

Alternative Funding Mechanisms for Acquisition, Improvement and Maintenance of Shoreline Public Access

Prepared for:



Prepared by:



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Revised Appendix B May 2015

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EXECUTIVE SUMMARY

The legislature finds that miles of shorelines, waters, and inland recreational areas under the jurisdiction of the State are inaccessible to the public due to the absence of public rights-of-way; ... and that the absence of public access to Hawai'i's shorelines and inland recreational areas constitutes an infringement upon the fundamental right of free movement in public space and access to and use of coastal and inland recreational areas (HRS § 115-2).

Surrounded by ocean, Hawai'i's legislature and courts have favored a public policy "extending to public use and ownership as much of Hawai'i's shoreline as reasonably possible" (County of Hawai'i v. Sotomura, 55 Hawai'i at 181). Since Hawai'i's law clearly establishes the area makai of the shoreline as held in the public trust, the inland extent of the defined shoreline determines the area open to lateral public access *along* the shoreline. Various legal doctrines establish the public's right of access *to* the shoreline. Where those pre-existing legal rights to public access do not exist, public acquisition of those rights is usually necessary.

This report focuses on alternative means to finance the acquisition, improvement, and maintenance of both mauka-makai and lateral accessways so that the public can access the shoreline from the nearest public road and move along the shoreline continuously. With the right and privilege of public access comes responsibility, meaning that *acquisition* is only the beginning, and that appropriate *improvement* and *maintenance* is imperative to ensure stewardship of the coastal resources and public safety.

Based on research and input from an advisory committee representing government, nonprofit, and community interests, the recommendations are based on the following findings:

- *Existing Statutory Framework for Public Access (Section 3, page 5).* There is a solid statutory framework established by Hawai'i Revised Statutes (HRS) Chapters 115 (Public Access to Coastal and Inland Recreational Areas) and 198D (Hawai'i Statewide Trail and Access System) that provides:
 - A definition of "access" (an easement or way where the public has the right to travel to reach the shoreline or transit along the shoreline);
 - Eminent domain authority in the State and counties for public access purposes;
 - State and counties' right to regulate the public's use of accesses to protect public safety and the integrity of the trail and resources;
 - Government's responsibility to maintain an inventory of trails and accesses;
 - Liability management through State tort immunity, indemnity agreements by the State to defend and indemnify owners of public or private land, legal research assistance by the State Attorney General's office; and
 - Enforcement power and responsibility for the State to remove obstructions blocking public access.
- *Existing Status of Shoreline Public Access (Section 4, page 11).* The State and each county have developed an inventory of existing shoreline access. Some of the inventories include only existing accesses open to the public, while other inventories include both existing and desired

accesses. There are no clear standards establishing the required or desirable intervals between mauka-makai accesses or where continuous lateral access may be desirable.

- *Funding Sources (Section 5, page 15 and Appendix C).* Increasing numbers of visitors are attracted to Hawai'i by the beaches and shorelines, but the amount of funding from the transient accommodation tax (TAT) dedicated to public access acquisition, improvements and maintenance has decreased. This report compiles over 70 existing and alternative funding sources, examples, and ideas from Hawai'i and elsewhere to acquire, improve, and maintain public access.

The Funding Plan (Section 6, page 17) in this report recommends the following:

- Organize a Forum consisting of state, county, and other interest groups (e.g., the Marine and Coastal Zone Advocacy Council, Nā Ala Hele Council representatives) to coordinate and champion shoreline public access acquisition, improvements, and maintenance. The Office of Planning would lead and support the Forum administratively and technically through various Coastal Zone Management (CZM) funding sources.
- Develop shoreline access plans to visualize a desired public shoreline access network of mauka-makai and lateral accessways interconnected among the county, State Nā Ala Hele, Federal (e.g., Ala Kahakai), and applicable private inventories. Include criteria, standards, and priorities for acquisition, improvements, and maintenance. Seek funding through various CZM sources and encourage peer review of these plans through the Forum.
- Bolster and realign existing funding sources as follows:
 - Redefine the HRS § 115-7 funding source by (a) dedicating the use of the funds to support shoreline access; (b) authorizing the use of the fund for acquisition, improvements, and/or maintenance; (c) appropriating seed money for the fund and providing annual or periodic appropriations to replenish the fund; (d) assigning DBEDT to oversee the fund; and (e) removing the county match requirement. Allocations of the fund should either be in the form of a low-interest loan or a standard, base grant to each county combined with a low-interest loan (as needed) beyond this baseline.
 - Restore TAT allocation for trail and accesses but direct the appropriation to the redefined HRS § 115-7 fund (previously deposited to Special Land & Development Fund) (HRS § 237D-6.5);
 - Alternatively or additionally, amend the statute relating to the Hawai'i Tourism Authority's natural resources grants to make counties or non-profits eligible to apply for and use the funds for acquisition, improvements, or maintenance of shoreline public access (HRS § 201B-11(c)(2));
 - Through the Forum, annually recommend to State Department of Transportation an allocation of Transportation Alternatives Program funds coordinated among the State and counties for acquisition or improvement projects;

- Through the Forum, coordinate with the Legacy Land Conservation Program and State Parks to take advantage of available grants and leverage those grants with other funding sources for major acquisitions or improvements.
- Seek DLNR support:
 - To assist the Forum with inventories, liability research, and enforcement to the extent provided in HRS Chapter 198D;
 - To promote indemnity agreements with the counties for public access.
- Seek Corrections Division support:
 - To formalize a reintegration program that would be consistent for all jails specifying the types of work, compensation (if any), and scheduling procedures;
 - To coordinate with the government labor unions to ensure that the specified work does not conflict with the Konno rule;
 - To facilitate documentation for in-kind contributions.
- Clarify mandatory dedication requirements through the Forum with assistance from the Attorney General as needed:
 - Whether the counties can impose in-lieu fees for subdivision and Special Management Area (SMA) permit applicants who are not required to dedicate;
 - Whether the counties can impose dedication or in-lieu fee requirements upon activities that are “not development” under the SMA definition.
- Explore feasibility through the Forum of alternative new funding sources:
 - User fees to fund improvements and/or maintenance;
 - Use of Adopt-A-Park or “Friends of” formalized agreements to keep user fee revenues place-dedicated;
 - Optional or opt-out donation programs by hotels, restaurants, or other vendors;
 - Special grants available for rail to trail conversions;
 - Fees and surcharges on special ticketed events, licenses, or other fees;
 - Special district financing.
- Manage liability by:
 - Requesting through the Forum indemnity agreements from the State as appropriate;
 - Lobbying for county tort immunity based on responsible public health and safety improvement standards.

The report contains more detailed explanations of the recommendations and is organized by sections addressing a suggested collaborative system, acquisition, improvements, and maintenance. Each section sets forth principles, recommendations, and detailed explanation of applicable funding sources. Hypothetical case examples are included to suggest how the recommendations might be implemented (Section 7, page 45).

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- Appendix E: City & County of Honolulu Adopt-a-Park Agreement

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1 STUDY OBJECTIVE

The public trust doctrine in Hawai'i establishes the public's right to use the area makai of the "shoreline."¹ A 2006 Hawai'i Supreme Court case made it clear that the shoreline cannot be solely defined by the vegetation line, which can be artificially extended by irrigation, but rather it is the highest wash of the waves at high tide in winter that may be evidenced by the debris line.² This shoreline definition establishes the public's right to lateral access makai of the shoreline. For mauka-makai access to the shoreline from the nearest highway, the public's access rights can be established through legal rights or permit conditions in some cases; however, usually the only recourse is to purchase the access rights. The traditional funding sources—the state or county general funds—are a diminishing source for acquisition, improvements, and maintenance. With the likelihood that general funds will continue to be scarce, the objective of this study is to be a positive force for public access by identifying new and creative techniques to finance not just acquisition, but the needed improvements and maintenance for safe and responsible access.

¹ See Appendix A for a summary of Hawai'i's case law defining the shoreline and the area makai of the shoreline as being in the public trust.

² *Diamond v. State of Hawai'i*, 112 Haw. 161, 145 P.3d 704 (2006) ("Diamond I"). In January 2014, the Hawaii Supreme Court reaffirmed *Diamond I* and further held that BLNR must consider historical evidence in determining the upper wash of the waves (*Diamond v. Dobbin*, SCWC-30573, 27-JAN-2014 ("Diamond II"). For a scientific determination of "highest wash of the waves," see Vitousek, S. and C. Fletcher, October 2008. "Maximum Annually Recurring Wave Heights" in *Pacific Science v. 2*, no: 4:541-553.

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2 METHODOLOGY

The identification of pertinent existing and innovative financing alternatives evolved from the following process:

1. *Formed an Advisory Committee.*

The Advisory Committee's purpose was to provide input on access issues and to test the efficacy of various financing alternatives. Target members of the Committee included representatives from the Nā Ala Hele State of Hawai'i Trail and Access Program; Hawai'i Tourism Authority; Marine and Coastal Zone Advocacy Council (MACZAC); county planning, finance, and parks and recreation departments; land trusts; and community trails groups. Ultimately, eighteen people, representing all four counties, several state agencies, and nonprofits, agreed to be a part of the Committee (see Appendix B for a complete list of members). The Committee met four times over the course of this project, with the purpose of each meeting as follows:

- Meeting #1 (November 1, 2013) – Develop framework of issues
- Meeting #2 (January 24, 2014) – Review alternative financing techniques
- Meeting #3 (March 21, 2014) – Review funding principles and recommendations
- Meeting #4 (May 22, 2014) – Review draft report

2. *Compiled available inventories of public access for each county to get a sense of the existing situation and possible issues.*

Geographic Information Systems (GIS) data on the availability and features of shoreline public access sites were compiled from the four counties. See Section 4.1 for a description of the attributes of each county's access database. In addition, a detailed study of the existing framework for public access in the state is included in Section 3.

3. *Compiled existing and alternative financing methods to acquire, improve, and/or maintain public accessways.*

Existing and alternative financing methods were researched in various ways –review of legal documents; review of state, county, and federal websites; and discussions with contacts involved in disbursing the funding source. See Section 5 for a summary description of the existing and alternative financing methods researched during this project and Appendix C for a complete list of financing sources and examples.

4. *Based on input from the Advisory Committee, developed suggested financing principles to guide the selection of applicable and appropriate financing methods.*

The authors of this report developed a funding plan, which was reviewed and vetted by the Advisory Committee at their third meeting in March 2014. See Section 6 for the funding plan that incorporates the Advisory Committee's suggestions with the recommended financing methods for shoreline access acquisition, maintenance, and improvements.

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3 EXISTING STATEWIDE FRAMEWORK FOR PUBLIC ACCESS

Two prescient statutes together form an unheralded but potentially effective foundation for a comprehensive public access system in Hawai'i. In 1974, Act 244 (codified as Hawai'i Revised Statutes (HRS) Chapter 115) recognized the importance and need to acquire public access to coastal and inland recreational areas. In 1988, Act 236 (codified as HRS Chapter 198D) created the Nā Ala Hele State of Hawai'i Trail and Access Program:

There is established the Hawai'i statewide trail and access program, to be known as Nā Ala Hele. The department of land and natural resources shall plan, develop, acquire land or rights for public use of land, construct, restore, and engage in coordination activities to implement the program in accordance with this chapter (HRS § 198D-2).

This section of the report describes the framework created by the combination of these two statutes. The recommendations in this study build upon this framework by acknowledging that the Nā Ala Hele program, as part of the Division of Forestry and Wildlife, has done an admirable job on inland trails under the State's jurisdiction, and supplementary resources may be needed to address the complexities involved with shoreline public access.

3.1 FINDINGS AND PURPOSE

The following preamble to Act 244 (HRS Chapter 115) is an articulate statement of the need in Hawai'i for public access:

The legislature finds that miles of shorelines, waters, and inland recreational areas under the jurisdiction of the State are inaccessible to the public due to the absence of public rights-of-way; that the absence of public rights-of-way is a contributing factor to mounting acts of hostility against private shoreline properties and properties bordering inland recreational areas; that the population of the islands is increasing while the presently accessible beach, shoreline, and inland recreational areas remain fixed; and that the absence of public access to Hawai'i's shorelines and inland recreational areas constitutes an infringement upon the fundamental right of free movement in public space and access to and use of coastal and inland recreational areas. The purpose of this chapter is to guarantee the right of public access to the sea, shorelines, and inland recreational areas, and transit along the shorelines, and to provide for the acquisition of land for the purchase and maintenance of public rights-of-way and public transit corridors (HRS § 115-1).

3.2 DEFINITION OF "ACCESS"

HRS Chapter 198D defines access in the state as follows:

"Access" means an easement or way:

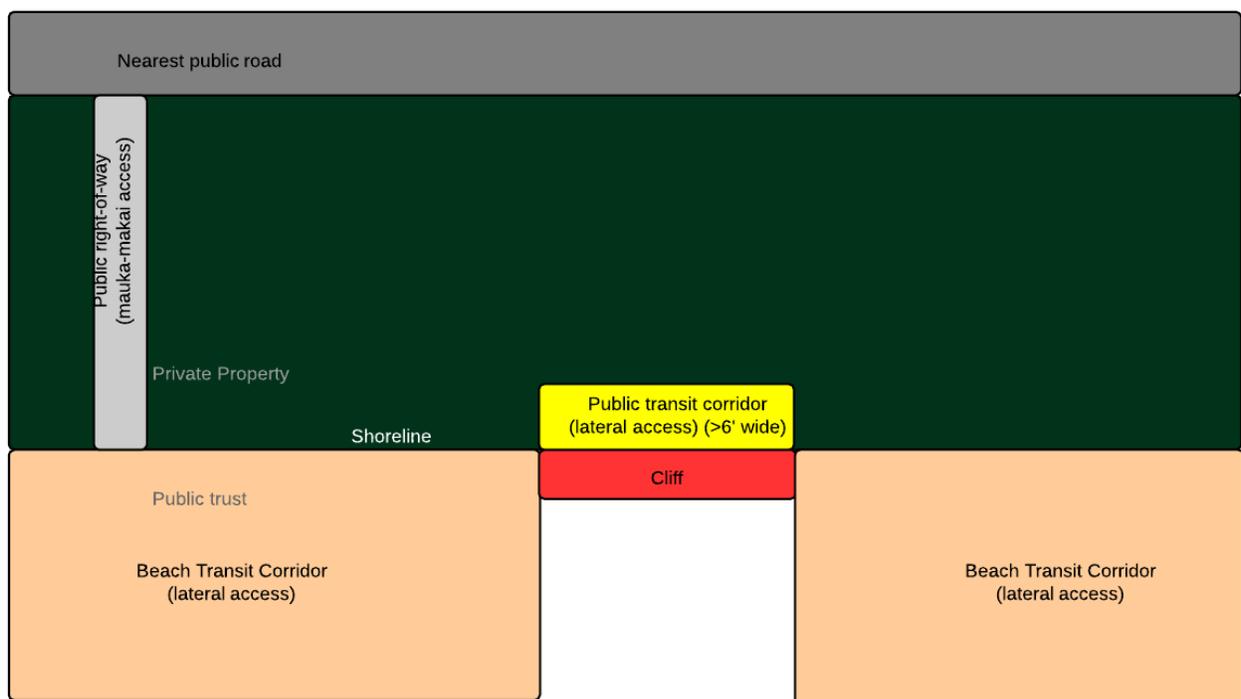
- (1) Over which the general public has the right to travel; and*
- (2) Which is used by the general public or intended for use by the general public primarily to reach or depart a public beach, shore, park, trail, or other public recreational area.*

It includes a lateral easement along the shoreline, coastline, or beach (HRS § 198D-1).

HRS Chapter 115 refers to access as a public right-of-way and distinguishes the lateral access by calling it a “public transit corridor” (HRS § 115-2). This public transit corridor includes the area seaward of the shoreline (referred to as a “beach transit corridor” (HRS § 115-5)), or a corridor no less than six feet wide that would need to be acquired mauka of the shoreline “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 line.”

Figure 1 below is a diagrammatical illustration of the definition of public access under HRS Chapter 115.

Figure 1: Definition of Public Access under HRS Chapter 115



3.3 GOVERNMENT’S RIGHT TO ACQUIRE BY EMINENT DOMAIN

Eminent domain is an inherent sovereign power of government to acquire property rights, *provided* the taking is for a *public use* and *just compensation* is paid pursuant to the Fifth Amendment of the Federal Constitution. Condemnation proceedings determine the just compensation to the private owner. This power rests with the legislative branch of the government and may not be exercised unless the legislature has authorized its use by statutes that specify who may use it and for what purposes.

In Hawai‘i, the state legislature has delegated and empowered the counties to exercise the power of eminent domain to acquire rights-of-way to and along the shoreline. The counties, under HRS § 115-2, are authorized to “purchase land for public rights-of-way to the shorelines. . . .” This condemnation right extends to the purchase of lateral access.

The state legislature has also authorized the Department of Land and Natural Resources (DLNR), through the Nā Ala Hele program, to exercise the power of eminent domain for public access. Under HRS § 198-2, DLNR has the power to “acquire land or rights for public use of land” to implement the statewide Nā Ala Hele Trail and Access Program.

3.4 RIGHT TO RESTRICT PASSAGE OVER ACCESS RIGHTS-OF-WAY

For access rights-of-way under county jurisdiction, “a county may restrict passage over a public right-of-way by resolution or ordinance, provided that the resolution or ordinance sets forth criteria for determining that the restriction is in the public interest” (HRS § 115-3.5). For access rights-of-way under State jurisdiction, DLNR “may regulate the use of trails and accesses under the department's jurisdiction. Regulation of the use of trails and accesses shall be established for the following purposes:

- (1) To preserve the integrity, condition, naturalness, or beauty of the trails or accesses;
- (2) To protect the public safety; or
- (3) To restrict or regulate public access to protected or endangered wildlife habitats, except for scientific or educational purposes.” (HRS § 198D-6)

3.5 COMPREHENSIVE INVENTORY

DLNR is responsible for maintaining “an inventory of all trails and accesses in the State, whether wholly or partly on public or private lands and whether or not under the jurisdiction of the department” (HRS § 198D-3(a)). However, at this time, DLNR is primarily focused on maintaining an inventory of state-owned trails only. The statute specifies that the inventory should include:

- Name and length of each trail or access;
- The person or agency having management responsibility for each trail or access;
- The predominant transportation mode for each trail or access;
- The development standard, condition, and grade of each trail and access;
- The description of amenities or other features on or in close proximity to each trail or access;
- The status of availability to the general public of each trail or access;
- Other information for each trail or access deemed necessary or desirable by DLNR;
- Classification by function, type, theme, actual and desired use intensity (HRS § 198D-4);
- Listing of proposed or potential trails and accesses including (HRS § 198D-5):
 - Proposed trails and accesses which may be opened to the public;
 - Potential expansions of trails and accesses;
 - Potential or desirable connectors between existing trail systems;
 - Public beach, shore, park, trail, and other recreational areas to which access is unavailable or inadequate.

3.6 LIABILITY MANAGEMENT

Liability exposure is a major concern for the State, counties, and private owners. Management of this exposure is currently addressed as follows:

- **Immunity for the State.** “The State shall not be liable for any injury to any person arising from the person's use of unimproved lands owned or controlled by the State and regulated under HRS section 198D-6, unless the injury results from gross negligence on the part of the State” (HRS § 198D-7.6).
- **State’s Agreement to Defend and Indemnify Owners of Public (e.g., counties) or Private Land.** Hawai’i has a Recreational Use Statute to protect landowners who open their land for recreational use by the public without charge (HRS Chapter 520). A landowner may be satisfied with the existing level of immunity provided by this statute, in which case an indemnity agreement would not be necessary. However, other landowners may desire the additional protection of an indemnity agreement for a summary judgment defense even if they do not charge an entrance fee (e.g., challenges to whether a type of payment was a “charge”, allegation that one of the exceptions to the statute applied, prescriptive rights claims), or if the landowner did want to charge a fee to recoup costs incurred for maintenance or other expenses but not profit. In this case, DLNR may enter into agreements to defend and indemnify owners of public or private land from claims made by public users of the owner’s land (HRS § 198D-7.5). A profit venture should be responsible for their own risk management.
- **Legal Research.** DLNR, in consultation with the attorney general, is responsible for examining legal issues such as “the extent of liability exposure of the State, counties, and private landowners when allowing trails and accesses under their respective jurisdictions to be used by the general public,” and “strategies to reduce or limit the liability exposure of the State, counties, and private landowners in order to promote public use of trails and accesses under their respective jurisdictions which are closed to the general public” (HRS § 198D-7).

3.7 ENFORCEMENT POWER TO REMOVE OBSTRUCTIONS

DLNR has the power to issue fines to persons who obstruct access to or along the shoreline within *public* (not just State jurisdiction) rights-of-way (HRS § 115-9).

3.8 SUMMARY OF EXISTING SYSTEM COMPONENTS

In summary, the existing public access system under HRS Chapters 115 and 198D consists of the following:

- Eminent domain authority for the State and counties for acquisition of public access;
- DLNR’s responsibility to manage, maintain, and add to the inventory of trails and accesses under the State’s jurisdiction;
- DLNR’s responsibility to assist counties and private owners to provide public access as follows:

- compile and maintain a comprehensive inventory of trails and accesses;
- enter into agreements to defend and indemnify against claims by public access users;
- assist with legal research; and
- enforce removal of obstructions.

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4 EXISTING STATUS OF SHORELINE PUBLIC ACCESS

All four counties and the State have compiled GIS inventories of their shoreline public accessways that provide an indication of which parts of the shoreline are currently accessible to the public. The inventories describe each existing or proposed accessway with a variety of attributes, such as type of access, number of parking spaces, and availability of facilities like showers, water, and phones. In addition, there are a number of potential shoreline accessways that may not be part of these databases because they are so-called “paper” accessways. The public may have use rights on these accessways because they are a “government road or public trail,” or because of a judicial determination.

The following section briefly describes the features of each county shoreline access database, the legal context for the existence of “paper” accessways, and describes how the databases can be useful for determining the existing adequacy of shoreline access in the state.

4.1 EXISTING INVENTORIES

Because the number of attributes is very large for some of the county databases, this section provides a general overview and comparison of the four county shoreline access databases. All of the databases include latitude and longitude as well as names and alternative names of the accessways. Except for Hawai'i County and Nā Ala Hele, which use lines, all of the databases display the shoreline accesses as points. The Hawai'i County and Nā Ala Hele databases also include access to mauka areas, not just shoreline access.

The County of Maui's database has a large number of attributes. While it includes a number of basic location attributes (e.g. Tax Map Key (TMK), planning region, judicial district), there are also a number of attributes defining the nature of the access - access type, improved/unimproved, surf type, shore type, and ownership. The majority of the Maui database attributes define the presence or absence and condition of facilities, including restrooms, showers, trash, phones, and water.

Like the County of Maui, the City and County of Honolulu (CCH) has a detailed database. As of this writing, CCH's shoreline access database is the only one publicly available as a GIS file. Attributes of access points in the CCH database include access type, access surface, ownership, operator, and signage information. Although the CCH database defines the presence or absence of various facilities, such as showers, water, and trash receptacles, it does not include information on the condition of those facilities.

The County of Hawai'i shoreline access database describes accessways as lines (trails). This database has a variety of unique attributes with particularly detailed descriptions (e.g. access availability, with values like “controversial” and “needs research”) as well as information on amenities, site hazards, use restrictions, access activities, and permits relating to establishment of the access.

Of the four databases, the County of Kaua'i's is least descriptive, having only five attributes - name, alternative name, TMK, owner, and priority. It is this last attribute that makes Kaua'i's database unique,

as it is the only database that includes a prioritization of accessways into four categories: existing, potential, desirable, or excluded. However, this is likely why their database is not public.

4.2 A NOTE ON PRE-EXISTING LEGAL RIGHTS AND MILITARY LAND

Prior to expending funds to acquire public access rights, there may be situations where public rights already exist or where legal rights clearly do not exist and need to be negotiated. Pre-existing public rights would include a physical or “paper” accessway where the public may have use rights arising from a title research determination that the accessway is a “government road or public trail,” or a judicial determination based on various legal doctrines. Military land is a case where public rights do not exist and need to be negotiated.

4.2.1 GOVERNMENT ROAD OR PUBLIC TRAIL

Under HRS § 264-1(a), “all roads, alleys, streets, ways, lanes, bikeways, bridges, and all other real property highway related interests in the State, opened, laid out, subdivided, consolidated, and acquired and built by the government are declared to be public highways.” Under HRS § 264-1(b), “all trails, and other non-vehicular rights-of-way in the State declared to be public rights-of-ways by the Highways Act of 1892, or opened, laid out, or built by the government or otherwise created or vested as non-vehicular public rights-of-way at any time thereafter, or in the future, are declared to be public trails. A public trail is under the jurisdiction of the state board of land and natural resources unless it was created by or dedicated to a particular county, in which case it shall be under the jurisdiction of that county.” The abstract section of the Nā Ala Hele program provides technical support in determining whether a right-of-way is a public highway or public trail.

4.2.2 OTHER LEGAL DOCTRINES

If not a public highway or trail, other legal doctrines determined by a court of law could vest public rights to an access right-of-way. These legal doctrines include ancient Hawaiian custom and usage set forth in Hawaii’s Constitution and affirmed in the Public Access Shoreline Hawaii (PASH) ruling,³ common law custom and usage, implied dedication, prescriptive easement, way of necessity, implied reservation of an easement, and public trust.⁴

³ See Hawaii Constitution Article 12, Section 7 (Traditional and Customary Rights); Public Access Shoreline Hawaii v. County of Hawaii, 79 Haw. 425 (1995).

⁴ Town, Michael and W. Yuen, “Public Access to Beaches in Hawai’i: A Social Necessity,” Hawai’i Bar Journal, vol. 10 (1973), No. 1. Lam, Valerie J., 1991, “Beach Access: A Public Right?” Hawai’i Bar Journal, Vol. 23(1) “(Lam illustrates past and present policies on public access in Hawai’i. Using the example of Portlock, a waterfront residential community where the public had used the beach for many years, she presents possible applications of the various common law doctrines to preserve access. Of the legal doctrines available, Lam concludes that prescription is the most effective except for those sites used by native Hawaiians where custom can establish use. She proposes a theoretical policy for improving access statewide that is based on using prescription or custom as appropriate, with public trust as a supporting doctrine.” Mongeau, Deborah, 2003. Public Beach Access: An Annotated Bibliography. Law Library Journal, Vol. 95(4)).

4.2.3 PREEMPTED RIGHTS ON MILITARY LAND⁵

Public access onto beaches that are within military reservations are controlled by national homeland security laws and the Supremacy Clause in Article VI of the U.S. Constitution that both preempt state laws. Some beaches are only for military personnel or authorized civilians, although the military has on occasion opened up some beaches in Hawai'i for public access with some restrictions (hours of operation, requiring permits, etc.). For example, at Bellows Air Force Station, active duty military, military retirees, reservists, National Guardsmen, and Department of Defense civilian employees with proper ID cards are eligible to use the facilities, services and programs. Authorized users may sponsor family members and friends as their guests.

4.3 EXAMPLE ADEQUACY ANALYSIS

Cataloging existing inventory of shoreline accessways in the state is crucial because the inventory provides a basis for a potentially rigorous analysis of the adequacy of shoreline access. One way to determine a rough adequacy of shoreline access on the island is to use an approximate interval. Appendix D contains map figures that illustrate an example analysis using an interval of a half mile, which is a conservative interval based on the requirements under Maui, Kaua'i, and Hawai'i's subdivision regulations. The analysis uses the GIS data available through the county shoreline access databases described above. While the figures give a general idea of where there might be need for additional accessways, they should be analyzed together with other mapped factors such as resource values, hazard conditions, and emergency response. An adequacy analysis such as this would be a starting point for prioritization discussions both statewide and within the county.

⁵ Sea Grant, University of Hawai'i, Website on Coastal Access in Hawai'i, <http://seagrant.soest.Hawai'i.edu/shoreline-access-military-property>

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5 EXISTING AND ALTERNATIVE FUNDING SOURCES

Appendix C is a compilation of funding sources related to shoreline public access acquisition, improvements, and/or maintenance. The term “funding source” is used broadly to include legal mandates (e.g., permit conditions) that do not actually require funds. The compilation includes funding sources existing in Hawai‘i as well as alternative funding sources found elsewhere (Appendix C groups the alternative sources by federal/national, California, and other states). Each funding source has a unique identification number that is referred to in the body of this report in [brackets].

A summary table is included in Appendix C to assist the reader to identify potential funding sources applicable to their needs based on the following characteristics:

- Whether the funding sources can potentially be used for technical assistance, acquisition, improvements, or maintenance;
- Whether the eligible recipient of the funding source can be the State, a county, a nonprofit, or a private landowner; and
- Type of funding source.

The broad spectrum of funding types identified in Appendix C is a fertile source of ideas for alternative funding mechanisms for the acquisition, improvement, and maintenance of shoreline public access in Hawai‘i. The funding types presented include:

- Legal mandates;
- Various taxes, including:
 - visitor lodging tax;
 - sales tax;
 - conveyance tax;
 - fuel tax;
 - property tax;
 - bag tax;
 - bike tax;
 - special tax or assessments collected from a defined district (e.g., community facilities district (CFD), business improvement district (BID));
- Grants and/or low interest loans available from federal sources or private foundations;
- Special fees that could be charged by government or other entity, including:
 - user fees (e.g., entrance fee, parking fee);
 - increased permit fees;
 - advertisement fees;
 - concession fees;
 - custom license plate fees;
- Creative donations (e.g., opt-out hotel surcharges);

- Tax incentives (e.g., tax credits);
- Statutory authorizations to request special appropriations, bonds, or establishment of special funds.

Another characteristic to consider when trying to match the appropriateness of a funding idea to acquisition, maintenance, or improvements is whether the funding source is consistent or irregular:

- **Sporadic.** These funds are received infrequently and without any solid level of predictability. These funds could be accumulated over time and used for acquisition and/or improvements. Examples are: exactions; general obligation (GO) bonds; conservation easements; Federal programs/grants; filming permits; certain donations.
- **Frequent but Irregular.** These funds are received typically throughout the year and/or on an annual basis, but the amount is more or less difficult to forecast. These funds could also be accumulated over time and used to acquire and improve public access or, in some instances where there is near certainty that at least a minimum amount will be collected each year, used to provide a steady stream of revenue for ongoing maintenance. Examples include: the Transient Accommodations Tax (TAT); conveyance tax; fundraising; license plates; user fees; bag tax; advertising; sales tax; ticket surcharges; mobile phone apps; bike tax; concession revenue.
- **Frequent and Predictable.** These funds are received throughout the year and/or on an annual basis, and the amount can be predicted with reasonable accuracy. This regular stream of revenue can be used to meet annual maintenance requirements or debt service, with any excess channeled into acquisition and improvement. Some examples are: property tax; CFD/BID special taxes and assessments.

6 FUNDING PLAN

The Funding Plan recommendations set forth in this section blend ideas from the compilation of existing and alternative funding sources in Appendix C. This plan is a starting point of ideas to be implemented in whole or in part by interested shoreline public access stakeholders coordinated by the Office of Planning. It may also be the basis for a formal plan to be refined and adopted by the “Forum” suggested in the following section (6.1).

The recommendations are grouped into four categories: 1) proposed organization to enhance coordination and technical assistance; 2) proposals to fund acquisition; 3) proposals to fund improvements; and 3) proposals to increase funding for maintenance. Under each category, the *principles* are set forth that underlie the recommendations. The *recommended actions* are then listed, followed by more *detailed discussion* of the ideas touched upon in the recommendation statements.

6.1 ENHANCED COORDINATION AND TECHNICAL ASSISTANCE

6.1.1 PRINCIPLE

Enhance coordination among the state and counties to:

- increase leverage for competitive federal or foundation funding;
- encourage sharing of experiences/knowledge; and
- equalize funding allocations among the state and counties.

