



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

JODI HIGUCHI SAYEGUSA, CLERK OF COMMISSION

NANCY KANNA, CHAIR
JONATHAN LUCAS, VICE CHAIR
TARYN DIZON, MEMBER
WILLIAM KINNEY, MEMBER
MARK ONO, MEMBER
ROBIN PRATT, MEMBER
MAI SHINTANI, MEMBER

RECEIVED

- The Public Access, Open Space, and Natural Resources Preservation Fund Commission meeting will be at:

24 JAN -3 AM 26

Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kauai, Hawaii
OFFICE OF
COUNTY CLERK
COUNTY OF KAUAI

- **Written testimony** indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kauai Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Commission's website prior to the meeting (<https://www.kauai.gov/OpenSpace>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.
- **Oral testimony** will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
- **IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.**

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

MEETING NOTICE AND AGENDA

**Thursday, January 11, 2024
1:00 p.m. or shortly thereafter**

RECEIVED

A. CALL TO ORDER

B. ROLL CALL

24 JAN -3 '24

C. ELECTION OF CHAIR AND VICE CHAIR

D. APPROVAL OF AGENDA

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

E. MINUTES of the meeting(s) of the Commission

1. January 12, 2023
2. February 9, 2023
3. March 9, 2023
4. April 13, 2023
5. November 9, 2023

F. RECEIPT OF ITEMS FOR THE RECORD

G. GENERAL BUSINESS

1. Update on the proposed charter amendment to Section 19.15 to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the fund.
2. Review and discussion on the initial draft of the Biennial Report.
 - a. Draft Biennial Report dated January 2024
3. Update on the Open Space public input process and website.
4. Discussion on Vision and Strategies for Community Outreach.

H. COMMUNICATIONS

I. UNFINISHED BUSINESS (For Action)

1. Review and discussion of possible recommendation for condemnation on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008: 065 (Kaua'i Petroleum Co. LTD) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).

2. Review and discussion of possible recommendation for condemnation on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008: 071 (Kaua'i Petroleum Co. LTD) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).

J. NEW BUSINESS (For Action)

K. EXECUTIVE SESSION

EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

1. Update on the proposed charter amendment to Section 19.15 to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the fund.
2. Review and discussion on the initial draft of the Biennial Report.
 - b. Draft Biennial Report dated January 2024
3. Update on the Open Space public input process and website.
4. Discussion on Vision and Strategies for Community Outreach.
5. Review and discussion of possible recommendation for condemnation on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008: 065 (Kaua'i Petroleum Co. LTD) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).
6. Review and discussion of possible recommendation for condemnation on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008: 071 (Kaua'i Petroleum Co. LTD) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).

L. ANNOUNCEMENTS

1. Topics for Future Meetings.
2. The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m., or shortly thereafter, on March 14, 2024. The Open Space Commission anticipates this meeting to be held in-person at the Līhu'e Civic Center, Moikeha Building 2A/2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

M. ADJOURNMENT

SUBJECT	DISCUSSION	ACTION
	<i>Commissioner Dizon joined the meeting at 1:02 p.m. by Zoom Teleconference</i>	
C. Election of Chair and Vice Chair	<p>Chair Kimura opened the floor for Chair Nominations. Mr. Lucas nominated Nancy Kanna. With no further nominations Chair Kimura asked for a motion to close the nominations for Chair.</p> <p>With no request for a ballot vote, Chair Kimura asked for a motion to elect Nancy Kanna to Chair.</p> <p>Nancy Kanna assumed Chair duties and opened the floor for Vice Chair Nominations. Ms. Pratt nominated Jonathan Lucas. With no further nominations Chair Kanna asked for a motion to close the nominations for Vice Chair.</p> <p>With no request for a ballot vote, Chair Kanna asked for a motion to elect Jonathan Lucas to Vice Chair.</p>	<p>Ms. Pratt moved to close Chair nominations. Vice Chair Kanna seconded the motion. Motion carried 8:0.</p> <p>Mr. Ono moved to elect Nancy Kanna to Chair. Ms. Pratt seconded the motion. Roll Call Vote: Ms. Dizon – Aye Ms. Kanna – Aye Mr. Lucas – Aye Mr. Ono – Aye Ms. Pratt – Aye Ms. Shintani – Aye Mr. Kinney – Aye Chair Kimura – Aye Motion carried 8:0.</p> <p>Ms. Pratt moved to close nominations for Vice Chair. Mr. Ono seconded the motion. Motion carried 8:0.</p>

