

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

**2014  
STATUS REPORT  
TO THE KAUA'I COUNTY COUNCIL  
AND MAYOR BERNARD CARVALHO, JR.**



**January 1, 2015**



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

Joseph Figaroa, Chair  
Pat Gegen, Vice Chair  
Dorothea Hayashi  
Linda Dela Cruz  
Theodore Blake  
Randall Blake  
Karen Ono

VACANCIES:  
At-Large – Mayoral appointee  
At-Large – Council appointee

Administrative Support:  
Planning Department Staff



## Summary

The Public Access, Open Space, and Natural Resources Preservation Fund (the “Fund”), was established in 2002 by County Charter Amendment. The Fund receives a minimum of one and one half percent (1.5%) enacted in 2012 by Ordinance No. 936 of the County’s annual certified real property taxes. The Fund accumulates and can neither lapse nor be utilized for other purposes. No more than five percent (5%) of the Fund may be used for administrative purposes. Purposes for which the Fund can be used are outlined in the 2002 Charter Amendment.

## Status of the Fund

The Fund’s current balance for 2014 is **\$4,936,686**.

## 2014 Year in Review

### Accomplishments

The Commission was hoping that this year would have provided many more results than it has. It’s “Call to Action” as cited in its annual 2011 report noting significant changes in the Commission’s role and direction with real measures to improve its effectiveness, it’s utilization of the dossier process noted in its annual 2013 report process, protocol and timing still remains a struggle.

The Commission continues to seek for better communication regarding prioritization and routing of their communications between Planning Department, Administration and County Council. Seeking a more streamlined process that allows communication to be transmitted as requested with the support of the Planning Department and getting to the final destinations without being intercepted or delayed. 2015 will be the year to have this all come together allowing the Commission to fulfill its duties and responsibility of their ordinance in putting forth recommendations best utilizing the Fund.

- **Access to Kukui’ula Bay through the Former Hoban Property (Kōloa District).**
  - The Commission recommended on January 23, 2014 that the County pursue access to Kukui’ula Bay including condemnation if necessary.
- **Review Process – Planning Commission applications involving potential access comes to Commission for input.**
  - The Commission reviewed two (2) proposed accesses that were referred from the planning commission to be vetted for input of support or recommendation.
    - Proposed Waipake subdivision.
    - Kaena Point subdivision.

Members of the Commission visited these properties and were satisfied that the developers had met the requirements for access. Having this element added for input of this Commission connects their mission and that of the Planning Department.

- **Seeking Willing Land Owners.**
  - Recently a few properties with willing landowners have been identified – the Commission has prepared “Acquisitions Plans” and is planning onsite visits of these parcels for possible recommendations.
  - Commission continues its support for nonprofit organizations and remains a forum as a willing partner for potential acquisitions.
  
- **Challenging potential and existing Accesses.**
  - Working on accesses near Kilauea falls and Rock Quarry Beach.
    - Conditions as approved by Planning Commission for development developing a better system for tracking that keeps the Commission involved wherever potential or existing accesses maybe or are affected to ensure that applicants fulfill the conditions as outlined and that these accesses are tracked and become part of the Kaua‘i Access Inventory.

## **Challenges**

While Commission has had its full 9-member Commission, quorum for a few months have been challenging to keep its current meeting schedule of two (2) meetings per month. In its last meeting of 2014, the Commission has been asked to consider one (1) meeting per month created by this Commission in its Rules of Practices and Procedures with the ability to schedule a second meeting during any month should the Commission feel is needed.

Its public input process and getting community involvement continues to be another challenge. The Commission continues to strategize with different avenues to engage the public and encourage public participation such as a booth at the Kaua‘i County Farm Fair in 2013.

- Commission vacancy (Mayoral).
  
- Public input process.

## **Future goals and Objectives**

Since the Funds creation in 2005, the Commission can still only account for one (1) acquisition for the Black Pot Beach Park Expansion (Hodge Property) – Hanalei District. While the commission continues to put forth recommendations in its biennial reports, none are at the point of acquisition. Its recommendations listed in their 2013 Annual Report and much of its recommendations continue to present its challenges with regards to acquisition as each holds some type of unresolved dispute that have proven

to be a hardship. The Commission strongly supports its theory of collaboration and partnerships with nonprofits or community involvement as that is what brought the “Black Pot” purchase to fruition with the organization and outsourcing of funds managed by Kaua’i Public Land Trust now known as Hawaiian Islands Land Trust and will continue to reach out to these organizations.

- **Goals:**

- Acquiring more lands for public access.
- Acquiring more lands for preservation.
- Improve public input process.
- Address unresolved public access issues.

- **Objectives:**

- Continue discussion on Salt Pond Beach Park Expansion (Mauka and West) Waimea District and whether a buffer area for protection of Hanapepe Salt Pans could be acquired.
- Investigate issues relative to Council Resolution No. 2012-59 concerning current access to Papa’a Bay and determine whether it would be feasible to open an additional beach access in conjunction with current accesses from the State lot from the West and County easement from the East.
- Kaneioulouma Heiau Complex Preservation Area Expansion (South) Kōloa District. TMK (4) 2-8-017; 016- 0001; 0002; 0003. This parcel is adjacent to County owned land and is part of the culturally significant heiau. The public lands are covered under the County of Kaua’i Adopt a Park agreement with Hui Mālama of Kaneioulouma for the stewardship of the heiau. The parcel’s zoning is Open Special Treatment – Cultural (ST-C) and Open Special Treatment – Public (ST-P). To acquire the land lease or other encumbrances or purchase the fee to expand, restore, interpret and protect this important cultural place.
- Kīlauea Falls potential access – Charles Somers TMK (4) 5-2-012:035 and SMA Use Permit SMA (U) 2008-5 Use Permit U-2008-4 Class IV Zoning Permit Z-IV-2008-6 pending conditions of approval – Planning Commission, identification of existing County of Kaua’i owned P1 pedestrian easement and improvements to Kahili Quarry Road, Kīlauea.
- CGB/Evslin (Waimea District) – Lee A. Evslin Trust and Monica C. Evslin Trust TMK: (4) 1-3-005:053 - 8808 Kaumuali’i Hwy. This parcel has previously been on the Commission’s recommendation list in 2009 and

2007-2008 and is the first recommendation utilizing the Willing Land Owner concept. Dr. Lee A. Evslin came before the Commission in October presenting the support and willingness to work with the Commission on acquisition. The Commission is currently working on an Acquisition Plan for recommendation to County Council and Administration for consideration. Purchase price is \$1.2M.

This parcel is 1.369 acres and is County- zoned Open District. Parcel has sparse growth of grasses covering most of its surface with kiawe trees on its mauka border and has historical value of a former fishpond. Purchase would provide public shoreline access, cultural site protection and preservation of open space. An Environmental Survey was completed by the landowner in 2009 (copy of the report is available).

- Development and streamlining of communication protocol between Commission, Administration and Council.