6.1.2 RECOMMENDATIONS

1. Amend HRS § 115-7 to be a special fund that is dedicated to the funding of acquisition, improvement, and maintenance of shoreline access in Hawai'i (see 6.1.3.1 below).
2. Use an existing forum such as the State of Hawai'i Coastal Zone Management (CZM) Program's semi-annual gathering of County Planning Directors and dedicate a portion of, or the entire meeting, to public access matters (hereafter referred to as the "Forum") (see 6.1.3.2 below for more detail on CZM's role and funding). Specify the membership of this Forum to include representatives of the county planning departments, county parks and recreation departments, DLNR, and finance directors from the State and counties. Office of Planning should request CZM funding to support this Forum (e.g., staff and travel costs) [e.g., 4c, 4d, and 4e]. The agenda for this Forum could include:
 - a. Support for public access plans (see 6.2.3.1);
 - b. Priorities for acquisition (see 6.2.3.1);
 - c. Recommendations to State Department of Transportation (DOT) for Transportation Alternatives Program allocations (see 6.3.3.2);
 - d. Grant applications to submit (see 6.2.3.3);
 - e. Improvement standards (see 6.3.3.1);

- f. *Liability immunity strategies (see 6.3.3.1);*
 - g. *Research or development of innovative tools such as smart phone apps [38, 43].*
3. *Seek DLNR's support to assist the Forum with inventories, liability research, and enforcement to the extent provided in HRS 198D (see 3.6 and 3.7).*
 4. *Develop and maintain a statewide shoreline public access inventory with standard, essential attributes.*

6.1.3 DETAILED DESCRIPTION

6.1.3.1 SPECIAL APPROPRIATIONS FOR STATE AND COUNTY PARTNERSHIP (HRS § 115-7)

Amend HRS § 115-7 to be a special fund that is dedicated to the funding of acquisition, improvement, and maintenance of shoreline access in Hawai'i.

As the means to “provide for the acquisition of land for the purchase and maintenance of public rights-of-way and public transit corridors” (HRS § 115-1), the Legislature gave DLNR the authority to enter into agreements with the Council of any county to acquire public rights-of-way and public transit corridors. DLNR would seek appropriations from the legislature which the county would have to match (HRS §§ 115-7 & 8; HRS § 198D-8).

Although other funds do, in theory, support shoreline public access (e.g., Special Land & Development Fund under HRS § 198D-2 and § 171-19), the other purposes of these funds have taken precedence, resulting in a lack of dedicated funding for shoreline access, an issue of clear statewide importance.

Therefore, the recommendation is to amend the applicable provisions of HRS § 115-7 to create a shoreline access special fund that can be used to acquire, improve, or maintain shoreline accessways throughout the state. The following amendments to HRS § 115-7 are recommended:

- ***Dedicate the use of the funds to shoreline public access;***
- ***Authorize use of the funds for acquisition, improvements, and/or maintenance;***
- ***Appropriate seed money for the fund and provide annual or periodic appropriations to replenish the fund from TAT (HRS § 237D-6.5);***
- ***Assign DBEDT to oversee the fund; and***
- ***Remove the county matching requirement.***

Allocations of the fund should either be in the form of a low-interest loan or a standard, base grant to each county combined with a low-interest loan (as needed) beyond this baseline. Distribution of the low-interest loans could be determined through the Forum as described in Section 6.3.2. There could be a prerequisite that use of the funds be guided by a shoreline access plan.

6.1.3.2 CZM SUPPORT AND FUNDING

Use an existing forum, dedicate a portion of, or the entire meeting, to public access matters (hereafter referred to as the "Forum"). Specify the membership of this Forum to include representatives of the county planning departments, county parks and recreation departments, DLNR, and finance directors from the State and counties.

A potential CZM-supported group that could serve as the Forum is an Action Team created under the Ocean Resources Management Plan (ORMP) to implement a related management priority or goal. With this nexus to the ORMP, this Action Team Forum could be supported by Section 306 or 309 funds. Section 306 funds have a dollar-for-dollar match requirement. Section 309 funds are tied to the State's 5-year Assessment and Strategy that lists the CZM Enhancement Areas that the Hawai'i CZM Program determines it will work on. Although Public Access is currently an enhancement area for the years 2010-2015, it cannot be guaranteed that Public Access will remain an enhancement area for future five-year terms. Hopefully, with the suggested role of CZM to support the Forum, this establishes an ongoing importance for CZM public access advocacy.

As long as the CZM Program identifies public access as an enhancement area, section 309 funds could be a potential source to fund public access plans including upgraded inventories, as well as research needed by the Forum.

6.1.3.3 RECOMMENDED STEPS TOWARDS A UNIFORM STATEWIDE INVENTORY

Develop and maintain a statewide shoreline public access inventory with standard, essential attributes.

As described in Section 4, the existing shoreline public access GIS inventories differ widely. To improve the state and counties' ability to collaboratively prioritize the acquisition and improvement of shoreline accessways, it is recommended that a uniform statewide inventory be developed.

A uniform statewide inventory would be a useful public information and planning tool that could not only encourage safer access to the shoreline, but would also provide a basis for assessing the adequacy and need for shoreline access in the state. The existing databases provide a good foundation to build upon. Enhancements to these databases could be coordinated and possibly funded through the recommended comprehensive shoreline access planning process (see 6.2.3.1). Below are recommended steps to develop and capitalize on a uniform statewide inventory.

Determine a list of essential attributes

A committee representative of the counties, such as the "Forum" described in Section 6.1.3.2, should determine a list of essential attributes that the uniform public access database should contain. Each county may add to these attributes to suit their unique requirements, but the uniform specifications

would be a minimum baseline. The database should clearly distinguish what information should be kept in-house for planning purposes, such as internal prioritization (e.g. Kaua'i) and maintenance or monitoring information (e.g. Maui), and what information can be shared with the public. In addition, the county databases should ideally be coordinated with the State's Nā Ala Hele database to minimize duplication and optimize inter-connections. Table 1 below lists suggested attributes that could assist in assessing acquisition priorities, improvement needs, and levels of maintenance. Some of the listed attributes relate to the inventory specifications in HRS Chapter 198D (see Section 3.5).

Table 1: List of Essential Attributes for Statewide GIS Access Database

| Data Category | Attribute | Notes <i>(where attribute is an existing part of a county database, the county name is listed)</i> |
|----------------------|-----------------------------|--|
| I.D. | <i>I.D. No.</i> | All. (Note: CCH assigns unique i.d. numbers to accessways to facilitate emergency response) |
| | <i>Name</i> | All; HRS § 198D-3 |
| | <i>Alternative Name</i> | All |
| Location | <i>Latitude/Longitude</i> | All |
| | <i>Planning Region</i> | Maui |
| | <i>TMK</i> | All |
| | <i>Ahupua'a</i> | None |
| | <i>Length/Acreage</i> | None |
| Management | <i>Owner</i> | All |
| | <i>Manager</i> | O'ahu, Hawai'i; HRS § 198D-3 |
| Resource | <i>Shore Type</i> | Maui, O'ahu, Hawai'i; Proposed Values: Beach, Rocky, Cliff |
| | <i>Resource Sensitivity</i> | Proposed Values: None, Wetlands, Protected Species Habitat, Cultural Significance, Fishery Restriction |
| | <i>Ocean Uses</i> | Proposed Values: Swimming/Diving, Surfing, Fishing, Gathering |
| Improvements | <i>Inland Facilities</i> | Proposed Values: Improved Park, Unimproved Open Land, Shoreline Only |
| | <i>Access Surface</i> | Maui, O'ahu |

| Data Category | Attribute | Notes <i>(where attribute is an existing part of a county database, the county name is listed)</i> |
|----------------------|-----------------------------------|---|
| | <i>Sign Wording</i> | Maui, O`ahu |
| | <i>Parking Spaces</i> | Maui, O`ahu |
| | <i>Showers (yes/no)</i> | Maui, O`ahu |
| | <i>Picnic Facilities (yes/no)</i> | Maui, O`ahu |
| | <i>Trash Receptacles (yes/no)</i> | Maui, O`ahu |
| | <i>Water (yes/no)</i> | Maui, O`ahu |
| | <i>Phone (yes/no)</i> | Maui, O`ahu |
| | <i>Restroom (yes/no)</i> | Maui, O`ahu |
| | <i>Lifeguards (yes/no)</i> | Maui, O`ahu |
| | <i>Rescue buoys (yes/no)</i> | Proposed |
| Planning | <i>Use Intensity</i> | HRS § 198D-4; Proposed Values: High, Medium, Low |
| | <i>Safety Rating</i> | Proposed Values: Generally Safe, Seasonal Hazard, Special Hazards |
| | <i>Status</i> | HRS § 198D-3; Proposed Values: Public Open, Public Closed, Desirable (Note: Could filter only Public Open data records to be made available for public information) |

Standardize geometry of inventories

The access data could be represented as points, lines, or both. Points have the advantage of easier analysis (see, for example, Section 4.3 and Appendix D). Lines can show the actual or proposed rights-of-way. The suggestion is to have both layers. The points would be placed at the destination, the end-point of the access rights-of-way. The attributes in the table above can be concentrated in the points layer. The line layer would show the connected network. Special attributes that could be included in the line layer (segmented as necessary) include the primary transportation mode (4-wheel, standard vehicle, pedestrian, bike), surface type (paved, unpaved), condition (good, fair, poor), type (maukamakai, lateral), owner/manager (public, private), and status (public open, public closed, desirable).

Distribute public data

GIS data can be easily filtered and formatted as web maps to provide residents and visitors with updated and pertinent information to find interesting shoreline places, location descriptions, where to park, and what to expect. Other municipalities have developed mobile apps for this purpose (see, for example, Appendix C [38]). The web map could be hosted by each county and/or statewide.

6.2 ACQUISITION

6.2.1 PRINCIPLE

Systematically progress towards a shoreline network based on:

- Defined interval standards;
- Acquisition priorities;
- Coordinated interconnectivity among State, county, and applicable private accessways; and
- “Win-win” approach to private acquisitions using a variety of tenure and tax incentive options.

6.2.2 RECOMMENDATIONS

1. *Develop county and State shoreline public access plans to establish a desired public access network, define standards, and prioritize acquisitions (see 6.2.3.1 below). CZM could fund these plans. The Forum could provide technical support and peer review.*
2. *Rely on the plan as a reasonable basis for mandatory dedication or in-lieu fee requirements (e.g., if the shoreline access is not feasible or safe in the development) (see 6.2.3.2 below).*
3. *Participate in the Forum to annually prioritize special resource and/or heritage areas statewide. Counties would determine how to use funds to match their respective Open Space funds (see o below).*
4. *Promote and increase shoreline access acquisitions with diverse and innovative sources to supplement a revolving fund or the Legacy Land Fund (see 6.2.3.4 below).*
5. *Accumulate and share a collective knowledge base through the Forum of innovative acquisition experiences using combinations of conservation easements, land trusts, bargain sales, and other techniques (see 6.2.3.6 below).*

6.2.3 DETAILED DESCRIPTION

6.2.3.1 SHORELINE PUBLIC ACCESS PLANS

Develop county and State shoreline public access plans to establish a desired public access network, define standards, and prioritize acquisitions. CZM could fund these plans. The Forum could provide technical support and peer review.

Maui County has an impressive shoreline public access plan that gives Maui a head start and could serve as a reference to develop a consistent scope and methodology for similar plans to be prepared by the other counties (hereafter referred to as the “Maui Plan”).⁶ The Maui Plan focused on acquisition priorities, but the recommended plans should also be tools to evaluate improvement priorities and maintenance needs.

To meet these intended purposes, the suggested scope of work includes:

- Develop a desired public access network based on some of the following considerations (see also the Maui Plan for a list of criteria):
 - **Resource Values.** Sandy beaches with safe swimming conditions are generally most popular and often also attract higher visitor use. Areas with specialized values such as surfing, fishing, or gathering may require tailored restrictions to manage the use and resources, as well as safety. Besides recreational values, other reasons for access could include educational, subsistence, scenic, or cultural. A general revenue source (e.g., general obligation bond or general fund) may be appropriate for accessways related to sandy beaches, whereas a special grant or possibly user fees would be appropriate for accessways related to more specialized or restricted use areas.
 - **Level of Visitor Use.** Higher levels of visitor use due to the resource attraction or proximity to resort areas imply increased expenses for parking, safety (e.g., lifeguards), and maintenance that would justify financial assistance from visitor taxes and/or the visitor industry.
 - **Nearby Urbanized or Visitor-dense Area.** An interval standard requiring a higher density of access points may be appropriate near urban areas.
 - **Resource Sensitivity.** Turtle, seal, or bird habitats may be sensitive to human contact especially during nesting seasons. Archaeological or cultural sites may be vulnerable to vandalism or desecration. These areas may be eligible for special resource grants. Special rules and monitoring may be appropriate.
- Based on the desired network, identify “gaps” in the network that would be the focus for priority acquisitions or exactions;
- Inventory existing improvements and develop a classification system to assess improvement needs (including ADA criteria);
- Evaluate public safety needs by analyzing hazard conditions (e.g., waves, currents, cliffs), existing public safety facilities (e.g., signage, lifeguards, rescue buoys), emergency response time, and natural hazards warning and evacuation capability as applicable;

⁶Oceanit, 2005. Shoreline Access Inventory Update - Final Report. Prepared for the County of Maui Department of Planning.

- Inventory maintenance needs (e.g., restroom cleaning, trash removal, landscape maintenance) and responsibilities (e.g., county, State, adopt-a-park).

Ideally, these plans would be concise, updated annually, and reviewed by the Forum.

6.2.3.2 MANDATORY DEDICATION EXACTIONS

Rely on the shoreline access plans as a reasonable basis for mandatory dedication or in-lieu fee requirements (e.g., if the shoreline access is not feasible or safe in the development).

Under its police powers, government may regulate land in the interest of public health, safety, or welfare. Instead of purchasing access rights-of-way, governments have used their regulatory police powers to require the dedication of accessways as a condition of permit approval. Private owners in other jurisdictions have challenged such dedication requirements as a “taking,” an exercise of the government's eminent domain power without just compensation.

The following commentary interprets two landmark rulings of the U.S. Supreme Court to determine reasonable requirements to dedicate:

In Nollan v. California Coastal Commission (1987) and Dolan v. City of Tigard (1994), the Supreme Court concluded that the Takings Clause requires a somewhat more rigorous inquiry in the context of compelled dedications of land. The Court's logic was roughly as follows: (1) the Takings Clause prohibits the taking of land without just compensation; (2) required dedications implicate this rule by making landowners deed property to the government in order to receive a development permit; and thus (3) a special rule is required to make sure the government is not misusing its permitting power to obtain land without compensation. The rule adopted by the Court in Nollan and Dolan is that to justify a required dedication of land, local officials must show both a logical nexus between the dedication and the harm caused by the development and that the dedication is “roughly proportional” to the demonstrated harm.⁷

The best justification to show nexus and reasonably proportionate requirements is to have a plan that sets forth the desired public access network. The plan would equitably allocate the proportionate impact upon private landowners. Should legal questions arise in developing the plan or applying the requirement in specific cases, DLNR in consultation with the attorney general, has the responsibility to examine “the validity and feasibility of dedication requirements to obtain public use of trails and accesses” (HRS § 198D-7).

Two regulations in Hawai'i currently have statutory authority to mandate shoreline access dedications: subdivision approval and Special Management Area (SMA) permits.

⁷Dowling, T.J., et al, 2006, The Good News About Takings, Chicago: American Planning Association, p. 32.

6.2.3.2.1 SUBDIVISION REGULATION

Pursuant to HRS § 46-6.5, entitled “Public access,” each county in the state is required to:

“adopt ordinances which 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” (HRS § 46-6.5(a)).

However, the enabling statute makes it clear that the exaction is limited to acquisition and not improvements or maintenance: “Upon the dedication of land for a right-of-way, as required by this section and acceptance by the county, the county concerned shall thereafter assume the cost of improvements for and the maintenance of the right-of-way, and the subdivider shall accordingly be relieved from such costs” (HRS § 46-6.5(b)).

The respective county ordinance and requirements are summarized in Table 2 below.

Table 2: Subdivision Regulations by County

| Island | County Code Citation | Size | Applicability |
|----------------|---|--|--|
| Hawai'i | Chapter 34 | <ul style="list-style-type: none"> - Minimum width of ten (10) feet - Intervals vary based on zoning districts, but range between 800 and 2,500 feet | Subdivisions of six or more lots, or multiple-family developments of six or more dwelling units on one lot |
| Kaua'i | Title IX, Chapter 9, Article 2, Section 9 (9-2.9) | <ul style="list-style-type: none"> - Minimum width of ten (10) feet - Intervals of not less than 300 feet and not greater than 1,500 feet | Six (6) or more lots, whether contiguous or not* |
| Maui | Title 18, Chapter 18.16, Section 18.16.210 | <ul style="list-style-type: none"> - Minimum width of fifteen (15) feet - Intervals of no greater than 1,500 feet | All subdivisions |
| O'ahu | Chapter 22, Article 6 | <ul style="list-style-type: none"> - Minimum width of twelve (12) feet | All subdivisions and multiple family development as well as existing development when adding six (6) or more units |

*Planning Commission has discretion to require accessways for subdivisions of less than six (6) lots.

During the development of the shoreline access plan, it may be opportune to review the standards for width and intervals. Currently the widths range from 10-feet to 15-feet among the counties, and the

intervals also vary with no interval standard for the City and County of Honolulu. ***Since the enabling statute left the standards to each county, the counties have home rule authority to set their own standards; nevertheless, the shoreline access plan would be a good place to set forth a rationale for the respective county standards derived from a Forum discussion among the counties. To spread the impact equally among coastal landowners, another point of discussion among the counties could be a proportionate in lieu fee for subdivision applicants who are not required to dedicate for various reasons, such as those subdividing less than six lots.***⁸

6.2.3.2.2 SPECIAL MANAGEMENT AREA (SMA) REGULATION

Under the Coastal Zone Management Act (HRS Chapter 205A), the State Legislature authorized the regulation of a defined area, called the Special Management Area (SMA), along the coastline for the following purpose:

*The legislature finds that, special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai'i (**emphasis added**) (HRS § 205A-21).*

Each county is given the authority to define the SMA boundaries (HRS § 205A-23) and regulate development within the SMA (HRS §§ 205A-28 & 29) pursuant to guidelines established by statute (HRS § 205A-26). For Kaua'i, Maui, and Hawai'i counties, the planning commission has this authority. On O'ahu, the authority is held by the City Council of the City and County of Honolulu and the Office of Planning for the Hawai'i Community Development Districts of Kaka'ako and Kalaeloa (HRS § 205A-2). The statute requires each authority to establish their respective permit procedures by administrative rule. Table 3 below provides the citations for the respective administrative rule for each county.

The rules for each county incorporate the following guideline applicable to public access:

- (1) All development in the special management area shall be subject to reasonable terms and conditions set by the authority in order to ensure:
 - (A) "Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles" (HRS § 205A-26(1)(A)).

⁸ Park dedication requirements are an example of dedication requirements with an in-lieu fee option. See for example Kaua'i's subdivision code requirement: "Every subdivider as a condition precedent to approval of a subdivision shall . . . dedicate land for park and playground purposes, unless the Department of Public Works determines that it is unfeasible Where the Department of Public Works determines that is unfeasible for the County to maintain such land for park and playground use, the Planning Commission shall require the subdivider to pay a fee in lieu of the land. Such fee shall be determined by the formula contained in Section 9-2.8(d)." (Kaua'i County Code § 9-2.8)

Table 3: Citations for Special Management Area Administrative Rules

| Island | Citation |
|---------|--|
| Hawai'i | Rule 9 of <i>County of Hawai'i Planning Commission Rules of Practice and Procedure</i> |
| Kaua'i | <i>Special Management Area Rules and Regulations, As Amended October 2011</i> |
| Maui | Title MC-12, Subtitle 02, Chapter 202 <i>Special Management Area Rules</i> |
| O'ahu | Revised Ordinances of Honolulu Chapter 25: Special Management Area |
| OP | HAR § 15-150-2 |

The SMA permit requirements only apply to proposed uses that meet the statute's definition of "development." The statute and respective rules exempt the uses identified in Table 4 below as "not development." The rules specify that a proposed use is considered a "development" until specifically determined as "not development." Hawai'i County authorizes the Planning Director to "impose certain conditions with the exemption determination to assure that the proposed use, activity, or operation does not have a substantial adverse effect on the Special Management Area" (Planning Commission Rules 9-10(g)). The County of Hawai'i Planning Department has confirmed that they have used this provision to require the preservation or restoration of shoreline public access as a condition for an SMA exemption determination. This ***raises the question whether a condition for public access can apply even to a use that is exempt from the SMA requirements. This question could be raised and discussed at the Forum, with access to the Attorney General as necessary. The shoreline access plan showing the desired network could provide stronger legal justification for dedication requirements. The SMA rules could also incorporate the subdivision interval and width standards for consistency and predictability.***

Table 4: Exemptions (Not "Development") to Special Management Area Regulations pursuant to HRS § 205A-22

| <i>Exemption Pursuant to HRS § 205A-22</i> | <i>Variations in Specific Counties</i> |
|--|---|
| Construction of a single-family residence that is not part of a larger development | County of Hawai'i and City and County of Honolulu have a floor of 7,500 square feet. City and County of Honolulu's exemption also encompasses reconstruction. |
| Repair or maintenance of roads and highways within existing rights-of-way | |
| Routine maintenance dredging of existing streams, channels, and drainageways | |
| Repair and maintenance of underground utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations | |
| Zoning variances, except for height, density, parking, and shoreline setback | |
| Repair, maintenance, or interior alterations to existing structures | County of Hawai'i adds "or relating to existing uses." |

| Exemption Pursuant to HRS § 205A-22 | Variations in Specific Counties |
|--|---|
| Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers | County of Hawai'i adds "or those listed in the Historic Sites Element of the General Plan." |
| Use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural, forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes | City and County of Honolulu adds "subject to review by the authority in accordance with paragraph (3) [Cumulative Impact]." |
| Transfer of title of land | |
| Creation or termination of easements, covenants, or other rights in structures or land | |
| Subdivision of land into lots greater than twenty acres in size | Kaua'i and City and County of Honolulu has additional exemption for "Final Subdivision Approval." |
| Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided that any such land which is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels | |
| Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors | |
| Structural and non-structural improvements to existing single family residences, where otherwise permissible | City and County of Honolulu includes additional dwelling units. |
| Non-structural improvements to existing commercial structures | |
| Construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens | The County of Kaua'i does not have this exemption, although it is a recent amendment to HRS § 205A-22 (Act 76/2004) |
| The amendment of the General Plan, State Land Use Boundary amendments and changes of zone | While not in HRS § 205A-22, this exemption is included in the Hawai'i and Kaua'i rules. |

6.2.3.3 LAND CONSERVATION FUND & COUNTY OPEN SPACE FUNDS

Participate in the Forum to annually prioritize special resource and/or heritage areas statewide. Counties would determine how to use funds to match their respective Open Space funds.

6.2.3.3.1 LAND CONSERVATION FUND

Grants from the Land Conservation Fund, established under HRS § 173A-5, are available through the Legacy Land Conservation Program to state agencies, counties, and non-profit land conservation organizations to acquire property that has value as a resource to Hawai'i. County agency or nonprofit land conservation organization grant recipients must provide matching funds of at least 25% of the total project costs. Among the resources recognized by the statute as having value to the State are "coastal areas, beaches, and ocean access" (HRS § 173A-5(g)(2)). The funds may also be used for "costs related to the operation, maintenance, and management of lands acquired by way of this fund that are necessary to protect, maintain, or restore resources at risk on these lands, or that provide for greater public access and enjoyment of these lands; provided that the costs related to the operation, maintenance, and management of lands acquired by way of this fund do not exceed five per cent of annual fund revenues of the previous year" (HRS § 173A-5(h)(4)).

This special fund is financed from the following sources (HRS § 173A-5):

- The proceeds from the sale of any general obligation bonds authorized and issued for purposes of this acquisition program.
- Any net proceeds or revenue from the operation, management, sale, lease, or other disposition of land or the improvements on the land acquired or constructed by the BLNR under the provisions of HRS chapter 173A.
- 10% of the conveyance tax pursuant to HRS § 247-7. The conveyance tax ranges from 0.10% to 1.25% of a real estate transaction price, depending on the value of the transaction and whether the homeowner's exemption applies. The state collected an average of just over \$2 million per month in conveyance tax revenue during fiscal year 2011-12.
- Moneys from any other private or public source, provided that mandates, regulations, or conditions on these funds do not conflict with the use of the fund under HRS Chapter 173A. Moneys received as a deposit or private contribution shall be deposited, used, and accounted for in accordance with the conditions established by the agency or person making the contribution.

An example of a public access project funded by the Land Conservation Fund is 234.293 acres of land near Kāwā Bay, Ka'ū on the island of Hawai'i. This \$1.5 million grant was awarded to the County of Hawai'i and was matched with funding from the Hawai'i County Public Access, Open Space, and Natural Resources Preservation Fund (see 6.2.3.3.2 below). This project provided access to a popular surf break in addition to protecting an endangered species habitat.

6.2.3.3.2 COUNTY SPECIAL FUNDS

Each county has established a special fund that sets aside a portion of property tax revenues for open space acquisitions. Hawai'i County has a separate special fund for maintenance. The purposes of the funds all specifically include acquisition of public access with clauses such as "access to beaches and mountains" (e.g., Hawai'i, Kaua'i); and "improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities" (e.g., Maui, Kaua'i, City & County of Honolulu).

Table 5 describes the features of each of the county open space funds.

Table 5: County Open Space Funds

| County | Fund Name and Legal Source | Property Tax Setaside % | Administration | Fund Status | Sample Acquisitions |
|---------|---|--|---|---|--|
| Hawai'i | Public Access, Open Space, and Natural Resources Preservation Fund; Public Access, Open Space, and Natural Resources Preservation Maintenance Fund (Hawai'i County Charter, sec. 10-15 & -16; County Code, Chapter 2, Article 4.2) | Minimum 2%-Acquisition Fund; 0.25% Maintenance Fund | Public Access, Open Space, and Natural Resources Preservation Commission, which is responsible for submitting an annual list of lands prioritized for acquisition to the Mayor | Approximately \$4 million per year for acquisition and \$500,000 annually for maintenance | As of December 2012, the Fund has provided over \$18 million to acquire 955.2 acres of land in Hāmākua, North Kohala, North Kona, and Ka'ū |
| Maui | Public Access, Open Space, and Natural Resources Preservation Fund (Maui County Charter, Section 9-19) | Minimum 1% | Budget and Finance Committee and awarded by the County Council | As of June 30, 2013, the estimated balance of the fund was \$14,433,475 with 2014 anticipated revenues of \$2,390,290 | |
| Kaua'i | Public Access, Open Space and Natural Resources Preservation Fund (Kaua'i County Charter, Section 19.15.C) | Minimum 0.5% by Charter (increased to 1.5% in 2012 by ordinance) | Open Space Commission (OSC) is responsible for recommending distributions of the Fund. Together with the Planning Commission, the OSC develops a biennial list of acquisition priorities and submits an annual report to the County Council. The OSC also organizes the annual Open Space | The Fund's balance in 2012 was \$1,982,194. In October 2012, the County Council voted to increase the percent of property taxes allocated to this fund from 0.5% to 1.5%, effective July 1, 2013. Therefore, in coming years, the Fund will receive significantly more resources. | Since 2005, the Commission has only funded one purchase – Black Pot Beach Park Expansion (Hodge Property) in 2010. Kaua'i's fund provided \$1.85 million of the total purchase price of \$3 million. The State of Hawai'i's Land Conservation Fund |

| County | Fund Name and Legal Source | Property Tax Setaside % | Administration | Fund Status | Sample Acquisitions |
|---------------------------|--|-------------------------|--|---|---|
| | | | Survey to acquire community input on acquisition priorities. | | provided \$800,000. This purchase provides increased beach access to Hanalei Bay. |
| City & County of Honolulu | Clean Water and Natural Lands (CWNL) Fund (Revised Ordinances of Honolulu, Section 6-62.2) | 0.5% | Applicants for the funds submit proposals to the nine-person Clean Water and Natural Lands Commission. The Commission reviews the proposals, invites public comment, holds public hearings, and then forwards its recommendations to the City Council. Funding is distributed as part of the City's annual budgeting process | Estimated that \$4,159,240 will be allocated to the CWNL Fund in Fiscal Year 2014 | |

 6.2.3.4 ALTERNATIVE ACQUISITION SOURCES

Promote and increase shoreline access acquisitions with diverse and innovative sources to supplement a revolving fund or the Legacy Land Fund.

The following potential ideas are highlighted from the compilation in Appendix C for consideration by the Forum to augment existing acquisition funding sources. Note that these funding sources may also be used in some cases to supplement other resources for shoreline access improvements and maintenance.

- **Rails to Trails.** The rails-to-trails concept may be a particularly viable funding option in Hawai'i given all of the unused railroad tracks and railroad beds on every island, and given that there are already good examples of this concept being implemented in Hawai'i (such as the OR & L railroad from the Arizona Memorial to Lualualei, which is slated by the Hawai'i Department of Transportation to become a bike path, and the Ke Ala Hele Makalae bike path on Kaua'i). The Federal Department of Transportation, through its Recreational Trails Program [10] and Transportation Enhancement Program [11], which are both now folded under the Transportation Alternatives Program (TAP) as described below in 6.3.3.2, provides grant money to acquire (as well as improve and maintain) land for pedestrian and bicycle trails and trail heads, to expand transportation choices, and to promote linkage of transportation facilities. This includes the conversion of railway corridors to trails. The Rails-to-Trails Conservancy [67] is also a good source for state and federal grants related specifically to rail-related trails and pathways. The City of San Clemente in California [37] offers a good example of how to combine federal, state, and local funding to develop a 2.5-mile coastal trail paralleling active railroad tracks within railroad right-of-way.⁹
- **Fees and Surcharges.** Fees and surcharges on events and activities that are not directly related to shoreline access are another possible way to augment the funding for shoreline acquisition. For example, any movie filmed on state-owned (or local public agency-owned) property is required through the California Film Commission to purchase a filming permit [34]; the funds are used for many purposes, including public access and parks. With numerous movies, television shows, documentaries, etc., being filmed in Hawai'i, this type of program may be relevant. In Colorado Springs, Colorado, merchants charge a one-time fee for every bike

⁹ In March 2014, the US Supreme Court ruled in *Marvin M. Brandt Revocable Trust v. United States* that a right of way granted under the General Railroad Right-of-Way Act of 1875 is an easement which can be terminated by the railroad's abandonment, leaving the underlying land unburdened. The 1875 Act permitted railroads to obtain a 200-foot federal right of way by running tracks across public lands. The majority opinion written by Chief Justice John Roberts leaned heavily on the court's 1942 decision in *Great Northern Railway Co. v. United States*, 315 U.S. 262 (1942), which held that land given away by the government under the Railroad Right-of-Way Act returns to the private landowner (for federal lands conveyed to private owners) once the railroad surrenders its right-of-way. The court's decision is restricted to rights of way created under the 1875 Act on former or existing federal land (primarily western U.S.) and abandoned before October 1988, when Congress passed a law (popularly known as the Rails to Trails Act) clarifying that such lands would return to federal ownership once abandoned by the railroads.

purchase [45], and the revenue is used to fund off-street bike paths. Rental fees could also be included in such a program, with snorkel gear, boogie boards, surf boards, kayaks, boats, and many other types of equipment, in addition to bikes, constantly being rented throughout Hawai'i, generating funds for shoreline access. Finally, ticket surcharges are a common way to produce funding for specific public facilities and services. Just as San Diego [35], San Francisco [36], and other jurisdictions are doing, Hawai'i could impose surcharges on ticket sales for football games (e.g., Pro Bowl and Hawai'i Bowl), other sporting events, concerts, festivals, and other special events at Aloha Stadium, the Honolulu Civic Center & Convention Center, and other venues around the state.