SUBJECT	DISCUSSION	ACTION
	Jonathan Lucas assumed Vice Chair duties.	Ms. Pratt moved to elect Jonathan Lucas to Vice Chair. Mr. Ono seconded the motion. Roll Call Vote: Ms. Dizon – Aye Mr. Lucas – Aye Mr. Ono – Aye Ms. Pratt – Aye Ms. Shintani – Aye Mr. Kinney – Aye Ms. Kimura - Aye Chair Kanna – Aye Motion carried 8:0
D. Approval of Agenda		Ms. Kimura moved to approve the agenda, as circulated. Vice Chair Lucas seconded the motion. Motion carried 8:0.
E. Minutes of the Meeting(s) of the Commission	1. October 13, 2022 2. July 14, 2022	Vice Chair Lucas moved to approve the minutes of October 13, 2022 and July 14, 2022, as circulated. Ms. Shintani seconded the motion. Motion carried 8:0.
F. Receipt of Items For The Record	No receipt of items for the record.	
G. General Business	<u>G.1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u>	

SUBJECT	DISCUSSION	ACTION
	<p><u>G.2. Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p>Ms. Higuchi Sayegusa stated the landowner was willing to sell but had requested that the county get an updated appraisal. Kako (Dorothy Hayashi), former Open Space commissioner, had gathered a group interested in commemorating this site and was working with the Hawaiian Civic Club on a possible stewardship plan to manage the property properly and respectfully once acquired.</p> <p><u>Questions:</u></p> <ol style="list-style-type: none"> 1. Ms. Kimura asked if the community members were aware of the possibility that only one parcel could be acquired. Ms. Higuchi Sayegusa replied yes, and they would want the mauka property. 2. Mr. Ono stated the county did appraisals for tax reasons and could they use that resource. Ms. Higuchi Sayegusa replied the county assessment is for tax purposes and did not reflect market value. 3. Ms. Kimura asked if they had that done recently. Ms. Higuchi Sayegusa replied an appraisal was done several years ago. 4. Ms. Kimura asked how the meetings were. Ms. Higuchi Sayegusa replied they wanted to be updated on the acquisition and Kako wanted to recruit a younger group. Kako’s group was older and felt a younger group would have more energy to plan the properties future. 5. Mr. Ono asked if they received input from a Filipino community group. Ms. Higuchi Sayegusa replied they advised Kako to gather ideas from the Filipino Chamber of Commerce, Japanese Culture Society and Hawaiian Civic Club. 	
	<p><u>G.3. Update on a 1.39 acre parcel located in ‘Aliomanu, Koolau Moku, further identified as Tax Map Key (4)4-9-004:013 (‘Aliomanu Beach Living Trust, et al.) (Preliminary Report 3/9/2017, Updated Preliminary Report 5/31/2022).</u></p> <p>Ms. Higuchi Sayegusa replied the owner was cautiously optimistic during their last contact. She said they would be more willing to convey access if they had the assurance that maintenance</p>	

