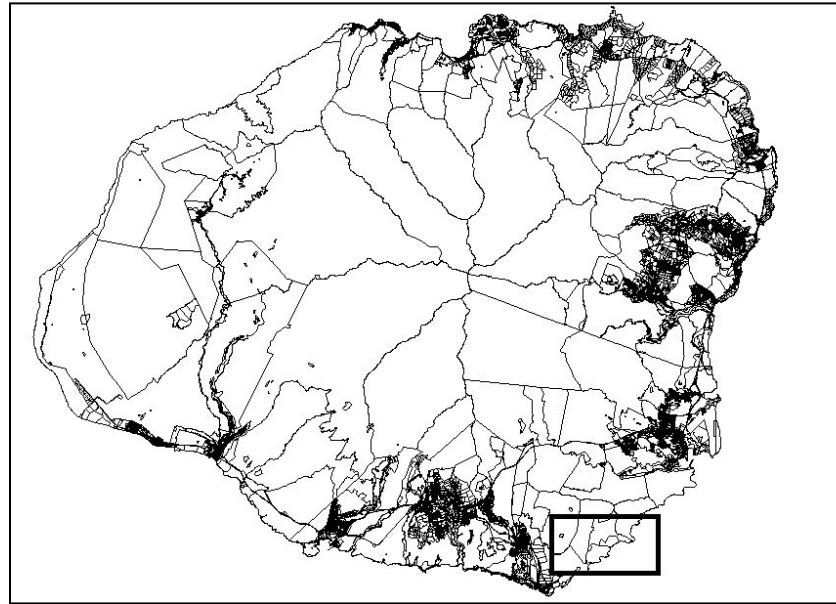
LEGEND

-  Beach Park
-  2002 Tax Map Key
- IMAGE** 2002 Digital Raster Grid
- (4) 2-8-017:006 The Semler Group
- (4) 2-8-017:021 Leah L. Felt Grandchild Trust
- (4) 2-8-017:005 Gary & Joclyn Wampler

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5. MAHAULEPU



DESCRIPTION

Name	MAHAULEPU
Location	South Shore, Mahaulepu
Tax Map Key & Ownership	Ahupuaa encompassing the following TMK: (4) 2-9-003:001, 004, 005, and 006 owned by Grove Farm and 003 owned by Gillin Beach House LLC.
Description of Priority Site	Parcel 1 is a 12 acre limestone quarry; parcel 4 is 153 acres; parcel 5 is 360.303 acres; parcel 6 is 766.25 acres; and parcel 3 is 30,361 sf.

Proposed Project	Acquisition of a parcels for public access, open space, and natural resources preservation
Listed on the 1991 Kauai Beach Access Inventory Update?	Yes, as a Desirable Beach Access – D3.15
Success of Project Implementation?	Low with existing funding. Possible through partnership funds.
Costs Associated with Acquisition	Purchase of land, shoreline survey metes and bounds confirmation, preparation of documents, other.
Value of Land	2005 values as follows: Parcel 1-5,650,000; parcel 4 (w/o buildings) \$803,200; parcel 5 - \$3,546,421; parcel 6 - \$5,088,564; and parcel 3 - \$1,519,543.

ZONING, FLOOD, AND PHYSICAL HAZARDS

State Land Use Designation	Agriculture / Conservation.
County Zoning	Open Space
Within the Special Management Area?	Portion of coastal/beach area is in the SMA
Within the Flood Zone?	No
Physical Hazards on Property?	Various

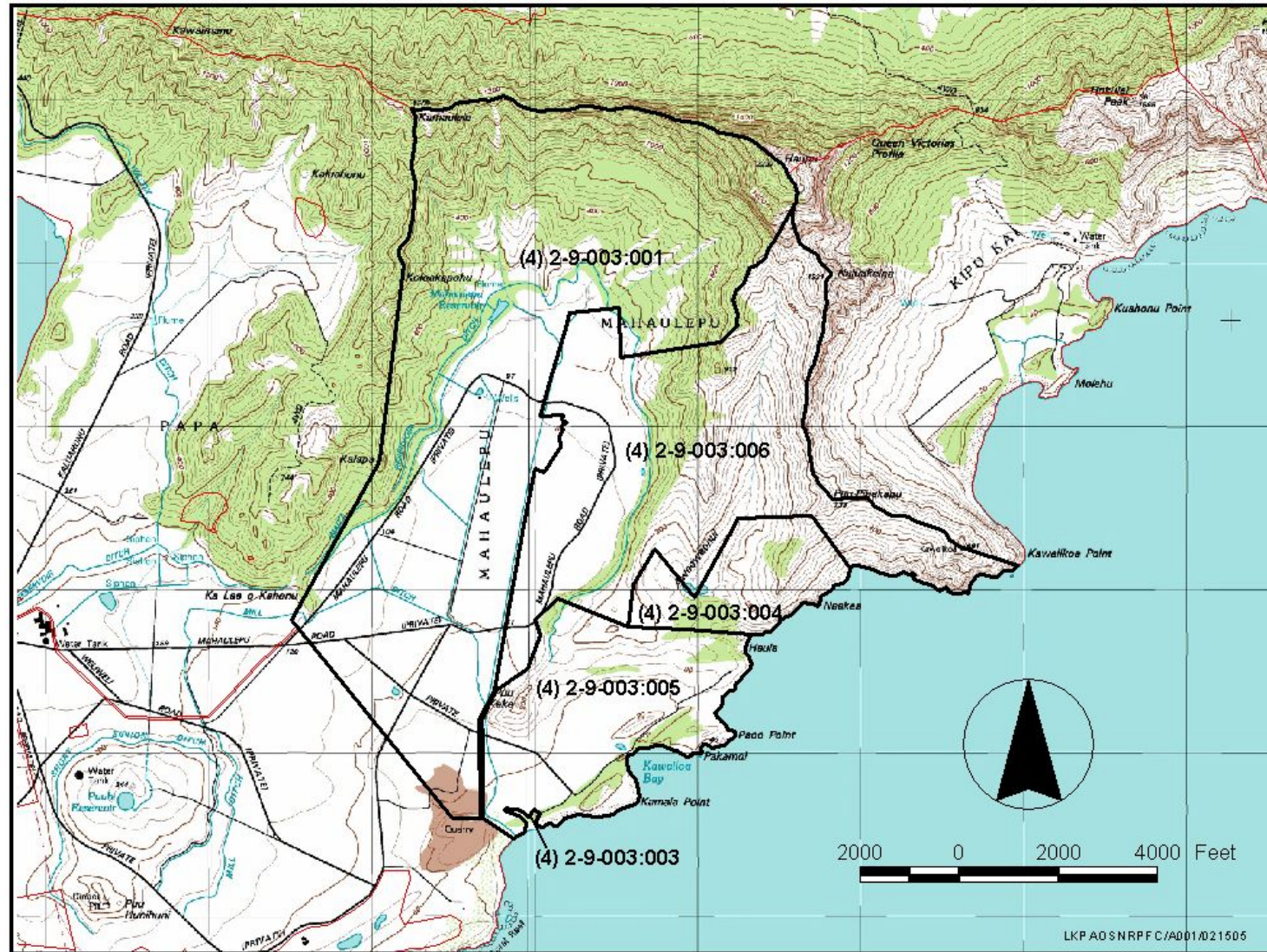
NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	Yes, many, including the Makauwahi Sinkhole and traditional salt pan areas
Wetlands, such as Estuaries Present?	Yes, both nearshore (corals) and inland
Coral Reefs Present?	Yes

Other Resources	Native (indigenous and endemic, including threatened and rare) flora and fauna; shearwater preserve; recreational and educational opportunities.
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NOTES

Mahaulepu is an area of rich ecological, cultural (including archaeological), and geological resources. Public access is allowed from 7 am to 7 pm. The roads in this area are in need of improvement. Public members are interested in creating vehicular public access to the beach as well as acquisition of parcels for open space enjoyment and natural resources preservation. There may be opportunities for funding or the development of a "special district" through Senate Bill 1897 "Legacy Act," if this bill is passed by the Legislature. The DLNR Office of Conservation and Coastal Lands are developing a "Legacy Beach" project, in which Mahaulepu may be a candidate.



Location of Mahaulepu Southshore, Kauai

LEGEND

 2002 Tax Map Key

IMAGE 2002 Digital Raster Grid

(4) 2-9-003:001 Grove Farm

(4) 2-9-003:003 Gillin House LLC

(4) 2-9-003:004 Grove Farm

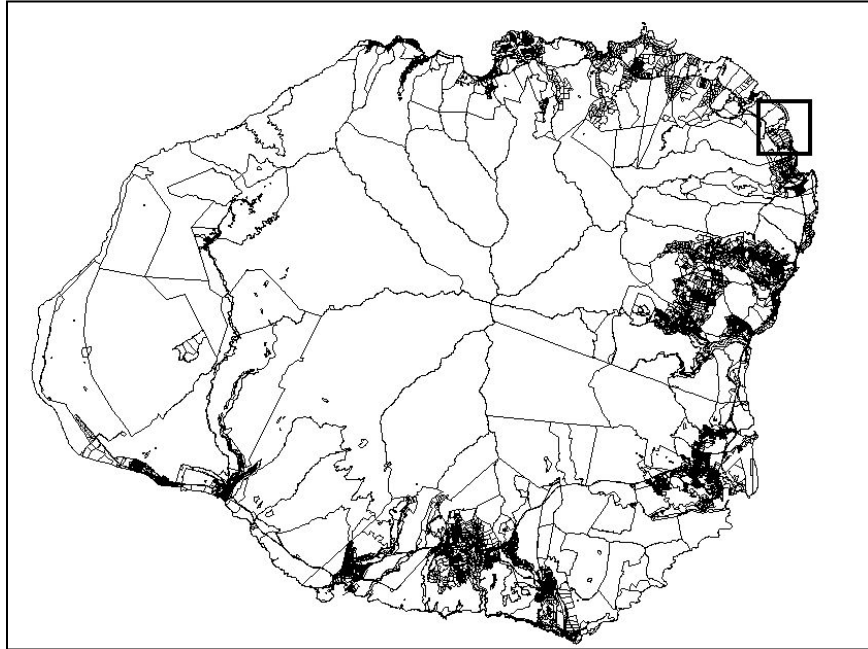
(4) 2-9-003:005 Grove Farm

(4) 2-9-003:006 Grove Farm

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6. PAPAA BAY / BEACH



DESCRIPTION

Name	PAPAA BAY / PAPAA BEACH
Location	North Eastern Shore, Papaa
Tax Map Key & Ownership	(4) 4-9-006:005 Mandalay Bay Properties
Description of Priority Site	Access to the beach and bay.
Proposed Project	Expand public access options for Papaa Beach.
Listed on the 1991 Kauai Beach Access Inventory Update?	Yes, as a Desirable public access – D6.02B
Success of Project Implementation?	Unknown with existing funding

Costs Associated With Acquisition	Land and shoreline survey, metes and bounds confirmation, preparation of documents, other.
Costs of Surveying Easement	\$3,000 - \$10,000

ZONING, FLOOD, AND PHYSICAL HAZARDS

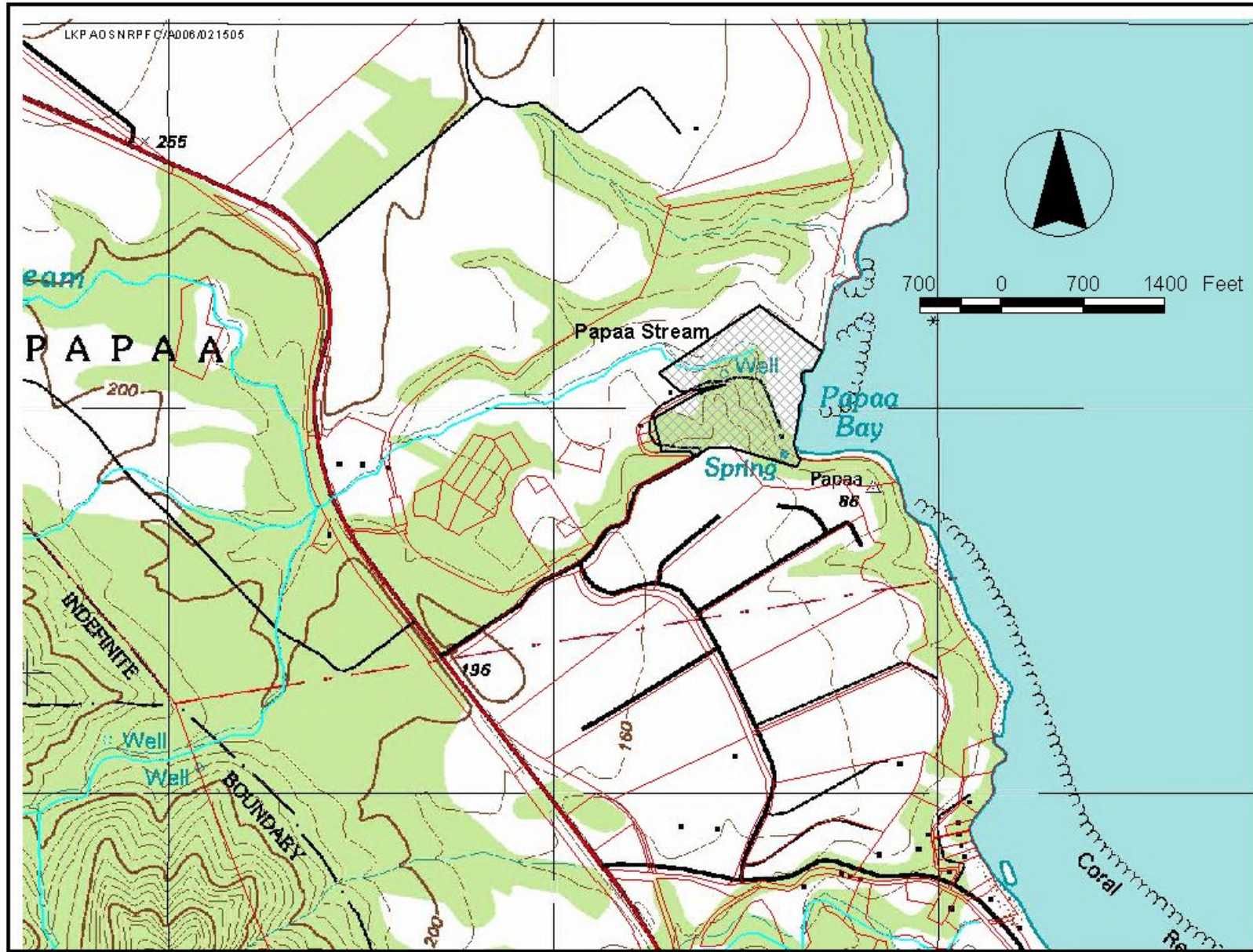
State Land Use Designation	Conservation, Agriculture
County Zoning	Conservation, Open
Within the Special Management Area?	Yes
Within the Flood Zone?	Yes
Physical Hazards on Property?	Steep cliff; high tide hazards during winter season.

NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	Yes, along coast
Wetlands, such as Estuaries Present?	Yes, corals directly makai of parcels and Papaa Stream
Coral Reefs Present?	Yes, corals
Other Resources	Possible native flora and fauna; stream nearshore resources; and recreational opportunities.



NOTES

During the community input process beach access at this location was of high interest to members of the public.



Location of Papaa Bay North East Shore Kauai

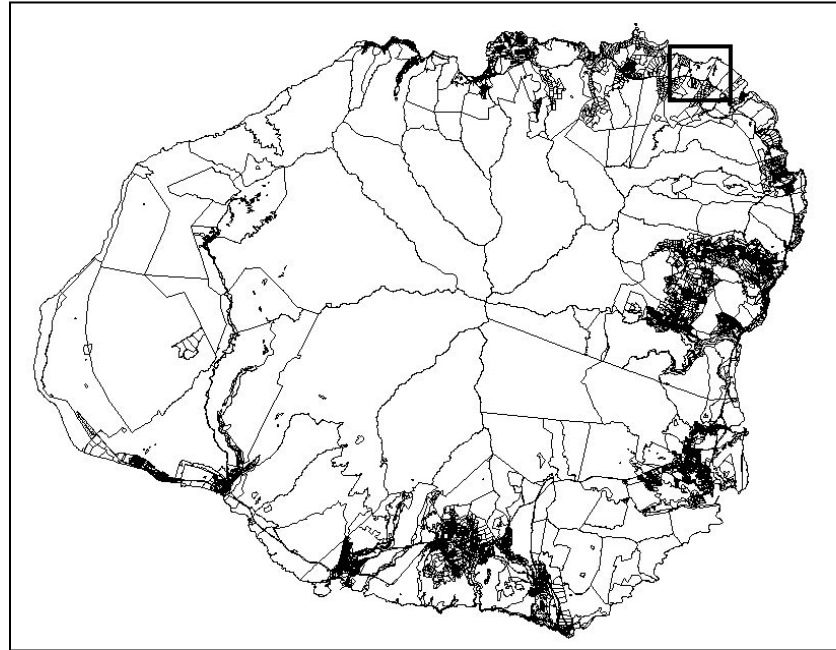
LEGEND

-  Streams
-  (4) 4-9-006:005
Mandalay Properties
-  2002 Tax Map Key
- IMAGE** 2002 Digital Raster
Grid

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7. PILAA BEACH



DESCRIPTION

Location	North Eastern Shore, Pilaa
Tax Map Key & Ownership	Large land owner (4) 5-1-004:008 Pilaa 400 LLC; Approx 20 smaller parcels within larger that may or may not be affected
Proposed Project	Creation of a road right-of-way from Kuhio Highway to Pilaa Beach, parking, and a pedestrian easement for beach access
Listed on the 1991 Kauai Beach Access Inventory Update?	Yes, as a Desirable public access – D6.06C

Success of Project Implementation?	Low with existing funding
Costs Associated with Acquisition	Purchase of land, shoreline survey, metes and bounds confirmation, creation of parking lot; preparation of documents, other.
Cost of Surveying Easement	\$5,000 - \$15,000

ZONING, FLOOD, AND PHYSICAL HAZARDS

State Land Use Designation	Conservation, Agriculture
County Zoning	Open
Within the Special Management Area?	Yes, large portion of coast and portion of Pilaa stream
Within the Flood Zone?	Yes, small portion of coast and stream
Physical Hazards on Property?	High tide hazards during winter season.

NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	One site identified near Kuhio Hwy; otherwise unknown
Wetlands, such as Estuaries Present?	Yes, corals directly makai of parcels and Pilaa Stream
Coral Reefs Present?	Yes, corals
Other Resources	Possible native flora and fauna; stream nearshore resources; and recreational opportunities.

NOTES

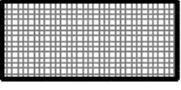

There are currently no known opportunities for additional funding. Beach access in this area is limited. There may be opportunities to negotiate with large landowner through conditions of permit.

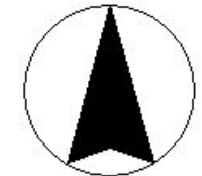


LKP A05NRFFC/A010/030405

Location of Pīlāa Beach Kīlāuea North Shore Kauai

LEGEND

-  (4) 5-1-004:008
Pīlāa 400
-  2002 Tax Map Key
- IMAGE** 2002 Digital Raster Grid

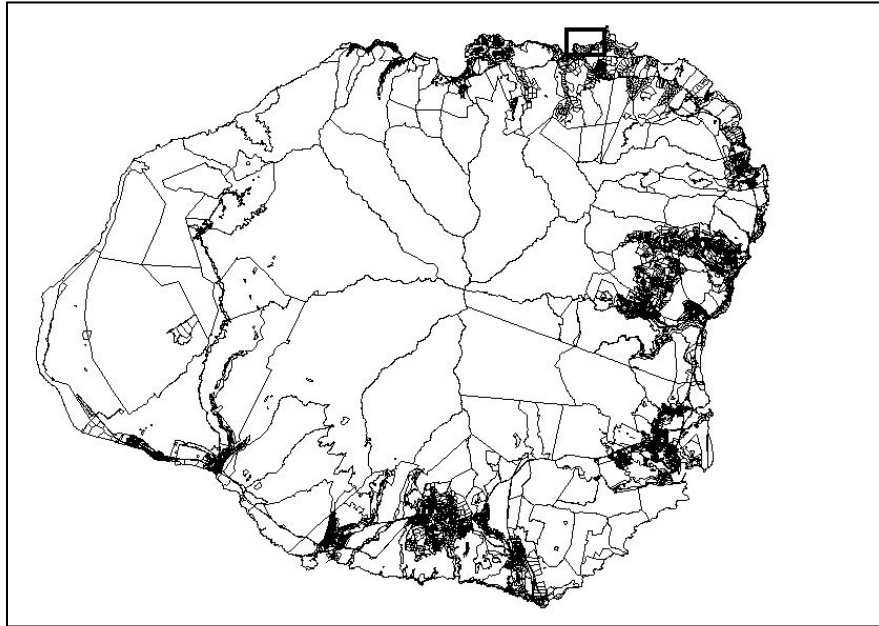


800 0 800 1600 Feet

This map was created using the 2002 Digital Raster Grid of Kauai by the US Geological Survey and 2002 Tax Map Key data for the County of Kauai and Niihau.

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8. KAUAPEA / “SECRET BEACH 2”



DESCRIPTION

Location	North Eastern Shore, Kaupea, Kilauea
Tax Map Key & Ownership	(4) 5-2-004:071 Blazer Enterprises
Proposed Project	Acquisition of existing pedestrian easement for beach access or the creation of a new pedestrian easement; and parking
Listed on the 1991 Kauai Beach Access Inventory Update?	Yes, as a Potential public access – P6.10A
Success of Project Implementation?	Unknown with existing funding
Costs Associated with Acquisition	Purchase of land, shoreline survey, metes

	and bounds confirmation, creation of parking lot; preparation of documents, other.
Cost of Surveying Easement	\$5,000 - \$15,000

ZONING, FLOOD, AND PHYSICAL HAZARDS

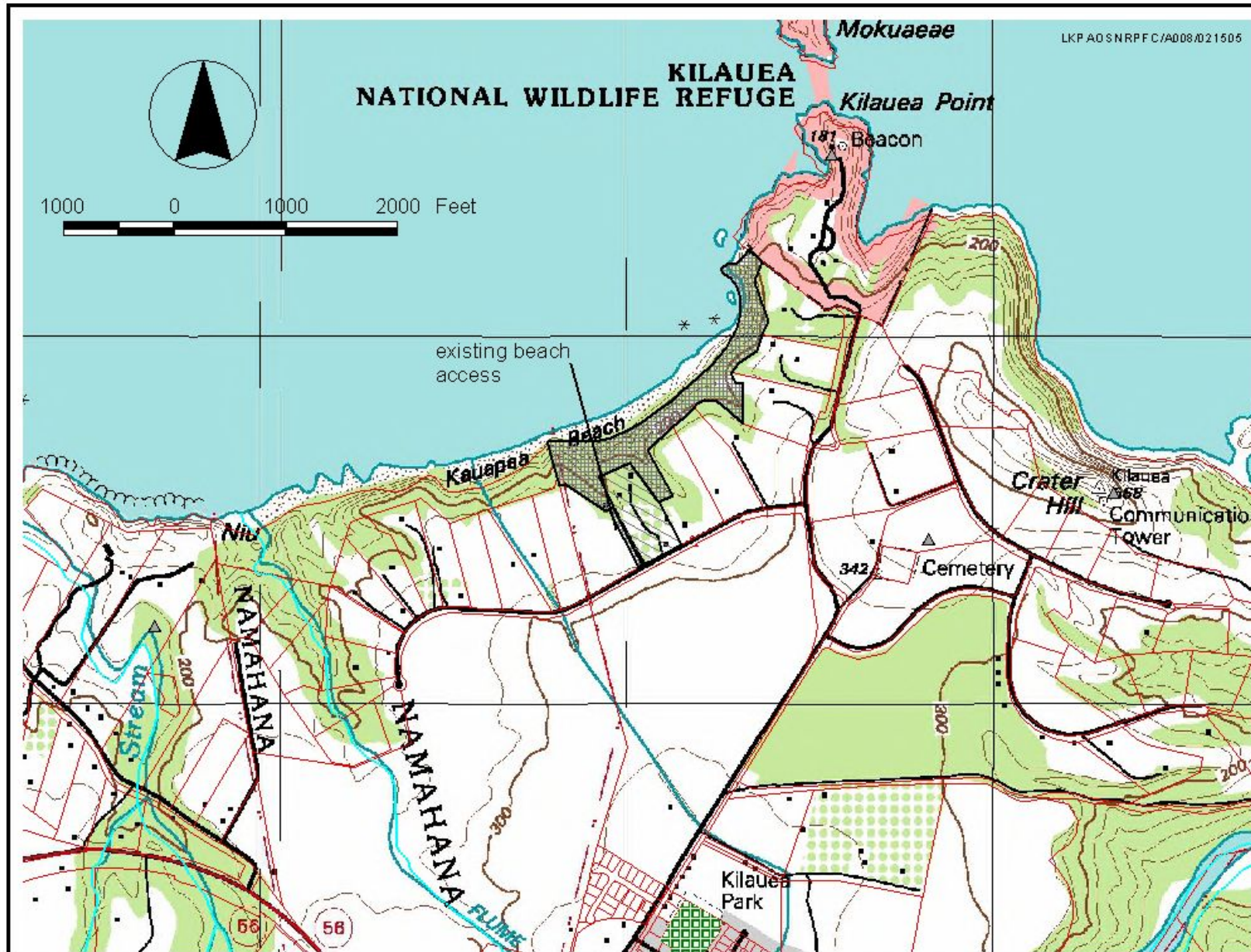
State Land Use Designation	Conservation, Agriculture
County Zoning	Open
Within the Special Management Area?	Yes, portion of coast
Within the Flood Zone?	Yes, small portion of coast
Physical Hazards on Property?	High tide hazards during winter season.

NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	None or unknown on parcel
Wetlands, such as Estuaries Present?	Yes, directly makai of parcel
Coral Reefs Present?	None directly makai of parcel
Other Resources	Possible native flora and fauna and nearshore resources. Recreational opportunities.

NOTES

This access generated the highest interest during the community input process. An existing pedestrian easement for public access is indicated on the County's TMK. However, the condition for the creation of a public access easement that was part of the original subdivision agreement for parcels in this area was never implemented.