- **Optional and Opt-Out Donations.** The California Coastal Commission developed the Whale Tail license plate [21] as a way for the public to contribute directly to shoreline programs in California. Anyone who needs a California license plate can pay extra for the Whale Tail plate. There is an initial charge when the plate is ordered, as well as an annual renewal fee for as long as the plate is in service. Smart phone applications have been developed in Malibu [38] and Tahoe [43], California, to chart all public access points, describe each area, provide photos, and even delineate between the public and private portion of a beach. Charging a small amount for the smart phone apps may enhance funding for shoreline programs. Other shoreline funding donation approaches include the Green Bucks program [44] in Tahoe and the Hermitage Hotel Sustainability Project [63] alliance with the Land Trust for Tennessee. In Tahoe, local businesses collect an extra amount on room nights, season passes, lift tickets, golf rounds, etc., while the Hermitage Hotel collects an extra amount on room nights. Designed as "opt-out" programs, customers are billed the extra amounts unless they actively choose not to participate.

6.2.3.5 CONSERVATION EASEMENTS & LAND TRUSTS

Accumulate and share a collective knowledge base through the Forum of innovative acquisition experiences using combinations of conservation easements, land trusts, bargain sales, and other techniques.

When acquiring access rights, there is the option to acquire the complete (and more expensive) fee simple interest in the land or just an easement. Easements are limited interests in land that either allow the easement holder to do something, called "positive" easement, or that restrict the uses of the land by the owner of the underlying fee, called "negative" easements. An easement for public access may have both a positive right such as allowing public recreational use and a negative restriction that limits development of the easement area. Easements are very flexible and can be tailored to the needs of the fee owner and the easement holder.

A conservation easement is a type of easement that has the following characteristics: 1) it is for conservation purposes (e.g., maintain and improve wildlife habitat, protect scenic vistas, maintain and improve water quality); 2) the easement holder is a qualified private land conservation organization (e.g., land trust) or government entity who stewards the land and enforces the agreed upon restrictions; 3) it is permanent. A conservation easement is a voluntary act by a private landowner.

Based on an appraisal that determines the difference in fair market value before and after the easement takes effect, the private landowner may sell for the full market value of the easement, donate the easement (with the associated tax benefits), or sell at less than market value and receive tax benefits for the difference in the fair market value and the sales price (called a bargain sale). If set up to qualify under IRS regulations, a donated or bargain sale conservation easement provides tax advantages such as federal and state income tax deductions equal to the value of any charitable donation. Some states have also established tax credits (e.g., North Carolina) and estate taxes may be reduced while keeping title to the property. Depending on the municipality, property taxes may be lowered due to the decreased land value resulting from the conservation easement.

The non-profit land trust community in Hawai'i is active in acquiring fee simple interest and conservation easements to preserve land, including public beach access points, in perpetuity. With a property interest in 17,500 acres, the Hawaiian Islands Land Trust (HILT) is the largest land trust in the state. However, there are several others, including the North Shore Community Land Trust (North Shore of O'ahu), the Molokai Land Trust (Moloka'i), and The Nature Conservancy (statewide). The Nature Conservancy's current priority areas do not include shoreline access, but they do have at least one coastal preserve and may be a valuable partner. In addition, the Trust for Public Land (TPL) works statewide as a partner with communities and other land trusts and has been involved in conserving 42,000 acres since 1979.

Funding sources for these 501(c)(3) non-profit organizations include, among others:

- 1) financial donations and charitable contributions from individuals through special giving events, fundraising campaigns, and monthly giving programs;
- 2) contributions from businesses and corporations that operate locally, statewide, nationally, or internationally with ties to or interests in Hawai'i; and
- 3) revenue from sponsoring education activities that promote environmental and beach access protection.

These non-profits can also secure private foundation grants and gifts from entities as diverse as the Conservation Alliance to the Walmart Foundation. They also collaborate with and receive support from institutions and universities such as the Monterey Institute of International Studies, NOAA Sea Grant programs, and the University of Hawai'i.

An important indirect source of funding for these land trusts is donations of fee-simple land and/or property interests (as described above). One significant example of this was the 2009 donation to HILT of an agricultural easement on the 11,038 acres of 'Ulupalakua Ranch on Maui. By placing an easement on their land, the owners of 'Ulupalakua Ranch received a reduced property tax assessment as well as a one-time charitable tax deduction on their income taxes. This is potentially useful for owners of private property on the shoreline, which has a very high value and correspondingly high property taxes.

There are a number of examples of land trusts in Hawai'i using their unique tools to acquire land specifically for coastal access. In all, the various non-profits have preserved nearly 5,500 acres to provide public access to the shoreline.

6.3 IMPROVEMENTS

6.3.1 PRINCIPLE

Budget the level of improvements (and associated funding requirements for capital improvements) based on:

- Defined standards;
- Standards should also be a basis for county liability immunity.

6.3.2 RECOMMENDATIONS

1. *Through the Forum, develop uniform, statewide standards for adequate levels of improvements. Lobby for county tort immunity based on these standards (see 6.3.3.1 below).*
2. *Through the Forum, use STIP-like process to identify and prioritize projects to allocate "block grant" funds (see 6.3.3.2 below).*
3. *Establish a reintegration program with the Corrections Division for improvements projects (see 6.3.3.3 below).*
4. *Where a shoreline trail system or access specifically benefits a resort area, consider BID, CFD, or hotel surcharge (see 6.3.3.4 below).*

6.3.3 DETAILED DESCRIPTION

6.3.3.1 IMPROVEMENT STANDARDS AND TORT IMMUNITY

Through the Forum, develop uniform, statewide standards for adequate levels of improvements. Lobby for county tort immunity based on these standards.

When is it appropriate to have an unimproved dirt trail or 4-wheel drive road, or to further upgrade with paving, or even further upgrade to ADA standards? When is it appropriate to provide parking? Ideally, these questions and others regarding the level of improvements should be addressed by a shoreline plan that would set standards to determine the appropriate and consistent level of improvements for budgeting purposes, as well as public health and safety assurances. Nā Ala Hele's 1991 Program Plan may serve as useful example for trail standards. Factors to consider include:

- **Public Safety.** Cliffs and rough water conditions are examples of areas that require tailored restrictions and/or signage to warn of the dangers. Access providers may want to ensure rescue team accessibility and minimum criteria to provide lifeguards. The City and County of Honolulu

has improved the safety of and rescue response at its accessways by giving each a unique identification number similar to the function of street addresses.

- **Public Health (Sanitation).** While public health facilities (i.e. bathrooms) are generally desired at all accessways, they may be especially important in remote areas where there are no other options. Besides the capital costs, there would be operational costs to clean and maintain these facilities.
- **Signage for Wayfinding, Safety, and Resource Education.** Examples include the shoreline access identification sign along the nearest road, water safety conditions sign, and habitat protocol signs. One county also requested funding to establish formal guidelines for their signage.
- **Trail or Roadway Clearing and Surfacing.** The type of surfacing may control the level of use. For example, unimproved roads may deter the average visitor or resident. Minimum level of improvements is needed for safety and drainage.
- **Parking.** An accessway that is not part of a park could rely on on-street parking. If on-street parking is not available or inadequate, then the plan or other study would need to find other solutions such as a consolidated parking area that provides lateral access or parking restrictions (or fees).
- **Security.** Gates, fencing, or walls may be needed to manage access to the shoreline area or the public's interactions with surrounding agricultural, residential, or high security (e.g., military) areas.
- **ADA.** Whether the access will meet ADA standards would affect the level of improvements relating to surfacing, parking, and grade of the improved accessway.

Standards demonstrate responsible stewardship by the counties and should provide a stronger basis to lobby for tort immunity. According to county representatives on the Advisory Committee, the counties have vigorously, but unsuccessfully lobbied in the past for similar tort immunity that currently extends to the State (see Section 3.6 for discussion on the State's immunity). ***Through the Forum, the counties should coordinate their lobbying efforts for tort immunity once they have developed these uniform improvement standards or county-specific standards that would have had the benefit of peer and Attorney General review.***

6.3.3.2 STIP-LIKE IMPROVEMENTS FUNDING ALLOCATION SYSTEM

Through the Forum, use STIP-like process to identify and prioritize projects to allocate "block grant" funds.

A sum of money granted with only general provisions as to how it is spent is referred to in this report as a "block grant." The federal government apportions a share of transportation funds as a type of block grant to each state without specifying the amount the state should allocate to its subrecipients. In

Hawai'i, the DOT allocates those federal transportation funds among the State and counties through a budgeting process called the State Transportation Improvements Program (STIP). Each year DOT convenes a committee of DOT and county representatives to develop a current year committed budget and multi-year anticipated funding program.

One type of federal transportation funds allocated through the STIP is for alternative transportation improvements such as trails. In the past, these funds were referred to as the Transportation Enhancement (TE) funds [11]. Effective October 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) replaced the TE Activities with the Transportation Alternatives Program (TAP). The TAP replaced and consolidated the funding from pre-MAP-21 programs including the Transportation Enhancement Activities, Recreational Trails Program, and Safe Routes to School Program. Eligible TAP activities include “on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail projects; safe routes to school projects; and projects for planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former divided highways.”¹⁰

TAP funds are allocated on a competitive basis. Eligible project sponsors include the counties, transit agencies, and natural resource or public land agencies (e.g., DLNR); nonprofits are not eligible, but may partner with an eligible project sponsor.¹¹ ***Instead of each county competing against each other, it is recommended that the Forum coordinate and prioritize major public access improvement projects among the State and counties similar to the process used for the STIP. The coordination and allocation by the Forum should include bundling other sources besides TAP funds.***

Potential sources of funds to bundle include the Land and Water Conservation Fund (LWCF) and TAT. ***For the LWCF, the Forum should coordinate with State Parks when updating the State Comprehensive Outdoor Recreation Plan (SCORP).*** For the TAT, additional tourism-related funding dedicated to improve shoreline accessways is justified since shoreline public access is a major attraction for visitors. ***Currently, the Hawai'i Tourism Authority (HTA) grants \$1 million for natural resources projects (HRS § 201B-11(c)(2)) [F]. This statutory section should be amended to make counties or non-profits eligible to apply for and use the funds for acquisition, improvements, or maintenance of shoreline public access.***

6.3.3.3 REINTEGRATION CORRECTIONS PROGRAM

Establish a reintegration program with the Corrections Division for improvements projects.

¹⁰ U.S. Department of Transportation, Federal Highway Administration website, TAP overview, http://www.fhwa.dot.gov%2Fenvironment%2Ftransportation_alternatives%2F&sa=D&sntz=1&usq=AFQjCNFzc1F_4QuyaZIWMdhDiznposDppQ ((accessed April 2014)

¹¹ Transportation Alternatives Program (TAP) Fact Sheet, <http://www.fhwa.dot.gov/map21/factsheets/tap.cfm> (accessed April 2014).

Several counties already tap the community services offered by the State Department of Public Safety Corrections Division. The Corrections Division oversees jails and prisons. Hawai'i *jails* provide for the secure incarceration of pretrial and very short-term sentence misdemeanants; whereas *prisons* incarcerate the more serious offenders. Jails are locally situated on each major island. The jails also provide for the transitional sentence felon population – those who have almost completed their felony sentences and are returning to the community. As part of work release or reintegration programs, inmates are able to participate in community service work lines for county, state, and non-profit organizations.¹²

According to one county that regularly uses these services, the work is excellent and the only cost is lunch. The only caution is to avoid using the services for work that could be construed as “customarily and traditionally performed by civil servants,” thereby potentially displacing government workers.¹³ Mindful of this caution, ***the recommended implementation strategy is threefold:***

- 1) ***formalize a reintegration program with the Corrections Division that would be consistent for all jails, would incorporate work skills or other reintegration objectives, and would specify the types of work, compensation (if any or in-kind such as lunch), and scheduling procedure;***
- 2) ***focus the type of work on improvements or major capital maintenance projects (which are one-time costs as compared to ongoing maintenance work); and***
- 3) ***document the effort if the work qualifies as in-kind contribution.***

6.3.3.4 SPECIAL DISTRICTS

Where a shoreline trail system or access specifically benefits a resort area, consider BID, CFD, or hotel surcharge.

A special district such as a Community Facilities District (CFD) or a Business Improvement District (BID) could be used to partially or wholly finance improvements where a planned network of shoreline pathways traverses through, or is in the vicinity of, an area that would benefit from this network (e.g., a resort area). One or both of these land-secured financing tools may also be used to fund shoreline access acquisition and/or maintenance.

A CFD is a form of land-secured financing designed to underwrite most capital improvements that a local public agency is authorized to own and operate. The security for tax-exempt municipal bonds issued through a CFD is the value of the property within the boundaries of the CFD. An annual special tax is levied on the properties within the CFD, which is usually added to the property tax bill and collected together with the property tax. The special tax may be based on special or general benefit, or

¹² State of Hawai'i, Department of Public Safety website, Corrections Division webpage, <http://dps.hawaii.gov/about/divisions/corrections/> (accessed April 2014).

¹³ The Hawai'i Supreme Court ruled that a county violated state civil service laws when it privatized the operation of a landfill, thereby displacing government employees who had worked at a predecessor facility. *Konno v. County of Hawai'i*, 85 Hawai'i 61, 937 P.2d 397 (1997)

on any other reasonable factor. The annual stream of special tax revenue can be used to support debt service on bonds issued through the CFD, or it can be used to fund capital improvements on an annual or other basis as special tax revenue is received and accumulated.

Special assessments levied on property within the district boundaries are the source of the revenue stream generated through a BID. Annual assessments are generally added to the property tax bill and collected at the same time as property taxes. Clearly, a BID is similar to a CFD, except that the primary purpose of a BID is typically to fund annual operating costs (e.g., security, landscaping, marketing, trash removal, graffiti abatement) associated with the needs of local businesses, rather than to fund infrastructure that serves residential and/or commercial development. However, a BID may be used to issue bonds to finance capital improvements, or annual assessments could be utilized on a pay-as-you-go basis to fund such improvements over time. Note that assessments imposed by a BID, like those of an Improvement District, must be based on a finding of special benefit; that is, the parcel upon which the annual assessment is levied must be deemed to receive a direct and special benefit from the improvements being funded, and the amount of the assessment that relates to the special benefit conferred on the parcel must be based on its proportionate share of benefit relative to the other parcels within the district.

The Strand Beach CFD [33] in Dana Point, California and the Hideaway Beach Special Tax District [46] in Marco Island, Florida, are examples of land-securing financing tools being utilized outside of Hawai'i to fund shoreline access programs. These two districts are devoted solely to beach access acquisition, improvements, and/or maintenance.

6.4 MAINTENANCE

6.4.1 PRINCIPLE

- Since visitors are likely to use any shoreline access, visitor funding sources should not be restrictive.¹⁴
- Counties should be substantially aided in maintenance so that they meet quality and safety standards. Currently, the counties cannot keep up with the disproportionate burden of cost impacts from visitors who use the facilities compared to the revenues kept by the State from visitor taxes.
- User fees should benefit the place from which they are collected as opposed to being deposited into a general fund.

¹⁴ For example, HRS section 198D-2 imposes the following limitation: "shall be expended for the management, maintenance, and development of trails and access areas *frequented* by visitors. . ." (emphasis added).

6.4.2 RECOMMENDATIONS

1. *Increase TAT and/or Tourism Fund allocation to counties as annual block grants in proportion to prior year visitor counts.*
2. *Institute additional user fees, but create a tiered system for entrance fees. To keep user fees place-specific, consider donation programs for adopt-a-park groups.*
3. *Initiate and/or formalize "Friends of" or "Adopt-a-Park" partnerships.*
4. *Include resource impact monitoring programs and enforcement. Seek assistance from volunteer organizations.*

6.4.3 DETAILED DESCRIPTION

6.4.3.1 INCREASE TRANSIENT ACCOMMODATIONS TAX (TAT) ALLOCATION TO COUNTIES

Increase TAT and/or Tourism Fund allocation to counties as annual block grants in proportion to prior year visitor counts.

To more fairly support the counties' role in the visitor economy in providing and maintaining coastal facilities, ***it is recommended that the Legislature either: 1) generally increase the TAT allocation to the counties and leave the discretion to the counties for their respective budgetary support for public access maintenance; and/or 2) earmark a baseline amount specifically for public access maintenance allocated to the counties administered through the Tourism Fund.***¹⁵ If the latter, this fund could serve as an incentive to set higher standards.

These standards could address:

- Frequency to clean restrooms;
- Daily, weekly, monthly, and periodic maintenance checklists and schedules for routine activities (e.g., mowing, landscape trimming);
- State of repair checklist to minimize deferred maintenance;
- Repair response time;
- Rules (see Section 3.4 above that allow restrictions on time of use, etc.);

¹⁵The general TAT allocations to the counties and specific earmarks are currently set forth in HRS section 237D-6.5.

- Monitoring and education programs for sensitive resources (e.g., corals, monk seals, turtles, listed bird species).

For budgeting purposes, the counties should be able to rely on a minimum allocation based on the prior year's visitor count. For accountability, the counties should demonstrate the prior year's performance to meet the standards.

6.4.3.2 USER FEES

Institute additional user fees, but create a tiered system for entrance fees. To keep user fees place-specific, consider donation programs for adopt-a-park groups.

In a 1999 survey of U.S. residents, over 95% of respondents supported user fees or a combination of user fees and taxes to support at least one recreation service on public land.¹⁶ In Hawai'i, a survey done for the 2014 SCORP found that nearly half of the responses supported some type of user fees, with commercial and permitting fees being the most popular, for the support and maintenance of recreational areas and/or facilities. Other, U.S.-wide research has shown that users are more willing to pay user fees when the purpose is to *maintain* the current level of service rather than to develop new programs.¹⁷

However, a frequent comment in the SCORP was that kama'aina should have free or lower cost fees than visitors. Part of the reason for this comment may be due to residents feeling that they are taxed doubly when they have to pay an entrance fee - that is, they have already paid income or property taxes that support the recreational resource. In Hawai'i, good examples of the proposed differential fee system are the parking fees at Hāpuna Beach State Recreation Area, Akaka Falls State Park, and the Nu'uuanu Pali State Wayside. At all of these sites, residents with a state ID are exempt from the parking fee, which ranges from \$3-\$5. Parking fees could be expanded, especially for shoreline accessways that may not have a larger recreation area associated with them.

In addition, there is some research that indicates that visitors may be more likely to pay a fee if the fee is being used for the park where it is collected.¹⁸ This can be difficult to achieve in public recreation systems where fees go into a central fund to be distributed among various facilities. The National Park Service as well as Hawai'i State Parks and all of the state's county park systems are set up this way. Several issues limit the ability of parks agencies to keep the funds collected from fees in place. First, this redistribution method is often critical to supporting less popular parks because they cannot be funded solely from their fees. Second, in order for parks agencies to use the funds exclusively at the parks, they

¹⁶ Bowker, J.M., Cordell, H.K., & Johnson, C.Y. (1999). User fees for recreation services on public lands: A national assessment. *Journal of Park and Recreation Administration*, 7(3), 1-14.

¹⁷ Vogt, C. A., & Williams, D. R. (1999). Support for wilderness recreation fees: the influence of fee purpose and day versus overnight use. *Journal of Park and Recreation Administration*, 17(3), 85-99.

¹⁸ Walpole, M.J., Goodwin, H.J., & Ward, K.G.R. (2001). Pricing policy for tourism in protected areas: Lessons from Komodo National Park, Indonesia. *Conservation Biology*, 15(1), 218-227.

have to set up special funds (e.g. Hanauma Bay Nature Preserve Special Fund), which agency representatives have said are difficult to establish. Instead, it is recommended that, where formal “Friends of” or “Adopt-a-Park” organizations exist (see below), part of an entrance fee be donated to these groups, who will then be able to directly use the funds for maintenance or improvement of the park or accessway where the fee was collected. Another option to fund place-based maintenance, as described in Appendix C [39], is to put donation boxes for a “Friends of” or “Adopt-a-Park” organization along an accessway or in a park.

6.4.3.3 “FRIENDS OF” AND ADOPT-A-PARK PROGRAMS

Initiate and/or formalize “Friends of” or “Adopt-a-Park” partnerships.

Friends of and Adopt-a-Park organizations are a very common way for park agencies to engage the support of the public in the maintenance and improvement of the park. Having active, formal public-private partnerships has a number of financial benefits for public agencies. First, for maintenance or improvement projects, an agency only has to pay for supplies because the Friends of or Adopt-a-Park group could provide volunteer labor. Second, because these groups can solicit donations outside of use fees, they can recover some of the *non-use* value (e.g. scenic value, land value for neighboring properties) that a park or accessway provides.

In Hawai‘i, the City and County of Honolulu has an Adopt-a-Park program, called Hoa Pāka (Park Partner) (see Appendix E for their Adopt-a-Park agreement). The City and County of Honolulu Parks and Recreation Department also has a strong community and corporate service program. For instance, between January and April of 2014, the Department had the assistance of 17,997 volunteers who gave 44,026 hours of service to the County’s parks. Matson, Inc. has a program called Ka Pua ‘Aina that provides free shipping containers for waste during volunteer park clean-ups and donates \$1,000 to organizations that participate in a major park clean-up.

Kaua‘i County has modeled a stewardship agreement with an organization that has improved and maintained a heiau.¹⁹ Hawai‘i County has two levels of commitments: a Friends of the Park option where the community can assist with improvements or maintenance, but the County has full control and supervises (e.g., Honoli‘i and Hakalau Beach Parks); and a Cooperative Agreement option where the community manages the improvements, operations, and maintenance (e.g., Cooper Center in Volcano Village). Haleakala and Hawai‘i Volcanoes National Parks have associated Friends of organizations that support their activities both financially and with volunteers.

Because of the disparate public-private partnerships in Hawai‘i, one major theme to emerge from the 2014 SCORP was that county and State park agencies want to develop and formalize Adopt-a-Park and similar organizations over the next five years. Formalizing the agreements will be especially important to maintain consistency and longevity of the partnership. There are thousands of examples of Adopt-a-

¹⁹ Under a Stewardship Agreement signed in August 2010, the County of Kaua‘i has granted formal custodianship of the Kāneiolouma complex in Po‘ipū to the Hui Mālama O Kāneiolouma.

Park agreements throughout the U.S., but several good guides to developing and improving partnerships include Seattle Shoreline Street Ends [50], Yuba City's Adopt-a-Park Guidebook (California), Partnerships for Parks in New York City, and the Parks and People Foundation in Baltimore.

There is wide latitude for Hawai'i's counties to tailor Adopt-a-Park programs to their needs and time or staff constraints. Responsibilities of existing Adopt-a-Park programs vary widely by municipality. For example, Atlanta's Adopt-a-Park program only allows adoption of parks less than $\frac{1}{4}$ of an acre, but the City recommends that adopters monitor the park weekly, regularly mow the lawn, maintain plantings, pick up litter regularly, remove graffiti, keep signs clean and visible, and monitor trees for signs of illness or dangerous branches. On the other hand, the City of Chicago only requires that Adopt-a-Park groups participate in four workdays per year. The Los Angeles County Department of Parks and Recreation allows businesses, organizations, and individuals to participate in a volunteer Adopt-a-Park program, but they can also simply provide funding that supplements public funding for the park. In addition to sponsoring a park, the Los Angeles County Department of Parks and Recreation also has a number of other sponsorship opportunities, including "Adopt a Trail," "Adopt a Garden," and "Adopt a Natural Area."

7 HYPOTHETICAL CASE EXAMPLES

The following hypothetical examples illustrate how the Funding Plan recommendations could work as applied to various situations.

7.1 ACQUISITION

7.1.1 MAJOR PURCHASE BY COUNTY

Hypothetical Situation: A coastal parcel(s) is identified with exceptional resource values and/or is available for purchase.

1. County determines the desired area is a high priority to tap their Open Space special fund.
2. With Forum assistance if requested, county explores tax incentive options with the landowner, as applicable, including bargain sale terms and/or conservation easements held by a land trust (6.2.3.5 above).
3. With a preliminary price determined, county submits the project to the Forum to seek matching funds (6.2.2 above, Recommendation #4).
4. Forum considers the project in a statewide context together with other submitted projects and eligibility for alternative sources. For example, if the project has wetland resource values, the Forum or the county could apply for applicable grants (o above).

7.1.2 MINOR ACCESSWAY PURCHASE BY COUNTY

Hypothetical Situation: A trail through private property provides the only access to a beach; the property is not subject to a subdivision or SMA permit; common law legal doctrines do not apply.

1. County determines that the subject accessway fills a significant gap in the shoreline public access network set forth in the county's plan (6.2.3.1 above).
2. County explores willingness of landowner to grant public access at no cost with liability protections under HRS Chapter 520 and, with the Forum's assistance, an indemnity agreement (3.6 above).
3. Landowner is unwilling to grant public access at no cost, or has highly restrictive conditions.
4. County determines condemnation actions are necessary and appraises the market value.
5. County explores community willingness to adopt the accessway and administer a user fee (6.4.3.2 above), donation program, or other means to repay a debt service. If a revenue stream potential exists, the county submits a proposal to the Forum to draw on the newly created shoreline access fund as a loan. If no revenue stream potential exists, the county submits a proposal to draw on the fund by debiting its baseline allocation (6.2.3.4).

7.2 IMPROVEMENTS AND MAINTENANCE

7.2.1 GOVERNMENT-OWNED LAND OR ACCESSWAY

Hypothetical Situation: The County has purchased undeveloped property or received an unimproved easement and has not opened access to the public due to its undeveloped status.

1. Assess the state of improvements against the improvements standards (6.3.3.1 above), and develop a capital improvements budget for the project.
2. Establish rules of operation and use (3.4 above), and develop a maintenance and operation budget for the project.
3. If tort immunity for counties is not yet enacted (6.3.3.1 above), then approach the Forum to assist in executing an indemnity agreement (3.6 above).
4. If regulating access is desirable, consider parking and/or access control system (manned or unmanned) at the trailhead which could also generate revenues for improvements and maintenance (6.4.3.2 above).
5. Submit the improvements budget to the Forum for sorting whether the project is eligible for one or a combination of Corrections community service, STIP-like funding pool, special districts, or other means. Include the operations and maintenance plan to justify operations-related capital improvements such as an unmanned card-controlled gate (6.3.2 above, Recommendation #2).
6. Schedule and manage project delivery with assurance of sustained maintenance.

7.2.2 PRIVATE-OWNED LAND OR ACCESSWAY

Hypothetical Situation: A private landowner has or is willing to provide public access but incurs costs such as for road or trail maintenance, portable toilets, and/or security. The landowner would like to recoup the cost, but collection of such payment would jeopardize the landowner's tort immunity under HRS Chapter 520 (unless that statute is amended to allow cost reimbursement).

1. Landowner's options include:
 - a. Continue the status quo but strengthen liability protection by requesting an indemnification agreement (3.6 above).
 - b. Commit to public access in perpetuity but maintain title and control by creating a conservation easement. Work out tax incentives, as applicable. Consider a land trust to assume management and costs (6.2.3.5 above).
 - c. Convey to government through dedication (no cash, tax credits as applicable), bargain sale (less than market price, tax credits as applicable), or friendly condemnation (market price).

2. County, in partnership with the landowner and assistance as needed from the Forum, can assist to implement any of the three options.

7.2.3 MIXED-OWNED PLANNED REGIONAL NETWORK

Hypothetical Situation: A network of roads and trails exist or is planned that is part of a resort, park, or defined system such as a heritage corridor program. It may be a mix of public and private ownership of land and rights-of-way.

1. Have one nonprofit assume overall management. This nonprofit could be the applicant for grants and could also administer user, concession, and commercial tour fees. All grants and proceeds would be used solely for the network system.
2. If all or a portion of the network system benefits businesses (e.g., resort hotels, restaurants, stores), consider establishing a business improvement district or CFD to fund a proportionate share of the improvements (including debt service) and maintenance costs (6.3.3.4 above). The assessments from the BID would directly fund the improvements and/or maintenance within the BID district as directed by the overall nonprofit manager. The businesses could consider an opt-out donation to supplement their assessment and receive public relations promotional credits that enhance their market image in the community and industry (6.2.3.4 above).
3. The county's role would be a supporting partner to the nonprofit manager by accessing the Forum for funding ideas and assistance for improvements and maintenance. If creating a BID or CFD, the county could encourage and support the effort by advancing funds to cover the special district formation costs, and get reimbursed through the special district proceeds.

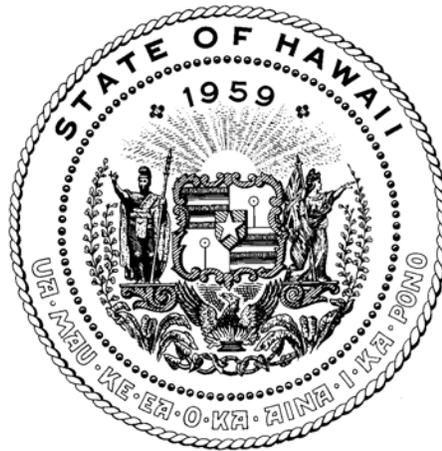
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APPENDIX A: HAWAI'I CASE LAW REGARDING PUBLIC TRUST SHORELINE

Legal analysis extracted from:

REPORT TO THE TWENTY-THIRD LEGISLATURE
REGULAR SESSION OF 2006

REQUESTING A REVIEW AND ANALYSIS OF THE ISSUES SURROUNDING THE
SHORELINE CERTIFICATION PROCESS FOR THE PURPOSE OF ESTABLISHING
SHORELINE SETBACKS



PREPARED BY:
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

IN RESPONSE TO:
SENATE CONCURRENT RESOLUTION 51, SENATE DRAFT 1
REGULAR SESSION OF 2005

DECEMBER 2005

Moreover, SCR 51 SD1 clearly states that the purpose of the Working Group is to conduct a *review of the issues surrounding the shoreline certification process for the purpose of establishing shoreline setbacks, review current laws and administrative rules governing shoreline certifications by identifying specific problems and issues regarding the implementation of the laws and rules, exploring alternatives, and making recommendations to address the problems and issues.*

Having clarified these distinctions, the Working Group considered whether shoreline certification is a purely technical matter (e.g., elevation tidal datum), or whether it is an ecosystem management-based policy issue related to the protection of beaches and reduction of coastal hazards. Discussion has centered on the need for a more consistent and clear shoreline feature that is more easily recognized and whether the current definition of shoreline is appropriate for shoreline setback purposes (see Appendix B Working Group Discussion)

II. GOAL OF SCR 51 SD1

This report recognizes that the certified shoreline is used for setback, zoning, and public access. Given these multiple uses, it is important to focus on the intended purpose of SCR 51 SD1.

1. One obvious intended purpose the group agreed upon is to evaluate the certified shoreline as an appropriate baseline for the setback determination.
2. Group discussion revealed a lack of agreement as to whether (1.) the sole intention of SCR 51 SD1 was specific to shoreline setbacks and it was suggested that the intention was broader and meant to encompass aspects of public access, ownership, and jurisdiction as well as the setback determination.

III. LEGAL FRAMEWORK: LAW OF THE SHORELINE IN HAWAII

HAWAII SUPREME COURT PRECEDENT

In the 1960s and 1970s, the Hawaii Supreme Court (Court), led by Chief Justice William S. Richardson, issued a series of historic and visionary case decisions establishing the law regarding the location of shorelines in Hawaii. These decisions afforded broad recognition and protection of shoreline areas and public beach access and still stand as among the most distinguished legacies of the Court to the law and people of Hawaii. In re Ashford, 50 Haw. 314, 440 P.2d 76 (1968), the Court ruled that the term "ma ke kai" (along the sea) in royal land patents established the boundary of the shoreline according to the following terms: "along the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation or by the line of debris left by the wash of the waves." (50 Haw. at 315, 440 P.2d at 77) The Court rejected an alternate interpretation of "mean high water," which would have located the shoreline more makai and would have left the shoreline under water much of the time.