SUBJECT	DISCUSSION	ACTION
	<p>would be taken care of as well as security in the area. She also received several stewardship groups to contact from Nalani Kaneakua.</p> <p><u>Questions:</u></p> <ol style="list-style-type: none"> 1. Ms. Kimura said the Surfrider Foundation expressed interest. Ms. Higuchi Sayegusa replied she was in contact with Surfrider Foundation but for the Hideaways access and they want to help but not be officially tied. 2. Ms. Kimura asked if Kanuikapono was still interested. Ms. Higuchi Sayegusa replied yes. 3. Ms. Kimura asked if the rules were still that it had to be a non-profit organization because Kanuikapono fell under the non-profit of the school. Ms. Higuchi Sayegusa replied she would need to connect with Nalani Kaneakua. She said typically it would need to be a non-profit organization due to insurance requirements. 4. Mr. Kinney asked if there was an official process and if it was a county stewardship agreement. Ms. Higuchi Sayegusa replied yes, the county attorney drafted an official template agreement with standard requirements. 5. Chair Kanna asked to define stewardship. Ms. Higuchi Sayegusa replied it would depend on each property type of acquisition and needs. <p>Ms. Kimura expressed her disappointment in the process of securing a stewardship agreement for 'Aliomanu. She said the agreement was not set in stone and it could be changed to meet the needs of the property. She cautioned against waiting until everything was perfectly set before acting on securing this property. Ms. Kimura knew of four non-profit organizations that could steward and said it didn't necessarily have to be only one, it could be a collaboration of more than one organization willing to work together to steward it. She suggested Nalani Kaneakua be on the forefront of working with these organizations on what they think would be the best solution to steward this property. The organizations would be involved in the planning of the stewardship agreement that would work best for them and the property.</p> <ol style="list-style-type: none"> 6. Mr. Ono asked if council would not approve funds for acquisition if there were no stewardship agreement secured. Ms. Higuchi Sayegusa replied not necessarily but 	

SUBJECT	DISCUSSION	ACTION
	<p>stewardship agreements would always be part of the overall acquisition plan.</p> <p>7. Mr. Ono suggested sending it to council for approval and the stewardship plan can be developed later. Ms. Higuchi Sayegusa replied there were rules to follow, and these updates would be compiled in a biennial report to council that would include recommendations that council could act on. The second way to send it to council was by dossier if the acquisition was time sensitive.</p> <p>Ms. Higuchi Sayegusa announced there was no one in the audience but there was one person online who may want to testify. The public person replied she was listening and did not need to testify.</p> <p>8. Mr. Ono asked how long it would take to get to the money bill part once a proposal was submitted to council. Ms. Higuchi Sayegusa replied the biennial report would be submitted in January and once they review the report, they could request the commission to do a presentation on their recommendations and possibly take on a money bill after that.</p> <p>9. Mr. Ono asked if it was expedited what would be the time frame. Ms. Higuchi Sayegusa replied after the commission presents its recommendations to council, she would have to transmit it within 30 to 60 days to council and it could take up to three months for council to process.</p> <p>10. Ms. Shintani asked who facilitated community meetings. Ms. Higuchi Sayegusa replied the commission could form a PIG (Permitted Interaction Group) or up to two commissioners could meet with the community.</p>	
	<p><u>G.4. Update on a proposal to acquire access to State of Hawai'i property through 4901 Waiakalua Street, Kīlauea, Hawai'i 96754, Koolau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Stallman and Lisa Flores) (Preliminary Report 6/1/2022)</u></p> <p>Ms. Higuchi Sayegusa said the owner invited them to visit the site in early December. Director Ka'āina Hull, Councilman Billy DeCosta and herself went to view the property access. She shared pictures of the site (<i>pictures on file</i>). She said the owner made it clear that he intends to build a house that would block the access trail. Ms. Higuchi Sayegusa said it may come down to</p>	

SUBJECT	DISCUSSION	ACTION
	<p>condemnation. Other options were to open a pedestrian access instead of a vehicular access with parking on state land.</p> <p>Ms. Dizon said as a hunter she wasn't concerned about the terrain of the access it was more about parking their vehicles and trailers. Vice Chair Lucas commented that parking vehicles and trailers on state land would be more receptive to neighbors than parking on the side of county roads or in the neighborhood.</p> <p><u>Questions:</u></p> <ol style="list-style-type: none"> 1. Ms. Kimura asked for Councilman DeCosta's thoughts. Ms. Higuchi Sayegusa replied he wants to establish mauka access and pursue access through this property. 2. Mr. Kinney asked if the proposed parking would be on the Jurassic leased state land. Ms. Higuchi Sayegusa replied the state expressed willingness to look at their Jurassic lease agreement and have a designated parking lot. 3. Ms. Kimura asked for an update on where they were on this. Ms. Higuchi Sayegusa replied the next steps was to continue to research and investigate possible access from neighboring parcels. 	
	<p><u>G.5. Discussion on possible site visits to properties pending projects for acquisition.</u></p> <p>Ms. Higuchi Sayegusa included a tentative list of possible sites for site visit in their biennial report. There were 16 properties listed, they could bus everyone to these sites and one day would be to visit the north and east properties and another day to the south and west properties. She suggested the commission focus on the current properties that were in discussion now, which included; 'Aliomanu Vacant Lot, Kauapea Beach Access, Kalihiwai Vacant Lots, Kepuhi Beach Access, Hanapēpē Vacant Lots, Ke Kahua o Kāneiolouma, Wahi Pana at Kiahuna, Lāwa'i Kai Beach Access.</p> <ol style="list-style-type: none"> 1. Mr. Kinney said Kalihiwai vacant lots (4)5-3-006:020 and (4)5-3-003:29 had an old name, and the area was known as Hanapai not Kalihiwai. <p>Ms. Higuchi Sayegusa said Kristen Romuar-Cabico would reach out to each commissioner on</p>	