Location of Secret Beach 2 Kaupea, Kilauea North Shore Kauai

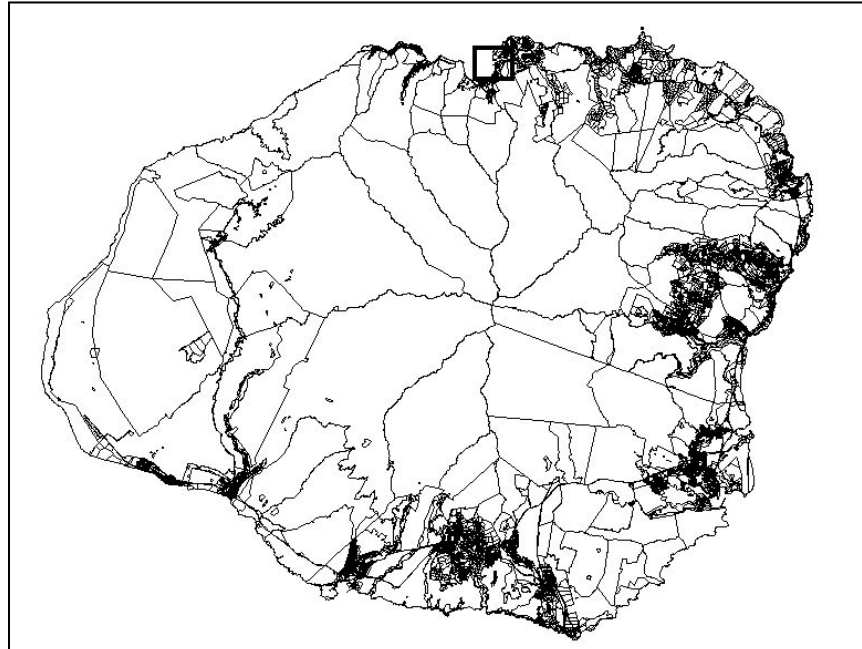
LEGEND

- (4) 5-2-004:064
Elk Meadows
Investment LLC
- (4) 5-2-004:071
Blazer Enterprises
- 2002 Tax Map Key
- IMAGE** 2002 Digital Raster
Grid

This map was created using the 2002 Digital Raster Grid of Kauai by the US Geological Survey and 2002 Tax Map Key data for the County of Kauai and Niihau.

This map is to be used for locating properties and not for siting of easements or facilities, or for navigational purposes.

9. HANALEI BEACH 2 / “BLACK POT”



DESCRIPTION

Location	North Shore, Hanalei Bay
Tax Map Key & Ownership	(4) 5-5-001:004 Princeville Development Corporation
Description of Priority Site for Acquisition	.4118 acre (17938 sf) parcel adjacent to “Black Pot” beach park.
Proposed Project	Acquisition of parcel to expand existing beach park and/or parking.
Listed on the 1991 Kauai Beach Access Inventory Update?	Beach Park is a is an Existing public access – E7.12

Success of Project Implementation?	Possible, see notes below.
Costs Associated with Acquisition	Purchase of land, shoreline survey, metes and bounds, preparation of documents.
Value of land	\$1,438,140 (2005 appraised value)

ZONING, FLOOD, AND PHYSICAL HAZARDS

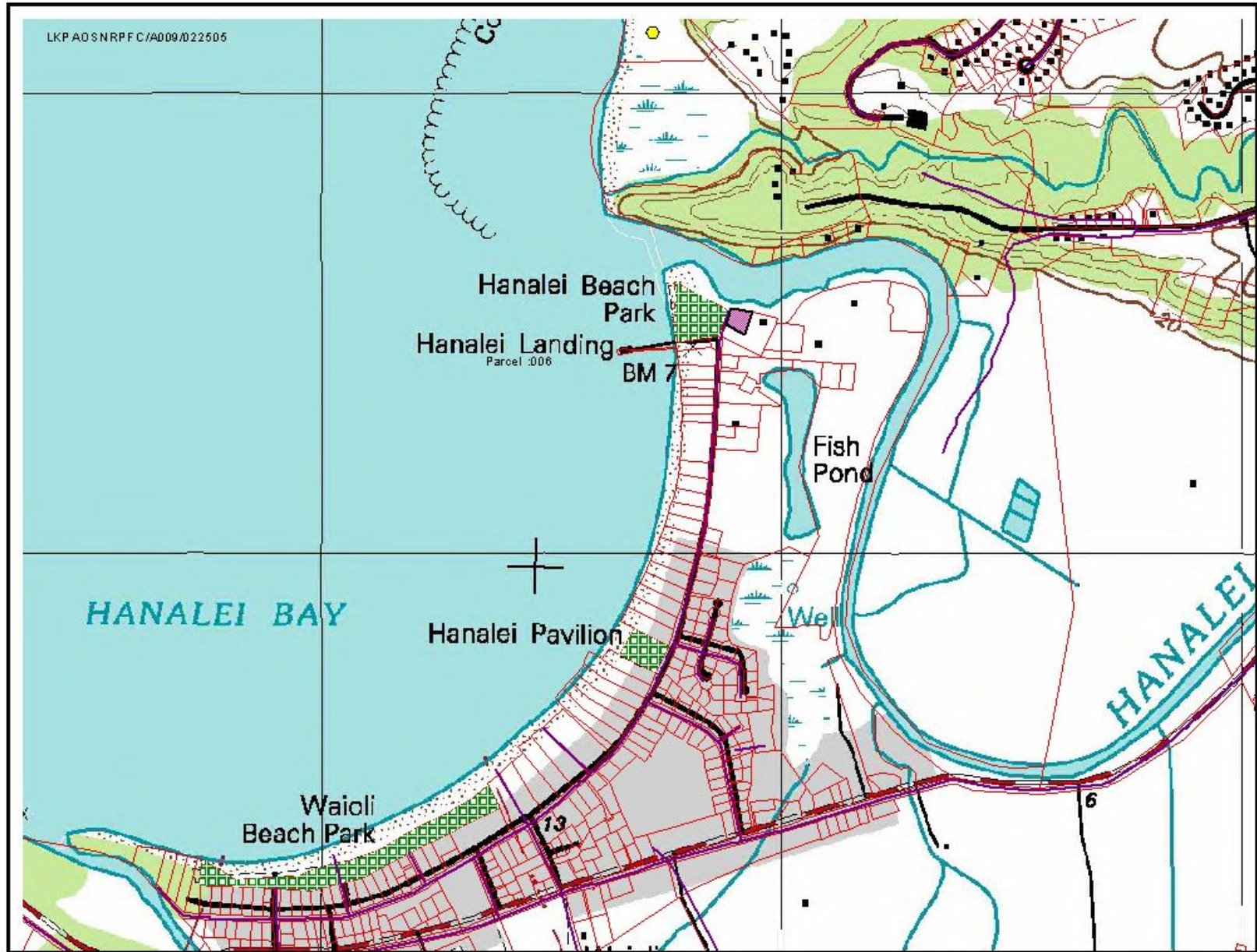
State Land Use Designation	Urban
County Zoning	Open
Within the Special Management Area?	Yes
Within the Flood Zone?	Yes
Physical Hazards on Property?	Coastal erosion; high surf during winter season.

NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	None or unknown on parcel
Wetlands, such as Estuaries Present?	Yes, both makai and inland surrounding parcel
Coral Reefs Present?	None directly makai of parcel
Other Resources	Possible native flora and fauna; stream and nearshore resources; recreational opportunities.


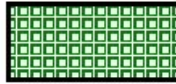

NOTES

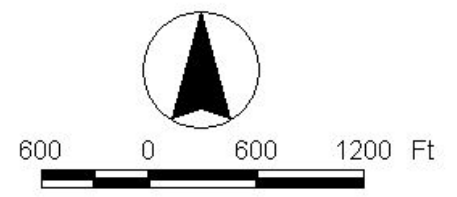
Previous administrations have considered the expansion of this beach park. There may be opportunity to purchase the land if funding from NOAA CELCP grant is awarded to the County (via partnership with the KTPL). There may also be opportunity to negotiate with landowner, Princeville Development Corp., for purchase or dedication of this parcel. Also, there may be funding available through the Parks fund (with monies from Ordinance 777), if amenable to the Department of Public Works Park Division.



Location of Hanalei Beach 2 "Black Pot" Hanalei Bay North Shore Kauai

LEGEND

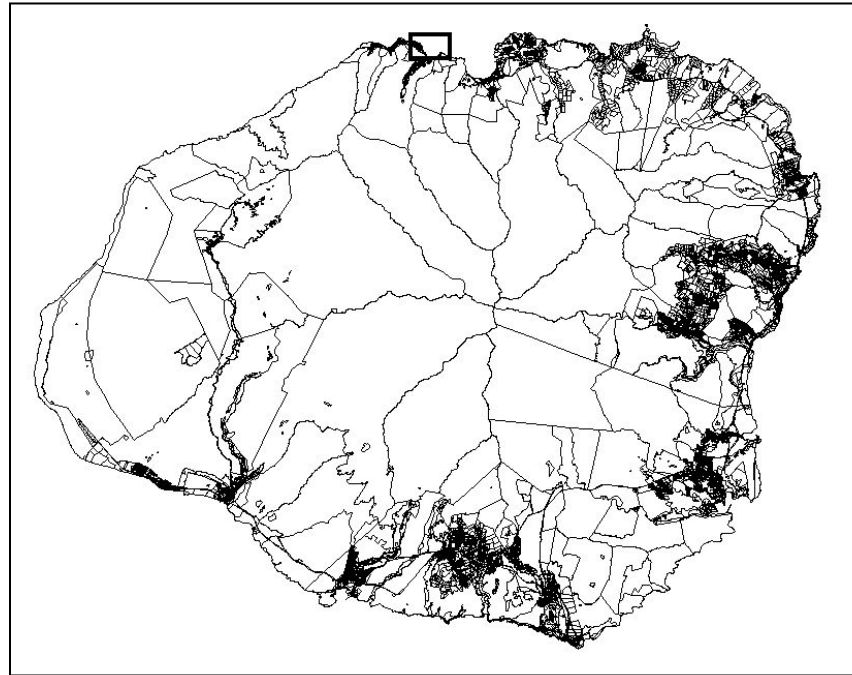
-  (4) 5-5-001:004 Princeville Development Corp
-  Beach Park
-  2002 Tax Map Key
- IMAGE** 2002 Digital Raster Grid



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10. "CANELA – MAKAI"



DESCRIPTION

Location	North Shore, Kepuhi Point, Wainiha
Tax Map Key & Ownership	Recently purchased by The Canela Group (4) 5-8-012:006 from Mary McGregor Trust
Description of Priority Site	.393 acre. This lot has a total of two "underlying lots." Parcel 50' at widest point; makai-side of State Hwy.
Proposed Project	Acquisition of parcel for beach access and open space
Listed on the 1991 Kauai Beach Access Inventory Update?	No
Success of Project Implementation?	Highly possible with existing funding.

	Possible donation of land by owners.
Costs Associated with Acquisition	Survey to be conducted as a condition of SMA permit approval for "Canela Subdivision" on mauka parcel :005. Also, survey metes and bounds, preparation of documents.
Value of Land	Both parcel 6 and parcel 5 across the highway on the Mauka side were purchased together at \$3.2 million in 2005 at \$171 per sf.

ZONING, FLOOD, AND PHYSICAL HAZARDS

State Land Use Designation	Urban
County Zoning	Open
Within the Special Management Area?	Yes
Within the Flood Zone?	Yes
Physical Hazards on Property?	High tide hazard during winter season

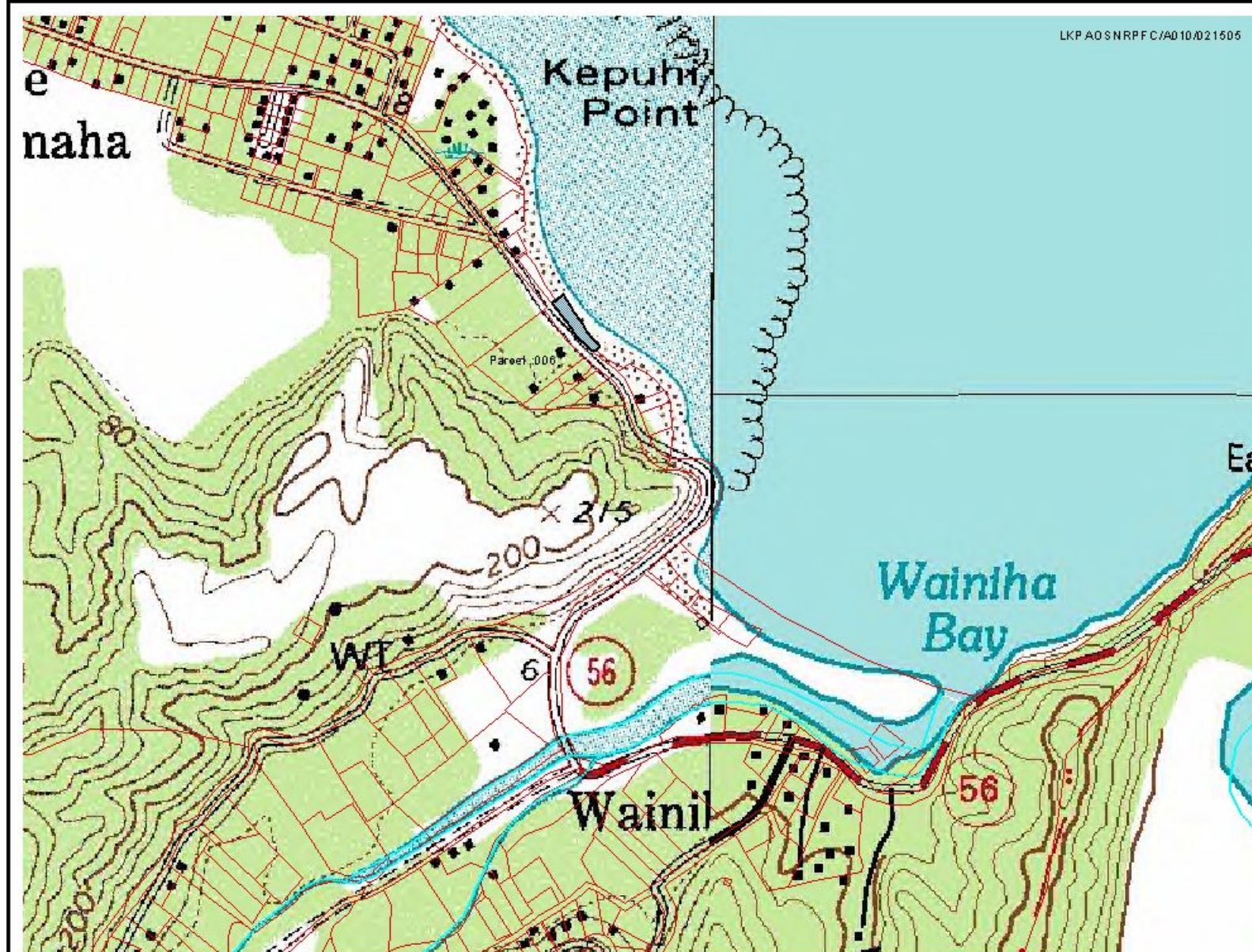
NATURAL OR OTHER RESOURCES

Archaeological and Cultural Sites Present?	None or unknown on parcel
Wetlands, such as Estuaries Present?	Yes, corals directly makai of parcel
Coral Reefs Present?	Yes, directly makai of parcel
Other Resources	Nearshore resources.