In County of Hawaii v. Sotomura, 55 Haw. 176, 517 P.2d 57 (1973), the Court recognized its Ashford decision as "a judicial recognition of longstanding public use of Hawaii's beaches to an easily recognizable boundary that has ripened into a customary right." (55 Haw. at 181, 182, 517 P.2d at 61) The Court emphasized that "public policy, as interpreted by this Court, favors extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible." (55 Haw. at 182, 517 P.2d at 61, 62)

The Court in the Sotomura case held that the Circuit Court correctly determined the shoreline to lie along "the upper reach of the wash of the waves," pursuant to Ashford. (55 Haw. at 182, 517 P.2d at 62). However, the Circuit Court erred in locating the shoreline at the debris line, which lay more makai of the vegetation line. The Court held "as a matter of law that where the wash of the waves is marked by both a debris line and a vegetation line lying further mauka, the presumption is that the upper reaches of the wash of the waves over the course of a year lies along the line marking the edge of vegetation growth.", (55 Haw. at 182, 517 P.2d at 62).

The Court further recognized that "[l]and below the high water mark, like flowing water, is a natural resource owned by the State subject to, but in some sense in trust for the enjoyment of certain public rights" (55 Haw. at 183, 184, 517 P.2d at 63, citation omitted)— a concept commonly known as the "Public Trust Doctrine." The Court explained that it had long recognized the Public Trust Doctrine and reaffirmed the Doctrine's foundational principle that the land below the shoreline "belongs to the State of Hawaii." (55 Haw. at 184, 517 P.2d at 63).

Within In re Sanborn, 57 Haw. 585, 562 P.2d 771 (1977), the Court reiterated that "the law of general application in Hawaii is that the beachfront title lines run along the upper annual reaches of the waves, excluding storm and tidal waves." (57 Haw. at 588, 562 P.2d at 773). The Court approved the lower Court's designation of the shoreline at the "vegetation and debris line," which marked "the upper reaches of the wash of waves during ordinary high tide during the winter season, when the ... waves are further mauka (or inland) than the highest wash of waves during the summer season." (57 Haw. at 588, 562 P.2d at 773, citation omitted).

The Court in the Sanborn case also reaffirmed that "land below [the] high water mark is held in public trust by the State, whose ownership may not be relinquished, except where relinquishment is consistent with certain public purposes." (57 Haw. at 593, 594, 562 P.2d at 776) The people of Hawaii have enshrined the public trust doctrine in their state constitution. Article XI, section 1 of the Hawaii State Constitution declares that "all public resources are held in trust by the state for the benefit of its people," which the Hawaii Supreme Court ruled "adopt[s] the public trust doctrine as a fundamental principle of constitutional law in Hawaii

In sum, the seminal shoreline cases of the Hawaii Supreme Court have established the shoreline "along the upper annual reaches of the wash of the waves, excluding storm and tidal waves," "usually evidenced by the edge of vegetation or by the line of debris left by the wash of the waves." These rulings manifest the express public policy of "extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible" and

the long-recognized principle, now enshrined in the Hawaii State Constitution, that lands below the shoreline are held by the State as a public trust for the people of Hawaii. These cases established a recognizable reference point to locate a shoreline boundary, which was subsequently adopted in Chapter 205A, HRS, as the reference point to delineate the shoreline for setback and jurisdictional purposes.

IV. PURPOSE OF SHORELINE CERTIFICATION

The primary purpose of shoreline certifications is to establish a baseline for setback purposes, pursuant to Chapter 205A, HRS. The shoreline also delineates the jurisdictional boundary between the State-managed Conservation District and other state and county land use districts. In addition, on many beaches the shoreline also is perceived as defining the mauka edge of public access along the shoreline (§ 115-5, HRS - recognizing a public “right of transit along the shoreline” and citing the definition under court rulings and Chapter 205A, HRS).

The erosion zone, the area with the most varied and dangerous forces of nature including storm surge, tsunami inundation, and shoreline recession, is the most intensively developed land in Hawaii. The State and counties have an obligation to insure that the vulnerability of coastal construction too near a rising sea fraught with sudden and unstoppable hazards, is effectively mitigated. Accurate shoreline delineation at the annually reoccurring, upper reach of the wash of the waves is one necessary and effective measure in the effort to deter dangerously sited construction and protect the public interests.

Disagreement Regarding Ownership There was disagreement within the Working Group regarding the use of the shoreline for determining ownership. Some Working Group members looked to Chapter 205A, HRS, and found no language relating the shoreline to land ownership. Other members held that the shoreline acts as a *de facto* property boundary in two ways:

1. The legal standard used to determine the shoreline for setback purposes is the same standard that is used to set seaward property boundaries. Hence, in practice, surveyors use the same methods to determine the shoreline whether for setback or ownership purposes and often rely on previous shoreline certifications to establish the property boundary. §115-5, HRS, refers to the private property line as the shoreline.
2. Abutting owners and the user public often assume a certified shoreline marks ownership. Worse, abutting owners and the public mistakenly assume a vegetation boundary marks ownership, and hence public access. This emboldens abutting owners to defend land mauka of a vegetation boundary, and public users become afraid to use or cross-vegetated lands.

Shoreline Delineation Process To establish the position of the shoreline, a private surveyor is typically hired by a landowner seeking a permit to conduct activity in the shoreline area. The Surveyor’s job is to determine the location of the high wash of the

**APPENDIX B: LIST OF ADVISORY COMMITTEE
MEMBERS (REVISED MAY 2015)**

Candidate Advisory Committee Members

The following people were *invited* to participate on the Advisory Committee.
Please note: position titles and/or affiliations may have changed since October 2013.

| First Name | Last Name | Position | Affiliation |
|--------------|-----------|---------------------------------|---|
| Danilo | Agsalog | Director | County of Maui Department of Finance |
| Nelson | Ayers | Trails and Access Manager | Department of Land & Natural Resources Division of Forestry & Wildlife |
| Sandy | Baz | Budget Director | County of Maui Budget Office |
| Larry | Brown | Planner | County of Hawai'i Planning Department |
| Jim | Buika | Planner | County of Maui Planning Department |
| Suzanne | Case | Executive Director | The Nature Conservancy of Hawai'i |
| Tina | Clothier | Executive Director | Peoples Advocacy for Trails Hawai'i |
| Glenn | Correa | Director | County of Maui Department of Parks & Recreation |
| Kamana'opono | Crabbe | CEO | Office of Hawaiian Affairs |
| Nancy | Crawford | Director | County of Hawai'i Department of Finance |
| Patrick | Gegen | Chair | County of Kaua'i Public Access, Open Space, & Natural Resources Preservation Fund Commission |
| Lea | Hong | Hawaiian Islands State Director | The Trust for Public Land |
| Clayton | Honma | Director | County of Hawai'i Department of Parks & Recreation |

Candidate Advisory Committee Members

The following people were *invited* to participate on the Advisory Committee.
Please note: position titles and/or affiliations may have changed since October 2013.

| First Name | Last Name | Position | Affiliation |
|-------------------|------------------|---------------------------------------|---|
| Steven | Hunt | Director | County of Kaua'i Department of Finance |
| Nelson | Koyanagi, Jr. | Acting Director | City & County of Honolulu Department of Budget & Fiscal Services |
| Samuel | Lemmo | Administrator | Department of Land & Natural Resources Office of Conservation & Coastal Lands |
| Marilyn | Nicholson | Chair | County of Hawai'i Public Access, Open Space, & Natural Resources Preservation Commission |
| Leonard | Rapozo, Jr. | Director | County of Kaua'i Department of Parks & Recreation |
| Toni | Robinson | Director | City & County of Honolulu Department of Parks & Recreation |
| Nani | Sadora | Planner | County of Kaua'i Planning Department |
| Susan | Sakai | Chair | Marine & Coastal Zone Advocacy Council |
| Mario | Siu-Li | Chief | City & County of Honolulu Department of Planning & Permitting, Subdivision Branch |
| Kelii | Wilson | Director of Hawaiian Cultural Affairs | Hawai'i Tourism Authority |
| Martha | Yent | Interpretive Program Manager | Department of Land & Natural Resources Division of State Parks |

Active Advisory Committee Members

The following people *participated* on the Advisory Committee.
Please note: position titles and/or affiliations may have changed since October 2013.

| First Name | Last Name | Position | Affiliation | Attended 11/01/13 Meeting | Attended 01/24/14 Meeting | Attended 03/21/14 Meeting | Attended 05/22/14 Meeting |
|------------|-------------|------------------------------------|--|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Danilo | Agsalog | Director | County of Maui Department of Finance | X | X | X | X |
| Cheryl | Akiona | CIP Coordinator | County of Maui Department of Parks & Recreation | X | | X | |
| Nelson | Ayers | Trails & Access Manager | Department of Land & Natural Resources Division of Forestry & Wildlife | X | | | |
| Sandy | Baz | Budget Director | County of Maui Budget Office | X | X | | |
| Larry | Brown | Planner | County of Hawai'i Planning Department | | X | | |
| Tina | Clothier | Executive Director | Peoples Advocacy for Trails Hawai'i | X | | | |
| Dawn | Hegger | Member | Marine & Coastal Zone Advocacy Council | | | X | |
| Lea | Hong | Hawaiian Islands State Director | The Trust for Public Land | X | | | |
| Gary | Kurokawa | Deputy Director | City & County of Honolulu Department of Budget & Fiscal Services | | X | | |
| Samuel | Lemmo | Administrator | Department of Land & Natural Resources Office of Conservation & Coastal Lands | X | | | |
| Lucas | Mead | Planner | County of Hawai'i Planning Department | X | X | X | X |
| Leonard | Rapoza, Jr. | Director | County of Kaua'i Department of Parks & Recreation | | X | X | X |

Active Advisory Committee Members

The following people *participated* on the Advisory Committee.
Please note: position titles and/or affiliations may have changed since October 2013.

| First Name | Last Name | Position | Affiliation | Attended 11/01/13 Meeting | Attended 01/24/14 Meeting | Attended 03/21/14 Meeting | Attended 05/22/14 Meeting |
|------------|------------|---------------------------------|---|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Nani | Sadora | Planner | County of Kaua'i Planning Department | X | X | | |
| Susan | Sakai | Chair | Marine & Coastal Zone Advocacy Council | X | X | X | X |
| April | Surprenant | Long Range Planning Manager | County of Hawai'i Planning Department | X | | | |
| Ken | Van Bergen | Property Manager | County of Hawai'i Department of Finance, Property Management | X | | X | |
| Martha | Yent | Interpretive Program Manager | Department of Land & Natural Resources Division of State Parks | X | X | X | X |

APPENDIX C: FUNDING SOURCES FOR SHORELINE PUBLIC ACCESS

Hawaii Shoreline Access Summary of Funding Sources

| Use | California | | | | | | | | | | | | | | | | | | | | | | | |
|------------------------------|------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 |
| Acquisition | • | • | • | • | | • | | | | | | | | | | | | | | • | | • | • | • |
| Improvement | • | • | • | • | • | • | • | | • | • | • | • | • | • | | | • | • | • | • | • | • | • | • |
| Maintenance | • | • | • | • | • | • | • | • | • | • | • | • | | • | | • | • | | | • | • | • | • | • |
| Technical Assistance | | | | | | | | | | | | | | | | | | | | | | | | |
| Eligible Recipient | | | | | | | | | | | | | | | | | | | | | | | | |
| State | • | | | • | | • | | | • | | | | | • | | | | | | | | | | |
| County | • | • | • | • | • | | • | • | • | • | • | • | • | | | • | • | | • | | | | | |
| Non-Profit | • | | | | | | | | | | | | | | • | | | • | | • | • | • | • | • |
| Private | | | | | | | | | | | | | | | | | | | | | | | | |
| Funding Type/Source | | | | | | | | | | | | | | | | | | | | | | | | |
| Mandate | | | | | | | | | | | | | | | | | | | | | | | | |
| Special Appropriation/Bonds | | | | • | | | | | | | | | | | | | | | | | | | | |
| Special Fund | | | | | | | | | | | | | | | | | | | | | | | | |
| Grant | • | • | • | | • | | | | | | | | | | | | • | | | | | | • | |
| Loan | | | | | | | | | | | | | | | | | | | | | | | | |
| Tax Credit | | | | | | | | | | | | | | | | | | | | | | | | |
| Visitor Lodging Tax | | | | | | | | | | | | | | | | | | | | | | | | |
| Sales Tax | | | | | | | | | | | • | • | | | | | | | | | | | | |
| Conveyance Tax | | | | | | | | | | | | | | | | | | | | | | | | |
| Fuel Tax | | | | | | | | | | | | | | | | | | | | | | | | |
| Property Tax | | | | | | | | | | | | | | | | | | | | | | | | |
| Bag Tax | | | | | | | | • | | | | | | | | | | | | | | | | |
| Bike Tax | | | | | | | | | | | | | | | | | | | | | | | | |
| Special Tax (i.e., CFD) | | | | | | | | | | | | • | | | | | | | | | | | | |
| Voluntary Surcharge/Donation | • | | | | | | | | | | | | | | • | • | | | | | | | | • |
| User Fees | | | | | | • | | | • | | | | | | | | | | | | | | | |
| Permit Fees | | • | • | | • | | • | | | | | | | • | | | | | | | | | | |
| Advertisement Fees | | | | | | | | | | • | | | | | | | | | | | | | | |
| Concession Fees | | | | | | | | | | | | | | | | | | | | | | | | |
| Donation | | | | | | | | | | | | | | | | | | | • | | | | • | |
| Advisory Services | | | | | | | | | | | | | | | | | | | | | | | | |
| Other | | | | | | | | | | | | | | | | | | | • | | • | • | • | |

Hawaii Shoreline Access Existing Funding Sources

| | Mandatory Dedication | | |
|---|---|--|--|
| | <i>A</i> | <i>B</i> | <i>C</i> |
| Agency/Organization | DLNR Land Division -> State Leased Land | County Planning Departments -> Subdivision | County Planning Departments, City & County Council, Office of Planning -> Special Management Area |
| Funding Type and/or Source | Lease condition | Exaction | Exaction |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A | A | A, I |
| Description | Lands under federal, state, or county ownership offer potential opportunities to establish public access where these lands abut the shoreline. Under HRS 171-26, the State has an obligation to establish shoreline access when it leases or otherwise transfers rights in State land. Non-vehicular right-of-ways declared public by Highways Act of 1892 are public trails. | Pursuant to Hawai'i Revised Statutes (HRS) §46-6.5 "Public access," each county in the state is required to "adopt ordinances which 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." Each county has more specific regulations. | In the SMA, each county authority is required to regulate development in such a way that allows "Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles" (HRS §205A-26(1)(A)). |
| Requirements, Eligibility, and Restrictions | Must be government-owned land. | Coastal private land being subdivided. Created only at certain levels of subdivision. | Development in SMA, subject to exceptions. |
| Deadlines | No | No | No |
| Matching Funds | No | No | No |
| Study Identifying Priorities | No | No | No |
| Selection Process | No | No | No |
| Average Annual Amount Disbursed or Collected | N/A | N/A | N/A |
| Typical Project Amount | N/A | N/A | N/A |
| Geographic Limitations | Hawai'i | Hawai'i | Hawai'i Special Management Area |
| Type of Land or Intended Use | Coastal government-owned lands to provide access to shoreline | Coastal private land being subdivided | Adequate access to publicly owned or used beaches, recreation areas, and natural reserves |
| Type of Ownership (i.e., public, private, or non-profit) | Government - county, state, federal | Private | Access to publicly owned areas |

Hawaii Shoreline Access Existing Funding Sources

| | State Special Funds | | |
|--|---|---|---|
| | <i>D</i> | <i>E</i> | <i>F</i> |
| Agency/Organization | DLNR Na Ala Hele -> Special Land & Development Fund | DLNR Legacy Land Conservation Commission -> Land Conservation Fund | Hawaii Tourism Authority Natural Resources Grant -> Tourism Special Fund |
| Funding Type and/or Source | Direct Funding, Technical Assistance Source: TAT, highway fuel taxes, commercial fees | Grant Source: conveyance tax, G.O. bonds, donations | Grant Source: TAT, appropriations, donations |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M | I,M |
| Description | The Special Land and Development Fund, established under HRS 171-19, finances several functions of the Department of Land and Natural Resources. Among the authorized uses is "the management, maintenance, and development of trails and trail accesses under the jurisdiction of the department" (HRS 171-19(a)(6)). The referenced trail system under the department's jurisdiction is the Na Ala Hele program established under HRS 198D. | Established under HRS 173A-5, grants from the LCF are available through the Legacy Land Conservation Program to state agencies, counties, and non-profit land conservation organizations to acquire property that has value as a resource to Hawai'i. Among the resources recognized by the statute as having value to the State are "coastal areas, beaches, and ocean access" (HRS 173A-5(g)(2)). | HRS 201B-11 establishes the Tourism Special Fund. At least \$1M shall be made available to support efforts to manage, improve, and protect Hawaii's natural environment and areas frequented by visitors (HRS 201B11c(2)). HTA solicits grant applications to disburse these funds. |
| Requirements, Eligibility, and Restrictions | DLNR Na Ala Hele trails only. | State, County, Non-profit. Funds used for costs related to the operation, maintenance, and management of lands acquired by way of this fund cannot exceed 5% of the fund's annual revenues from previous year. | State, County, Non-profit. Must be areas frequented by visitors. |
| Deadlines | No | | Yes |
| Matching Funds | N/A | 25% of total project cost | |
| Study Identifying Priorities | No | No | |
| Selection Process | N/A | N/A | |
| Average Annual Amount Disbursed or Collected | N/A | N/A | |
| Typical Project Amount | N/A | N/A | |
| Geographic Limitations | DLNR Na Ala Hele trails only | Hawai'i | |
| Type of Land or Intended Use | DLNR Na Ala Hele Trails only | "Coastal areas, beaches, and ocean access" (HRS 173A-5(g)(2)) | |
| Type of Ownership (i.e., public, private, or non-profit) | Public | State, County, Non-profit | |

Hawaii Shoreline Access Existing Funding Sources

| State/County General Funds | |
|--|--|
| G | |
| Agency/Organization | State of Hawai'i and Counties -> STATE/COUNTY PARTNERSHIP (HRS 115-7) |
| Funding Type and/or Source | Direct Funding Source: G.O. bonds |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A |
| Description | DLNR has the authority to enter into agreements with the Council of any county to acquire public rights-of-way and public transit corridors. DLNR would seek appropriations from the legislature which the county would have to match (HRS 115-7 & 8; 198D-8). |
| Requirements, Eligibility, and Restrictions | County, working with State. Must be public rights-of-way. |
| Deadlines | |
| Matching Funds | Yes |
| Study Identifying Priorities | No |
| Selection Process | Determined by DLNR |
| Average Annual Amount Disbursed or Collected | N/A |
| Typical Project Amount | N/A |
| Geographic Limitations | Hawai'i |
| Type of Land or Intended Use | Public rights-of-way and public transit corridors |
| Type of Ownership (i.e., public, private, or non-profit) | Any - but will become County-owned |

Hawaii Shoreline Access Existing Funding Sources

| | County Open Space Special Funds | |
|--|--|---|
| | <i>H</i> | <i>I</i> |
| Agency/Organization | County of Maui | County of Kaua'i |
| Funding Type and/or Source | Direct Funding Source: Property tax | Direct Funding Source: Property tax |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I |
| Description | The Maui County Charter, Section 9-19 allocates a minimum of 1% of the county's certified real property tax revenues to the "Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund." This fund is used for, among other purposes, "improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities." | Kaua'i's "Public Access, Open Space and Natural Resources Preservation Fund" receives a minimum of 1.5% of the county's certified real property taxes. The Fund's purposes include (among others) "public outdoor recreation and education, including access to beaches and mountains" and "improving disabled and public access to, and enjoyment of, public land, and open space; acquiring disabled and public access to public land, and open space" (Kaua'i County Charter, Section 19.15(C)). |
| Requirements, Eligibility, and Restrictions | Available lands "improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities." | |
| Deadlines | | |
| Matching Funds | | |
| Study Identifying Priorities | No? | Together with the Planning Commission, the OSC develops a biennial list of acquisition priorities and submits an annual report to the County Council. The OSC also organizes the annual Open Space Survey to acquire community input on acquisition priorities |
| Selection Process | Grants are considered by the Budget and Finance Committee and awarded by the County Council | The Open Space Commission (OSC) is responsible for recommending distributions of the Fund. |
| Average Annual Amount Disbursed or Collected | N/A | N/A - Only been disbursed once (2008, \$800K) |
| Typical Project Amount | N/A | N/A |
| Geographic Limitations | Maui County | County of Kaua'i |
| Type of Land or Intended Use | Available lands "improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities." | N/A |
| Type of Ownership (i.e., public, private, or non-profit) | Private | Private |

Hawaii Shoreline Access Existing Funding Sources

| | County Open Space Special Funds (cont.) | |
|--|---|---|
| | <i>J</i> | <i>K</i> |
| Agency/Organization | County of Hawai'i | City and County of Honolulu |
| Funding Type and/or Source | Direct Funding Source: Property tax | Direct Funding Source: Property tax |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I |
| Description | Hawai'i County Code, Chapter 2, Article 42 (Public Access, Open Space, and Natural Resources Preservation Fund) sets aside 2% of county property tax revenue collected annually to acquire land or property entitlements for a variety of purposes, including beach access. In addition, 0.25% of annual county property tax revenue be deposited into the maintenance fund for public safety and other maintenance of lands purchased with the 2% money. | The Clean Water and Natural Lands (CWNL) Fund receives 0.5% of the real property tax of the county. The purposes of this fund include "public outdoor recreation and education, including access to beaches and mountains" and "acquisition of public access to public land and open space" (Revised Ordinances of Honolulu, Section 6-62.2). |
| Requirements, Eligibility, and Restrictions | County-determined priority list. | |
| Deadlines | N/A | N/A |
| Matching Funds | N/A | N/A |
| Study Identifying Priorities | Yes - Public Access, Open Space, and Natural Resources Preservation Commission is responsible for submitting an annual list of lands prioritized for acquisition | No |
| Selection Process | Yes, see cell to the left | Applicants for the funds submit proposals to the Clean Water and Natural Lands Commission, which reviews the proposals, invites public comment, holds public hearings, and then forwards its recommendations to the City Council. |
| Average Annual Amount Disbursed or Collected | N/A | N/A |
| Typical Project Amount | N/A | N/A |
| Geographic Limitations | County of Hawai'i | City and County of Honolulu |
| Type of Land or Intended Use | Beach access | N/A |
| Type of Ownership (i.e., public, private, or non-profit) | Private | Private |

Hawaii Shoreline Access Existing Funding Sources

| | Private | |
|--|--|---|
| | <i>L</i> | <i>M</i> |
| Agency/Organization | Individual landowners -> Voluntary, no charge (HRS 520) | Various, but primary is Hawaiian Islands Land Trust -> Conservation easement/land |
| Funding Type and/or Source | Liability Immunity | Tax credit |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A | A, I, M |
| Description | HRS § 520. Landowner's Liability. Under this statute, private landowners are protected from liability for injury to persons entering their property for recreational purposes. Landowner does not have to keep their land safe for entry or use by others for recreational purposes. They also do not have to give warning of dangerous condition, use, structure, or activity. | <i>From Hawaiian Islands Land Trust:</i> A conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. When a landowner transfers selected development rights to a Land Trust through a conservation easement, safeguards are established against uses of the land that could damage its ecological, scenic, recreational, or natural resource values. The Land Trust then holds these development rights, but is prohibited from ever using them. The Land Trust accepts perpetual responsibility for protecting the land. |
| Requirements, Eligibility, and Restrictions | Private landowner. Landowner cannot charge for access. | If donation, landowner must fill out Form 8283. There are also various appraisal and documentation requirements that are either the responsibility of the landowner or land trust, depending on the nature of the transaction. Holder of easement must be a Qualified Organization under 170(h) of Internal Revenue Code. Generally restricted by holder's mission. The IRS requirements for an income tax deduction are that the easement must be a) perpetual; b) held by a qualified governmental or non-profit organization; and, c) serve a valid "conservation purpose" (natural, scenic, historic, scientific, recreational, or open space value). |
| Deadlines | N/A | N/A |
| Matching Funds | | Depends. |
| Study Identifying Priorities | N/A | No |
| Selection Process | N/A | All accredited land trusts must have some kind of selection process. Organizations vary in how selective they are. |
| Average Annual Amount Disbursed or Collected | N/A | N/A |
| Typical Project Amount | N/A | N/A |
| Geographic Limitations | N/A | N/A |
| Type of Land or Intended Use | To provide public access over private land | For an income tax deduction, the property must serve a conservation purpose. Otherwise, the type of land or intended use is only restricted by the mission of the organization. |
| Type of Ownership (i.e., public, private, or non-profit) | Private land | Primarily willing private landowners but can be used for willing public landowners. |

Hawaii Shoreline Access Potential Funding Sources

| | Federal Programs | | |
|--|---|---|---|
| | 1 | 2 | 3 |
| Agency/Organization | DOI -> FWS -> Bird Habitat Conservation -> NAWCA | DOI -> FWS -> NCWCGP | DOI -> NPS -> Rivers, Trails, & Conservation Assistance Program |
| Website | http://www.fws.gov/birdhabitat/Grants/NAWCA/index.shtm | http://wsfrprograms.fws.gov | http://www.nps.gov/orgs/rtca/whatwedo.htm |
| Contact | David Buie / Cheryl Leonard | Sarah Bielski | Meredith Speicher |
| Phone | (301) 497-5870 / (703) 358-1725 | 503-231-6758 | (808) 541-2693 ext. 725 |
| Email | david_buie@fws.gov cheryl_leonard@fws.gov | sarah_bielski@fws.gov | meredith_speicher@nps.gov |
| Funding Type and/or Source | Grant - Standard (>\$75K) & Small (<&75K) | Grants - discretionary, competitive | Advisory services, counseling; not monetary |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I | A, I | N/A |
| Description | Provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife. | Provides competitive matching grants to coastal states for coastal wetlands conservation projects. Grants are discretionary and awarded on a competitive basis. | Helps to connect all Americans to their parks, trails, rivers, and other special places. When a community asks for assistance with a project, staff provide free, on-location facilitation and planning expertise. Helps guide a project from conception to completion. Draws from project experiences across the country and adapt best practices to a community's specific needs. |
| Requirements, Eligibility, and Restrictions | - A 2-year plan of action supported by a NAWCA grant and partner funds to conserve wetlands and wetlands-dependent fish and wildlife through acquisition (including easements and land title donations), restoration and/or enhancement. - Technical Assessment Questions. - Contains a grant request between \$75,001 and \$1,000,000. If the grant request is \$75,000 or less, the proposal will be considered as a NAWCA Small Grant. The grant request may exceed \$1,000,000, but must be accompanied by a justification of need. The Council will evaluate the request and approve/disapprove based on factors such as opportunity, resource values involved, threat level, loss of match and/or the amount of available funding. If a request in excess of \$1,000,000 is submitted, structure the proposal so that the proposal will remain viable if the grant request amount is reduced. Includes public access on acquired lands to the extent that it is compatible with long-term conservation of fish and wildlife dependent on the area. It may be appropriate to limit the number of people permitted access or the season of access. | Be included on list of eligible states, which includes Hawaii. Pre-application coordination is required. | Private non-profits, federal, state and local govt are eligible. All grants must adhere to program criteria. |
| Deadlines | Standard: March and July; Small: October | June | August |
| Matching Funds | Yes; 1:1 | Yes; 25% - 50% | No. |
| Study Identifying Priorities | A 2-year plan of action. | No. | No. |
| Selection Process | The Bird Habitat Conservation Division is responsible for grants. Once eligible proposals have been determined, they are further reviewed and ranked by the NAWCC, a nine-member council established by NAWCA. NAWCC then recommends projects to the Migratory Bird Conservation Commission, a seven-member commission authorized by the NAWCA to give final funding approval to projects. | Selected by the Director of FWS | Adherence to program criteria and level of available staff time. |
| Average Annual Amount Disbursed or Collected | 2013: Standard = \$35.7M Small = \$3.0M | 2013: \$20M for 24 grants 2014: \$16.5M to 21 grants | FY 2013: \$3.5M |
| Typical Project Amount | Standard: \$75K - \$1M Small: <\$75K | National: 2013 (\$833K) and 2014 (\$786K) Hawaii: \$344K (1 grant) in 2014; \$549K (1 grant) in 2012 | \$60K |
| Geographic Limitations | No | Yes: part of eligible state | No |
| Type of Land or Intended Use | Conservation | Conservation and Restoration | N/A |
| Type of Ownership (i.e., public, private, or non-profit) | Varies | Varies | N/A |

Hawaii Shoreline Access Potential Funding Sources

| | Federal Programs (cont.) | | |
|--|---|---|--|
| | 4.a | 4.b | 4.c |
| Agency/Organization | DOC -> NOAA -> OCRM -> CZMA -> Section 306(a) (Coastal Resource Improvement Program) | DOC -> NOAA -> OCRM -> CZMA -> Section 307 (Coastal & Estuarine Land Conservation Prog) | DOC -> NOAA -> OCRM -> CZMA -> Section 308 (Coastal Zone Mgmt Fund) |
| Website | http://coastalmanagement.noaa.gov/land/celcp_in_depth.html | http://coastalmanagement.noaa.gov/about/czma.html#section307 | http://coastalmanagement.noaa.gov/about/czma.html#section308 |
| Contact | Elaine Vaudreuil | see 4.a | see 4.a |
| Phone | (301) 713-3155 ext. 103 | see 4.a | see 4.a |
| Email | Elaine.Vaudreuil@noaa.gov | see 4.a | see 4.a |
| Funding Type and/or Source | Grants | Grants | Loans |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A | Program |
| Description | Created by Congress specifically to fund acquisition of higher-priced coastal area properties. Since FY 2007, NOAA has managed an annual competitive funding process to select projects for funding within amounts appropriated by congress. Each year, NOAA develops a prioritized list of projects that are ready and eligible for funding through a competitive merit review process. This list guides NOAA's selection of projects within the funding amounts available through both CELCP and the Great Lakes Restoration Initiative. Projects on the FY 2012 ranked list that are not funded in FY 2012 will remain on the contingency list, which will remain active until it is superseded. | Grants to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management. Also receives funding from the EPA's Great Lakes Restoration Initiative. | (i) Projects to address management issues which are regional in scope, including interstate projects; (ii) demonstration projects which have high potential for improving coastal zone management, especially at the local level; (iii) emergency grants to State coastal zone management agencies to address unforeseen or disaster-related circumstances; (iv) appropriate awards recognizing excellence in coastal zone management as provided in section 1460 of this title; and (v) to provide financial support to coastal states for use for investigating and applying the public trust doctrine to implement State management programs approved under section 1455 of this title. |
| Requirements, Eligibility, and Restrictions | Letter from Government; proposal with statement of work and budget estimate. Requires pre-application coordination. Must be a coastal State with CELCP Plan and federally approved CZM program (Hawaii meets this criteria). Pre-application coordination is required. | States must have an approved coastal zone management plans or National Estuarine Research Reserve units. Grants to acquire property or interests in property. Must be a coastal State with CELCP Plan and federally approved CZM program (Hawaii meets this criteria). | Projects that meet the 5 criteria above, as determined by the Secretary of Commerce. |
| Deadlines | N/A | N/A | N/A |
| Matching Funds | Yes; non-federal match of 1:1 | Yes; non-federal match of 1:1 | No |
| Study Identifying Priorities | CELCP Plan and federally approved CZM program | CELCP Plan and federally approved CZM program | CELCP Plan and federally approved CZM program |
| Selection Process | Applications are approved by the OCRM. | Projects are selected through national funding competition. Two phases; one project is selected per state, then each state competes against other states on the national level | At the discretion of the Secretary of Commerce. |
| Average Annual Amount Disbursed or Collected | 2012 = \$5.1M; 2002-12 avg = \$24.8M | 2009 thru 2013 = \$60M (avg \$8.6M per year) | |
| Typical Project Amount | Max \$1M per project; 2 projects per state | | |
| Geographic Limitations | Coastal State | Coastal State | Coastal State |
| Type of Land or Intended Use | N/A | N/A | N/A |
| Type of Ownership (i.e., public, private, or non-profit) | Non-federal public ownership in perpetuity | Public | N/A |