SUBJECT	DISCUSSION	ACTION
	finding a date that everyone was available for the site visits.	
H. Communication	No communication items.	
I. Unfinished Business (For Action)	<p><u>I.1. Update on a request to acquire a 0.4006 acre parcel located in Wainiha, Hā'ena, Halelea Moku, identified as Lot 10 of Wainiha Subdivision II (File Plan 1840), 7322 Alealea Road, Kaua'i, Hawai'i 96714 and further identified as Tax Map Key (4)5-8-09:049 (Dirk P. & Kathleen Lange) (Preliminary Report 7/7/2022).</u></p> <p>Ms. Higuchi Sayegusa referred to the Supplemental Preliminary Report No.1 that the property was no longer for sale and Karen Diamond, who proposed this property when it was on the open market, withdrew her proposal. Ms. Higuchi Sayegusa said the department recommended to deny acquisition.</p> <p>Ms. Shintani asked if Ms. Diamond could bring this proposal back to the commission for consideration. Ms. Higuchi Sayegusa replied yes, she could.</p>	<p>Vice Chair Lucas moved that based on the departments recommendation to deny acquiring a 0.4006 acre parcel located in Wainiha, Hā'ena, Halelea Moku, identified as Lot 10 of Wainiha Subdivision II (File Plan 1840), 7322 Alealea Road, Kaua'i, Hawai'i 96714 and further identified as Tax Map Key (4)5-8-09:049. Ms. Pratt seconded the motion.</p> <p>Roll Call Vote: Ms. Dizon – Aye Mr. Ono – Aye Ms. Pratt – Aye Ms. Shintani – Aye Mr. Kinney – Aye Ms. Kimura – Aye Vice Chair Lucas - Aye</p>

SUBJECT	DISCUSSION	ACTION
		Chair Kanna – Aye Motion carried 8:0
J. New Business (For Action)	none	
K. Executive Session	<p>Ms. Higuchi Sayegusa said there was no need to enter executive session.</p> <p><u>K.1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 and the 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd).</u></p>	
	<u>K.2. Update on a 1.39 acre parcel located in ‘Aliomanu, Koolau Moku, further identified as Tax Map Key (4)4-9-004:013 (‘Aliomanu Beach Living Trust, et al.).</u>	
	<u>K.3. Update on a proposal to acquire access to State of Hawai‘i property through 4901 Waiakalua Street, Kīlauea, Hawai‘i 96754, Koolau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Stallman and Lisa Flores).</u>	
	<u>K.4. Update on a request to acquire a 0.4006 acre parcel located in Wainiha, Hā‘ena, Halelea Moku, identified as Lot 10 of Wainiha Subdivision II (File Plan 1840), 7322 Alealea Road, Kaua‘i, Hawai‘i 96714 and further identified as Tax Map Key (4)5-8-09:049 (Dirk P. & Kathleen Lange).</u>	
	<u>K.5. Discussion on possible site visits to properties pending projects for acquisition.</u>	
L. Announcements	<p><u>L.1. Topics for future meetings.</u></p> <ol style="list-style-type: none"> 1. Update on Kaumumene or Hideaways Beach access easement located on land identified as tax map key (4)5-4-11:04 and (4)5-4-12:11. 2. Update on Black Pot/Sheehan 3. Status of the fund balance 	