NOTES

Development of this parcel would not be allowed (confirmed with DLNR) because it is too narrow. According to Coastal Geologist of DLNR OCCL, Dolan Eversole, it is highly likely that the entire parcel is in the shoreline area, and thus, under the provisions of HRS Chapter 115-4 and 5, the public has the right to transit parcel, although all other property and land rights lie with the property owner.



Ironwood trees line the highway (mauka) side of the parcel. The public usually parks between the ironwood trees and uses the parcel to get to the beach or as a "park."

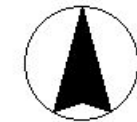


LKP A0 SNRFF C/A010/A021505

Location of "Canela-Makai" Kepuhi Point Wainiha North Shore Kauai

LEGEND

-  (4) 5-8-012:006
The Canela Group
-  2002 Tax Map Key
- IMAGE** 2002 Digital Raster Grid



400 0 400 800 Feet

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APPENDIX E: COMMUNITY INPUT PROCESS

**E.1. HANDOUTS: PROGRAM SUMMARY AND PUBLIC
SUGGESTION FORM**

**E.2. LIST OF 56 DISTINCT SITES SUGGESTED BY THE PUBLIC
DURING THE COMMUNITY INPUT PROCESS**

E.3. SITES FOR FUTURE CONSIDERATION

**APPENDIX E.2.
LIST OF FIFTY-SEVEN (57) DISTINCT SITES SUGGESTED BY THE PUBLIC
DURING THE COMMUNITY INPUT PROCESS**

This is a list of the 56 “distinct” sites suggested by the public through the Community Input Process (November-December 2004). The first column provides the site or project name as it was suggested by members of the public. The second column summarizes actions requested by those who submitted suggestions. The third column describes changes made to the name of the sites during staff research and the Commission’s prioritization process. The last, right-hand column identifies sites or projects as a new acquisition or those with issues that may be resolved through other means (i.e., collaboration or by completion of land conveyance process).

	SUGGESTED SITES OR PROJECTS	SUGGESTED ACTION	SITE OR PROJECT REFERRED TO BY COMMISSION AS:	POSSIBLE RESOLUTION THROUGH ACQUISITION (A) OR OTHER MEANS (O)
1	2840 Lawai Road	Create pedestrian beach access easement over parcel.	McCalla	A
2	Alealea 1/Oneone Road/Burmeister	Request that owner allow the continuance of pedestrian access on existing easement formerly used by State to access survey monument on property.	Alealea	A/O
3	Allan Reitow’s property in Wailapa	Request for verification that a pedestrian easement for mauka access exists over this property. (Staff research found that easement is not over Mr. Reitow’s property but on adjacent property owned by Ms. Jacquelyn Barnard).	Kilauea Agricultural Subdivision – Mauka Pedestrian Access	O
4	Black Pot Beach Park	Expand existing beach park.	Hanalei Beach Park 2 / “Black Pot”	A
5	Cart Trail/Cart Road/Kuamoo Road	Request that State re-open (mauka) access; or acquire easement from State.	Kuamoo Road / Cart Road	O
6	Hanalei Bay to Kalihiwai Bay	Create a coastal trail from Hanalei Bay to Kalihiwai Bay.	Coastal Trail from Hanalei Bay to Kalihiwai Bay	A
7	Hanapepe River Mouth Park	Create a new park at Hanapepe River Mouth.	Hanapepe River Mouth Park	A
8	Hanapepe Valley and Waterfall	Acquire Hanapepe Valley to ensure access, open space, and natural resources preservation	Hanapepe Valley	A

9	Hoban	Create a pedestrian beach access easement over property.	Hoban	A
10	Hopi Falls/Hoopii Falls (Kapahi)	Acquire property that waterfall is on for recreational use; or create a pedestrian access easement to waterfall over property.	Hoopii Falls	A
11	Hudley Road Access	Reaffirm public beach access through Hudley Road.	Hudley Road	O
12	Kaai Right of Way	Reaffirm public beach access through Kaai Road.	Parcel owned by Esther Medeiros	O
13	Kahili Quarry /Rock Quarry at Kahili	Allow for the continuance of vehicular access to the beach through Kahili Quarry Road.	Kahili Quarry	O
14	Kahuna Road	Request that State re-open (mauka) access; or acquire easement from State.	Kahuna Road	O
15	Kakuna Road A/ Kukuna Road A	Reaffirm public beach access.	Kukuna Road – Access A	O
16	Kalihikai	(1) Create pedestrian beach access easements through private propert(ies) in area; and (2) create public parking in area.	Anini Beach	
17	Kapaa Beach Park	Expand existing beach park	Kapaa Beach Park	A
18	Kashoge's	Create pedestrian and vehicular beach access easement in this area.	Wailapa / Kilauea Bay (sites merged)	A
19	Kealia Scenic Point	Create pedestrian and/or vehicular access easement to beach from Point.	Kealia Scenic Point (trail already existing; plans for bike path in this area; dropped from list)	
20	Kepuhi Point /Kulikoa Point	Acquire beach-front lands in the area to ensure beach and coastal access in perpetuity.	Canela – Makai (name change and merge)	A
21	Kilauea Bay	Acquire lands in area to ensure access to beach and to retain views from cliff areas.	Wailapa / Kilauea Bay (sites merged)	A

22	Kingdoms	Acquire parcels in area currently for sale or acquire State-owned parcels to ensure beach access and open space-use opportunities in perpetuity.	Kikiola Beach (State parcels)/ “Kingdoms” (Note: the nickname “Kingdoms” stems from the fact that this beach area is across the street from the Kingdom Hall of Jehovah’s Witnesses in Kekaha)	
23	Kokole Point	Request that PMRF allow public (or at least community) access to Kokole Point from Kekaha.	PMRF – Kokole Point	O
24	Kukuna Access	(1) Reaffirm public beach access over property owned by Jenny Caruthers; and (2) create parking along Kukuna road for beach-goers (no public parking on Kukuna Road in order to use Kukuna Road A).	Kukuna Road	O
25	Land between Kiahuna Plantation and Sheraton in Poipu	Acquire property owned by Eric Knudsen Trust for public beach access and open space enjoyment.	Knudsen-Poipu	A/O
26	Lawai Kai	Create/allow pedestrian and/or vehicular beach access to Lawai Kai Bay.	Lawai Kai	O
27	Mahaulepu	Acquire properties owned by Grove Farm and Gillin Beach House LLC for public access, open space and natural resources preservation.	Mahaulepu	A
28	Mary McGregor’s beach front property for sale	Acquire property recently purchased by the Canela Group from Mary McGregor Trust for beach access and open space.	Canela-Makai	A
29	Moalepe	Acquire ownership and management of Moalepe Road/Trail from the State.	Moalepe Road	O
30	Moloaa Bay /Beach	Confirm public beach access on Moloaa “A;” create public parking on Moloaa “A” side of Bay; create public beach access and parking on Moloaa “B” side of Bay owned by Moloaa Bay Ranch.	Moloaa “A” & “B”	O

31	Nohili Point	Acquire ownership of Nohili Point and access to point from PMRF; negotiate with PMRF for increased access to Nohili Point.	Nohili Point	O
32	Nukolii	Allow for vehicular access on beach for parking and nearshore fishing. Resolve issues stemming from location and dedication of the public access (which was part of the condition of the Radisson development)	Nukolii	O
33	Old Anahola Landing	Confirm public access to Anahola Landing (land owned by DHHL)	Old Anahola Landing	O
34	Opaekaa Falls	Preserve open space surrounding Opaekaa for public access, natural resources and cultural preservation as well as views.	Opaekaa Falls	A
35	Owama Point	Confirm public access and use at Owama Point in Anahola (land owned by the State).	Owama Point	O
36	Pakala Beach	Acquire parcel owned by Katherine Weir (:12) for public access and open space (park).	Makaweli Landing	A
37	Palama Pond	Create public access easement to Palama Pond and allow for public use of the pond.	Palama's Pond / Nomilo Pond	A
38	Papaa Bay	Acquire beach access for public use.	Papaa Bay / Beach	A/O
39	Pilaa Beach	Create beach access for public use to Pilaa Beach; large landowner is Pilaa 400.	Pilaa Beach.	A
40	Pili Kai Road	Acquire dirt road for public access.	Pili Kai / Old Anahola Landing	O
41	PMRF	Acquire from the Federal Government entire PMRF area; negotiate with PMRF for increased access by residents, especially of Kekaha community and fishermen.	PMRF	O

42	Poipu Beach Park Expansion	Expand beach park to accommodate residents and visitors, especially in light of recent zoning changes in Kukuiula.	Poipu Beach Park Expansion	A
43	Puolo Point	Remove airfield and create a park Puolo Point.	Puolo Point	A/O
44	Salt pans in Hanapepe	Acquire the salt pans for cultural preservation.	Salt Pans	
45	Salt Pond to Wahiawa Bay	Create a coastal trail from Salt Pond to Wahiawa Bay	Coastal Trail from Salt Pond to Wahiawa Bay	A
46	Secret Beach 1	Resolve issues relating to the location of the existing pedestrian and vehicular accesses and complete process of conveying these public accesses.	Kauapea 1 /Puukumu/ Secret Beach 1	O
47	Secret Beach 2 / Kaupea	Condition for public access for original subdivision was never implemented. Resolve issue or acquire easement and complete conveyance process.	Kauapea / Secret Beach 2	A/O
48	Slippery Slide in Kealia	Allow for public access and use of slippery slides on property owned by Cornerstone Kauai	Kealia Slippery Slides (Ke Ana Kolea?)	A
49	Slippery Slide in Kilauea	Allow for public access and use of slippery slides on property owned by Joel Elfrien	Kilauea Slippery Slides	A
50	Stone Dam Reservoir	Allow for public access and use of reservoir (North Waiakalua) and surrounding areas for hunting and fishing	Waiakalua Reservoir	A
51	Waiakaama	Confirm public accesses in this area; approach landowner to acquire trail (on former Michael Klein property now owned by Ben and Christine Stiller).	Puukaamoi / Waiakaama	O
52	Waiakalua	Acquire public access to beach in this area	Kilauea Bay or Keilua and Kakiu Points	A

53	Wailapa 2	Acquire parcels in this area for sale (specifically ones parcels C&E owned by the Zweban Trust) for access and open space (park) opportunities.	Kilauea Bay / Wailapa	A
54	Wailua State Beach Reserve through Seashell's restaurant	Petition State to deny rebuild of Seashell Restaurant in favor of open space; turn over lease of land to County for open space and beach access.	Wailua State Beach Reserve /Seashell's restaurant	O
55	Wainiha Sand Bar 4 parcels in Wainiha near park	Acquire 4 parcels on sandbar (which is surrounded by County-owned beach park) for access and open space.	Wainiha Sand Bar parcels	A
56	Waita Reservoir and surrounding land(s)	Allow for public access and use of reservoir and surrounding areas for hunting and fishing; deny use of area for commercial use or create public park the area.	Waita Reservoir	A/O

PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES PRESERVATION FUND COMMISSION

Pursuant to Ordinance No. 812 (03)

SUMMARY

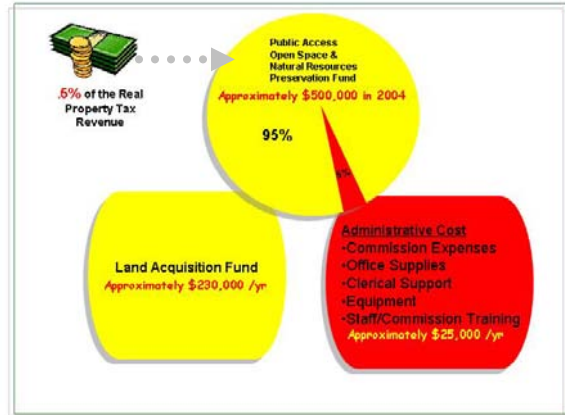
Purpose of Commission

The Commission shall transmit annual *recommendations* to the County Council for priorities of lands or other property entitlements to be acquired, or for the funding of projects relating to the following:

1. Public outdoor recreation and education, including access to beaches and mountains;
2. Preservation of historically important lands 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; and
8. Acquiring disabled and public access to public land, and open space.

Fund

In adopting each fiscal year's budget and capital program, the Council shall appropriate a minimum of one-half of one percent (.5%) of the [certified] real property tax revenue to a fund known as the Public Access, Open Space and Natural Resources Preservation Fund. No more than 5% of this fund shall be used for administrative purposes.