Hawaii Shoreline Access Potential Funding Sources

| | | Federal Programs (cont.) | |
|--|---|--|-----|
| | | 4.d | 4.e |
| Agency/Organization | DOC -> NOAA -> OCRM -> CZMA -> Section 309 (Coastal Zone Enhancement Grants) | DOC -> NOAA -> OCRM -> CZMA -> Section 310 (Technical Assistance) | |
| Website | http://coastalmanagement.noaa.gov/about/czma.html#section309 | http://coastalmanagement.noaa.gov/about/czma.html#section310 | |
| Contact | see 4.a | see 4.a | |
| Phone | see 4.a | see 4.a | |
| Email | see 4.a | see 4.a | |
| Funding Type and/or Source | Grants | Technical assistance | |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | Other | |
| Description | (1) Protect, restore, or enhance existing coastal wetlands base, or creation of new coastal wetlands. (2) Prevent or reduce threats to life and destruction of property by eliminating development and redevelopment in high-hazard areas (3) Attain increased opportunities for public access, taking into account current and future public access needs, to coastal areas of recreational, historical, aesthetic, ecological, or cultural value. (4) Reduce marine debris entering the Nation's coastal and ocean environment by managing uses and activities that contribute to the entry of such debris. (5) Develop and adopt procedures to assess, consider, and control cumulative and secondary impacts of coastal growth and development. (6) Prepare & implement special area management plans for important coastal areas. | Program to provide technical assistance and management-oriented research necessary to support the development and implementation of State coastal management program amendments, and appropriate to the furtherance of international cooperative efforts and technical assistance in coastal zone management. Each department, agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise, in carrying out the purposes of this section, including the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, study, and technical assistance which does not interfere with the performance of the primary duties of such department, agency, or instrumentality. | |
| Requirements, Eligibility, and Restrictions | Projects that meet the 6 criteria above, as determined by the Secretary of Commerce, to coastal states. | Projects must support the development and implementation of State coastal management program amendments or international cooperative efforts and technical assistance in coastal zone management. | |
| Deadlines | N/A | N/A | |
| Matching Funds | No | No | |
| Study Identifying Priorities | CELCP Plan and federally approved CZM program | CELCP Plan and federally approved CZM program | |
| Selection Process | The Secretary shall evaluate and rank State proposals for funding under this section, and make funding awards based on those proposals, taking into account the criteria established by the Secretary under subsection (d) of this section. The Secretary shall ensure that funding decisions under this section take into consideration the fiscal and technical needs of proposing States and the overall merit of each proposal in terms of benefits to the public. | At the discretion of the Secretary of Commerce. | |
| Average Annual Amount Disbursed or Collected | Maximum of \$10,000,000 annually | N/A | |
| Typical Project Amount | | N/A | |
| Geographic Limitations | Coastal State | Coastal State | |
| Type of Land or Intended Use | N/A | N/A | |
| Type of Ownership (i.e., public, private, or non-profit) | N/A | N/A | |

Hawaii Shoreline Access Potential Funding Sources

| Federal Programs (cont.) | | |
|--|--|---|
| | 5 | 6 |
| Agency/Organization | DOI -> FWS -> Outer Continental Shelf Lands Act -> Coastal Impact Assist Prog | DOI -> NPS -> Land & Water Conservation Fund (LWCF) |
| Website | http://wsfrprograms.fws.gov/ | http://www.nps.gov/lwcf/ |
| Contact | J. Max Carithers | Elisabeth Fondriest |
| Phone | (703) 358-2156 | (202) 354-6916 |
| Email | james_carithers@fws.gov | elisabeth_fondriest@nps.gov |
| Funding Type and/or Source | Grants | Grants |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I | A, I |
| Description | Disburses funding for the purpose of conservation, protection, or restoration of coastal areas, mitigation of damage to fish, wildlife, or natural resources in 6 states: Alabama, Alaska, California, Louisiana, Mississippi, and Texas. Does not currently include Hawaii. | Provides matching grants to States and local governments for the acquisition and development of public outdoor recreation areas and facilities (as well as funding for shared federal land acquisition and conservation strategies). The program is intended to create and maintain a nationwide legacy of high quality recreation areas and facilities and to stimulate non-federal investments in the protection and maintenance of recreation resources across the United States. The LWCF program can be divided into the "State side" -- grants to State and local governments and, the "Federal side" -- the federal portion of the LWCF that is used to acquire lands, waters, and interests therein necessary to achieve the natural, cultural, wildlife, and recreation management objectives of the NPS and other federal land management agencies. |
| Requirements, Eligibility, and Restrictions | Yes, state plan, but not environmental impact information. Includes 6 States, which does not currently include Hawaii. Funds: 65% allocated to the State; 35% to coastal political subdivisions; last year of funding is 2016. | Grants must create a permanent, national recreation estate. The LWCF Act requires that all property acquired or developed with LWCF assistance be maintained perpetually in public recreation use. This ensures that tens of thousands of outdoor sites - at every level of government and in almost every county of the United States - are recognized as continuing legacies that must remain available, not just for today's citizens but for all future generations of Americans. States; state political subdivisions such as cities, counties, and special purpose districts such as park districts are eligible. Each State and Territory has a designated lead agency (i.e., DLNR) for the purposes of implementation of LWCF in that State. Only the lead State or Territory agency may be the primary applicant for an LWCF grant; they apply on behalf of themselves or for other state agencies, political subdivisions, and Indian tribes. |
| Deadlines | N/A | August |
| Matching Funds | No, but 1:1 match is preferred | A minimum of 1:1 match is required from state, local, or private sources. |
| Study Identifying Priorities | No | No |
| Selection Process | Coastal Program field staff are responsible for identifying and selecting habitat conservation projects, with concurrence from the field station Project Leader, or other appropriate authority. At a minimum, our conservation activities and projects must advance the mission of the Service and be based on sound ecological principles. Field staff also use the project selection criteria to identify projects that maximize benefits to federal trust species, and use program resources in the most effective and efficient manner. | In most years, all States receive individual allocations of LWCF grant funds based on a national formula (with state population being the most influential factor). Then States initiate a statewide competition for the amount available (including the new year allocation, any previous year allocations, and any amounts 'recovered' due to cost underruns on earlier projects funded). |
| Average Annual Amount Disbursed or Collected | 2013 = \$75M | 2013: \$40M nationally; \$425K to Hawaii |
| Typical Project Amount | \$1.0M | \$100K; but ranges from \$5K to \$1.5M |
| Geographic Limitations | Yes | No |
| Type of Land or Intended Use | Conservation | Recreation |
| Type of Ownership (i.e., public, private, or non-profit) | Varies | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Federal Programs (cont.) | | |
|--|--|--|--|
| | 7 | 8 | 9 |
| Agency/Organization | DOD -> Dept of the Army -> Office of the Chief Engineers --> Estuary Habitat Restoration Program | DOD -> Dept of the Army -> Office of the Chief Engineers --> Beach Erosion Control Projects | Rivers and Harbors Act |
| Website | http://www.usace.army.mil/missions/environmental/estuaryrestoration.aspx | http://www.nps.gov/lwcf/ | |
| Contact | Ellen Cumings | Lee Tew | |
| Phone | (202) 761-4750 | 202-761-1504 | |
| Email | Ellen.M.Cummings@usace.army.mil | Donnie.L.Tew@usace.army.mil | pod-pao@usace.army.mil |
| Funding Type and/or Source | Cooperative Agreements | Services | Grants |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I | I | I |
| Description | <p>Promote the restoration of estuary habitat; develop a national Estuary Habitat Restoration Strategy for creating and maintaining effective partnerships within the Federal government and with the private sector; provide Federal assistance for and promote efficient financing of estuary habitat restoration projects; and to develop and enhance monitoring, data sharing, and research capabilities.</p> <p>The ERA authorizes a program under which the Secretary of the Army may carry out projects and provide technical assistance to meet the restoration goal. Costs of projects funded under the ERA must be shared with non-Federal parties.</p> <p>Non-federal interest must agree to furnish its required share of the costs of the project and provide long term operation, maintenance, repair, rehabilitation, and replacement of the restoration.</p> | <p>Corps of Engineers designs and constructs the project. Each project selected must be engineering feasible, complete within itself, and economically justified. The nonfederal sponsoring agency must agree to: (1) Share equally in cash and in-kind services for feasibility studies; (2) share in the cost of the project, including a cash contribution, providing the necessary lands, easements, right-of-way, and relocations required for the project; (3) assume full responsibility for all project costs in excess of the Federal cost limit of \$2,000,000; (4) hold and save the United States free from damages; (5) assure that water pollution that would affect the health of bathers will not be permitted; (6) assure continued public ownership or public use of the beach, and its administration for public use; (7) provide project maintenance; and (8) provide and maintain necessary access roads, parking areas and other public use facilities open and available to all on equal terms.</p> | <p>Federal funds for projects to prevent damage to the shores and beaches and to promote and encourage the healthful recreation. Promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishments.</p> <p>Preference is given to areas in which there has been a federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to federal navigation projects or other federal activities.</p> |
| Requirements, Eligibility, and Restrictions | <p>Prepare, retain, and upon request provide documentation of their expenditure of funds for ERA projects.</p> <p>Projects must meet ERA requirements.</p> | <p>Applicants must furnish evidence of legal authorization, financial capability, and willingness to provide all necessary local participation and required cooperation. States, political subdivisions of States or other responsible local agencies established under State law with full authority and ability to undertake necessary legal and financial responsibilities.</p> <p>Pre-application coordination is required.</p> | <p>Adopted plan authorized by Congress after investigation and study by the Coastal Engineering Research Center.</p> |
| Deadlines | N/A | N/A | N/A |
| Matching Funds | Yes; legal limit of 65% of costs from federal sources | Yes; 50% | Yes, Grant cannot exceed 50% of costs |
| Study Identifying Priorities | No | An environmental impact statement is required. | No |
| Selection Process | <p>The Secretary of the Army may delegate projects with a Federal cost of less than \$1,000,000 to one of the other Council members to implement with it's own appropriated funds or other funds available to the agency.</p> | <p>The Division Engineer approves an individual project upon the basis of a comprehensive investigation and report by the District Engineer.</p> <p>The first \$100,000 is federally funded. Additional study costs are shared 50/50 with local sponsor. Federal participation cannot exceed \$2,000,000, the determination of local costs is based on the public use and ownership of the beach protected.</p> | |
| Average Annual Amount Disbursed or Collected | \$1.0M per year | | |
| Typical Project Amount | \$1.0M max per project | | |
| Geographic Limitations | No | No | No |
| Type of Land or Intended Use | | | |
| Type of Ownership (i.e., public, private, or non-profit) | | | |

Hawaii Shoreline Access Potential Funding Sources

| | Federal Programs (cont.) | |
|--|---|--|
| | 10 | 11 |
| Agency/Organization | DOT Recreational Trails Program (RTP) | DOT Transportation Enhancements Program |
| Website | http://www.fhwa.dot.gov/environment/recreational_trails/ | http://www.fhwa.dot.gov/environment/transportation_enhancements/ or http://www.ta-clearinghouse.info/index |
| Contact | Nelson Ayers - Manager, Trail & Access Program | Christopher Douwes - Planner Recreational Trails Program |
| Phone | 808-587-4175 | 202-366-5013 |
| Email | nelson.l.ayers@hawaii.gov | christopher.douwes@dot.gov |
| Funding Type and/or Source | Type: Grant Source: Funds set aside from Transportation Alternatives Program | Type: Grant Source: U.S. Dept. of Transportation, Federal Highway Administration |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M |
| Description | Managed by trail administrators in each state and is a competitive grant program designed to fund the maintenance and restoration of existing trails; development or rehabilitation of trailside and trailhead facilities and linkages; acquisition of necessary easements; associated administrative costs; and new trails and educational programs. | Sample eligible activities: providing infrastructure for pedestrians and bicycles, acquisition of scenic easements or historic sites, landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic buildings, control and removal of outdoor advertising, and reducing vehicle-caused wildlife mortality while maintaining habitat connectivity. |
| Requirements, Eligibility, and Restrictions | All states except KS and FL are eligible (they chose to opt-out of the program). At least 30% of funds must be used for non-motorized trails. | Most states require the project sponsor to be a local or state agency, although some states have allowed nonprofit organizations. Project must relate to surface transportation and qualify as one or more of the eligible activities. |
| Deadlines | Ongoing | Ongoing |
| Matching Funds | Yes; up to 12% (varies by state) | Yes; 20% |
| Study Identifying Priorities | No | No |
| Selection Process | Competitive | Competitive; submit a formal application to your state DOT. |
| Average Annual Amount Disbursed or Collected | \$1M disbursed | \$500M disbursed |
| Typical Project Amount | no minimum or maximum | \$24,000-\$1.3M |
| Geographic Limitations | Any state except KS or FL | Any state |
| Type of Land or Intended Use | Recreational trails; maintenance/restoration of existing trails; trailhead facilities and linkages; acquisition of easements; admin costs; new trails; education | To help expand transportation choices and enhance the transportation experience |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | National/International Non-Profits | | |
|--|--|--|--|
| | 12 | 13 | 14 |
| Agency/Organization | The Nature Conservancy | Trust for Public Land (TPL) | Surfrider Foundation |
| Website | http://www.nature.org/index.htm | http://www.tpl.org/our-work | http://www.surfrider.org/pages/mission |
| Contact | | | |
| Phone | (808) 537-4508 | (808) 524-8560 | (949) 492-8170 |
| Email | hawaii@tnc.org | hawaii@tpl.org | info@surfrider.org |
| Funding Type and/or Source | Grants; Public Policy to expand federal and state funding | Fundraising, including major gifts, endowments, events, sponsors, membership, royalties, advertising, conservation easements, and federal/state habitat reimbursements; Grants | Fundraising; volunteerism (e.g., beach cleanup) |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A | A | A, M |
| Description | <p>The leading conservation organization working around the world to protect ecologically important lands and waters for nature and people. Its scientists and policy experts focus on coastal waters where development and use pressures are greatest and where people are most dependent upon the oceans.</p> <p>In Hawai'i, they focus on the following priority areas:</p> <ul style="list-style-type: none"> •Marine Conservation: Hawaii's coral reefs and near shore waters contribute more than \$360 million annually to the state's economy, yet are being altered and depleted at rates that far outstrip current conservation efforts. •Invasive Species: The silent invasion of Hawai'i by insects, disease, snakes, weeds, and other pests poses serious risks to the state's natural environment — and its economy. | <p>Conserves land for people to enjoy as parks, gardens, and other natural places, ensuring livable communities for generations to come</p> | <p>Mission is the protection and enjoyment of oceans, waves and beaches through a powerful activist network. That can be thought of as three concepts. "Protection and enjoyment:" don't want to put a velvet rope around a beach and tell people to keep off. They're surfers, beach goers, and watermen... they enjoy the coasts. They're a user group. Next up is "oceans, waves and beaches." Think coastlines, where they're engaged with environmental issues that affect those areas. "Powerful activist network" speaks to how it goes about this mission. They are a grassroots organization. They're local in many coastal regions.</p> <p>Local chapters on each of the four counties in Hawaii. Surfrider Foundation promotes the right of low-impact, free and open access to the world's waves and beaches for all people. Beaches are one of the most popular public resources. Because individuals need access to beaches in order to enjoy them, Surfrider Foundation acts to protect the right of access. In nearly every state, some portion of the beach is public land, which means that all members of the public have the right to use that portion of the beach.</p> |
| Requirements, Eligibility, and Restrictions | Plan or proposal of action | Shared Interests between the public and non-profit's goals | Shared Interests between the public and non-profit's goals |
| Deadlines | N/A | N/A | N/A |
| Matching Funds | No | No | No |
| Study Identifying Priorities | | No | N/A |
| Selection Process | | | N/A |
| Average Annual Amount Disbursed or Collected | FY 2012-13: \$513M; FY 2011-12: \$622M for conservation activities and purchase of lands | | N/A |
| Typical Project Amount | | Wide range of projects that span 1 acre to 23K acres; average is not useful per Lea Hong. | N/A |
| Geographic Limitations | No | No | No |
| Type of Land or Intended Use | | | |
| Type of Ownership (i.e., public, private, or non-profit) | | | |

Hawaii Shoreline Access Potential Funding Sources

| | National/International Non-Profits (cont.) | | |
|--|---|--|--|
| | 15 | 16 | 17 |
| Agency/Organization | Pacific Coast Joint Ventures (PCJV) | Ducks Unlimited | Center for Natural Lands Management (CNLM) |
| Website | http://pcjv.org/home/about/ | http://www.ducks.org/about-du?poe=hometxt | http://www.cnlm.org/cms/index.php?option=com_content&task=view&id=92&Itemid=178 |
| Contact | Jane Rubey aka "Rubey" | Aaron Will | Rebecca Kramer |
| Phone | (808) 217-6658 | 916.852.2000 | (760) 731-7790 ext.104 |
| Email | rubey@pcjv.org | awill@ducks.org | rkramer@cnlm.org |
| Funding Type and/or Source | Fundraising; Grants | Fundraising; Advocacy; Recipient of federal/ state grants to implement conservation projects | Public Policy to expand federal and state funding |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A | A, M | A, M |
| Description | <p>A partnership of organizations and agencies that are working to protect and restore wetland ecosystems for their habitat benefits to endangered and migratory waterbirds and shorebirds.</p> <p>Uses a business model that develops partnerships between public and private agencies and organizations. Partners pool financial and management resources to fund and carry out on-the-ground projects to protect lowland wetland and upland habitats.</p> <p>Relies heavily on existing federal grant programs such as the National Coastal Wetlands Conservation and the North American Wetlands Management Act to obtain the considerable funds that are needed to acquire and/or restore wetland systems.</p> | <p>Urbanization of lowland, coastal areas, particularly on Oahu, has accelerated the conversion or alteration of wetlands. Most degraded wetland systems are now occupied by hotels, houses, golf courses, shopping centers, landfills, military installations, highways, agricultural fields and industrial sites. Protection and restoration of Hawaii's wetlands are essential to the recovery of the endemic water birds, as well as the migrant waterfowl and shorebirds.</p> | <p>The Center for Natural Lands Management was founded in 1990, and since then has been a leader in the planning and management of mitigation and conservation lands in California.</p> <p>The Center's preserve portfolio stretches from the sea coast to the deserts, and from the Mexican border to the Humboldt Bay. These lands often are centered on "biodiversity hotspots", places that support large numbers of species, including an unusually high number of threatened and endangered species. The preserves are set aside and managed for the continued existence of native plants and animals, and for the appreciation of people today and in future generations. Many of the preserves are open to the public and include hiking, photography, and educational opportunities. Other preserves may be too sensitive for unsupervised access, but guided tours are often available. We encourage you to visit our preserves and experience these remaining islands of California's rich natural heritage</p> <p>Source of funds include developer exactions for land acquisition and donations/on-site contributions/endowments for maintenance.</p> |
| Requirements, Eligibility, and Restrictions | <p>Shared Interests between the public and non-profit's goals. Projects that protect and restore wetland ecosystems for their habitat benefits to endangered and migratory waterbirds and shorebirds.</p> <p>Includes public access projects that contain significant wetland of value as bird habitat.</p> | <p>Shared Interests between the public and non-profit's goals</p> | <p>Shared Interests between the public and non-profit's goals</p> |
| Deadlines | N/A | N/A | N/A |
| Matching Funds | No | No | No |
| Study Identifying Priorities | No | No | No |
| Selection Process | Projects are evaluated based on adherence to goals and objectives. | N/A | N/A |
| Average Annual Amount Disbursed or Collected | \$10-\$15K per yr for all projects in Hawaii | Avg 2007-2011 \$217K | N/A |
| Typical Project Amount | | N/A | Wide range of projects |
| Geographic Limitations | No | No | CA & WA |
| Type of Land or Intended Use | | Conservation, Recreation | Public |
| Type of Ownership (i.e., public, private, or non-profit) | | Public and private | Non-Profit |