SUBJECT	DISCUSSION	ACTION
	<p>4. The council committee meeting to discuss Waipa/Halulu Fishpond recommendation to provide funds for acquisition would be on January 19, 2023. Ms. Higuchi Sayegusa and Chair Nancy Kanna would attend the meeting.</p> <p>5. March 9 was a scheduled meeting date and would be considered as a scheduled site visit.</p> <p>Ms. Higuchi Sayegusa said there was no one in the audience and no one virtually to testify.</p> <p>6. Kauapea Beach Access</p> <p><u>L.2.</u> The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m. or shortly thereafter, on or about March 9, 2023. The Commission will post notice in compliance with Hawai'i Revised Statutes Chapter 92 for the next regularly scheduled meeting or any meetings held sooner. The Open Space Commission anticipates this meeting to be held in-person at the Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Hawai'i, 96766. The Commission also anticipates providing a visual platform capability for members of the public to testify remotely. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.</p>	
<p>M. Adjournment</p>		<p>Vice Chair Lucas moved to adjourn the meeting. Ms. Pratt seconded the motion. Motion carried 8:0.</p> <p>Chair Kanna adjourned the meeting at 2:31 pm.</p>

Submitted by: _____
 Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
 Nancy Kanna, Chair

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.

COUNTY OF KAUAI
 Minutes of Meeting
 OPEN SESSION

DRAFT To Be Approved

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	February 9, 2023
Location	Mo'ikeha Meeting Room 2A/2B		Start of Meeting: 8:38 a.m.	End of Meeting: 12:28 p.m.
Present	Chair Nancy Kanna (<i>joined at site 9:52 a.m. and left group at 11:49 a.m.</i>). Vice Chair Jonathan Lucas. Commissioners: Taryn Dizon (<i>joined at site 10:05 a.m. and left group at 11:49 a.m.</i>), Shaylyn Kimura (<i>joined at site 9:34 a.m. and left group at 11:49 a.m.</i>), William Kinney (<i>joined at site 9:34 a.m. and left group at 11:49 a.m.</i>), Mark Ono, Robin Pratt, and Mai Shintani. Deputy County Attorney Laura Barzilai. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa, Planning Administrative Officer Alan Clinton, Planner Marisa Valenciano, Secretary Duke Nakamatsu, and Staff Services Assistant Kristen Romuar-Cabico. Office of Boards and Commissions: Commission Support Clerk Arleen Kuwamura and Commission Support Clerk Lisa Oyama.			
Excused				
Absent				
SUBJECT	DISCUSSION			ACTION
	*The Commission Support Clerks did not set up their audio recording. It did not record conversations from A. Call To Order, B. Roll Call, C. Approval of Agenda and D. Announcements.			
A. Call To Order	Chair Pro Tem Jonathan Lucas called the meeting to order at 8:38 a.m.			
B. Roll Call	Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call; Commissioner Dizon was not present. Commissioner Kimura was not present. Commissioner Kinney was not present. Commissioner Ono was present. Commissioner Pratt was present. Commissioner Shintani was present. Vice Chair Lucas was present. Chair Kanna was not present.			Quorum was established with four commissioners present.

E.2.