Administration

The Commission is administratively attached to the Planning Department.

Commissioners

The following is a list of commissioners, represented districts, and terms.

Last Name	First Name	Initials	Development Plan Area	Appointed by	Length of Term	Term
Kapaka-Arboleda	LaFrance	LK	At-Large	Mayor	1 yr	1/1/04--1/1/05
Marsh	Laura	LM	Kapaa-Wailua	Mayor	1 yr	1/1/04--1/1/05
Childers	Barbara	BC	Waimea-Kekaha	Mayor	3 yrs	1/1/04--1/1/07
Dawson	Puna	PD	Lihue-Hanamaulu	Mayor	3 yrs	1/1/04--1/1/07
Souza	Jean Nishida	JS	Hanapepe-Eleele	Council	2 yrs	5/1/04--5/1/06
Kinnaman	Theresita	TK	Koloa-Poipu-Kalaheo	Council	2 yrs	5/1/04--5/1/06
Blaich	Beryl	BB	North Shore: Anahola-Haena	Council	3 yrs	5/1/04--5/1/07
Iida	Sherwood	SI	At-Large	Council	1 yr	5/1/04--5/1/05

*Note: Gary E. Smith has been appointed to the Commission (At-Large) as of February 10, 2005.

Current Activities (as of February 2005)

- Develop a report including a list of priority sites and projects, two-year action plan, and other recommendations for the County Council (to be submitted in March 2005).

APPENDIX E.3. SITES FOR FUTURE CONSIDERATION

The following sites are those that were listed in Category B “Limitations due to site constraints, hazards, and narrower public benefit” and a new Category F “Natural, Cultural Resources/ Subsistence” Some of the sites are also cross-listed in Appendix D as 2005 Priority Sites because they are of high interest to public members who participated in the community input process. However, because the boundaries of these sites are extensive and include a variety of natural, cultural, and recreational resources, preservation (such as limitations to use of sensitive areas), and active management of these sites (such as by community groups and land trusts) will need to be further discussed.

1. Hanapepe Valley
2. Kepuhi Point
3. Lawai Kai / Lawai Bay
4. Mahaulepu
5. Slippery Slides in Kealia
6. Stone Dam Reservoir
7. Waiakalua
8. Waita
9. Opaekaa Open Space
10. Puolo Point
11. Salt Pans
12. Salt Pond to Wahiawa Bay
13. Slippery Slides in Kilauea

APPENDIX F: ASSESSMENT CRITERIA FORM (SAMPLE)

APPENDIX F.

ASSESSMENT CRITERIA FORM (SAMPLE)

The following is a sample assessment criteria form that was used to review the benefits of expanding upon Poipu Beach Park. The assessment criteria are based upon examples of other criteria used nationally as well as carefully considered criteria developed by the Commission. The form will need to be improved and expanded in the future.

Page 1 provides a description of a site/parcel, including TMK of the parcel(s) of interest, location of parcels, ownership, state and county zoning, natural or other resources, and the type of project(s) being consideration (such as makai or mauka access). Page 2 provides a simple map locating parcels of interest and the status of parcels or projects relating to parcels. Page 3 provides the TMK (map). Please refer to Section 5.2.3. for a description of each criteria. Scoring for each suggested "project" is based on the following calculation:

Possible score for each subcriteria = 0 to 3

Total score for each criteria (%) = (sum of subcriteria / max possible score) * 100

Total score for entire assessment (%) = (sum of all criteria) / max possible score) * 100

2005 PRIORITY SITES AND PROJECTS

Working Assessment Form

Name of Site/Area or Project:	Poipu Beach Expansion
Location, Address, and/or TMK:	Poipu Beach Park (possible areas of expansion: (4) 2-8-017:005, 021, 006)
Landowner	:005 Gary and Joclyn Wampler; :021 Leah L. Felt Grandchild's Trust; :006 The Semler Group LLC
Development Plan District	Koloa-Poipu-Kalaheo

If site is on the 1991 Beach Access Inventory, what Category is it listed as? Check one:

E = Existing Public Access

P=Potential Public Access

D=Desirable Public Access

X=Excluded from Inventory

X

Check one:

Site is a potential makai access or trail

Site is a potential mauka access or trail

Site intended for access to a cultural site

Suggestion is for a project relating to the creation of open space or natural resources preservation.

X

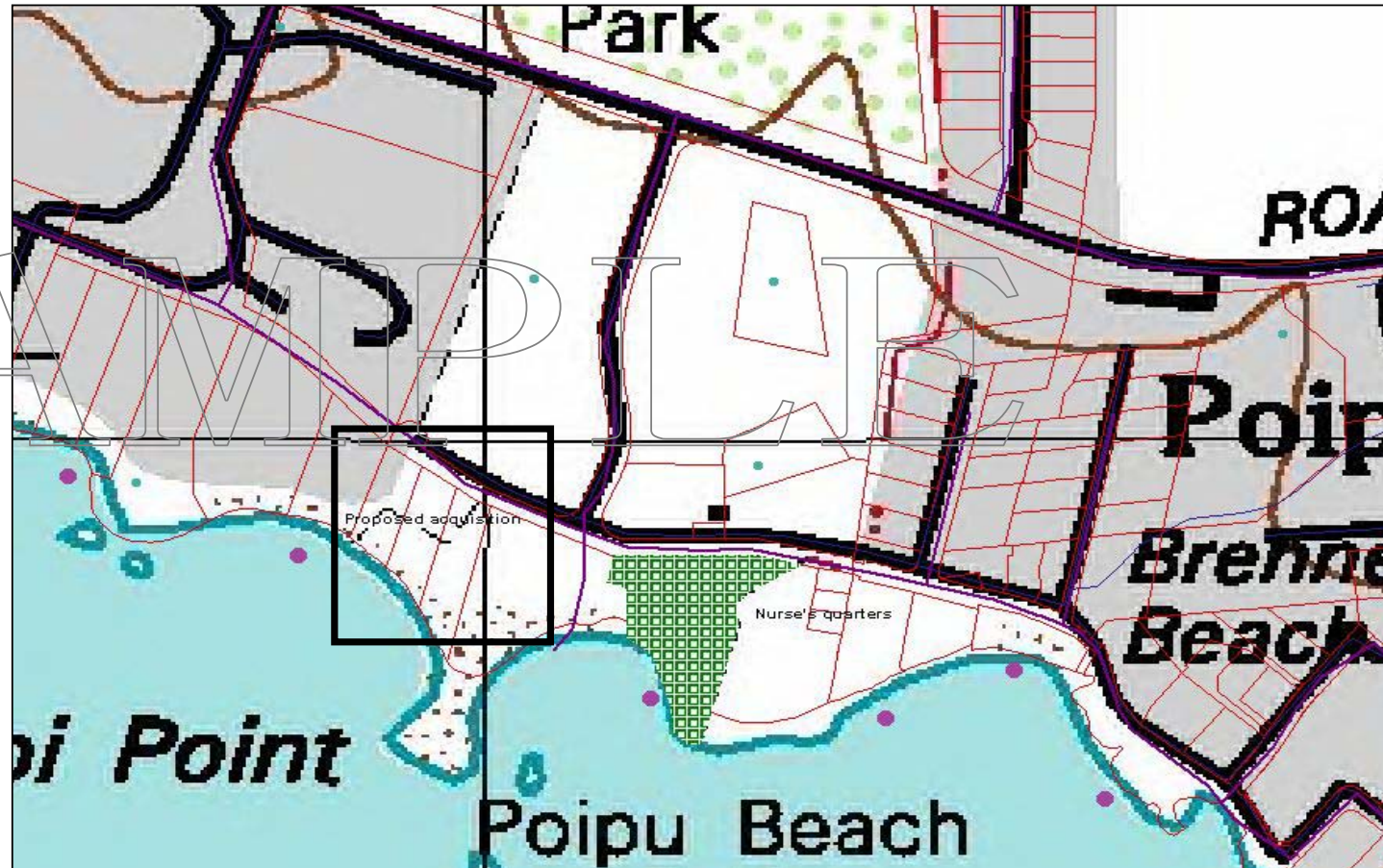
County Zoning	O
State Land Use	Urban
SMA	Yes
Flood Zone	Yes
Hazards/ Constraints	Unknown
Wetland	Yes
Arch	Yes
Coral Reef	Yes
Possible Cost	Unknown

Special Funding Opportunity	Yes
Public Currently Using	Park, yes

SAMPLE

Description

In anticipation of the new residences and resorts to be developed; and in consideration of high public use of the beach park, it would be advantageous to expand this beach park. Expansion of the beach park has been a continuing effort by the County. The Department of Public Works has currently budgeted for park expansion in their six-year Capital Improvements Project plan. NOTE: Parcels (4) 2-8-018:041-043 known as the "nurses' quarters" have already been acquired by the County.



DIRECTIONS FOR SCORING:

- Score subcriteria from 0 to 3 in left-hand box
- 0 = No
- 1 = Unknown (Needs more assessment/research)
- 2 = Somewhat (Site only partially meets this criteria)
- 3 = Yes

FOR EACH SCORE OF 1 TO 3 PLEASE EXPLAIN REASONING IN BOX BELOW SUBCRITERIA.

CRITERIA 1: Consistency with Chapter 6, Article 14 Public Access, Open Space, and Natural Resources Preservation Fund

Site or project will improve upon and/or allow for:

SCORE 0-3

3	Public outdoor recreation and education.
	The expansion of the beach park would provide for more recreation and outdoor education opportunities.
3	Protection of subsistence gathering areas.
	The beach and nearshore are still used for fishing and gathering of resources (i.e., limu, etc).
1	Preservation of historic or culturally important land areas and sites.
	There are known archaeological and cultural sites in and around the beach park area. It is not known whether the expansion of the beach park will positively or negatively impact these sites.
1	Protection of significant habitats or ecosystems, including buffer zones.
	It is unknown whether the expansion of the beach park will positively or negatively impact corals and other habitats, including nearshore ecosystems. The expansion of
3	Preserving forests, beaches, coastal areas and agricultural lands.
	The expansion of the beach park would preserve coastal areas from increased development if the additional parcels were acquired and not developed.
1	Protecting watershed lands to preserve water quality and supply.
	It is unknown whether the expansion of the beach park will positively or negatively impact water quality and supply.
2	Conserving land in order to reduce erosion, floods, landslides, and runoff.
	The expansion of the beach park may reduce coastal erosion associated with development. Design may be incorporated to conserve land to reduce flooding and runoff (of
3	Improved opportunity for the physically challenged to enjoy open space and natural resources.
	The expansion of the beach park would allow for more opportunity for the physically challenged to enjoy open space and natural resources.
70.8%	TOTAL SCORE FOR CRITERIA 1

CRITERIA 2: Promotes or is Consistent with General Plan Vision and Values

Site or project will improve upon and/or allow for:

SCORE 0-3

3	Protection, management, and enjoyment of open spaces, natural beauty, rural lifestyle, outdoor recreation, and parks.
	The expanded beach park would increase opportunities to manage and enjoy open space, etc.
2	Maintains rural environment of towns separated by broad open spaces.
	In anticipation of several large development projects in the Poipu-Kukuiula area, the expansion of the beach park may somewhat increase open space. However, the current "rural environment" of the area would not necessarily be maintained and may be negatively impacted by the beach expansion.
3	Connects and expands existing public spaces (such as the creation of "green corridors" or "greenpaths.")
	The expanded beach park would connect and expand upon the current beach park.
2	Serves to limit sprawl between existing communities.
	Acquisition [or other action] of the six parcels within or adjacent to the current beach park would limit possible sprawl that may result from the development of these parcels in the future.
2	Links open spaces through the establishment of trails.
	There may be opportunity for the establishment of trails through the beach park expansion. However to what degree, and where is unknown.
1	Perpetuates Kauai's community and rural character.
	Expansion of the beach park will increase traffic in area. Patrons to the park will most likely be tourist, and not locals.
3	Is in an area that is quickly losing access or is experiencing development pressure (there is a sense of urgency in preserving area).
3	Conserve fishing grounds and other natural resources for traditional gathering, subsistence, and agricultural activities.
3	Provision of access to and along shorelines (lateral access), waterways and mountains in a manner that preserves natural resources and the quality of sites for fishing, hunting, recreation and wilderness activities.
1	Preservation of cultural, historical, sacred, and archaeological sites
	Expansion of the beach park does not secure preservation of cultural, historical, sacred and archaeological sites.
76.7%	TOTAL SCORE FOR CRITERIA 2

CRITERIA 3: Is supported by the general public

SCORE 0-3

	2	Commission received testimony and/or letters of support for access to site or for project.
		The Commission received one (1) suggestion.
	3	The site meets a community need.
83.3%		TOTAL SCORE FOR CRITERIA 3

CRITERIA 4: Acquisition is feasible through existing funding or other mechanisms

SCORE 0-3

	3	There exists a special opportunity for acquisition (for instance, there is special funding or landowner is willing to participate in process)
		CIP monies, and perhaps other funding.
	3	Acquisition can be accomplished through partnering with other government agencies, private, or nonprofit entities (leveraging other resources)
		DPW CIP monies and other funding.
	1	Acquisition is likely to succeed using current funding and staff resources.
	3	Proposed action recommends method(s) to bring together multi-stakeholders toward resolving an access-related issue.
83.3%		TOTAL SCORE FOR CRITERIA 4

CRITERIA 5: The site or project is definable and reasonable

SCORE 0-3

	3	The physical location of site (such as parcel or easement) is known, or a feasible location for an easement can be identified on a site.
	2	The proposed easement for public access is at a reasonable distance from next public access easement.
	3	Long term maintenance is possible and may involve a commitment of stewardship from a community, nonprofit government, or individual
		Possible - continued maintenance of an existing, but expanded park, with a high percentage of use per day.
	1	The proposed project goals and action steps are clear, funding recommendations reasonable, and a general timeline is provided.
75.0%		TOTAL SCORE FOR CRITERIA 5

CRITERIA 6: Access or easement is already utilized, is a former access, or an access parking

SCORE 0-3

1	There are problems related to conveyance/recordation.
1	There are problems related to maintenance or enforcement or signage.
1	There are problems related to use of the access.
2	There are problems related to parking.
0	The site or access has not been surveyed for metes and bounds.
33.3%	TOTAL SCORE FOR CRITERIA 6

70.8%	CRITERIA 1: Consistency with Chapter 6, Article 14 Public Access, Open Space, and Natural Resources Preservation Fund
76.7%	CRITERIA 2: Promotes or is Consistent with General Plan Vision and Values
83.3%	CRITERIA 3: Is supported by the general public
83.3%	CRITERIA 4: Acquisition is feasible through existing funding or other mechanisms
75.0%	CRITERIA 5: The site or project is definable and reasonable
33.3%	CRITERIA 6: Access or easement is already utilized, is a former access, or an access parking
70.4%	TOTAL SCORE
70.3%	TOTAL SCORE

APPENDIX G: LISTS OF BEACH ACCESS SITES FROM THE
1991 KAUAI BEACH ACCESS INVENTORY
UPDATE

APPENDIX G

LISTS OF BEACH ACCESS SITES FROM THE 1991 KAUAI BEACH ACCESS INVENTORY UPDATE

- List 1 = Existing (Pages 1 –4)
- List 2 = Potential (Pages 5 – 6)
- List 3 = Desirable (Pages 7 – 8)
- List 4 = Excluded (Page 9)

The following lists of beach accesses are from the 1991 Kauai Beach Access Inventory. The list was developed by the Keith & Company for the County of Kauai in 1991.