Hawaii Shoreline Access Potential Funding Sources

| | National/International Non-Profits (cont.) | | |
|--|--|--|--|
| | 18 | 19 | 20 |
| Agency/Organization | The Conservation Fund | The Conservation Lands Foundation | American Shore and Beach Preservation Association (ASBPA) / American Coastal Coalition (ACC) |
| Website | http://www.conservationfund.org/ | http://conservationlands.org/home/who-we-are/staff | http://www.asbpa.org/about_us/about_us_history.htm |
| Contact | | | Kate & Ken Gooderham |
| Phone | 703-525-6300 | 970-247-0807 | 239.489.2616 |
| Email | | info@conservationlands.org | ExDir@asbpa.org |
| Funding Type and/or Source | Advocacy; loans | Advocacy; Grants | Advocacy |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A | A, I | N/A |
| Description | For nearly 30 years, The Conservation Fund has been saving special places across America. It has protected 7 million acres of land and water in all 50 states, from the park down the street to historic battlefields, wild areas and favorite destinations of all kinds. Working with community, government and business partners, strives to balance economic and environmental goals. The Conservation Fund ranks among the top 1% of charities nationwide. | It's mission is to protect, restore and expand the National Conservation Lands through education, advocacy and partnerships. Established in 2007, it is an organization dedicated solely to protecting the premier lands and waterways under the Bureau of Land Management's (BLM's) jurisdiction. This collection, or system, of lands called the National Conservation Lands was established in 2000 by Secretary Bruce Babbitt and codified by Congress in 2009. It joined the ranks of our National Parks, National Forests and National Wildlife Refuges as special places that protect our nation's natural, cultural and scientific treasures. National Conservation Lands are composed of National Monuments and National Conservation Areas, Wilderness and Wilderness Study Areas, Wild and Scenic Rivers, National Scenic and Historic Trails and other special designations. The Conservation Lands Foundation is the only organization in the country dedicated solely to safeguarding the ecological and cultural integrity of the 28 million acres and 2,400 river miles that make up the National Conservation Lands. | Recently, ASBPA merged with ACC. ASBPA was founded in 1926 by individuals who recognized the need for an organized effort to combat erosion, a serious problem in many coastal areas. Experience had shown that long stretches of shore were affected, making protective efforts by individual property owners or small communities futile. The expertise required to design comprehensive programs of protection was largely lacking. In bygone days, the needs of navigation were regarded as paramount and there was no redress available for damages to adjacent shores by navigation works. Recently, the work of ASBPA has been expanded to a broad range of activities and interests related to the overall planning and management of shores and beaches. Recognizing the great diversity of our coasts, the ASBPA encourages regional workshops, as well as national meetings to benefit those working with our shores and beaches. |
| Requirements, Eligibility, and Restrictions | | The Conservation Lands Foundation makes grants under its Constituency Development Program. It provides financial and training resources to support organizations working to protect, restore and expand National Conservation Lands. The bulk of its resources in this program go to organizations that are in its Friends Grassroots Network. Resources include, but are not limited to: •Grants for project-specific work •Grants for organizational development •Fundraising support, including trainings and resource development •Consulting for planning, policy or technical help •Trainings for board and staff development •Media and communications training •Participation at its annual conference, the Friends' Grassroots Network Rendezvous Due to overwhelming demand, participation in the Constituency Development Program is by invitation only. Applies to National Conservation Lands (NCL) only; currently does not operate in Hawaii because BLM has not classified any lands in Hawaii as NCL. | N/A |
| Deadlines | N/A | N/A | N/A |
| Matching Funds | No | No | N/A |
| Study Identifying Priorities | | No | N/A |
| Selection Process | | By invitation only. | N/A |
| Average Annual Amount Disbursed or Collected | CY 2012: \$133M; CY 2011: \$191M expenses associated with programs and activities | N/A | N/A |
| Typical Project Amount | | N/A | N/A |
| Geographic Limitations | No | Yes; BLM designated sites | N/A |
| Type of Land or Intended Use | | Conservation | N/A |
| Type of Ownership (i.e., public, private, or non-profit) | | | N/A |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs | |
|--|--|---|
| | 21 | 22 |
| Agency/Organization | CCC | CCC |
| Website | http://www.ecoplates.com/ | http://www.coastal.ca.gov/cdp/cdp-forms.html |
| Contact | | Sarah Christie |
| Phone | 800-262-7848 | (916) 445-6067 |
| Email | coast4u@coastal.ca.gov | |
| Funding Type and/or Source | Grants/ Revenue from License Plates | Grants/ Coastal Development Permit |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M |
| Description | The Coastal Commission developed the Whale Tail® License Plate as a way for the public to contribute to the CCC. The standard sequential plate costs \$50. Personalized "vanity" plates, with a custom message, cost \$98. Regular personalized plates converted to personalized Whale Tail plates cost \$98. Annual renewals cost \$40 for the standard plates, and \$78 for the personalized plates. | Development along the coast must sign up for permit, fees for permits are based on the fee category and are different based on size of the development. Permits also apply to "temporary events". Funds are placed in Coastal Act Services Fund. |
| Requirements, Eligibility, and Restrictions | Any licensed driver in CA with a CA license plate is able to apply for a specialty license plate. You are not able to keep old license number, DMV has special numbers for Whale Tail Plates and other specialty plates. Grant applicants must be either a non-profit organization, a school, or a governmental entity and for beach operation and maintenance projects, the applicant must be a non-profit organization or local governmental agency. | Application must be submitted that describes proposed development in detail. Any development in cities and counties along the coast of California must apply for permits. Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies. |
| Deadlines | November 1st | N/A |
| Matching Funds | N/A | N/A |
| Study Identifying Priorities | N/A | Biological survey may be required if near sensitive habitat areas |
| Selection Process | CCC staff evaluate applications for the following criteria: educational component; need; project concept; and proposal content. | Application is selected if the development follows CCC guidelines, i.e., "The Coastal Act requires that development not interfere with the public's right of access to the sea" (Section 30211). |
| Average Annual Amount Disbursed or Collected | Collected: \$1.5 M earned annually; In 2013 a total of \$341,940 will be distributed for whale tail grants. | CCC typically distributes \$1 million for planning grants to coastal cities and counties. |
| Typical Project Amount | Any amount up to \$50,000, and 25-50% of the funding will be allocated in small grants under \$10,000. | The amount differs depending on SFR or Commercial, Sq. ft., temporary events, permanent events, etc. \$5,000-\$500,000 |
| Geographic Limitations | CA | Along the CA coast |
| Type of Land or Intended Use | N/A | Land along coast |
| Type of Ownership (i.e., public, private, or non-profit) | Public | State-owned, private, public, non-profit |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs (cont.) | |
|--|---|---|
| | 23 | 24 |
| Agency/Organization | CCC | CC |
| Website | http://www.coastal.ca.gov/lcps.html | http://scc.ca.gov/applying-for-grants-and-assistance/forms/ |
| Contact | Liz Fuchs | Dick Wayman |
| Phone | (415) 904-5287 | (510) 286-4182. |
| Email | | dwayman@scc.ca.gov |
| Funding Type and/or Source | Grants/Local Coastal Program (LCPs) - Development Permits | Grants/ Bonds |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M |
| Description | LCPs are basic planning tools used by local governments to guide development in the coastal zone, in partnership with CCC. LCPs contain ground rules for future development and protection of coastal resources in their Land Use plans. Land Use plans vary depending on city/s/locals desires. Over 70 LCPs in CA currently exist, including: Monterey, Malibu, and San Luis Obispo. LCPs require protection of existing access and that new development provide maximum public access to and along the shoreline, consistent with public safety needs and the rights of private property owners. To carry out this policy, LCPs require access ways be established at the time of development where prescriptive rights may exist, and specify how to acquire, measure, & establish access ways. Nonprofit organizations also play a role in the implementation. | California Voters approved \$1 billion of bond funds. California Conservancy issues grants to local cities, governments, etc. who apply for them to support conservation, access, maintenance, etc. Money from CC also comes from various programs including carbon revenue, fees for services provided to other agencies, and penalty violations. |
| Requirements, Eligibility, and Restrictions | Requirements are specific to the LCP, cities, and counties along the Coast. A detailed application that describes potential development in detail and corresponds with the LCP's Land Use Plan (e.g., Big Sur Coast Land Use plan states that coastal development permits can be conditioned to require either dedication of access ways through donation of land, easements or payment of in-lieu fees. When new access is provided or existing access is formalized or expanded, the LCP requires that an appropriate public agency or private organization assume management responsibility for public use, or agreements concerning such responsibility be reached with landowners) | Prospective applicants must discuss their projects with Conservancy staff prior to completing or submitting an application. CC staff will determine whether or not an application should be submitted. Government agencies (federal, state, local, and special districts) and certain nonprofit organizations are eligible for funding. Many CC projects have come from voter approved bond measures, therefore each bond act includes specific language governing the use of its funds. In many cases, funds are restricted to specific geographic areas or specific projects. |
| Deadlines | N/A | Proposals are accepted on a continuous basis. In addition, periodic grant rounds will be advertised and applications will be accepted for projects of a particular type or for specific locations. |
| Matching Funds | N/A | Priority is given to projects with a significant amount matching funds. |
| Study Identifying Priorities | Specific to LCP; Biological survey may be required if near sensitive habitat areas | The proposed project must meet at least one CC goal to be chosen. |
| Selection Process | Specific to LCP; selected if meets all the requirements based in application and LU plan | Funding availability is generally subject to legislative appropriation of bond funds. |
| Average Annual Amount Disbursed or Collected | CCC typically distributes \$1 million for planning grants to coastal cities and counties every year. | The amount disbursed annually varies greatly: \$20M to \$100M. (CC has \$160M left of bonds that it will distribute over the next 7 years, assuming there are no new bonds.) CC is anticipated to collect about \$5M per year from the habitat conservation fund, violation remediation account, and coastal access funds. |
| Typical Project Amount | The amount differs depending on SFR or Commercial, Sq. ft., temporary events, permanent events, etc. \$5,000-\$500,000 | There are no established minimum or maximum grant amounts. CC will base the size of awards on project needs, benefits, and competing demands for existing funding. |
| Geographic Limitations | Specific to LCP (e.g., all development in Malibu needs a development permit since the whole city is included in the Malibu LCP) | The entire coastal zone of California, ocean habitats, and coastal watersheds. |
| Type of Land or Intended Use | Land along the coast | Stages of a project generally funded by CC include pre-project feasibility studies, property acquisitions, planning and design, environmental review, construction, monitoring, and maintenance. |
| Type of Ownership (i.e., public, private, or non-profit) | Public, private, non-profit | Public |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs (cont.) | |
|--|--|---|
| | 25 | 26 |
| Agency/Organization | CSLC | CADPR |
| Website | http://www.slc.ca.gov | http://www.parks.ca.gov/ |
| Contact | Sheri Pemberton | Capital District Offices |
| Phone | 916.574.1800 | 916-653-6995 |
| Email | Sheri.Pemberton@slc.ca.gov | info@parks.ca.gov |
| Funding Type and/or Source | Land Grants/Direct Funding | Grants/Park User Fees |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I, M | A, I, M |
| Description | Public and private entities may apply to the Commission for leases or permits on state lands for many purposes including marinas, industrial wharves, dredging, sand mining, tanker anchorages, grazing, right-of-ways, bank protection, recreational uses, etc. (e.g., Morro Bay leases land a to power plant who pipes water used to cool the plant. The lease is \$800,000 annually which goes directly back into the sovereign lands.) | State parks charge "day use fees" (parking and entrance fees) and camping fees (drive-in, group, hike & bike, hook up, walk-in, etc.) [Fees range from \$2 - \$450 Per Person/Group]. These fees are used in the CADPR financing programs. These programs fund: acquisition, development, operation, and maintenance of regional open space lands, including regional open space corridors, parks, harbors, beaches, riding and hiking trails, and Class I off-road bikeways. Other sources of revenue for CADPR include: concession income, grant revenues, county general funds, county services area funds, developer endowments, and gifts. |
| Requirements, Eligibility, and Restrictions | Land grants must be in compliance with provisions of the granting statute and the public trust doctrine. Both public and private entities may apply to lease lands. The revenue generated by the lease <u>must</u> be reinvested back into land trust it is, not allowed to be used for the city/county general fund. | All visitors to state parks must pay park user fees, although not all parks require entrance fees or parking fees. Certain restrictions can apply to vehicles for camping such as the RV must have own bathroom. Restrictions also vary depending on the specific state park. Eligible applicants for grant funding from the CADPR include cities, counties, and districts. The "performance period" for each project is 5 years starting on July 1 of the fiscal year following the application. For example, projects applied for in October of 2011 would start on July 1, 2012 and would expire on June 30, 2017. |
| Deadlines | N/A | Varies for each grant fund given by the CADPR (e.g., The deadline for the Land and Water Conservation Fund is Feb 3, 2014 for local agencies and April 1, 2014 for state agencies; The deadline for the Habitat Conservation Fund Grant is first workday in October.) |
| Matching Funds | N/A | Grants given by CADPR require different levels of matching funds. (e.g., The Habitat Conservation Fund requires dollar-for-dollar from local, private, non-state sources, while the Land and Water Conservation Fund Grant requires a 50% match) |
| Study Identifying Priorities | N/A | Depends on what the grant is funding. if the project is proposing to acquiring property the grantees must provide an appraisal supporting the purchase price and a written concurrence from an independent third party appraiser. |
| Selection Process | The issuance by the Commission of any lease, permit or other entitlement for use of State lands is reviewed for compliance with the provisions of the California Environmental Quality Act (CEQA). Most leases or other entitlements for use of State lands may require approvals from other federal, state, or local agencies. | Applications go through extensive review process. The projects are graded out of 100 points and the applications with highest points are usually the ones selected to receive the grant funds. |
| Average Annual Amount Disbursed or Collected | The amounts collected and disbursed varies for each city/county and depends on revenue from leases of the lands. (e.g., Morro Bay - \$2.1 M collected and \$1.8M disbursed; SF Port district - \$113M collected and \$85M disbursed; City of Pittsburg - \$468,000 collected and \$373,000 disbursed.) | During fiscal year 2012-13 there were \$14M worth of grants disbursed for operations and maintenance, which includes acquisition, development, ground operations and planning projects. |
| Typical Project Amount | Projects can range from \$1,000-\$1M. | Typical grants ranges from \$10,000 to \$300,000, but can reach upwards of \$700,000. |
| Geographic Limitations | Only applies to (state and local) sovereign public trust lands. | No geographic restrictions on projects |
| Type of Land or Intended Use | Land underlying the State's navigable and tidal waterways. This is known as sovereign lands, these lands include the beds of California's navigable rivers, lakes and streams, as well as the state's tide and submerged lands along the State's more than 1,100 miles of coastline and offshore islands from the mean high tide line to three nautical miles offshore. | State Parks |
| Type of Ownership (i.e., public, private, or non-profit) | Sovereign public land trusts | State |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs (cont.) | |
|--|---|--|
| | 27 | 28 |
| Agency/Organization | SFB CDC | Various Cities |
| Website | http://www.bcdc.ca.gov/media/forms/abbinst.pdf | http://green.dc.gov/page/bag-law-faqs |
| Contact | Robert Batha | |
| Phone | 415-352-3612 | |
| Email | bob@bcdc.ca.gov | |
| Funding Type and/or Source | Permits, CA General Fund | Bag Tax/ Direct Funding |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I, M | M |
| Description | Permits are required if you are planning a project along the shoreline of San Francisco Bay in the following Bay Area counties: Alameda; Contra Costa; Marin; Napa; San Francisco; San Mateo; Santa Clara; Solano; Sonoma. (Partial funding is received from federal grants, agreements, contracts, and reimbursements.) Permit costs depends on the total project cost, which can range from \$100-\$600,000. | Many cities have started to place taxes on shopping bags. A portion of the tax goes to retailer and portion goes to clean beaches/cities. Cities in other states besides California are starting to introduce a bag tax. San Francisco has bag tax of \$0.10 per bag, but money goes entirely to retailer. Washington DC has \$0.05 bag tax, where \$0.01 goes to retailer, \$0.04 goes towards clean up fund. Some cities have started campaigns for a reusable bag ordinance where special designed "reusable bags" sales where a portion of the sales goes towards maintaining rivers/beaches. Prices for reusable bags can range from \$1.00 to \$15.00. |
| Requirements, Eligibility, and Restrictions | An application for a permit is required. The eligibility depends on the activity being done to the shores. There are certain things are prohibited and only certain activities require permits by SFB CDC. Usually anything that might "disturb" the coast requires a permit. | Anyone who uses a shopping bag provided by the retailer is charged the bag tax. Some cities have taxes specific to both paper and/or plastic bags. Various cities have different restrictions for charging the tax (e.g., some do not charge the bag tax if the bag is used for meats and frozen foods, restaurant with seating are not required to charge for paper bags). |
| Deadlines | N/A | N/A |
| Matching Funds | N/A | N/A |
| Study Identifying Priorities | The project must coincide with responsibilities of the commission. | N/A |
| Selection Process | The selection process takes 90 days once the permit application is submitted for the Commission to grant or deny the permit request. | N/A |
| Average Annual Amount Disbursed or Collected | On average \$5 Million is disbursed annually by SFB CDC. | Depends on bag tax and size of the city and retailer requiring the tax. |
| Typical Project Amount | Projects typically average: \$35,000 to \$80,000 | For the plastic and paper bag tax, there is an expected diminishing returns over the years for bag tax. |
| Geographic Limitations | Bay Area Shoreline (Open water, marshes and mudflats) | Most bag taxes are city wide |
| Type of Land or Intended Use | Open water, marshes, and mudflats in SF Bay | N/A |
| Type of Ownership (i.e., public, private, or non-profit) | Public & non-profit | N/A |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs (cont.) | |
|--|--|--|
| | 29 | 30 |
| Agency/Organization | CASP DBW | Los Angeles County |
| Website | http://www.dmv.ca.gov/boatsinfo/boatreg.htm | http://beaches.lacounty.gov/wps/portal/dbh/home/detail?current=true&file=wcm:path/dbh+content/dbh+site/home/home+detail/sponsorship+p |
| Contact | Kim Sterrett | Catrina Love |
| Phone | | LA: (310) 305-9511 |
| Email | sterrett@parks.ca.gov | clove@bh.lacounty.gov |
| Funding Type and/or Source | Grants and Loans/Boating Registration Fees | General Fund/Advertising on Beaches |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I, M | I, M |
| Description | The Division of Boating and Waterways (DBW) was established in 1957 upon enactment of legislation supported by the boating community. It provides funding so that local agencies can renew deteriorated facilities or develop new public access. Boat registration revenues have been used to fund projects by DBW. Generally, every sail-powered vessel over eight feet in length and every motor-driven vessel (regardless of length) that is not documented by the U.S. Coast Guard which is used or on the waters of this state are subject to registration. The fee per application ranges from \$30-\$200. | Businesses can apply for exclusive rights to put company logos on lifeguard towers, trash cans, warning signs, vending machines and volleyball nets up and down the Los Angeles County coast. The County would like the bidding for the advertising to start at around \$700,000. Proposals are required for advertisers to place small logos on lifeguard stations, towers, trash bins and benches. (San Diego to Santa Cruz are also trying to attain sponsorships.) |
| Requirements, Eligibility, and Restrictions | A registration application for any vessel (motor-driven and sail-powered) that is used or moored on California waterways, including private lakes, is required by the CASP DBW. Registration Fees and the Harbors and Watercraft Revolving Fund are some of the sources of income used to fund Grants and provide loans through CA to fund beach restoration. A detailed application is required and grantee must meet CA Harbors and Navigation Code 69.5-69.9. | A project proposal is required to be submitted to LA Department of Beaches and Harbors. Anyone willing to pay sponsorship and meet restrictions for the size of the logo and where logos can go are eligible to advertise on the beach. There are restrictions to what is allowed in advertisements (i.e., what is appropriate). |
| Deadlines | N/A | N/A |
| Matching Funds | For grants, matching funds are required, though there is no specific amount set. | N/A |
| Study Identifying Priorities | Grants require projects to secure a study if the project is associated with treatment, removal, storage, disposal, or any other handling of hazardous substances including but not limited to toxic waste, petroleum waste, asbestos, and like substances. | N/A |
| Selection Process | Grantee's goals for grant must support DBW's mission, if not, program will not receive money. | Must be approved by Los Angeles Department of Beaches and Harbors. |
| Average Annual Amount Disbursed or Collected | Grants for Coastal Beach Erosion Control are awarded to public agencies totally around \$10M disbursed annually. | |
| Typical Project Amount | CASP DBW issues loans for improvements. Loan amount depends on the project size. Loans in the past can reach over \$2M (e.g., \$7M loan for improving Marina in SF). For Grants, project amounts typically range from \$40,000 to \$500,000. | |
| Geographic Limitations | California | Public beaches in LA County. |
| Type of Land or Intended Use | N/A | Benches, Safety signs, tideboards, time/temperature boards, volleyball nets, service materials - related to beaches or on the beaches in Los Angeles. |
| Type of Ownership (i.e., public, private, or non-profit) | Grants are available to public entities to plan, design and restore public beaches. | public |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs (cont.) | |
|--|--|---|
| | 31 | 32 |
| Agency/Organization | Pismo Beach | County of Marin |
| Website | http://www.pismo-beach.org/DocumentCenter/Home/View/3656 | http://www.smartvoter.org/2012/11/06/ca/mrn/meas/A/ |
| Contact | | |
| Phone | (805) 773-4657 | |
| Email | | ctorresan@marincounty.org |
| Funding Type and/or Source | Sales Tax Increase/Direct Funding | Sales Tax Increase/Direct Funding |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I, M | I, M |
| Description | Effective October 1, 2008, the Pismo Beach sales tax will increase from 7.25% to 7.75% for a period of six and one-half years. - Measure C is the Pismo Beach Vital Public Service Protection Measure. The measure will help preserve, enhance, and improve the infrastructure, safety and character of Pismo Beach. | A one-quarter of one percent transactions (sales) and use tax, automatically expiring in nine years, unless extended by the voters, to preserve quality of life and maintain open space, parks, and farmland, with funds that cannot be taken by the State. The measure also includes an Expenditure Plan, which governs how the funds raised by the sales tax can be spent. Since this is a special purpose tax, monies collected will be placed in a special fund and can be spent only for the purposes set out in the Measure and the Expenditure Plan. |
| Requirements, Eligibility, and Restrictions | Applies to sales tax in city and anyone who purchases goods in Pismo Beach; the revenue from the tax increase is only used towards improvements specified in the measure. | Applies to anyone who purchases taxable goods in Marin County. The Expenditure plan explains how the sales tax can be spent and outlines specific percentages for each category the sales tax revenue is applied. |
| Deadlines | Ends after 6.5 years | The tax will end after 9 years, unless extended by a vote. |
| Matching Funds | N/A | N/A |
| Study Identifying Priorities | N/A | N/A |
| Selection Process | The measure was written as a general sales tax and not as a special tax, thus it needed only 50 percent plus one vote to pass. Research shows that voters tend to favor sales tax increases if there's a sunset clause. | Measure A is a special purpose tax. |
| Average Annual Amount Disbursed or Collected | The tax is expected to generate about \$1.1 million a year in new revenue. | The measure is projected to generate \$10 million annually for the County. |
| Typical Project Amount | Around \$200,000 of the tax revenue went towards pier maintenance. | Project amounts can be up to \$650,000, but this amount assumes \$10M annually collected. |
| Geographic Limitations | Pismo Beach | Marin County |
| Type of Land or Intended Use | Tax increase used towards public improvements in the city. | Tax increase used towards maintaining open space, parks, and farmland. |
| Type of Ownership (i.e., public, private, or non-profit) | N/A | N/A |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs (cont.) | |
|--|--|--|
| | 33 | 34 |
| Agency/Organization | Dana Point, CA | California Film Commission |
| Website | http://www.danapoint.org | http://www.film.ca.gov/Permits.htm |
| Contact | Kathy Ward | Lisa Mosher |
| Phone | kward@danapoint.org | |
| Email | http://www.danapoint.org/index.aspx?page=406 | lmosher@film.ca.gov |
| Funding Type and/or Source | CFD (Mello-Roos) | Filming Permits |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I | I, M |
| Description | CFD No. 2006-1 <i>Facilities to be Financed through CFD</i> : (i) Strand Vista Park including, hardscape, landscape, retaining and shoring walls, stairways, fencing, trails, stairs, overlooks, beach restroom, benches, picnic tables and signage; (ii) Strand Beach Park improvements, including hardscape, landscape, retaining walls, fencing, irrigation, trails, stairs, fencing, ramps, railings, signage, picnic tables, benches and public utilities; (iii) North Strand Beach Access improvements (City portion), including landscape, hardscape and irrigation; (iv) Conservation Park improvements, including trails, fencing and overhead utility relocation and pavement; and (v) North Strand Beach access improvements, including walkway, stairs, overlooks, restroom, fencing, signage, precise grading, area drainage, hardscape, walls, public utilities and benches. | A permit is required whenever filming takes place on state property. The California Film Commission is a one stop shop for State permits and will assist in obtaining the required approvals from the CHP, Caltrans, State Parks, Facilities and the State Fire Marshal, where necessary. The funds go to any of the above listed agency's, for purposes of public access, when filming on state parks, funds received from the required permits go towards CADPR. |
| Requirements, Eligibility, and Restrictions | Requirements associated with CFD law. The special taxes applies to owners of property within CFD and must follow Rate and Method of Apportionment. | The CFC require two additional insurance documents for companies applying to film on State owned or controlled property. Anyone filming within public and certain private areas in California must apply for permit. Permits and fees vary depending on city/county (e.g., LA has additional fees associated with filming on its beaches.) |
| Deadlines | There are both December and April payments for special taxes. | Permits must be submitted 4 business days/96 hours (weekends and holidays are not considered business days) prior to the first prep/shoot day. |
| Matching Funds | N/A | N/A |
| Study Identifying Priorities | N/A | N/A |
| Selection Process | The CFD formation process. | N/A |
| Average Annual Amount Disbursed or Collected | The average amount of special taxes collected is around \$700,000 each year. The per parcel tax around \$30,000, with home prices averaging around \$1.2M - \$4M. | Amount collected varies from city to county and depending on the filming of projects on CA state owned property. (Some cities have other specific rules and permit requirements in addition to the state required permits.) |
| Typical Project Amount | | Varies greatly on money earned from filming permits. |
| Geographic Limitations | CFD Boundaries | State owned land in CA |
| Type of Land or Intended Use | N/A | N/A |
| Type of Ownership (i.e., public, private, or non-profit) | N/A | N/A |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs (cont.) | |
|--|--|--|
| | 35 | 36 |
| Agency/Organization | San Diego Poinsettia Bowl | San Francisco |
| Website | https://www.sdccu.com/about/community/ | http://sanfrancisco.cbslocal.com/2013/05/22/san-francisco-supervisor-exploring-ticket-surcharge-on-events-to-help-muni/ |
| Contact | | Supervisor Scott Wiener |
| Phone | | (415) 554-6968 |
| Email | | Scott.Wiener@sfgov.org |
| Funding Type and/or Source | Donations/Ticket Sales | Ticket Surcharge |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | N/A | M |
| Description | The San Diego County Credit Union Poinsettia Bowl® donates \$1 of every ticket sold to a local charity. San Diego's two post-season college football games, the Holiday Bowl and SDCCU Poinsettia Bowl, combined produced an economic impact of \$29.6 million for the San Diego region in 2012. | San Francisco is looking at the possibility of placing a small surcharge on tickets for festivals and sporting events to raise revenue for the San Francisco Municipal Railway system (Muni). The SF Supervisor is asking the city controller's office to study the economic impact of a \$1 to \$3 surcharge on every concert and special event to help Muni pay those bills. |
| Requirements, Eligibility, and Restrictions | One dollar from every ticket sale during the College Bowl games goes towards the charity of choice. | The fee would be attached to every concert and special event occurring in SF. The new revenue generated by the surcharge would be used to fix broken vehicles, mainly light-rail vehicles that are in short supply, an especially big problem when there are big events around the city. |
| Deadlines | N/A | N/A |
| Matching Funds | N/A | N/A |
| Study Identifying Priorities | N/A | N/A |
| Selection Process | N/A | Once the city controller returns with an assessment of the proposal, the SF Supervisor said he plans to go to various stakeholders to discuss how to implement the surcharge. |
| Average Annual Amount Disbursed or Collected | \$120,000 was collected and disbursed from four different college games. | The preliminary analysis has identified that this potential fee range would generate somewhere between \$3 million on the low end and \$22 million on the high end each year. |
| Typical Project Amount | \$30,000 (Average game has about 30,000 ticket sales) | |
| Geographic Limitations | San Diego County Credit Union Stadium | SF |
| Type of Land or Intended Use | N/A | Concerts/Special events |
| Type of Ownership (i.e., public, private, or non-profit) | N/A | N/A |

Hawaii Shoreline Access Potential Funding Sources

| | California Programs (cont.) | | |
|--|---|---|---|
| | 37 | 38 | 39 |
| Agency/Organization | San Clemente | Our Malibu Beaches | San Clemente |
| Website | http://www.americantrails.org/resources/railtrails/San-Clemente-Beach-Railroad-Trail.html | http://www.californiareport.org/archives/R201308091630/b | http://san-clemente.org/sc/Meetings/CityCouncil/Packets/D |
| Contact | | | |
| Phone | | | |
| Email | | | |
| Funding Type and/or Source | Source: Grants, Federal & Local Funds, Donations | Donations/Direct Funding | Donations |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I, M | I | I, M |
| Description | San Clemente embarked on the process of developing the continuous 2.5 mile coastal trail paralleling active railroad tracks within a right-of-way owned by the Orange County Trans Auth (OCTA). The City also proposed construction of new, improved safe access points to City beaches. The first phase of trail construction created or improved 2 miles of trail accessible for persons with disabilities. This phase also included installation of two at-grade, signalized track crossings to allow the public to safely access the trail and beach from neighborhoods and public parking lots located just inland from the railroad corridor. The second phase will create a new pedestrian undercrossing, construct two stairways from two at-grade crossings down to the beach, construct a number of public safety improvements at three at-grade crossings, and extend the trail an additional 0.5 miles. | A team of public access activists wants to show how to enjoy the beaches that tax dollars pay for. They're doing it with a new smartphone app. iPhone users have downloaded an app called "Our Malibu Beaches." It painstakingly charts all the public access points. It tells, house by house, which parts of the sandy beach are private and which are public. Apps range from \$0.99 to \$2.99. Kickstarter was used to fund the project, where they raised over \$30,000. | San Clemente City Council is looking into the possibility of installing donation boxes on the Beach trail where revenues will help fund trail needs. The use of donation boxes (or parking meters) for funding to assist homelessness have become popular, and successful in areas such as Denver, San Diego, and Laguna Beach. Laguna Beach collected nearly \$8,000 between 2008 and 2010. Other donation box/parking meter programs allow people to "adopt" a meter for \$1,000 annually. (Parking Meters have been painted a different color or have a design to distinguish them from regular parking meters.) |
| Requirements, Eligibility, and Restrictions | Requirements, eligibility, and restrictions all depend on the funding source (i.e., Transportation Enhancement Activities specific requirements and Conservancy specific requirements). | Only people with iPhone or Android phones can purchase app at the moment. | Anyone can donate to the program. There are different types of "donation boxes" (parking meters). Some only collect coins, others accept credit cards. Receptacles that only accept coins cost approximately \$385; while the "smarter" meters cost apex. \$500 each. (Some programs recycled old unused parking meters.) |
| Deadlines | The deadline varies depending on the funding source. | N/A | N/A |
| Matching Funds | The City received a \$3,937,500 grant from the Federal Transportation Enhancement Activities (TEA) grant program for construction of the trail and used the Conservancy grant to provide a portion of the non-federal matching funds required by the TEA grant program. The City provided the remainder of the first phase construction costs from local sources. | N/A | N/A |
| Study Identifying Priorities | Depends on the funding source | N/A | N/A |
| Selection Process | Varies depending on the grant program, Conservancy required five letters of support for the Pedestrian Beach Trail from the city applicants. | N/A | N/A |
| Average Annual Amount Disbursed or Collected | Federal, local, and state agency funding. (e.g., CCC was authorized to disburse an amount not to exceed \$500,000 to the City of San Clemente for trail, the primary category being public access.) For both phases a total of \$15 M was used to completed the beach trail. | Depends on how many people purchase app. | In Laguna Beach over two year period \$8,000 was collected. Denver installed the meters in 2007 and raised about \$100,000 a year through more than 80 donation boxes. (About \$30,000 of this is from coin donations and \$70,000 is from the sponsorship of businesses and /or residents who pay \$1,000 a year to sponsor a meter.) |
| Typical Project Amount | Phase 1 - \$7 million; Phase 2 - \$8 Million | Depends on how many people purchase app. | All money earned goes towards project. |
| Geographic Limitations | San Clemente Coastal Trail | Malibu | Where parking meters can be safely installed and maintained. |
| Type of Land or Intended Use | Trail along the San Clemente shoreline | N/A | N/A |
| Type of Ownership (i.e., public, private, or non-profit) | Public | N/A | Public |

Hawaii Shoreline Access Potential Funding Sources

| | CA Non-Profits | | |
|--|--|--|---|
| | 40 | 41 | 42 |
| Agency/Organization | Coastwalk California | Central California Council of Diving Clubs, Inc. (CenCal) | Palos Verdes Peninsula Land Conservancy |
| Website | http://coastwalk.org/ | http://www.cencal.org/ | http://www.pvplc.org/about/index.asp |
| Contact | Una Glass | | |
| Phone | 707.829.6689 | | (310) 541-7613 |
| Email | unaglass@coastwalk.org | charlieclaycomb@hotmail.com | info@pvplc.org |
| Funding Type and/or Source | Advocacy | Advocacy | Source: Donations, Fundraising, Grants |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | I, M | A, I, M |
| Description | Coastwalk's mission is to ensure the right of all people to reach and responsibly enjoy the CA coast. Are a CA-wide non-profit org that advocates for coastal protection and access via the CA Coastal Trail. What they Do: (i)Work for the completion of the California Coastal Trail. (ii)Educate the public about our fragile coastline and ocean resources; (iii) Help ensure public access to the coast; (iv)Advocate for Coastal protection. | Dedicated to the principles of wise and equitable legislation, safety, conservation, access, sportsmanship, underwater sports and to furthering the knowledge of the marine phenomena. | The Conservancy preserves undeveloped land as open space for historical, educational, ecological, recreational and scenic purposes. The Conservancy moves quickly and effectively to raise funds from the community to purchase critical undeveloped properties as opportunities arise. Private donations enable them to leverage additional matching funds from state and federal agencies to secure the Peninsula's precious natural legacy. --They have an online shop selling paintings, photos, hats, calendars ,etc. (of Area) that all go towards running the conservancy. |
| Requirements, Eligibility, and Restrictions | The Coastwalk works with state agencies, more on the legislative side of things rather than funding; Does work with LCPs in finding and applying for grant funding (e.g., Has worked with SLO LCP to apply for CC grants to fund public access) | CenCal works more on the CA legislative side of things rather than funding; Interested in public access via relationship to diving. | Conservancy holds voluntary conservation easements and manages the public open spaces. |
| Deadlines | N/A | N/A | N/A |
| Matching Funds | N/A | N/A | N/A |
| Study Identifying Priorities | N/A | N/A | N/A |
| Selection Process | N/A | N/A | N/A |
| Average Annual Amount Disbursed or Collected | N/A | N/A | Varies, depends on money received from Grants (in the past which have come from places like the CC and Toyota), donations, shop sales, LA county/city measures and discretionary funds (e.g., \$7 million for Peninsula open space in LA County Measure A which was used to purchase land). |
| Typical Project Amount | N/A | N/A | Varies depending grants issued, donations received, etc. |
| Geographic Limitations | California | Concerned with California coast. | Palos Verdes Peninsula |
| Type of Land or Intended Use | Land along the coast | | Open space |
| Type of Ownership (i.e., public, private, or non-profit) | Mainly public | | Public, Non-profit, private |