JAN 11 2024

SUBJECT	DISCUSSION	ACTION
C. Approval of Agenda		Mr. Ono moved to approve the agenda, as circulated. Ms. Pratt seconded the motion. Motion carried 4:0.
D. Announcements		
	<p><i>Vice Chair Lucas recessed the meeting at 8:43 a.m.</i></p> <p>The commission (<i>Vice Chair Jonathan Lucas, Commissioner Mark Ono, Commissioner Robin Pratt and Commissioner Mai Shintani</i>) and staff (<i>Deputy County Attorney Laura Barzilai, Deputy Director Jodi Higuchi Sayegusa, Planning Administrative Officer Alan Clinton, Planner Marisa Valenciano</i>) boarded a bus and left the Līhu‘e Civic Center, Mo‘ikeha Building Meeting Room 2A/2B, 4444 Rice Street, Līhu‘e, Hawai‘i at approximately 9:00 a.m. and proceeded to the 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 and 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071. The excursion may involve adjustments subject to weather/site conditions. Transportation was not provided for interested parties.</p> <p>Public Testimony was not taken during the excursion.</p>	
E. Commission Site Visit (For Information Only)	<p><u>E.1. Commission Site Visit to the 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 and 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071.</u></p> <p>The bus reached the Hanapēpē site at 9:34 a.m.</p> <p><i>Shaylyn Kimura and William Kinney were at the site when the bus arrived at 9:34 a.m.</i> <i>Chair Nancy Kanna arrived at the Hanapēpē site at 9:52 a.m.</i> <i>Taryn Dizon arrived at the Hanapēpē site at 10:05 a.m.</i></p> <p><i>Chair Kanna reconvened the meeting at 9:57 a.m. with seven commissioners present.</i></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Higuchi Sayegusa defined the mauka and makai lots.</p> <p>Guest Speaker Michael Miranda presented historical findings he discovered about the Filipino massacre.</p> <p>Mr. Miranda said he spent four years investigating the massacre and was part of a research team with the Filipino American National Historical Society, interviewed the Hanapēpē community, researched archives with the Hawai‘i State Archives University of Hawai‘i and Stanford University. They found a lot of different variations of where the massacre occurred, but one thing common was it was staged in different areas. There were Sheriffs staged on this property, at the two story house on the Hanapēpē River which was the old Hawai‘i Sugar Planters Association headquarters and the base yard of the Kaua‘i Shrimp packing plant which was the former location of the Japanese school. Two years before the massacre the Japanese strike failed, and the Japanese workers supported the Filipino workers by allowing them use of the schools printing press to print leaflets and mailers to communicate the Filipino strike. Both Kapa‘a and Hanapēpē planned a strike at the same time and were the only towns on the island where the plantations had no say or control over the strikers. Strikers would do activities in those towns so they would be free of any repercussions from the sugar plantation. The last survivor of the strike hid for five days under a house close to where the property was and the descendants of the woman who hid the striker still reside in the house today. A year after researching they located the mass graves in the Hanapēpē public cemetery.</p> <p>Guest speaker Ale Lomosil presented what he knew about the Filipino massacre.</p> <p>Mr. Lomosil heard about the massacre from two guys that lived in a back house in the 1980’s. He described the whole area as covered in banana patch. The story he was told was that there were two guys who did not want to fight, and they were taken hostage at the Japanese school. The sheriffs went to rescue them and when they stepped out of the Japanese school a gun shot was heard which started the firing. He said fourteen sheriffs and deputized sheriffs were shot. He said the placard at the Hanapēpē park should be relocated to this property.</p> <p><u>Questions:</u></p>	