FIELD	DESCRIPTION OF FIELD
ID	Identification number per ArcView 3.3 GIS database
Name	Name of beach access
Code	<p>Identification code per 1991 Kauai Beach Access Inventory</p> <p>“E” is “Existing” public access.</p> <p>“P” is “Potential” public access. These are accesses for which, in 1991, there were permit conditions of approval with provisions for public access to or along the shoreline, but that legal documents have not been executed or recorded; or there was a case in which a permit applicant had agreed to provide access but no legal documentation was required as a condition of permit approval. Refer to Inventory for description for specific sites.</p> <p>“D” is “Desirable” access. These are accesses which, at least up until 1991 (or even to today) were (or are) being used by the public with or without authorization or restriction, along with areas which would be desirable to obtain for public access.</p> <p>“X” is “Excluded” access. These are accesses which were recommended to be excluded from the Inventory for various reasons, such as hazards (natural or otherwise).</p>

LIST 1 - EXISTING PUBLIC BEACH ACCESSSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME(S)	2002 Owner
1	2 Polihale State P	E1.01	412002024		State
2	6 First Ditch	E1.04A	412002001	Nakeikei Elima Bch	State
3	7 Second Ditch	E1.04A	412002001	Nakeikei Elima Bch	State
4	8 Kekaha Bch Pk	E1.05	412002007		State
5	9 Kekaha Bch Res	E1.05A	413004001		State
6	10 Akepo Rd	E1.05B	413005030		Mark Hustace (road/parcel :001 is State owned)
7	11 Mamo Rd	E1.05C	413005044		Jeffrey Schwartz (road/parcel :050 is State owned)
8	15 Kikiaola Hrbr	E1.06	412006003		Kikiaola Land Co. (road/parcel :017 (harbor) is State owned)
9	18 Waimea Landing	E1.07	416007001		State (pier); access-way road/parcel :888 is owned by "various owners"
10	19 Moana Rd	E1.07A	416007003		Rosemary Miller Trust (road/parcel :999 is County owned)
11	20 Waimea Bch Res	E1.07B	416007004		State
12	21 Halepule Rd	E1.07C	416007004		State (road/parcel :999 is County owned)
13	22 Panako St	E1.07D	416006008		J. Okada Store, Inc. (road/parcel :999 is County owned; :888 may be State)
14	23 Lucy Wright Pk	E1.08	416006001	Waimea River Pk	State
15	24 Russian Fort	E1.09	417005003	Fort Elizabeth	State
16	28 Baldwin Monument	E2.01B	418008020		State
17	29 Salt Pond Pk	E2.02	418008043		State (executive order to County?)
18	30 Hanapepe Arprt/Lt	E2.02A	418008004	Puolo Lighthouse	State
19	31 Sharks Bay	E2.02B	418008009		State
20	32 Hanapepe Bch Pk	E2.03	419008001		State
21	34 Port Allen Hrbr	E2.04	421003010		State
22	35 Port Allen Pier	E2.05	421003006		State
23	36 Pt Allen Breakwt	E2.06	421003004		State
24	44 Spouting Horn Pk	E3.01	426003019		A&B Hawaii, Inc.
25	46 Kukuila Harbr	E3.02	426011012		State
26	48 Kalaekiki	E3.02	426012008		County
27	50 Boyden Pond	E3.04	426012001		Donald Donohugh
28	51 Lawai Beach	E1.04B	426005010		County

LIST 1 - EXISTING PUBLIC BEACH ACCESSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME(S)	2002 Owner
29	52 Beach House	E3.05	426005004		Metropolitian Mortgage (:011 owner is "The Beach House")
30	53 Kuhio Shores	E3.05B	426005014		Marion Esteb Trust
31	55 Holt / Abbott	E3.05D	426006003	Holt	County
32	56 Baby's Beach	E3.06	426006025	Waterhouse	Kokichi Isonage (:012 owned by Smith-Waterhouse)
33	57 Whaler's Cove	E3.06B	426007013	Hale Nani	Frederick Stevens
34	59 Sheraton Poipu	E3.08	428016003		Eric A. Knudsen Trust
35	60 Knudsen/Kiahuna	E3.08A	428016002	Kiahuna	Eric A. Knudsen Trust
36	63 Waiohai	E3.09	428017007		Marriott Ownership Resorts
37	62 Poipu Bch Pk	E3.10	428017001	Nukumoi	County
38	64 Brennecke's Bch	E3.11	428018020		State
39	67 Boskoff	E3.11C	428019010		Edmund Wong
40	70 Makahuena	E3.13	428020004	Poipu Makai	Robert & Gale Hoover (parcel :003 also Makahuena was deeded to the County in 8/95)
41	78 Niimalu Pk	E4.01	432002001		County
42	79 Nawiliwili Hrbr	E4.02	432003043		State
43	80 Nawiliwili Corn F	E4.02A	432003001		State
44	82 Nawiliwili Pk	E4.03	432004002		Marriott Kauai Ownership (parcel :003 is County owned)
45	83 Kalapaki Bch	E4.04	435002002		Marriott Kauai Ownership (parcel :003 is County owned)
46	85 Airt / Ninini	E4.05A	435001008	Ninini Point	State (parcels :008 & :028 are both State owned)
47	87 Ahukini Landing	E4.06	437002002		State
48	88 Hanamaulu Bch Pk	E4.07	437003008		County
49	91 Wailua Park	E5.02	439005001	Marine Camp/Wailuu GC	State
50	92 Wailua Golf Cour	E5.03	439002004	Lydgate Pk	State
51	93 Lydgate Bch Pk	E5.04	439006001	Wailua River State Pk	County
52	94 Wailua Bch Res	E5.05B	441005004		State
53	95 Wailua River	E5.04	439006001	Lydgate	County
54	96 Kapaa Sands	E5.05	441005999		Count (roadway)
55	97 Laenani	E5.06	443002010		Douglas Wilson
56	106 Waipouli Bch	E5.10	443007026	Niu Pia Farms	Niu Pia Farms Ltd

LIST 1 - EXISTING PUBLIC BEACH ACCESSSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME(S)	2002 Owner
57	111 Moana Kai Rd	E5.10E	445001999		County?; :001 owned by Beverly Brun Trust
58	112 Waikaea Canal	E5.11	445006001	Boat Launch Ramp	State
59	113 Kapaa Beach Park	E5.12	445002001		County
60	116 Crack 14	E5.12D	448003001	Anapalao to Laeokailiu	DHHL?
61	120 Anahola Bch Pk	E5.13	448014006		State
62	122 Poha Rd	E5.15	448007001	Poha Rd Access	DHHL
63	126 Aliomanu State L	E6.00C	448018028		DHHL
64	129 Kakuna Rd A	E6.01C	449004019		CL+2 Qtrip Trust
65	131 Papaa Kai	E6.02A	449005004		Ardel & Suzanne Deppe. (:011 Owned by Mandalay)
66	133 Moloaa Farms	E6.03	449009027		Moloaa Hui Lands Inc (parcel :027 no longer exists)
67	134 Moloaa Bch A	E6.04	449014016	Moloaa Bay	Moloaa Kai Partnership
68	135 Moloaa Bch B	E6.05	449014016	Moloaa Bay	Moloaa Kai Partnership
69	136 Larsen Bch	E6.06	451003003		Waioli Corp
70	140 S. Waiakalua	E6.07	451005049		David Whatmore
71	144 Wailapa	E6.08	451005015	Kilauea Beach	Clifford Coffin
72	146 Crater Hill/Lthse	E6.10	452004017	Kilauea Point NWR	US Lighthouse Service--Federal
73	148 Secret Bch	E6.11	452010035	Kaupea Bch 1	Howard & Joan Yamaguchi
74	153 Kailihwai Bay	E7.00D	453003029		State
75	157 Stallone's Anini	E7.01A	453004038	Rebecca Venture 1	Barbara Gamer Family Trust
76	158 Stallone's Anini	E7.01B	453006019	Rebecca Venture 2	Falko Partners, LLC
77	159 Stallone's Anini	E7.01C	453006019	Rebecca Venture 3	Falko Partners, LLC
78	160 Stallone's Anini	E7.01D	453004035	Rebecca Venture 4	Gary Schreyer Trust
79	161 Stallone's Anini	E7.01E	453004033	Rebecca Venture 5	Robert Prosser Trust
80	162 Anini Bch Pk	E7.02	453005010	Kailihikai Bch Wanini	County
81	167 Kaweonui Rd 1	E7.05	454013032		Louis & Ann Jensen Trust
82	171 Kapiolani	E7.06	454008049		County
83	174 Sheraton Princev	E7.09	454011004		Princeville Development Co.
84	176 Hanalei Plantati	E7.11	454004013	Club Med	Mirage Bay Associates
85	177 Hanalei Bch Pk	E7.12	455001004	Black Pot	County
86	178 Hanalei Pier	E7.12B	455001004	Hanalei Wharf	County
87	179 Hanalei Pavillio	E7.13	455002019	Hanalei Bch Pk	County
88	180 Weke Rd	E7.14	455002012		Kikiaola Land Co., Ltd.
89	181 Waioli Bch Pk	E7.16	455003021	Hee & Pine Trees	State

LIST 1 - EXISTING PUBLIC BEACH ACCESSSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME(S)	2002 Owner
90	182 Waioli Bch Pk	E7.17	455004002	Amaama Rd & Pine Trees	State
91	183 Waioli Bch Pk	E7.18	455005020	Anae Rd	State
92	188 Wainiha Bay	E7.21	458006030	Wainiha Bay Bch Pk	County
93	190 Haena 1	E7.22	458012008		John Neidlinger
94	192 Alamoo 1	E7.23	458008032		Melvin Hayashi Trustee
95	193 Alamoo 2	E7.24	458008012	Billy Jean King	Helena Santos, etal
96	194 Stallone	E7.24B	458009026	Alealea 2	County
97	195 YMCA Camp Naue	E7.25	458009025	Alealea 3	Blue Moon Land & Development, LLC
98	196 Haena 2	E7.26	459002026		Joseph & Anne McNally
99	198 Tunnels	E7.27	459002049	Haena 3	various owners
100	199 Haena 3B Rd E	E7.28	459002053		County
101	200 Haena Bch Pk	E7.29	459005019	Haena Pk	County
102	201 Cannons	E7.30	459003032	Haena 4/Haena Hui	County
103	203 Haena State Pk	E7.31	459008012	Kee Lagoon	State
104	204 Na Pali Coast Pk	E7.32	459001022	Na Pali Coast Trail	State
105	208 Puu Poa?	E7.08	454001004		County? (:011 owned by Paul Sprindt)