Hawaii Shoreline Access Potential Funding Sources

| | CA Non-Profits (cont.) | |
|--|--|---|
| | 43 | 44 |
| Agency/Organization | Tahoe Fund | Green Bucks (Tahoe Fund) |
| Website | http://www.tahoepublicbeaches.com/ | http://www.tahoefund.org/ways-to-give/green-bucks/ |
| Contact | | |
| Phone | 775.298.0035 | 775.298.0036 |
| Email | info@tahoefund.org | info@tahoefund.org |
| Funding Type and/or Source | "Project Investments"/ Donations | "Project Investments"/ Donations |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M |
| Description | The Tahoe Fund, an environmental nonprofit dedicated to preserving and improving the Tahoe environment, launched the Tahoe Beaches App to help more than 2 million Tahoe visitors find their way to the perfect beach outing on the public shores of Lake Tahoe. The app will also bring environmental benefits, helping to allow a more even flow of visitors to all beaches. The initial app is free, but the Tahoe fund could be supported by donations coming through the app; money for Tahoe Fund currently comes from Tahoe license plate fees, donations, green bucks, grants (e.g. from National Environmental Education Foundation), etc. | Local businesses collect one dollar from their guests from purchases of room nights, season passes, lift tickets, golf rounds and other items at participating resorts and businesses in the Tahoe and Truckee region. As an "opt-out" program, guests may choose not to participate and the contribution will be removed from their bill. Proceeds from the Green Bucks program will support the efforts of the Tahoe Fund and the Truckee River Watershed Council in their missions to improve conservation, recreation, access, etc., in the Lake Tahoe Basin. |
| Requirements, Eligibility, and Restrictions | Applicants seeking Tahoe Fund money, need to submit a detailed application to be considered to be a project investment. The Fund will generally not include funding requests for planning, design, or other preconstruction activities, or for maintenance and monitoring of projects in its portfolios; Project administrator must be able to demonstrate that there is full community support for the project and the project must have a timeline with a start date within one year of funding. The Project administrator must have ability to recognize the Tahoe Fund and/or EcoMedia's advertiser for the donation (plaque, publicity, marketing, special events). | Business must sign up to participate in the Green Bucks program. Anyone staying or purchasing goods at participating businesses/hotels can contribute to the program. Green Bucks is an "opt-out" program, guests may choose not to participate; opt-out method varies depending on participating business. (e.g., some hotels require opt-out at check-in while others require it at check-out) |
| Deadlines | N/A | N/A |
| Matching Funds | The Tahoe Fund finds "project investments", and works with partners who help bring in other sources of funds. Project - "Sand Harbor Beach Improvements" Tahoe Fund: \$35,000; Project Partners: \$207,000 (Nevada Division of State Parks Recreation Trails Program, Nevada Division of State Lands); Tahoe Fund grants are intended to leverage existing levels of federal, state, and local funding, and project requests cannot not be a substitute for the base operational budgets of these entities. | The Tahoe Fund finds "project investments", and works with partners who help bring in other sources of funds. Project - "Blackwood Creek Restoration/Eagle Rock Trail, West Shore" Tahoe Fund along with the California Tahoe Conservancy raised \$30,100 . |
| Study Identifying Priorities | The Tahoe Fund will select projects that have completed an environmental review process. | The Tahoe Fund will select projects that have completed an environmental review process. |
| Selection Process | Each project will be reviewed by the Tahoe Fund Projects Committee. The committee will rank the submitted proposals and identify a preliminary list of projects that are deemed to be high priority for the Signature Project Portfolio and projects that are deemed appropriate for the EcoMedia portfolio. The Board of Directors shall make the final selection considering the preliminary ranking and categorization compiled by the committee. | Each project will be reviewed by the Tahoe Fund Projects Committee; The committee will rank the submitted proposals and identify a preliminary list of projects that are deemed to be high priority for the Signature Project Portfolio and projects that are deemed appropriate for the EcoMedia portfolio; and The Board of Directors shall make the final selection considering the preliminary ranking and categorization compiled by the committee. |
| Average Annual Amount Disbursed or Collected | Tahoe Fund collects around \$600,000 annually, most come from donations to the non-profit. | Tahoe Fund collects around \$600,000 annually. |
| Typical Project Amount | \$5,000-\$50,000 for Maintenance/Improvements, for acquisition upwards of \$2 Million. (Most other money comes from donations, Tahoe Conservancy, Caltrans, etc.) | \$5,000-\$50,000 for Maintenance/Improvements, for acquisition upwards of \$2 Million (Most other money comes from donations, California Tahoe Conservancy, Caltrans, etc.) |
| Geographic Limitations | Tahoe | Local businesses who sign up for this program - Tahoe/Truckee Area |
| Type of Land or Intended Use | Trails, Beaches, Rivers, Creeks, Parks | Trails, Beaches, Rivers, Creeks, Parks |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Other States - Local Programs | |
|--|--|--|
| | 45 | 46 |
| Agency/Organization | City of Colorado Springs Bike Tax | Special Tax District |
| Website | http://www.trailsandopenspaces.org/biketax.html | http://www.cityofmarcoisland.com/index.aspx?page=395 or http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/special-district-information-program |
| Contact | | Jack Gaskins - Dept. of Economic Opportunity, Special District Information Program |
| Phone | 719-385-5940 or 719-633-6884 | 850-717-8430 |
| Email | spark@SpringsGov.com | Jack.Gaskins@DEO.MyFlorida.com |
| Funding Type and/or Source | Type: Direct funding Source: Tax | Type: Direct funding Source: Special Tax |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I, M | A, I, M |
| Description | Colorado Springs merchants charge a one-time \$4.00 tax when purchasing a bike in the City. The purpose of the tax is to provide funding for City bikeway improvements. The priority of the revenue from this tax shall be construction of off-street paths designated by the City Bicycle Plan. | Special districts are units of local special-purpose government that have very limited and specifically prescribed powers. They can issue bonds, use local governments general funds, or levy special taxes that are land-secured or unsecured/pay-as-you-go. Can be used specifically for public access. |
| Requirements, Eligibility, and Restrictions | Must be used primarily for new and existing off-street pathways | Only local municipalities, counties, and state governments are eligible. Must follow strict "Special District Accountability Act." Can only be funded by areas receiving the benefits of the district. |
| Deadlines | Ongoing | N/A |
| Matching Funds | No | No |
| Study Identifying Priorities | No | No |
| Selection Process | Plan in place before the tax is collected determines where the money will go. | Created by general law, special act, local ordinance, or by rule of the Governor |
| Average Annual Amount Disbursed or Collected | \$85,000 collected/disbursed | varies significantly |
| Typical Project Amount | \$85,000 (single project) | varies significantly |
| Geographic Limitations | Colorado | Florida |
| Type of Land or Intended Use | Pathway construction | Used to finance, construct, and maintain capital infrastructure, facilities, and services. Can be used specifically for public access. |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Other States - Local Programs (Cont.) | |
|--|--|---|
| | 47 | 48 |
| Agency/Organization | Anna Maria Island City Pier planks | Giants Ridge Recreation Area Special Local Taxes |
| Website | http://www.islander.org/2012/08/pier-plank-project-nears-end/ | http://www.revenue.state.mn.us/businesses/sut/Documents/giantsridge_notice.pdf |
| Contact | Janice Dingman | Minnesota Revenue Sales and Use Tax Division |
| Phone | 941-778-7978 | 651-296-6181 |
| Email | info@islander.org | salesuse.tax@state.mn.us |
| Funding Type and/or Source | Type: Direct funding Source: Donations | Type: Direct funding Source: Sales and Use Tax |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | I, M | I, M |
| Description | The Islander and the Anna Maria City Pier Restaurant sponsored the plank purchase program. The initial number of planks that will be installed is 1,000. The base cost is \$100, including a 12-character inscription carved into the plank. Longer inscriptions are allowed for an additional \$3 per character. The memorial plank project helped launch the 100-year celebration of the Anna Maria City Pier. | The Giants Ridge Recreation Area has implemented a 2% Admissions and Recreation tax, a 1% Food and Beverage tax, and a 2% Lodging tax that will be administered by the Minnesota Dept. of Revenue. The proceeds will be used to pay expenses related to the construction, renovation, improvement, expansion and maintenance of public facilities located within the Recreation area. |
| Requirements, Eligibility, and Restrictions | Anyone is eligible to apply. The first step is to submit what you want on the plank for approval. | Applies to: anyone that sells admissions, all restaurants, and all hotels within the defined area. Local governments are not exempt (as they normally are in MN). All entities are responsible for calculating the tax themselves. |
| Deadlines | Ongoing | N/A |
| Matching Funds | No | No |
| Study Identifying Priorities | No | No |
| Selection Process | First come, first served | Vote by citizens or property owners |
| Average Annual Amount Disbursed or Collected | \$30,000-50,000 collected | \$4.7M collected/dispursed |
| Typical Project Amount | \$100,000 (single project over multiple years) | \$4.7M (single project) |
| Geographic Limitations | Florida | Minnesota |
| Type of Land or Intended Use | Public Access | Fund public recreational facilities |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Other States - Specific to Public Access | | |
|--|--|--|--|
| | 49 | 50 | 51 |
| Agency/Organization | Tacoma Fee-In-Lieu for Shoreline Public Access | Seattle's Shoreline Street Ends Program | Lake Waconia Shoreline Preservation and Public Water Access |
| Website | http://www.cityoftacoma.org/government/city_council or http://www.exit133.com/articles/view/fee-in-lieu-for-shoreline-public-access | http://www.seattle.gov/transportation/stuse_stends.htm | http://www.isohc.leg.mn/FY2011/proposals/25.pdf |
| Contact | Tacoma City Council | Jennifer Wieland | Marty Walsh - Parks Director |
| Phone | 253-594-7848 | 206-233-3855 or 206-733-9970 | 952-466-5250 |
| Email | | Jennifer.Wieland@seattle.gov | mwalsh@co.carver.mn.us |
| Funding Type and/or Source | Type: Direct funding Source: Fee-In-Lieu | Type: Direct funding; donations Source: Dept. of Transportation budget; volunteers | Type: Grant Source: MN Outdoor Heritage Fund; MN Dept. of Natural Resources; sales tax increase |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I | I, M | A, I, M |
| Description | The agreement between the City and the Port considers both City and Port public access plans, and identifies joint priority projects to be funded with fee-in-lieu dollars, both on and off Port property. The fee-in-lieu option gives the Port the choice of transferring public access off its property and closer to where the rest of Tacoma lives, works, and plays. | Seattle Dept. of Transportation (SDOT) goals for the program: improve shoreline access and enjoyment, protect views & enhance shoreline habitat, encourage community stewardship, support maritime industry, manage private permits. | Public access to Lake Waconia's 3,080 acres of public water is limited. The County has a locally and regionally approved master plan to provide conservation space and recreational land for access to the lake. |
| Requirements, Eligibility, and Restrictions | Any building with Port frontage. Project must be within 200 feet of the shoreline and approved for the fee-in-lieu program before construction begins. | Any public street end facing a body of water is eligible for the program. Must be public land between the street end and water. | Potential access point must be within Carver County and is subject to approval as all access points must be eco-friendly. |
| Deadlines | Ongoing | Ongoing | Ongoing |
| Matching Funds | No | No | No |
| Study Identifying Priorities | No | No | Yes; two studies defined priorities: the Carver County Water Management Plan and an Ecological Stewardship Plan. |
| Selection Process | If approved, whoever pays the fee-in-lieu. Nine so far, more to come. | All public street ends not ending at a park; currently about 150. | Competitive |
| Average Annual Amount Disbursed or Collected | \$1M disbursed | \$1.5M disbursed | \$1.2M disbursed |
| Typical Project Amount | \$100,000-200,000 | \$10,000 | \$1.2M (single project) |
| Geographic Limitations | Washington | Washington | Minnesota |
| Type of Land or Intended Use | Provide public access in a better location for all parties | Public access to waterfronts | Lake Shoreline Public Access |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Other States - State Programs | |
|--|---|--|
| | 52 | 53 |
| Agency/Organization | Maine Shoreline Public Access Protection Program | Florida Tourist Development Tax (Bed Tax; Transient Occupancy Tax) |
| Website | http://www.mainelegislature.org/legis/statutes/12/title12sec5202.html | http://www.sarasotataxcollector.com/TOURIST_PAGES/TDT_home.htm |
| Contact | Edward A. Charbonneau - Deputy Director | Tax Collector in each county; Barbara Ford-Coates - Sarasota County |
| Phone | 207-287-1650 | 941-861-8300 |
| Email | revisor.office@legislature.maine.gov | Info@SarasotaTaxCollector.com |
| Funding Type and/or Source | Type: Grant Source: ME Dept. of Agriculture, Conservation, and Forestry | Type: Direct funding Source: Tax |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M (limit on I) | A, I, M |
| Description | All money credited to the fund shall be used to preserve and protect public access to coastal shoreline areas. | The tourist development tax is a 1-5% charge on revenue from rentals of six months or less. The tax is in addition to state sales tax. The Tax is to be used for tourism promotion, maintenance of park facilities, renourishment of beaches, sports stadiums, nature center facilities, and "new tourism activities, attractions and promotions." |
| Requirements, Eligibility, and Restrictions | All Coastal Municipalities are eligible to apply. At least 50% of the project must be within the coastal area. No more than 10% of the revenues in the fund may be used for the development of acquired access areas. | Any FL county is eligible to participate. Requires monthly reporting from all rental property in the county. If any amount is used on a beach, that beach must afford public access (no money for private beaches). |
| Deadlines | Ongoing | Ongoing |
| Matching Funds | Yes; 50% | No |
| Study Identifying Priorities | Yes; studies related to managing access consistent with the natural carrying capacity of the areas accessed and to provide adequate public services | No |
| Selection Process | Competitive | All FL counties get a portion; rates differ by county (1-5%) |
| Average Annual Amount Disbursed or Collected | \$475,000 disbursed | \$36.6M collected/dispursed |
| Typical Project Amount | \$75,000 (maximum) | \$500,000-6M |
| Geographic Limitations | Maine | Florida |
| Type of Land or Intended Use | Preserving public access ways | Tourist related |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Other States - State Programs (cont.) | | |
|--|---|---|--|
| | 54 | 55 | 56 |
| Agency/Organization | Waterfronts Florida Partnership Program | Indiana Lake Michigan Coastal Grants Program | Michigan Department of Environmental Quality |
| Website | http://www.floridajobs.org/fdcp/dcp/waterfronts/Communities/FortMyers/FortMyersWaterfrontsFloridaVisionPlan.pdf | http://www.in.gov/dnr/files/lm-GRANTS_Factsheet_09.pdf | http://michigan.gov/deq/0,1607,7-135-7251_7253-233693--RSS,00.html |
| Contact | Julie Dennis | Jenny Orsburn - Program Specialist | Robert McCann |
| Phone | 850-717-8478 | 219-983-9912 | 517-373-7917 |
| Email | | jorsburn@dnr.in.gov | |
| Funding Type and/or Source | Type: Grant Source: Dept. of Community Affairs | Type: Grant Source: IN Dept. of Natural Resources | Type: Grant Source: MI Dept. of Natural Resources |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M | A, I, M |
| Description | Plans to address the following priority areas: 1. public access to the waterfront 2. hazard mitigation 3. environmental and cultural resource protection 4. enhancement of the viable traditional economy | The purpose of the Lake Michigan Coastal Program is to preserve, protect, restore and where possible, develop the resources of the coast for this and succeeding generations and to achieve wise use of the land and water resources of the coastal region, giving full consideration to ecological, cultural, historic and esthetic values as well as to needs for economic development. | The Dept. of Natural Resources and Environment approved 52 Coastal Zone Management (CZM) grants to be used by coastal communities, nonprofit organizations, state agencies, and universities to fund a variety of shoreline-related projects to help enhance public access to coastal areas. |
| Requirements, Eligibility, and Restrictions | Only communities designated as Waterfronts Florida Partnership Communities are eligible. Once designated, the area must implement a community-designed vision plan (also known as a special area management plan). | All projects must be located within the LMCP boundary and must be completed within 18 months of their start date. | All coastal land in Michigan is eligible. Must be Coastal Zone Management (CZM) approved. |
| Deadlines | Every other year | Ongoing | Ongoing |
| Matching Funds | No | Yes; 50% | No |
| Study Identifying Priorities | Yes; the Unified Local Mitigation Strategy (LMS) of Lee County studied different hazard mitigation strategies. | Yes; must develop a Coastal Nonpoint Source Pollution Control Plan to satisfy Coastal Zone Management (CZM) Act requirement. | Yes; must develop a Coastal Nonpoint Source Pollution Control Plan to satisfy Coastal Zone Management (CZM) Act requirement. |
| Selection Process | New communities are designated as Waterfronts Florida Partnership Communities through a competitive application process held every two years. | Competitive | Competitive |
| Average Annual Amount Disbursed or Collected | \$40,000 collected/dispursed | Up to \$1M disbursed | \$1.4M disbursed |
| Typical Project Amount | \$40,000 (single project) | \$100-150,000 (maximums) | \$26,000 |
| Geographic Limitations | Florida | Indiana | Michigan |
| Type of Land or Intended Use | Waterfronts | Coastal lands | Coastal lands |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Other States - State Programs (cont.) | | |
|--|---|---|---|
| | 57 | 58 | 59 |
| Agency/Organization | Ohio Coastal Management Assistance Grants (CMAG) | Texas Coastal Management Program (CMP) | Alabama Coastal Area Management Program (ACAMP) |
| Website | https://ohiodnr.com/OfficeofCoastalManagement/Grants_CMAG/tabid/9337/Default.aspx | http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html | http://www.coastalstates.org/wp-content/uploads/2013/09/State-Factsheet-AL_.pdf or www.outdooralabama.com |
| Contact | Yetty Alley - CMAG Coordinator | Melissa Porter | Phillip Hinesley - Section Chief |
| Phone | 419-626-7986 | 512-475-1393 | 251-621-1216 |
| Email | yetty.alley@dnr.state.oh.us or coastal@dnr.state.oh.us | melissa.porter@glo.state.tx.us | phillip.hinesley@dcnr.alabama.gov |
| Funding Type and/or Source | Type: Grant Source: OH Dept. of Natural Resources | Type: Grant Source: National Oceanic and Atmospheric Administration (NOAA) | Type: Grant Source: AL Dept. of Conservation and Natural Resources |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I | A, I, M | A, I, M |
| Description | The Ohio Coastal Management Program strives to promote a sustainable coast and lake. The goal is to promote watershed and growth planning that will address natural resource protection and restoration, economic viability and sustainable coastal development, as well as water quality issues and public access. | NOAA program administered at state level by 12-member Coastal Coordination Council to fund habitat protection / acquisition, restoration, and projects that increase public access. Basically passes along money from Federal entities to state programs. | Protect, restore, and manage the use of coastal resources; enhance and promote sustainable economic development in the coastal area; protect, restore, or enhance public access and working waterfronts. |
| Requirements, Eligibility, and Restrictions | Proposed projects must be within the designated Coastal Management Area Boundary and the Lake Erie watershed. All projects are required to be completed within 12 months. Federal funds cannot be used to match. | Any TX municipality is eligible to apply. Projects must be within the coastal zone and require prior approval by the Texas Land Commissioner, Jerry Patterson. | Any Alabama coastal city or county is eligible. Project must be within a coastal area. |
| Deadlines | January | September | Ongoing |
| Matching Funds | Yes; 50% | No | Yes |
| Study Identifying Priorities | No | No | No |
| Selection Process | Competitive | Competitive | Competitive |
| Average Annual Amount Disbursed or Collected | \$225,000 disbursed | \$2.2M disbursed | \$2.6M disbursed |
| Typical Project Amount | \$30,000-50,000 | \$100,000-400,000 | \$200,000 |
| Geographic Limitations | Ohio | Texas | Alabama |
| Type of Land or Intended Use | Improve Water Quality, Coastal Planning, Coastal Land Acquisition, Public Access, Habitat Restoration and Demonstration of Innovative Practices | Must be for: coastal natural hazards response, critical areas enhancement, public access, waterfront revitalization and ecotourism development, local government planning assistance, and water quality improvements | Protecting and restoring assets along the coast |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Other States - State Programs (cont.) | | |
|--|---|--|--|
| | 60 | 61 | 62 |
| Agency/Organization | Land for Maine's Future | Maine Coastal Program Shore and Harbor Planning Grants | North Carolina Water Resources Development Project Grant |
| Website | http://www.maine.gov/dacf/lmf/applying.shtml | http://www.maine.gov/dacf/mcp/grants/shore-and-harbor-planning-grants.html | http://www.ncwater.org/?page=7 |
| Contact | Department of Agriculture, Conservation and Forestry (DACF) | Matthew Nixon - Senior Planner | Jeff Bruton |
| Phone | 207-624-6213 | 207-287-1491 | 919-707-9000 |
| Email | DACF@Maine.gov | matthew.e.nixon@maine.gov | Jeff.Bruton@ncdenr.gov |
| Funding Type and/or Source | Type: Grant Source: bond issuance | Type: Grant Source: ME Dept. of Agriculture, Conservation, and Forestry | Type: Grant Source: NC Division of Water Resources |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M | A, I, M |
| Description | Provide outdoor recreation opportunities; provide access to Maine waters; support vital ecological or conservation values, conserve rare, threatened, or endangered natural communities, plants, or wildlife habitat; conserve areas of scenic interest and prime physical features; conserve farmland and open space | Goal: to promote sound waterfront planning and harbor management, balanced development of shore and harbor areas, advance planning for waterfront infrastructure improvements and access to the shore. | The program is designed to provide cost-share grants and technical assistance to local governments throughout the State. Applications are accepted for several purposes including: recreational navigation, water management, beach protection, land acquisition, and facility development for water-based recreation. |
| Requirements, Eligibility, and Restrictions | Any private or public entity may apply. All applicants require sponsorship from a suitable state agency. | Any ME coastal municipality is eligible to apply. | All NC municipalities are eligible for funding. Plan must be approved by Division of Water Resources (DWR). |
| Deadlines | Ongoing | Ongoing | January/July |
| Matching Funds | Yes; 50% | Yes; 25% | Yes; 50% |
| Study Identifying Priorities | No | No | Yes; the NC Dept. of Environment and Natural Resources will conduct an environmental review of all projects to determine whether they will have a significant adverse impact. |
| Selection Process | Competitive | Competitive | Competitive |
| Average Annual Amount Disbursed or Collected | \$10.4M bond issuance | \$85,000 disbursed | \$5M disbursed |
| Typical Project Amount | \$7,250-100,000 | \$15,000 | \$50,000-60,000 |
| Geographic Limitations | Maine | Maine | North Carolina |
| Type of Land or Intended Use | Designed to "get people to the water." | One potential funding activity is "Right of Way Rediscovery Projects" - help communities find and assert public rights-of-way to the shore | Mostly for water-based recreation. |
| Type of Ownership (i.e., public, private, or non-profit) | Public | Public | Public |

Hawaii Shoreline Access Potential Funding Sources

| | Other States - Land Trusts | | |
|--|---|---|--|
| | 63 | 64 | 65 |
| Agency/Organization | The Land Trust for Tennessee and Hermitage Hotel Sustainability Project | Bainbridge Island Land Trust (BILT) | Great Land Trust (GLT) |
| Website | http://www.thehermitagehotel.com/hotel/hotel_land_trust.aspx# | http://www.bi-landtrust.org/default.asp?ID=70 | http://www.greatlandtrust.org/ourland/knikislands.html |
| Contact | Jean C. Nelson - President & Chief Executive | Brenda Padgham - BILT Stewardship Director | Phil Shephard |
| Phone | 615-244-3121 or -5263 / 888-888-9414 | 206-842-1216 | 907-278-4998 / 907-746-6406 |
| Email | info@thehermitagehotel.com | brenda@bi-landtrust.org | info@greatlandtrust.org |
| Funding Type and/or Source | Type: Grant Source: Donations | Type: Grant Source: Donations | Type: Grant Source: Donations |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M | A, I, M |
| Description | The Hermitage Hotel began a program which allows guests to contribute \$3.00 for every night spent at the hotel to the Land Trust for Tennessee. Customers may opt-out of the automatic charge. To date, guests have generated over \$157,000.00 for land conservation in Tennessee. The success of the program led to the development of the farm at Glen Leven. | Working to promote acquisitions, easements, or other protective covenants to permanently protect at least 10% of bluff-backed beaches with high sediment supply or other nearshore habitats facing shoreline development pressure. After acquisition, the property will remain undeveloped, except for well planned passive use, including public shoreline access. | A private, non-profit organization with the mission to preserve natural areas for responsible use and enjoyment. |
| Requirements, Eligibility, and Restrictions | N/A | Lands must be undeveloped with high conservation value in WA. The organization prefers lands under development pressure since time is of the essence to keep the land undeveloped. | Any land in Alaska, preferably with high conservation value, is eligible to apply. The organization has set a high priority for land within the Matanuska-Susitna Borough (MSB). Lands are required to be in a Land Trust (to receive a grant, not to be donated). |
| Deadlines | N/A | Ongoing | Ongoing |
| Matching Funds | No | No | No |
| Study Identifying Priorities | N/A | Yes; BILT's shoreline analysis or the Bainbridge Island Nearshore Assessment are used to prove high conservation value. | Yes; GLT uses geographic information system (GIS) mapping tools to identify and prioritize/rank land parcels according to their community and ecological value. |
| Selection Process | N/A | Competitive | Competitive |
| Average Annual Amount Disbursed or Collected | \$32,000 collected/disbursed | \$1.5M-2.5M collected \$500,000-1M disbursed | \$1.8M-2.8M collected \$1.5M-2.5M disbursed |
| Typical Project Amount | \$32,000 (single project) | \$250,000 | varies significantly |
| Geographic Limitations | Tennessee | Washington | Alaska |
| Type of Land or Intended Use | | Bluff backed beaches, undeveloped lands | Responsible use of conservation lands |
| Type of Ownership (i.e., public, private, or non-profit) | Non-Profit | Non-Profit | Non-Profit |

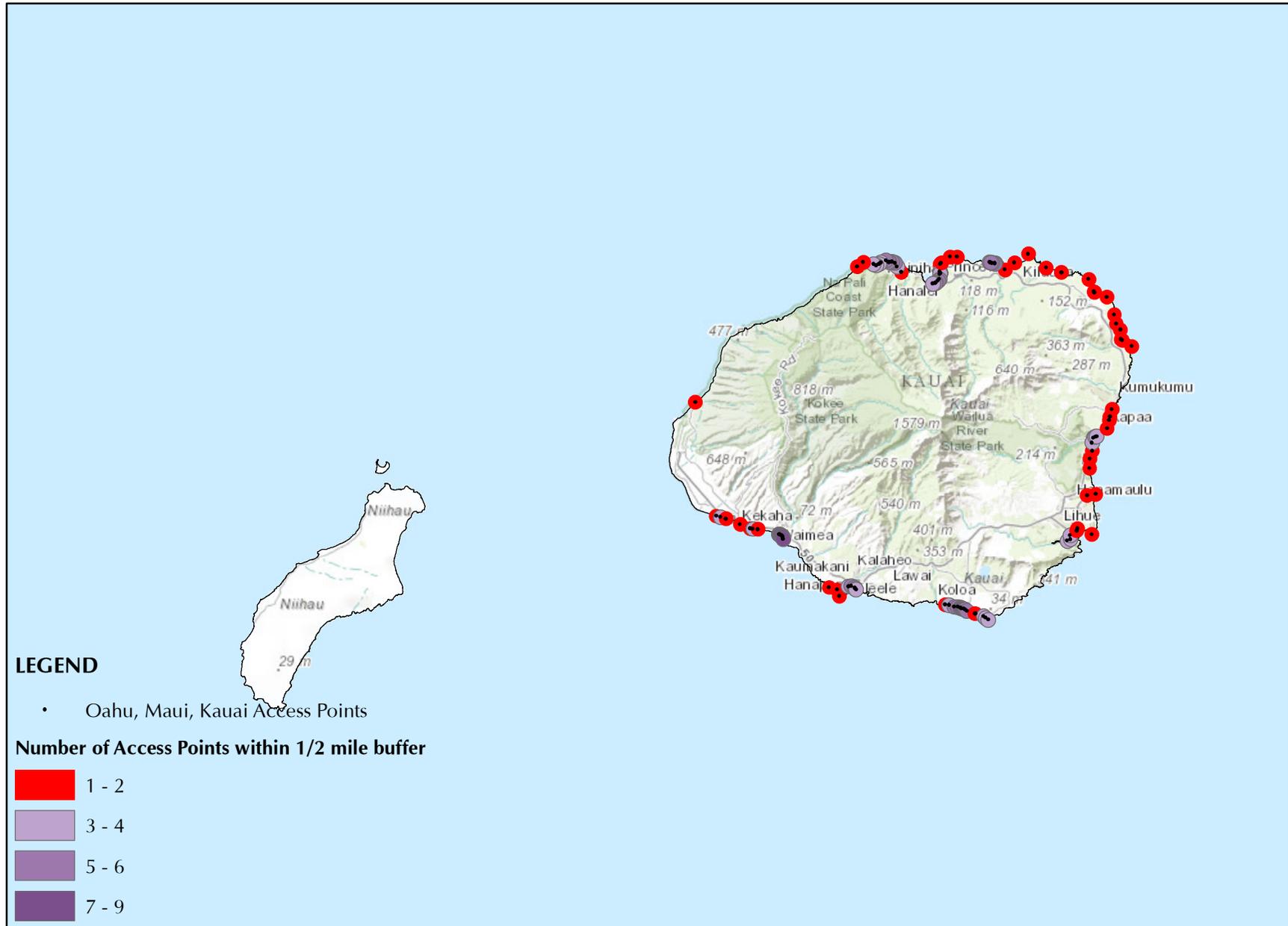
Hawaii Shoreline Access Potential Funding Sources

| | Other States - Federal Programs | |
|--|--|--|
| | 66 | 67 |
| Agency/Organization | Urban and Community Forestry (UCF) | Rails-to-Trails Conservancy |
| Website | http://www.fs.fed.us/ucf/ | http://www.railstotrails.org/aboutUs/index.html |
| Contact | Teresa Trueman-Madriaga | Laura Cohen - Regional Director |
| Phone | 808-672-3383 | 202-331-9696 / 415-814-1100 |
| Email | ttm@hawaii.rr.com | |
| Funding Type and/or Source | Type: Grant Source: U.S. Dept. of Agriculture, Forest Service | Type: Grants |
| Use: Acquisition, Improvement, or Maintenance (A, I, M) | A, I, M | A, I, M |
| Description | Program provides technical, financial, research, and educational services to local governments, nonprofit organizations, community groups, educational institutions, and tribal governments. Trails and greenways are a key part of the program, which is administered by forestry agencies in each state. | Does not reward grants. Advocates for trail construction, use, and maintenance in the U.S. Source for State and Federal grants related specifically to trails and pathways. Large amount of educational information as well. |
| Requirements, Eligibility, and Restrictions | Any U.S. non-federal organization is eligible to apply, however, collaboration with federal agencies is encouraged. All applications must be submitted electronically via Grants.gov. Federal funds cannot be used as matching funds. | N/A |
| Deadlines | December | N/A |
| Matching Funds | Yes, 50% | N/A |
| Study Identifying Priorities | No | N/A |
| Selection Process | Competitive | N/A |
| Average Annual Amount Disbursed or Collected | \$28M-36M disbursed | N/A |
| Typical Project Amount | \$900,000 (maximum) | N/A |
| Geographic Limitations | Any state | Any state |
| Type of Land or Intended Use | Wooded areas | Recreational trails; acquisition of easements; new trails |
| Type of Ownership (i.e., public, private, or non-profit) | Public | N/A |