SUBJECT	DISCUSSION	ACTION
	<ol style="list-style-type: none"> 1. Mr. Ono asked the guest speakers if they would prefer the property closest to the road or the one closest to the mountain. Mr. Lomosil said this one (<i>no verbal location</i>). 2. Ms. Higuchi Sayegusa asked what type of memorial would be appropriate. Mr. Lomosil said the plaque relocated to the property. 3. Chair Kanna suggested an area to tell the story with an expanded signage or small building. Mr. Lomosil said maybe a small pavilion but preferred that it be kept open space. He did not want anything big. 4. Ms. Kimura asked if he had conversations with other community members that relocating the placard to the property was appropriate. Mr. Lomosil said they were satisfied with placing the placard at the park at the time but if they secure the property, it should be relocated. 5. Mr. Kinney felt the memorial site should be separated from the Hanapēpē park. He said securing the property was important and they should respect the wishes of the community on how they want to memorialize the site and relocate the placard from the park to the property. 6. Ms. Higuchi Sayegusa asked if he would be okay with multiple plaques in different areas. Mr. Lomosil replied it didn't matter but the most important thing was relocating the placard to the property. <p>Mr. Miranda said the Filipino massacre was suppressed from public knowledge. He learned about it in a Filipinos in America class at the University of Hawai'i.</p> <p>Mr. Lomosil shared that he was there when a guy in charge of cleaning the old Līhu'e police station found documents that told the story of the Filipino massacre. The guy was told to get rid of everything left behind, but he kept those documents. Mr. Lomosil said he read the documents and it listed names of those that died.</p> <p>Ms. Higuchi Sayegusa said they would drive to the Hanapēpē cemetery and asked the guest speakers to talk about the graves.</p> <p>Mr. Miranda said in the 1920's it was called the Filipino cemetery, and some called it the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Methodist cemetery. The West Kaua‘i Methodist church volunteered to take care of the funeral services for those killed in the massacre and documented the names. They scanned the Hanapēpē cemetery with ground penetrating radar in three locations. One location was lava rocks, the second was an infant burial site and the third area found 16 anomalies. After multiple scans and matching the location with an article from the Garden Island Newspaper they confirmed that was the mass burial grave of those that died at the massacre.</p> <p>7. Chair Kanna asked if the guy would be willing to hand over the police documents about the massacre to Mr. Miranda. Mr. Lomosil said he could ask.</p> <p><i>Chair Kanna called for a recess at 10:43 a.m.</i></p>	
	<p><i>Chair Kanna reconvened the meeting at 11:04 a.m. at the Hanapēpē Cemetery Site with eight commissioners present.</i></p> <p>Mr. Miranda showed the commissioners the three areas that were scanned and the burial site of the mass graves.</p> <p><i>Chair Kanna called for a recess at 11:18 a.m.</i></p>	
	<p><i>Chair Kanna reconvened the meeting at 11:38 a.m. at Hanapēpē Park with eight commissioners present.</i></p> <p>Mr. Miranda said in 2006 a ceremony was held to dedicate the placard at the Hanapēpē Park. He found out that the 1924 court documents that were missing from the judiciary building may have been stored in a Matson container at the Hawai‘i State Archives. Mr. Miranda was also contacted by the Chief Executive Officer (CEO) of Consuela Foundation who had headquarters in Honolulu and Manila, Philippines. On March 1, 2023 the CEO wanted Mr. Miranda to show them the sites of the massacre. He invited the commissioners and said they were willing to donate funds to the project.</p> <p>1. Mr. Kinney asked if native Hawaiian laborers had a role in the Filipino massacre. Mr. Miranda said they did not.</p>	

SUBJECT	DISCUSSION	ACTION
	<p><i>Chair Kanna recessed the meeting at 11:49 a.m.</i></p> <p><i>Chair Nancy Kanna, Commissioner Taryn Dizon, Commissioner Shaylyn Kimura, and Commissioner William Kinney did not board the bus and left the meeting around 11:49 a.m.</i></p>	
<p>F. Executive Session</p>	<p><i>The commission did not enter executive session for F.1.</i></p> <p><u>F.1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 and the 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd).</u></p>	
<p>L. Adjournment</p>	<p>The commission returned to the Līhu‘e Civic Center, Mo‘ikeha Building Meeting Room 2A/2B, 4444 Rice Street, Līhu‘e, Hawai‘i, no time of arrival was documented.</p> <p>*The Commission Support Clerks did not set up their audio recording. It did not record L. Adjournment.</p>	<p>Mr. Kinney moved to adjourn the meeting. Mr. Ono seconded the motion. Motion carried 4:0.</p> <p>Chair Pro Tem Lucas adjourned the meeting at 12:28pm.</p>

Submitted by: _____
 Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
 Jonathan Lucas, Chair Pro Tem

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

DRAFT To Be Approved

Board/Commission:	Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	March 9, 2023	
Location	Mo'ikeha Meeting Room 2A/2B	Start of Meeting: 8:37 a.m.	End of Meeting: 3:38 p.m.	
Present	<p>Chair Nancy Kanna. Vice Chair Jonathan Lucas. Commissioners: Taryn Dizon (<i>Anahola Post Office pickup 9:18 a.m. and drop off 2:50 p.m.</i>), Shaylyn Kimura (<i>Anahola Post Office pickup 9:18 a.m. and drop off 2:50 p.m.</i>), William Kinney (<i>Anahola pickup 9:18 a.m. and left group at 1:35 p.m.</i>), Robin Pratt, and Mai Shintani.</p> <p>Deputy County Attorney Laura Barzilai. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa, Planning Administrative Officer Alan Clinton, Planner Alisha Summers, Planner Marisa Valenciano, CZM Enforcement Officer Les Milnes, and Staff Services Assistant Kristen Romuar-Cabico. Office of Boards and Commissions: Commission Support Clerk Arleen Kuwamura.</p>			
Excused	Commissioner Mark Ono			
Absent				
SUBJECT	DISCUSSION			ACTION
	*The Commission Support Clerk did not properly set up the audio recording. It did not record conversations from A. Call To Order, B. Roll Call, C. Approval of Agenda and D. Announcements.			
A. Call To Order	Chair Nancy Kanna called the meeting to order at 8:37 a.m.			
B. Roll Call	Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call; Commissioner Dizon was not present. Commissioner Kimura was not present. Commissioner Kinney was not present. Commissioner Ono was excused. Commissioner Pratt was present. Commissioner Shintani was present. Vice Chair Lucas was present. Chair Kanna was present.			Quorum was established with four commissioners present.
C. Approval of Agenda				Ms. Pratt moved to approve the agenda, as circulated. Unknown Commissioner