LIST 2 - POTENTIAL PUBLIC BEACH ACCESSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME	2002 OWNER
1	45 Hoban	P3.01B	426003017		Robert Hoban Trust
2	54 Prince Kuhio Par	P3.05C	426006001		Kaumuali Chapter III Order of Kamehameha
3	66 Rolland	P3.11B	428019011		Robert Rolland
4	71 Shipwreck's Bch	P3.14	429001002	Keonelo Bay / Hyatt Htl	Kawailoa Development
5	72 Hyatt Golf Cours	P3.15	429001001		Grove Farm Co.
6	75 Haula Bch	P3.17	429003005		Grove Farm Co.
7	90 Nukoli	P5.01	437002017		Pacific Standard Life Insurance Co.
8	98 Kauai Sands	P5.07	443002019		County
9	101 Pacific Holiday	P5.07D	443002015	Niu Pia Farms	Niu Pia Farms Ltd
10	102 Coconut Plantati	P5.08	443002020		Niu Pia Farms Ltd
11	103 Blackfield Hotel	P5.08B	443002016	Niu Pia Farms	Niu Pia Farms Ltd
12	104 Sheraton Coco Bc	P5.09	443007028	Sheraton Coconut Bch Htl	Niu Pia Farms Ltd
13	105 Blackfield Apt	P5.09B	443007027	Niu Pia Farms	Niu Pia Farms Ltd
14	107 Bull Shed Rst	P5.10A	443007011		Niu Pia Farms Ltd
15	108 Niu Pia Farms	P5.10B	443008001		Niu Pia Farms Ltd
16	109 Kapaa Shores	P5.10C	443009004		S. Otsuka Estate, Inc.
17	117 Anahola Bch Res	P512.E	448003026	Laeokaliu to Kahala	State
18	118 Kahala Lithse	P5.12F	448014001		US Lighthouse Service--Federal
19	119 HHL Kahala?	P6.12G	458014003		DHHL
20	121 Anahola HHL Res	P5.14	448010010		DHHL
21	123 Aliomanu HHL Bch	P6.00	448012001	Aliomanu Bch	DHHL
22	124 HHL Anah Res 3	P6.00A	448013009	Aliomanu A	DHHL
23	125 HHL Anah Res 4	P6.00B	448013009	Aliomanu B	DHHL
24	127 Oehlert Seawall	P6.01A	449004006		Albert Morgan Trust
25	128 Shepard	P6.01B	449004012		Anthony & Joan Shepard
26	147 Secret Bch	P6.10A	452004071	Kaupea Bch 2	Blazer Enterprises
27	164 Wylie Rd	P7.03	454005019		Princeville Development Corp.
28	165 Keoniana Pl	P7.04	454013023		Mary Lynn Moffitt
29	169 Aii Kai 1	P7.05B	454005016		Lyle & Linda Monro
30	172 Pali Ke Kua	P7.07	454012005		Lisle Trust, etal
31	173 Bali Hai	P7.07B	454012012		Princeville at Hanalei Com.
32	175 Hanalei Bay Rsr	P7.10	454011003		Chris & Clarice Weberg
33	185 Waikoko	P7.20A	456003002		Pamela Dohrman Trust

LIST 2 - POTENTIAL PUBLIC BEACH ACCESSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME	2002 OWNER
34	191 Alealea	P7.22B	458008034	Alealea 1	George Caras Trust (2004 owner is Burmeister Family Trust)
35	197 Haena 2 & 3	P7.26A	459002034		Gusher, LLC

LIST 3 - DESIRABLE PUBLIC BEACH ACCESSSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME	2002 OWNER
1	3 Majors -The Base	D1.02	412002013	PMRF	Federal
2	4 Rifle Range	D1.03	412002009	Kokole Pt	State (primary)
3	5 Drag Strip	D1.04	412002009		State (primary)
4	12 Wallwork	D1.05D	412013035		Republic Bank of California
5	13 Kikiaola Plice	D1.05E	412013031		Richard & Anne Brobyn
6	14 Knudsen Kekaha	D1.05F	412013001		KVH Partners
7	16 Waimea Dairy	D1.05A	412006003	Kikiaola Land Co.	Kikiaola Land Co.
8	25 Robinson Estate	D1.09A	417005001	N. Mahinauli Bay	Alice Robinson Estate
9	26 Pakala / Infinit	D2.01	417005001	Infinities	Alice Robinson Estate
10	27 Olokele - Pakala	D2.01A	417006001		Robinson Family Partners
11	33 Hanapepe Rvr Mth	D2.03A	421003005		State
12	37 Glass Beach	D2.07	421003004		State
13	38 Wahiawa Bay	D2.08	422001001		McBryde Sugar Co.
14	39 Camp 1	D2.09	422001001	Wahane Bay	McBryde Sugar Co. (major owner is A&B)
15	40 Kohaka	D2.10	422001001	Lokoawa Bay	McBryde Sugar Co. (major owner is A&B)
16	41 Palama's Pond	D2.11	422001001	Normilo (Numila?) Pond	McBryde Sugar Co. (major owner is A&B)
17	42 Allerton	D3.00A	426003020		McBryde Sugar Co. (major owner is A&B)
18	43 Lawai / McBryde	D3.00B	426003003		McBryde Sugar Co. (major owner is A&B)
19	49 McCaslin	D1.03B	426012006	Kalaekiki Point	Erickson Living Trust
20	58 Koloa Landing	D3.07	428015075		KVH Partners
21	62 Poipu Beach Htl	D3.08C	428017019		Latham Properties Inc.
22	63 Baldwin & Waiohai	D3.10A	428018038	Poipu Bch Pk Annex	County
23	65 Nihii Kai	D3.11A	428019016	Weiwei Bch	Nihii Kai Associates
24	73 CJM Stables	D3.15A	429001001		Grove Farm Co.
25	74 Mahaulepu /Gillian	D3.15	429003005		Grove Farm Co.
26	77 Kipu Kai	D4.00	434006012		Grove Farm Co.
27	86 LP Ahukini	D4.06A	437002001		Visionary, LLC
28	89 LP Hanamaulu	D4.08	437003001		EWM Kauai, LLC
29	99 Islander	D5.07B	443002013	Islander on the Bch	Niu Pia Farm, Ltd
30	100 Beachboy	D5.07C	443002014		Niu Pia Farm, Ltd

LIST 3 - DESIRABLE PUBLIC BEACH ACCESSSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME	2002 OWNER
31	110 Niulani St	D5.10D	443009054		Lilian Brewer
32	114 Kealia Bch	D5.12B	447003001		County
33	115 Donkey's Beach	D5.12C	447004006	7 Seas/ Crack 14	:006 no exist. :007 owned by County. :029 owned by Kealia Plantation.
34	130 Kakuna Rd B	D6.01D	449005016		Jenny Caruthers Trust
35	132 Papaa Bay	D6.02B	449006005		Richard Hill (Mandalay owns parcel :011 in 2004)
36	137 Waipake	D6.06A	451003006		Falko Partners, LLC
37	138 Kirkwood Trst	D6.06B	451004008		Pilaa 400 LLC
38	139 Pilaa	D6.06C	451004008		Pilaa 400 LLC
39	141 N. Waiakalua	D6.07A	451005048		Constance Fello
40	142 Kashoge	D6.07B	451005051	Elk Trust	Peter Day
41	143 Wailapa 2	D6.07C	451005016		Monte Zweban Trust
42	145 Kahili Quarry	D6.09	452004047		Kauai Mortgage Investors
43	149 Waikaama	D6.12	452010026	Puukaamo	Michael & Roxanne Klein
44	150 Kalihiwai Bay 1	D7.00A	453003067		Princeville Development Corp.
45	151 Kalihiwai Bay 2	D7.00B	453003024		Chauncey Pa, etal
46	152 Kalihiwai Bay 3	D7.00C	453003023		Lydia Amona
47	154 Kalihiwai Bay 4	D7.00E	453003068		Princeville Development Corp.
48	155 Kalihiwai Bay 5	D7.00F	453006002		Princeville Development Corp.
49	156 Kalihiwai Bay 6	D7.00G	453006015		Alan & Marsha Lindner
50	163 Kalihikai 1	D7.02A	453006013		Princeville Development Corp.
51	162 Kalihikai 2	D7.02B	453006003		Princeville Development Corp.
52	163 Kalihikai 3	D7.02C	453007014		Greg & Deborah Allen
53	166 Kaweonui Rd 2	D7.04B	454013031		Leslie May Thomas Trust
54	168 The Cliffs	D7.05A	454005039		Cliffs Management Group, Inc.
55	184 Waipa	D7.19	456004022		Kamehameha Schools
56	186 Nurse's Bch	D7.20B	456003002		Pamela Dohrman Trust
57	187 Lumahai Bch	D7.20C	457003003	Waikoko Bay	Kamehameha Schools
58	189 Haena 2	D7.21B	458012003		Joseph & Anne McNally, etal
59	202 Limahuli Stream	D7.30A	459008001		unknown (stream--public?)
60	205 Niihau Island	D0.01	411001001		Aylmer Robinson Estate

LIST 4 - EXCLUDED ACCESSES - From the 1991 Kauai Beach Access Inventory Update

ID	NAME	CODE	1991 TMK	OTHER NAME	2002 OWNER
1	Puukapele Bch Re	X1.00	412001001		State
2	Foster	X3.00	426011007		Eugene & Erin Kearney
3	Poipu Palms	X3.12A	428020041		Ira Henry Meyer
4	Alii Kai 2	X7.05C	454015016		Thomas Snyder
5	Lehua Island	X0.01A	411001002	Lehua Rock	Federal
6	Kaula Rock	X0.01B	411001003		State

**APPENDIX H: INFORMATION REGARDING THE STATUS OF
SITES FROM THE 1991 KAUAI BEACH ACCESS
INVENTORY UPDATED PROVIDED BY
COMMUNITY MEMBERS**

APPENDIX H

INFORMATION REGARDING THE STATUS OF SITES FROM THE 1991 KAUAI BEACH ACCESS INVENTORY UPDATE PROVIDED BY COMMUNITY MEMBERS

The following updates are for east Kauai (Kapaa area) and West Kauai (Mana to Waimea). This information was compiled by members of the public in 2003 toward an update of the 1991 Kauai Beach Access Inventory Update that was developed for the County by the Keith and Companies.

Beach Accesses- East Kauai.

Laura Marsh and Pat Tingley	Beach Access Walk-Throughs: August 2003
Updated: September 12, 2003	Eastside Beaches, Kauai
Current Access Status (C3089 Beaches per 4231993)	Co ID #'s: 5.01 to 5.15

C3089 Status & Co ID #:	Beach Accesses (Listed by Popular Name):	TMK #:	*Walk-Through Status Aug. '03:	Notes:
P5.01	Nukolii	4-3-7-03:17	E	Beach parking lot, restrooms, and direct access at south end. Signs at Radisson & Kauai Beach Villas say for Residents & Guests only.
E5.02	Wailua Park	4-3-9-05:1	E	Access area to park on beach.
E5.03	Wailua Golf Course	4-3-9-02:4	E	Beach Access at either end of GC and along beach fronting GC.
E5.04	Wailua River & Lydgate	4-3-9-06:1	E	Beach parking lot, restrooms, and direct access at Lydgate Park. Lifeguard on duty during day.
E5.05	Kapaa Sands	4-4-1-05:RW	E	Marked path near hedge.
E5.05B	Wailua Beach Reserve	4-4-1-05:4	E	Beach and river parking lots and direct accesses. Lifeguard on duty at beach during day. Per DLNR State gave area to County
E5.06	Lae Nani	4-4-3-02:10	E; & on TMK	Didn't see access path on grounds. Marked path bet LN & KS
P5.07	Kauai Sands SMA(M)95-1	4-4-3-02:19	Yes; Shared path?	Marked path bet. Lae Nani & KS. TMK lists Footpath for Ingress & Egress.
D5.07B	Islander No	4-4-3-02:13	Yes; Through lobby	Didn't see clear access path on grounds. Staff said public has lobby access.
D5.07C	Beachboy ?	4-4-3-02:14	E	Name chg: Kauai Coast Resort At The Beachboy; saw new access signs, concrete path & parking lot. Not on TMK Map.
P5.07D	Pacific Holiday Inc.	4-4-3-02:15	E	Empty Lot. Has concrete access path. <u>Need to list on TMK Map.</u> (Niu Pia Farms)
P5.08	Best Western Plantation Hale Suites	4-4-3-02:20	N/A	Formerly known as Coconut Plantation
P5.08B	Blackfield Hotel	4-4-3-02:16	Open Land	(Niu Pia Farms)
P5.09	Kauai Coconut Beach Hotel SMA(M)88-19	4-4-3-07:28	Yes	Formerly known as the Sheraton. Marriott Corp. is buying out the KCBH and eff. 9/03/03 present employees will be notified by Marriot about their job status. Marriot hopes to complete hotel renovations by 07/04. Need to list on TMK Map.
P5.09B	Blackfield Apartments SMA(M)94-9	4-4-3-07:27	Open Land?	No one (old timers) has heard of these apartments. Marta (at Marta's Boathouse) speculates that perhaps these apartments were located at one time on the 13 acre vacant land parcel across from Safeway.
E5.10	Waipouli Beach	4-4-3-07:26	E	
P5.10A	Mokihana/Bull Shed	4-4-3-07:11	Yes	Access via vacant land south and north of Mokihana/Bull Shed
P5.10B	Niu Pia Farms	4-4-3-08:1	Open Land	Time Share lot across from Safeway; will be required to have public beach access when developed. Easement in Favor of State of Hawaii chg to Co of Kauai.
P5.10C	Kapaa Shores	4-4-3-09:4	Yes	Access on south and north sides of bldg.
D5.10D	Niulani Road	4-4-3-09:54	Yes	Access via gravelled path on south side of house located at 960 Niulani Road
E5.10E	Moanakai Road	4-4-5-01:	E	
E5.11	Waikaea Canal	4-4-5-06:1	E	
E5.12	Kapaa Beach Park	4-4-5-02:1	E	
D5.12B	Kealia Beach	4-4-7-03:1	E	
D5.12C	Donkey Beach/7 Seas	4-4-7-04:6	E	
E5.12D	Var. Including "Crack 14"	4-4-8-03:1	E	
P5.12E	Anahola Beach Reserve	4-4-8-03:26	Yes	
P5.12F	Kahala Lighthouse	4-4-8-14:1	Yes	This area most probably is known/used by locals. Road leading to it is very narrow with deep ruts in a lot of places. Not safe in my opinion
P5.12G	HHL Kahala Point	4-4-8-14:3	Yes	This area most probably is known/used by locals. Road leading to it is very narrow with deep ruts in a lot of places. Not safe in my opinion
E5.13	Anahola Beach Park	4-4-8-14:6	E	
P5.14	Anahola HHL Beach Reserve	4-4-8-10:10	E	This whole area is most probably used almost exclusive by locals.
E5.15	Poha Road	4-4-8-07:Po	E	

* E= Existing (All "E" on C3089 still accessible, plus new access paths added as noted); P= Potential; D= Desirable; X= Excluded; Yes= Accessible.