APPENDIX D: EXAMPLE ADEQUACY ANALYSIS FOR SHORELINE PUBLIC ACCESS

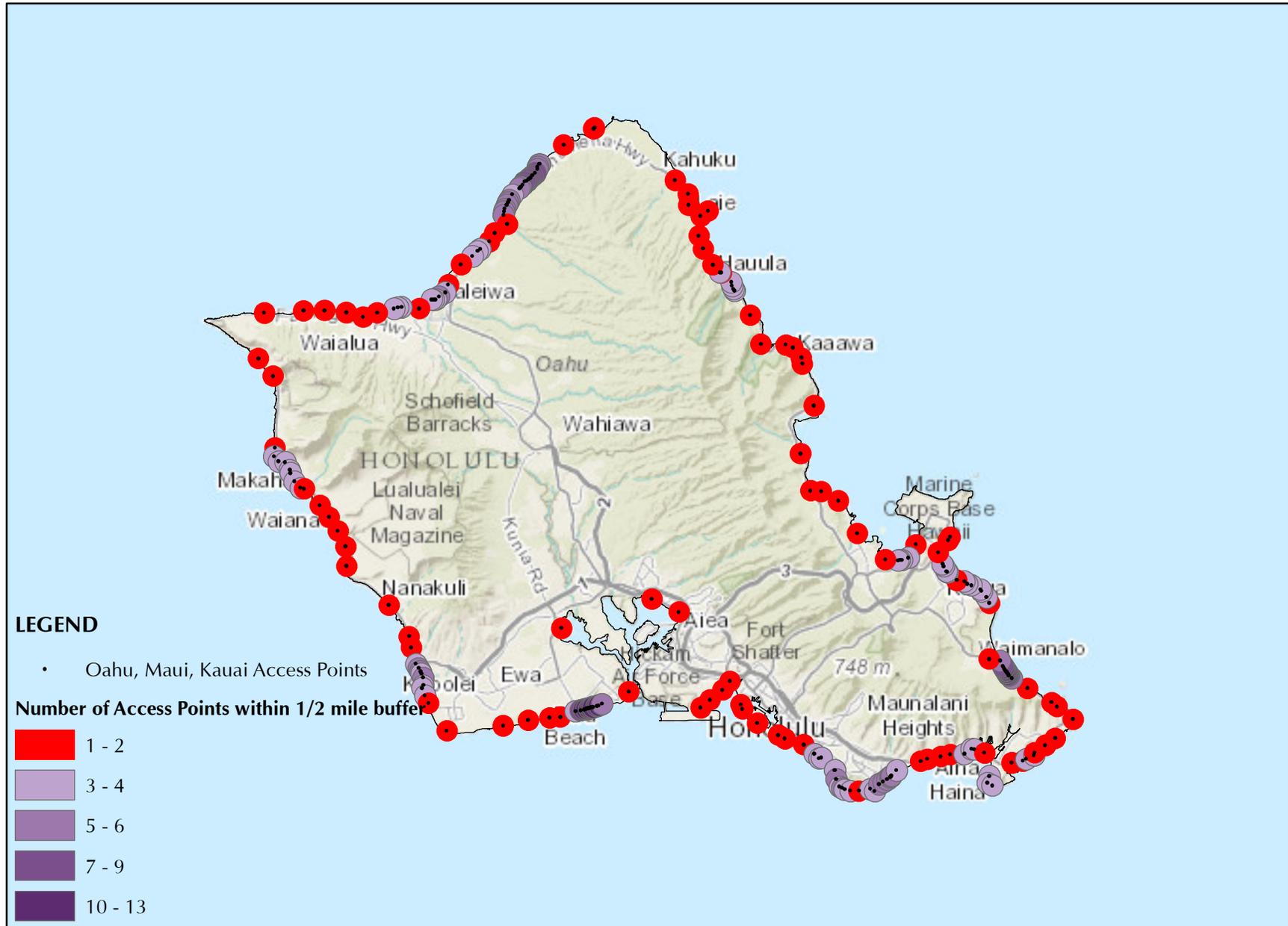
KAUA'I

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



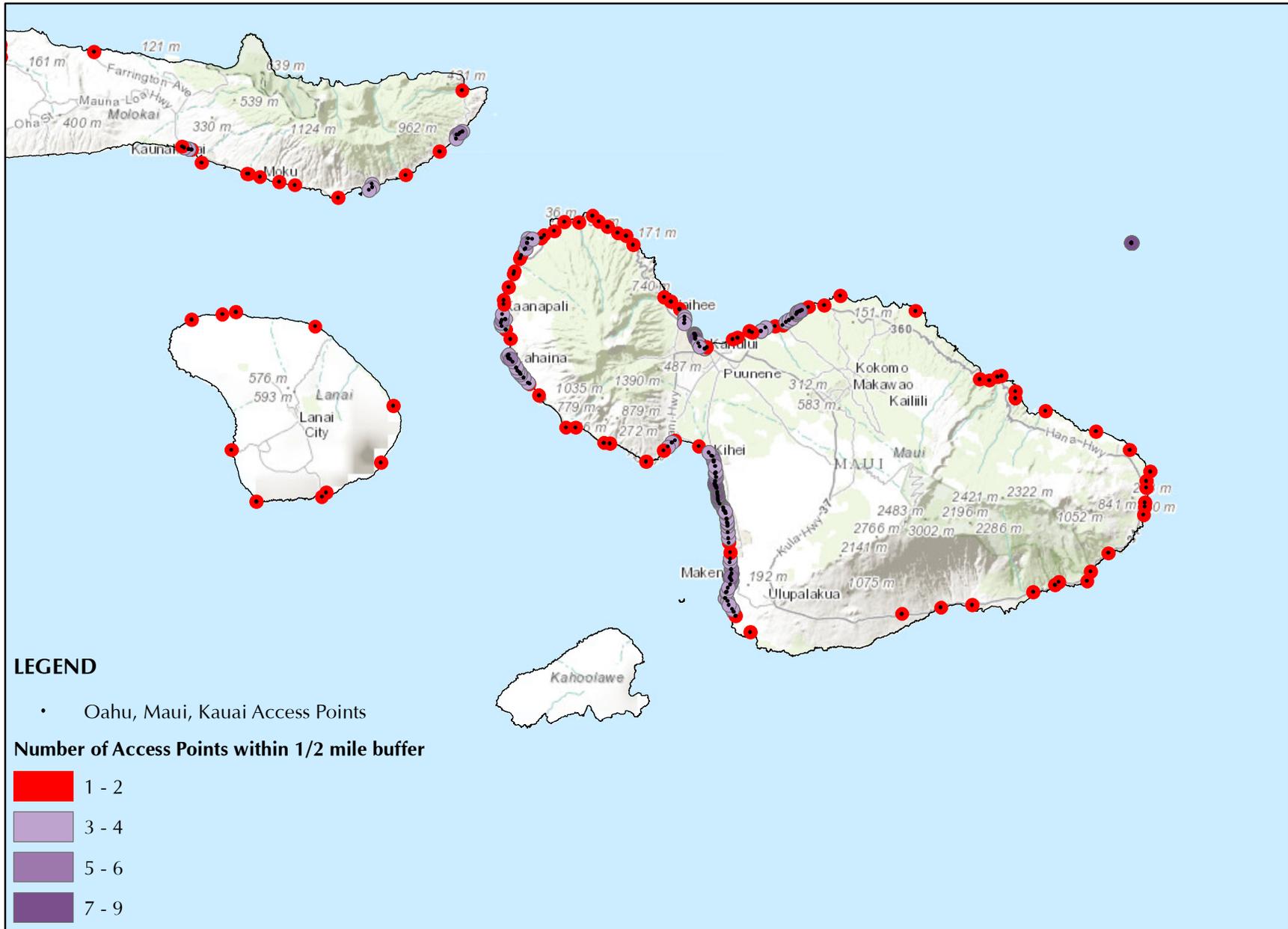
O'AHU

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



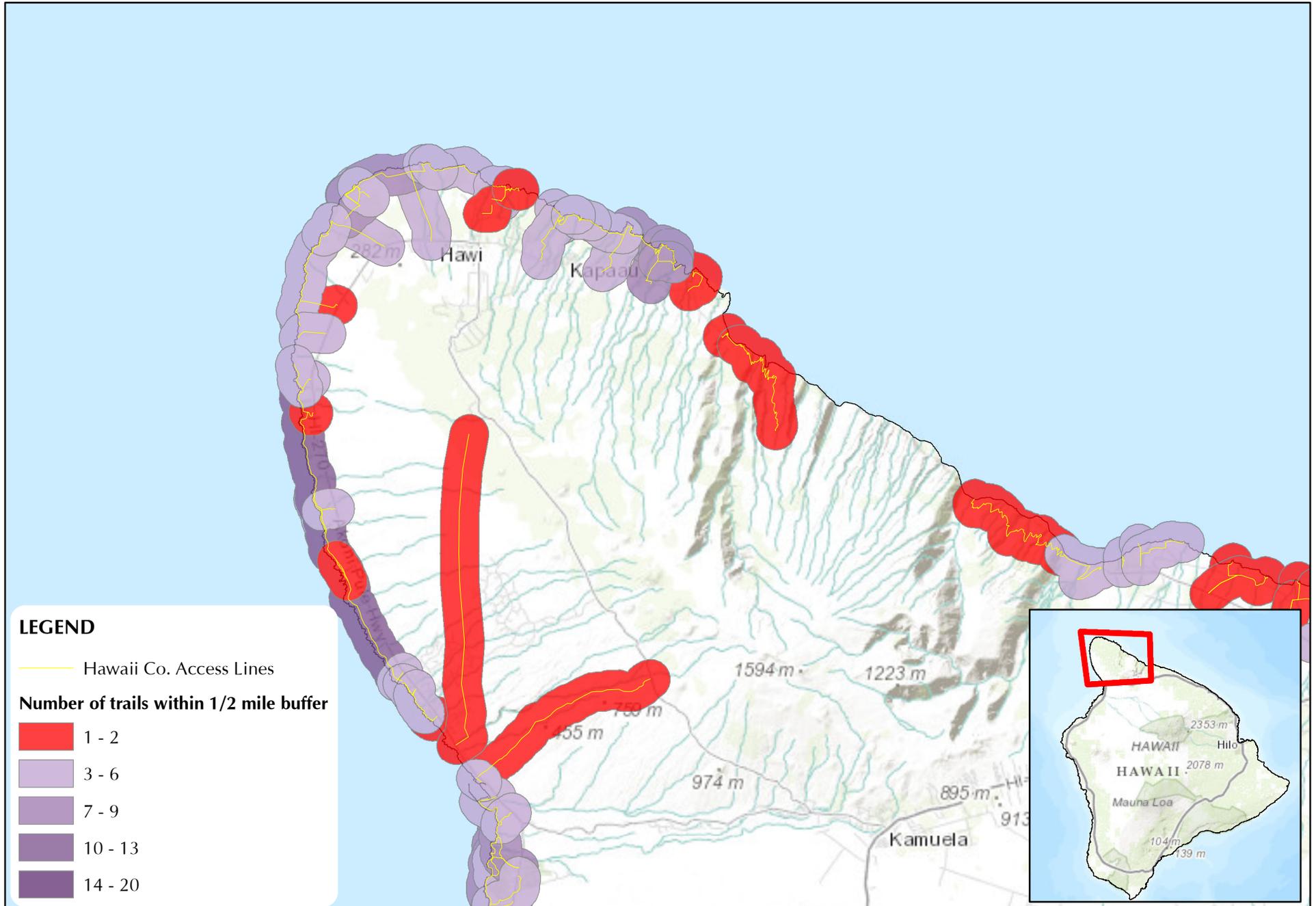
MAUI, LANA'I, AND KAHO'OLAWE

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



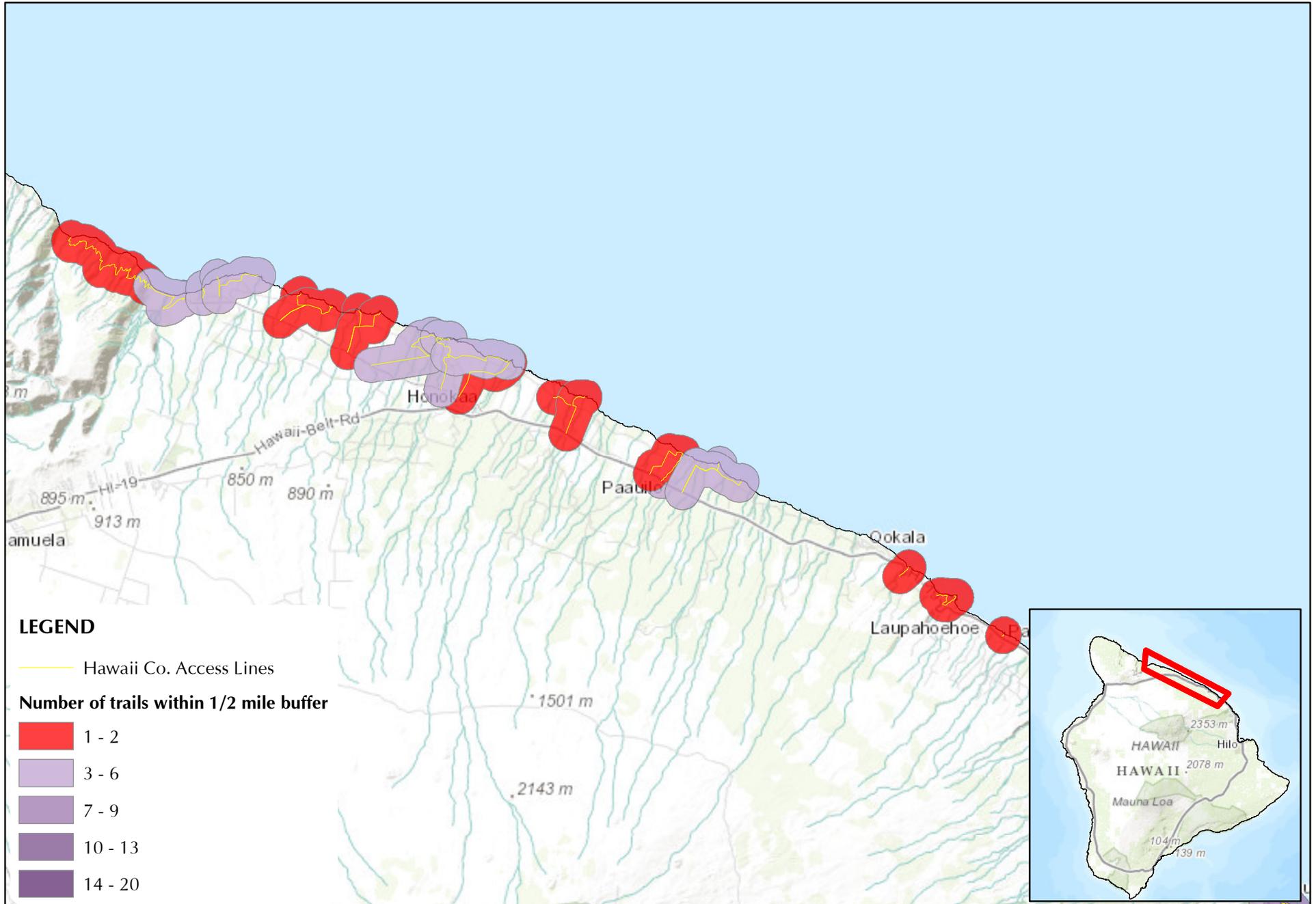
HAWAI'I ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



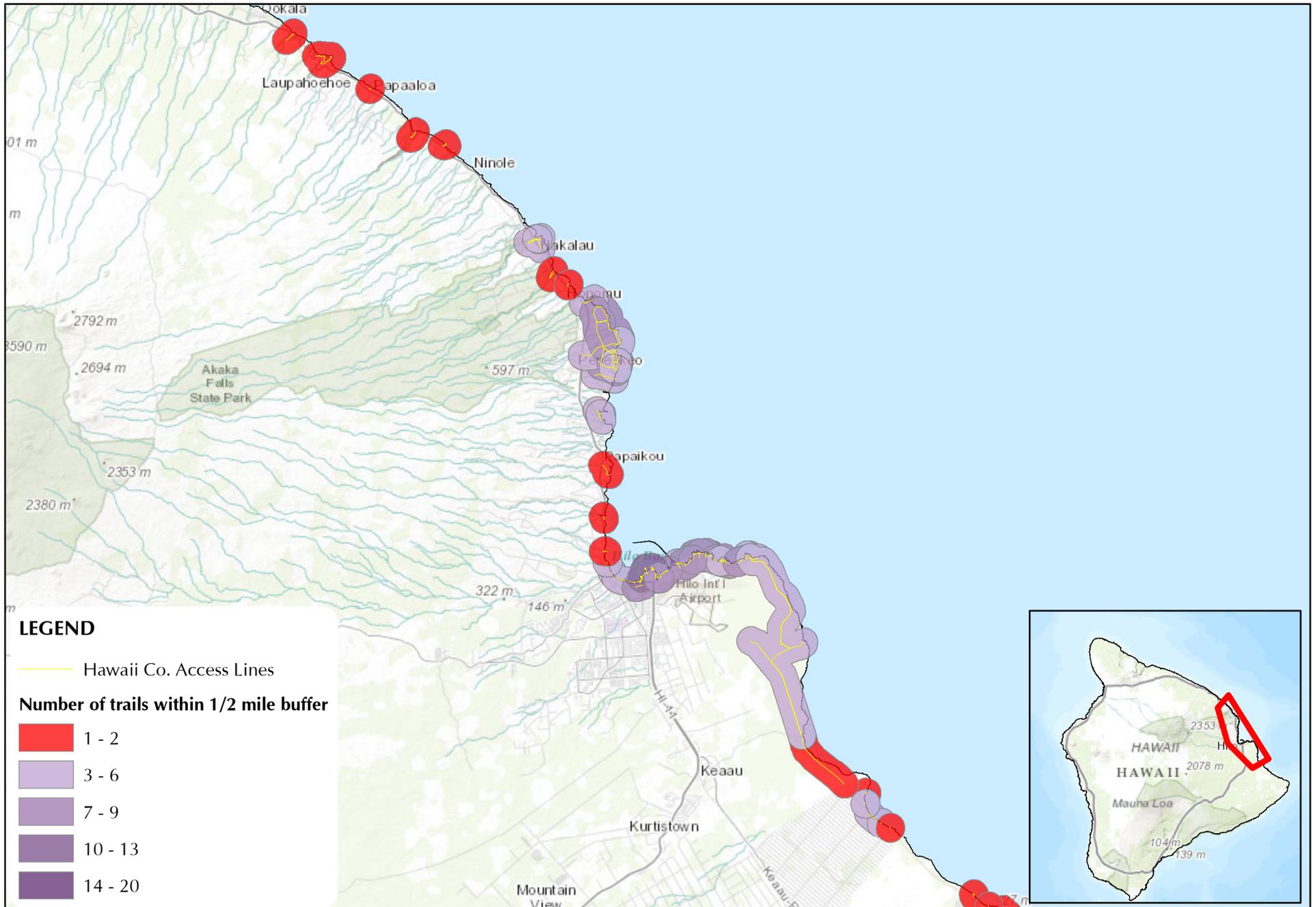
HAWAII ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



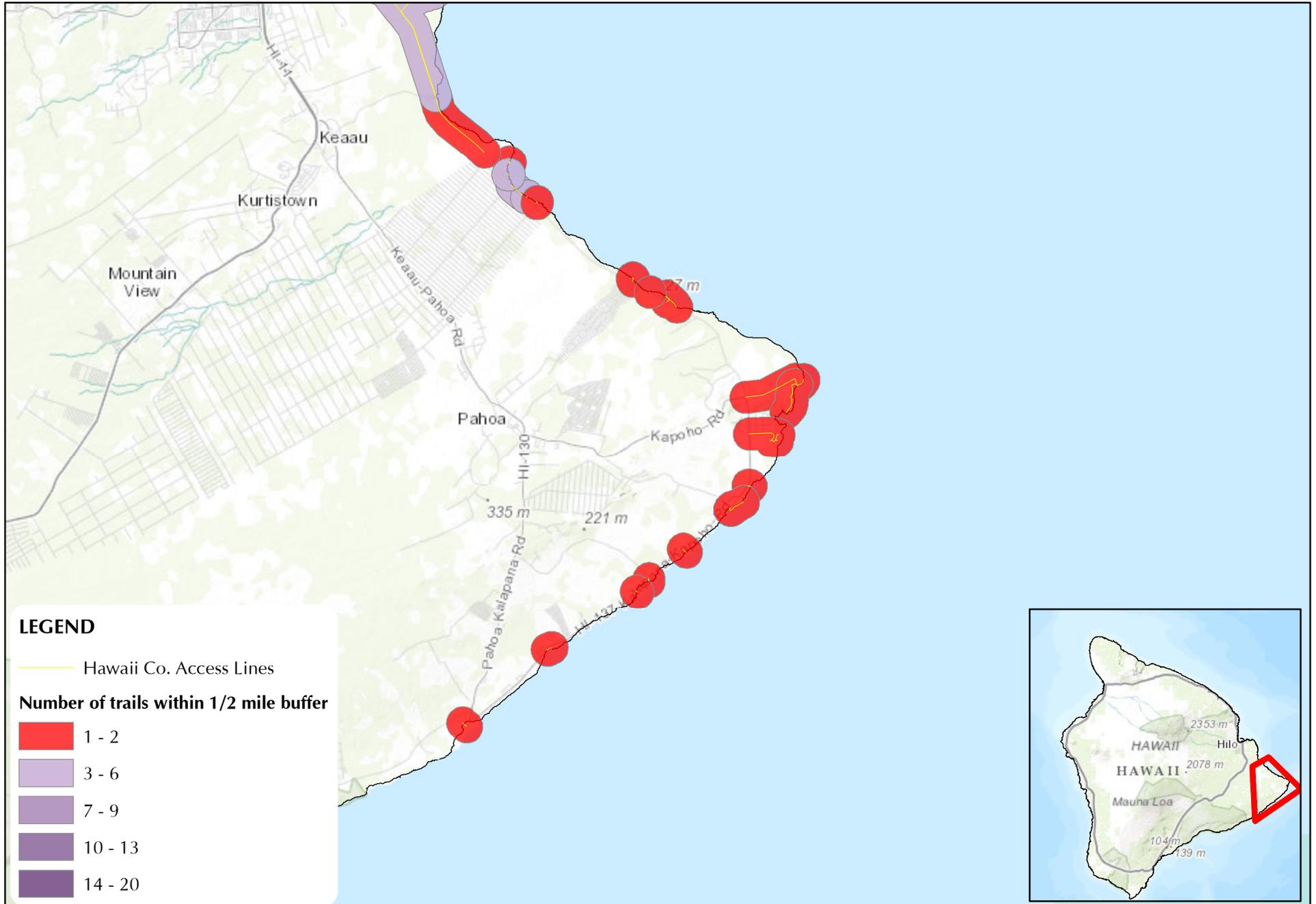
HAWAI'I ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



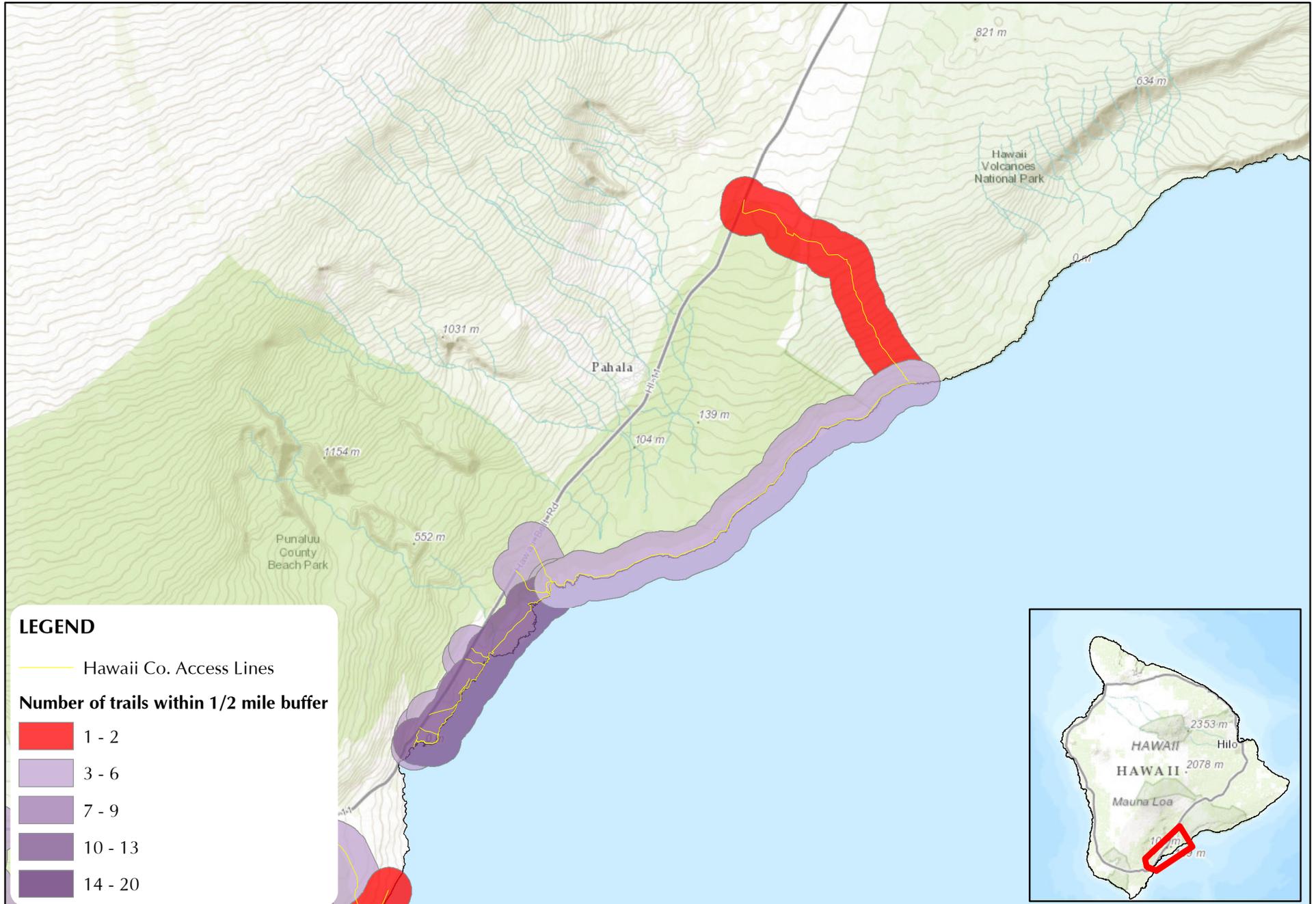
HAWAII ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



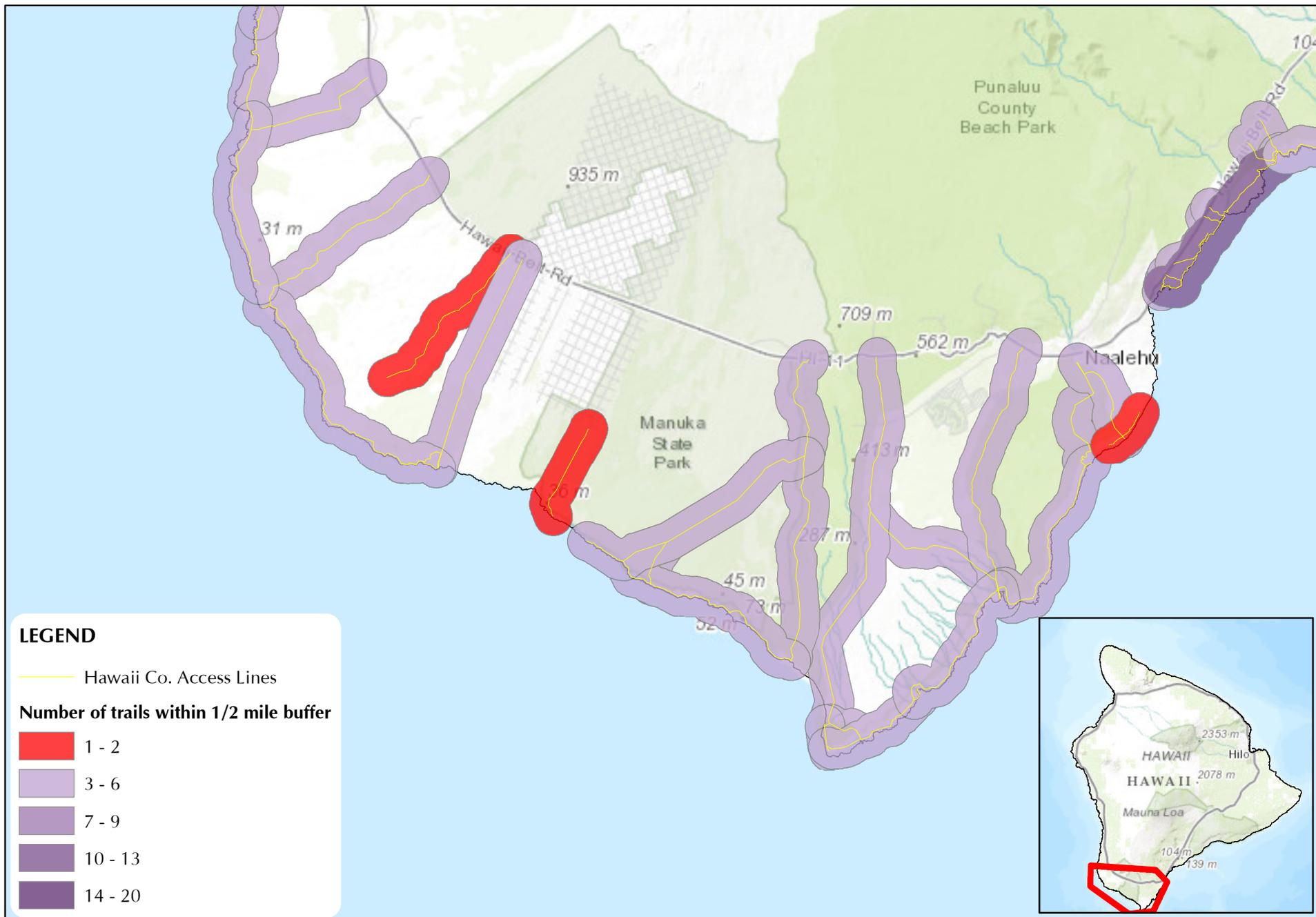
HAWAII ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



HAWAII ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



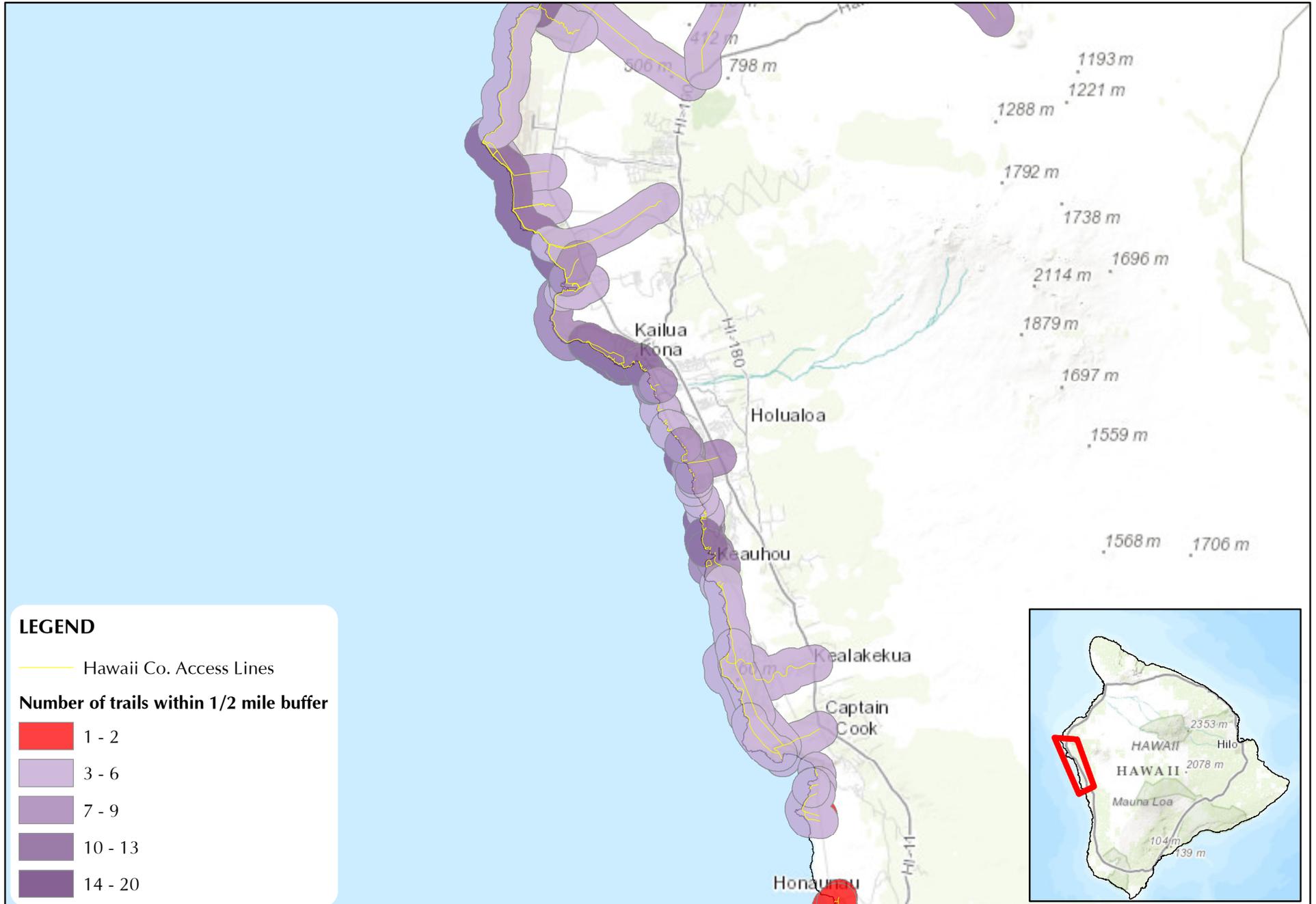
HAWAI'I ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



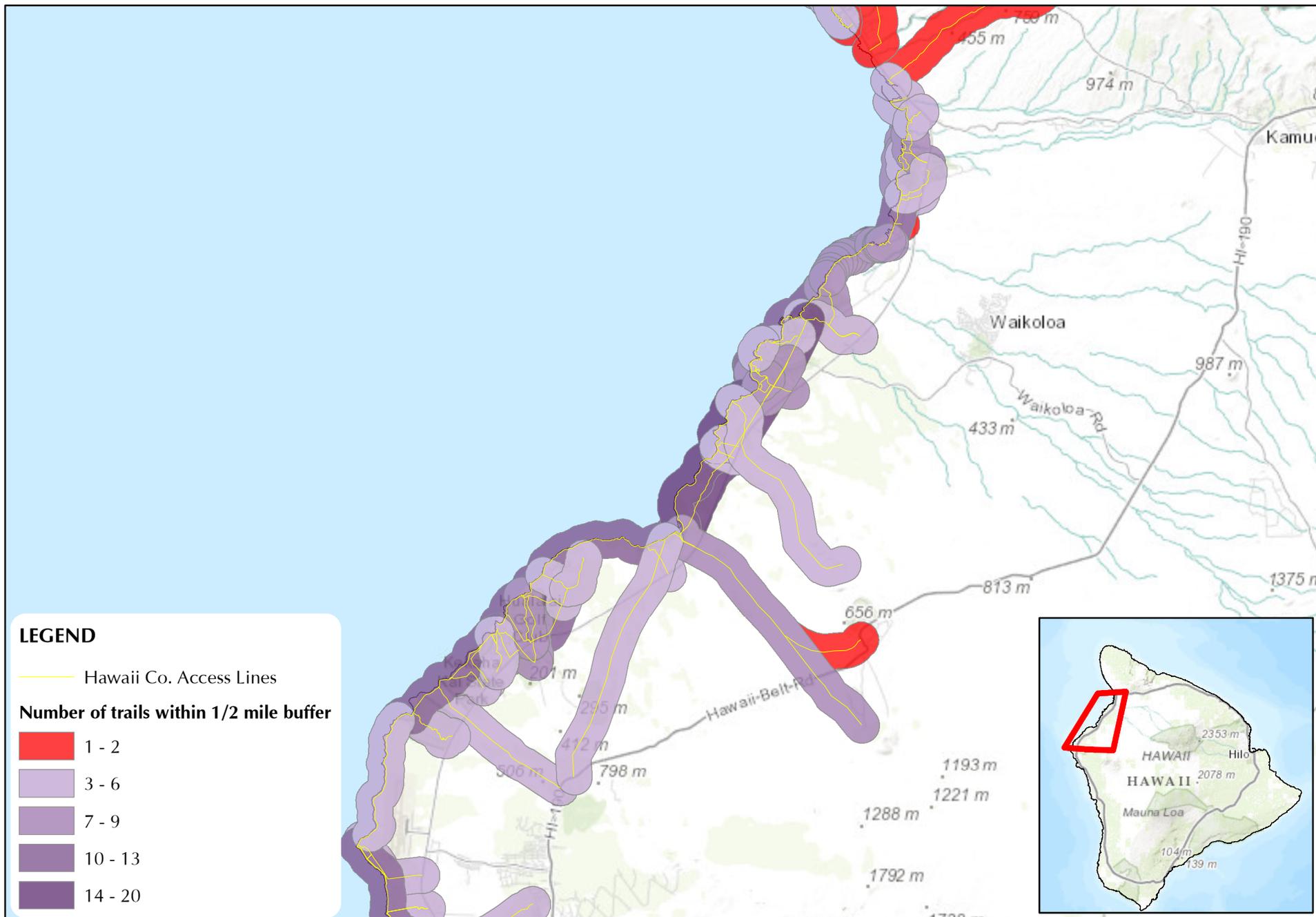
HAWAI'I ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



HAWAI'I ISLAND

Density of Shoreline Access (Access Points/Lines per Half Mile Buffer)



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**APPENDIX E: CITY & COUNTY OF HONOLULU
ADOPT-A-PARK AGREEMENT**

ADOPT-A-PARK
DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

DATE: _____

WE:
ADDRESS:

TELEPHONE: Business:
 Residence:

WISH TO ADOPT (Park): _____

PARK NAME:
PARK ADDRESS:

TAX KEY:
PARKS DISTRICT:

We wish to volunteer our services to help establish a maintenance standard of "excellence" for this public park.

OUR COORDINATOR IS:

ADDRESS:

TELEPHONE: Business:
 Residence:

OUR BACK-UP COORDINATOR IS:

ADDRESS:

TELEPHONE: Business:
 Residence:

WE, THE ADOPTERS, WISH TO ASSUME PARTIAL MAINTENANCE RESPONSIBILITY FOR THIS PARK. SPECIFIC PROPOSED RESPONSIBILITIES INCLUDE:

PERFORMANCE

The Adopter agrees to perform their volunteer services in a safe and reasonable manner. It is the Adopter's responsibility to become acquainted with the procedures and tools necessary to perform these tasks and to monitor the actions of their volunteers.

Prior to commencement and periodically throughout the adoption, the Adopter will conduct safety briefings with their volunteers to ensure that they are aware of any potential safety problems. Also, the Adopter will instruct volunteers in the proper method of performing their tasks.

The Department is available to assist in providing safety presentations and written documentation on safety and proper methods of performing the work.

The Department and Adopter will agree on a schedule of the beautification projects. The Department will monitor the progress of the adoption and maintain close and frequent communication with the Adopter.

The use of the park by the Adopter shall be according to the Rules and Regulations of the Department of Parks and Recreation and not for the personal use or privilege of the Adopter.

TERMINATION

If either party is dissatisfied with the performance of the other, this agreement may be terminated, by written notice from the Director of the Department, or by written notice from the Coordinator or the Organization.

DEPARTMENT OF PARKS AND RECREATION CONTACT:

MAINTENANCE CONTACT:

Manager, Department of Parks and Recreation

ADDRESS:

TELEPHONE: Business:

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed this ____ day of _____, 20__.

CITY AND COUNTY OF HONOLULU

THE ADOPTER-

by _____
Director, Department of Parks and Recreation

by _____
Its Coordinator-

And by

And By

Coordinator, Department of Parks & Recreation

Its Back-Up Coordinator-

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel, Department of Corporation Counsel

Enclosures:

- Appendix A - Plot map of Park/Pictures
- Appendix B - Checklist for Safety