								Polihaile – Waimea	
ID NO	TMK	Name	Current Standing						
E1.04A	4-1-2-02:24	Polihaile State Park	E	State Beach Reserve and is recorded as such					
D1.02	4-1-2-02:13	Majors, The Base, PMRF	E	Entry allowed Fri-Mon. 6am-6pm Government Leased land from the Territory of Hawaii					
D1.03	4-1-2-02:9	Rifle Range- Kokole Point		Rifle Range is open only if there is no live fire practice in operation. Kokole Point is no access					
				There is a locked gate					
D1.04	4-1-2-02:9	Mana Drag Strip		This is considered 2nd ditch and is open 7 days a week to the public.					
E1.04A	4-1-2-02:1	1st & 2nd ditch- Kekaha		No easement documents at this time					
E1.05	4-1-2-02:7	Kekaha Beach Park	E	State Park- recorded as such					
E1.05A	4-1-3-04:1	Kekaha Beach Reserve	E	State of Hawaii - recorded as such					
E1.05B	4-1-3-05:30	Akepo Rd.-Kekaha		25 ft easement in favor of St. of Hi from Akepa-Mamo Rd.					
E1.05C	4-1-3-05:44	Mamo Rd.- Kekaha		see above					
D1.05D	4-1-2-13:35	Wallwork- Kekaha	D	Have but not certified					
D1.05E	4-1-2-13:31	Kikiaola Place- Kekaha	D	same as Wallwork					
D1.05F	4-1-2-13:1	Knudsen Kekaha	D	same as Wallwork					
E1.06	4-1-2-06:3	Kikiaola Small BoatHarbor	E	county facility for public use 7 days					
D1.06A	4-1-2-06:3	Waimea Dairy		Resort zoned and pending plans for development					
P1.06B	4-1-6-08:4	Waimea Cottages		same as above					
E1.07	4-1-6-07:1	Waimea Landing	E	Public pier for fishing- St. of Hi					
E1.07A	4-1-6-07:3	Moana Rd- Waimea town		ends at St. of Hi Beach Reserve					
E1.07B	4-1-6-07:4	Waimea Beach Reserve	E	St. of Hi					
E1.07C	4-1-6-07:4	Halepule Rd- Waimea		ends at St. of Hi Beach Reserve					

E1.07D	4-1-6-06:8	Panako St. - Waimea		blocked only for high tide runoff through town-can walk through
E1.08	4-1-6-06:1	Lucy Wright Park-Waimea	E	runs into Beach Reserve
E1.09	4-1-7-05:3	Russian Fort- Waimea	E	St. of Hi

APPENDIX I: THE KAUAI BEACH ACCESS GIS PROJECT

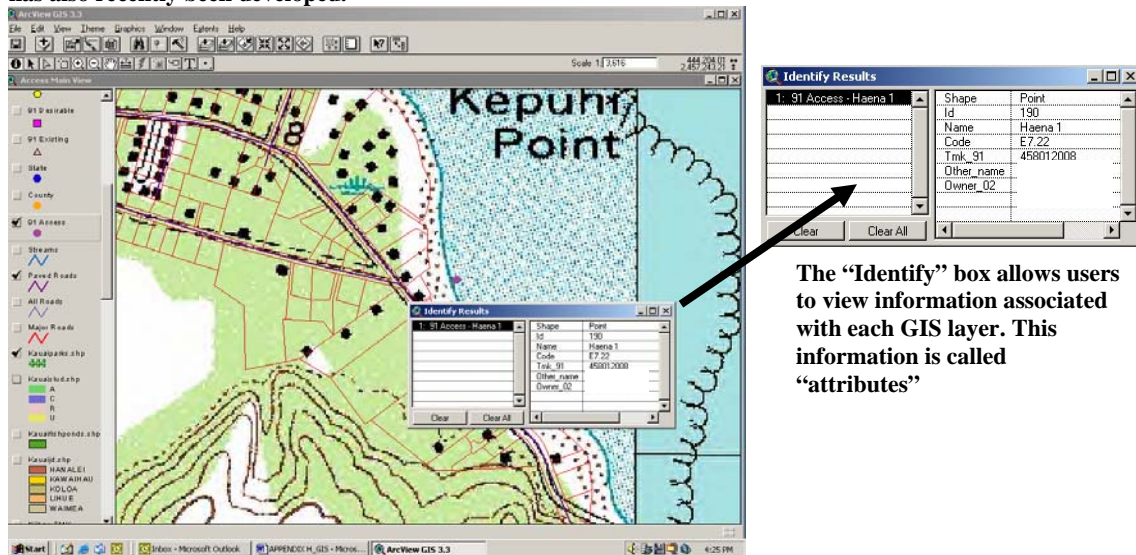
APPENDIX I.

THE KAUAI BEACH ACCESS GIS PROJECT

The Kauai Beach Access GIS Project was initiated in October of 2004. The intent of the project was to begin the process of updating the 1991 Kauai Beach Access Inventory Update ('91 Inventory) prepared by the Keith & Companies for the County of Kauai, and to demonstrate the applicability of Geographic Information Systems to the Program.

Information regarding the [approximate] location of access points (makai-end) were obtained from the the '91 Inventory. Tax Map Key (TMK) information from the '91 Inventory was also utilized to identify location. However, since the Inventory is over ten years old, some of the TMK numbers no longer exist, as some parcels have merged or subdivided and new numbers assigned. Therefore, 2002 TMK digital data created by GDSI for the County of Kauai was used in conjunction with information from parcel files, and status descriptions from community members and long-time staff to find the best location for points.

ArcView-based Kauai Beach Access GIS Project. An ArcMap (Arc8) project has also recently been developed.



The "Identify" box allows users to view information associated with each GIS layer. This information is called "attributes"

In addition to beach access points and TMK data Program staff reposits fifty-two (52) other GIS data layers. All information is publicly accessible except for information regarding the beach access layers and satellite imagery. However, only a person knowledgeable of GIS, associated software, and in particular, *Metadata* should attempt to conduct analysis using GIS.

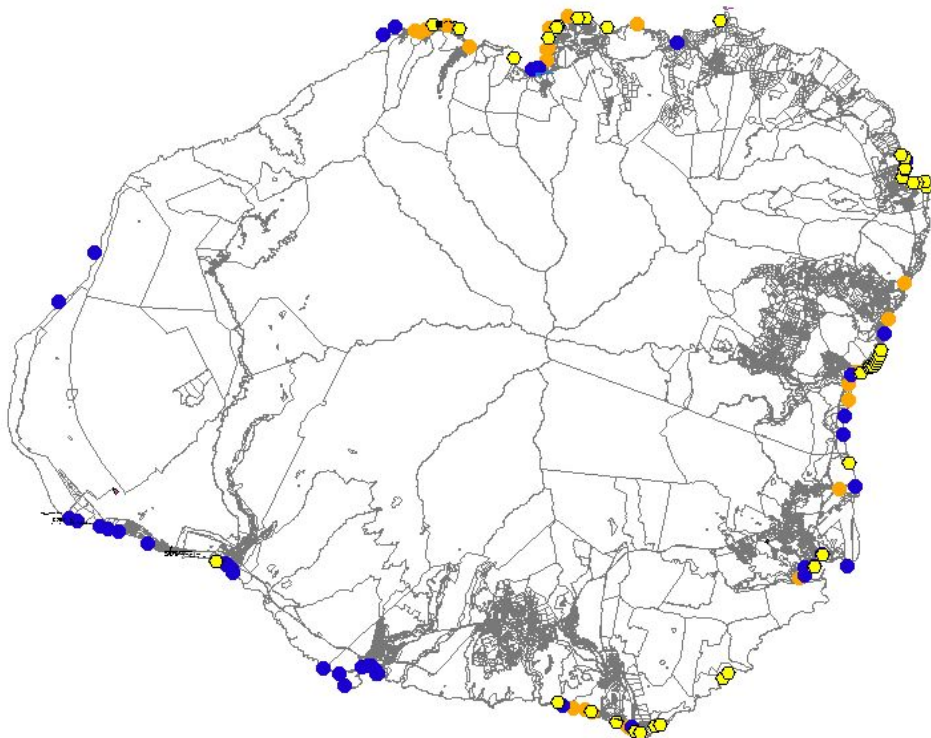
Availability of Beach Access Data

Although much work has already been accomplished in the development of the GIS Project, beach access data will not be available until it can be updated and validated. The beach access data will need to be validated through surveying of metes and bounds and

ground-truthing such as of resources and hazards near accesses. As mentioned, data for beach accesses represent the approximate *mauka-end* of an access-way; each access is depicted as a *point* on the map. In order for the GIS data to be valid accesses should be depicted as *lines*. These line “shapefiles” should match the actual ground location of accesses and provide information regarding hazards, type and limitations of use, current ownership, and other information necessary for long-term management of accesses.

Please note that the continued update of the Project is dependent on staff that is capable of using and analyzing GIS data, as well as time and funding for surveying and ground-truthing. The passage of House Bill 760 may provide one venue for acquiring surveyed information or funding to perform surveys.

The graphic below, which was generated using the Beach Access GIS Project, depicts existing County and State beach accesses and “potential” accesses island wide.



The following is a list of GIS layers in shapefile and imagery format reposted by the Public Access, Open Space, and Natural Resources Preservation Fund Commission.

- 1 3-Mile State Nautical Boundary
- 2 Agricultural Land Use Maps (ALUM)
- 3 Agricultural Lands of Importance to the State of Hawaii (ALISH)
- 4 Aquifers-DOH
- 5 Archaeology
- 6 Bathymetric Contours 600-foot/100-fathom
- 7 1991 Beach Access Points
- 8 Class Waters-A/AA
- 9 Coastal Names
- 10 Coastlines
- 11 Coral Reefs
- 12 Dams
- 13 Digital Ortho Quarter Quads (DOQQ)
- 14 Digital Raster Grids (DRG)
- 15 Ditches
- 16 Elevation Contours-200-foot
- 17 Enterprise Zones
- 18 FEMA Flood Insurance Rate Maps (FIRM)
- 19 Fire Response Zones
- 20 Fisheries Management Areas
- 21 Fishponds
- 22 Government Owned Lands
- 23 Harbors
- 24 Hillshade-Kauai
- 25 Hillshade-Niihau
- 26 Hunting Areas
- 27 Islets
- 28 Judicial Districts
- 29 LandSat (Satellite Imagery of Land Cover)
- 30 Marine Managed Areas
- 31 Na Ala Hele Trails
- 32 Parks
- 33 Public Schools
- 34 Recreation-General Zones
- 35 Recreation-Special Zones
- 36 Recreation-Subzones
- 37 Recreation-Zones

38	Reserves
39	Roads-Major
40	Roads-Other
41	Special Management Area
42	State Land Use Designation 2000
43	Streams-Aquatic Resources
44	Streams-Cultural
45	Streams-Perennial
46	Tax Map Key 2002
47	Traffic Analysis Zones
48	Tsunami Evacuation Zones
49	Water Quality Monitoring Sites
50	Watersheds
51	Wetlands
52	Whale Sanctuary
53	Zip Code Boundaries
54	Zoning 2002

APPENDIX J: LIST OF ACRONYMS

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LIST OF ACRONYMNS

CZO	Comprehensive Zoning Ordinance
CZM	Coastal Zone Management
DHHL	(State) Department of Hawaiian Home Lands
DLNR	(State) Department of Land and Natural Resources
DOFAW	Division of Forestry and Wildlife
OCCL	Office of Conservation and Coastal Lands
DPW	(County) Department of Public Works
HRS	Hawaii Revised Statutes
KPLT	Kauai Public Land Trust
NOAA	National Oceanic and Atmospheric Administration
CELCP	Coastal and Estuarine Lands Conservation Program
OCA	Office of the County Attorney
PAOSNRPFC	Public Access, Open Space and Natural Resources Preservation Fund Commission (Open Space Commission)
SMA	Special Management Area
TMK	Tax Map Key

APPENDIX K: WORKING DEFINITIONS AND TERMS

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The following are “working definitions and terms.” This means that the Commission at least agreed on these definitions and terms for the development of this report. It will be ideal to pursue a community-based project to fully define “access,” “public access,” “open space” and “natural resources preservation” for the County. The Commission will be adding more definitions as it continues its work.

Access:

A way or means of approach to provide vehicular or pedestrian physical entrance to a property and/or open space.

Based on Moskowitz, Harvey S. & Carl G. Lindbloom. 1993. *The New Illustrated Book of Development Definitions*. Rutgers, The State University of New Jersey.

Open Space:

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Taken from Moskowitz, Harvey S. & Carl G. Lindbloom. 1993. *The New Illustrated Book of Development Definitions*. Rutgers, The State University of New Jersey.

(1) Unbuilt or predominantly unbuilt land serving the following purposes: (a) conservation of land and its resource features; (b) ecological protection; (c) park and recreation purposes; (d) historic and/or scenic purposes; (e) shaping and guiding urban form; (f) enhancement of community values and safety; (g) maintenance of options for the future. (2) Land and water areas which are retained in essentially undeveloped state on a permanent or semipermanent basis.

Taken from Scharwz, Charles F., E. Thor, and G. Elsner. 1976]. *Wildland Planning Glossary*. Pacific Southwest Forest Range Experiment Station, US Forest Service General Technical Report PSW-13/1976.