E.3.
JAN 11 2024

SUBJECT	DISCUSSION	ACTION
		seconded the motion. Motion carried 4:0.
D. Announcements		
	<p><i>Chair Kanna recessed the meeting at 8:41 a.m.</i></p> <p>The commission (<i>Chair Nancy Kanna, Vice Chair Jonathan Lucas, Commissioner Robin Pratt and Commissioner Mai Shintani</i>) and staff (<i>Deputy County Attorney Laura Barzilai, Deputy Director Jodi Higuchi Sayegusa, Planning Administrative Officer Alan Clinton, Planner Alisha Summers, Planner Marisa Valenciano, CZM Enforcement Officer Les Milnes</i>) boarded a bus and left the Līhu‘e Civic Center, Mo‘ikeha Building Meeting Room 2A/2B, 4444 Rice Street, Līhu‘e, Hawai‘i at approximately 8:45 a.m. and proceeded to the north shore. The excursion may involve adjustments subject to weather/site conditions. Transportation was not provided for interested parties.</p> <p>Public Testimony was not taken during the excursion.</p>	
E. Commission Site Visit (For Information Only)	<p><u>E.1. Commission Site Visit (For Information Only)</u></p> <ul style="list-style-type: none"> • Kauapea existing public parking and access located on a lot further identified as Tax Map Key (4) 5-2-010:0031 – approximately 9:30 a.m. or shortly thereafter. • Kalihiwai Vacant Lots further identified as Tax Map Key (4)5-3-006:015, (4)5-3-006:020, (4)5-3-003:068, and (4)5-3-003:029 – approximately 10:30 a.m. or shortly thereafter. • Kepuhi Beach Access/Nava, Joseph/Elizabeth Trust located on a lot further identified as Tax Map Key (4)5-8-012:002 – approximately 11:20 a.m. or shortly thereafter. • Halulu Fishpond located on a lot further identified as Tax Map Key (TMK) (4)5-6-004:017 located in Waipā – approximately 11:45 a.m. or shortly thereafter. • 4901 Waiakalua Street, Kīlauea, Hawai‘i 96754, Koolau Moku, further identified as Tax Map Key 5-1-005:036 – approximately 1:30 p.m. or shortly thereafter. 	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> • ‘Aliomanu Access located on a lot further identified as Tax Map Key (4)4-9-004:013 – approximately 1:45 p.m. or shortly thereafter. <p>The bus reached Anahola Post Office at 9:18 a.m. and picked up Taryn Dizon, Shaylyn Kimura, and William Kinney. The Commission spent time at each location. The Commission took a lunch break at 11:30 a.m. before visiting Halulu Fishpond. Commissioner Kinney did not board the bus and left the group at 1:35 p.m. The bus dropped off Commissioner Dizon and Commissioner Kimura at Anahola Post Office at 2:50 p.m.</p>	
<p>F. Adjournment</p>	<p><u>F.1. Reconvene meeting at Līhu‘e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu‘e, Hawai‘i, 96766 at approximately 3:30 p.m. to adjourn. There will be no decision making by the Commission.</u></p> <p>*The Commission Support Clerk did not set up the audio recording properly. It did not record F. Adjournment.</p>	<p>Chair Kanna moved to adjourn the meeting. Vice Chair Lucas seconded the motion. Motion carried 4:0.</p> <p>Chair Kanna adjourned the meeting at 3:38pm.</p>

Submitted by: _____
 Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
 Nancy Kanna, Chair

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.

SUBJECT	DISCUSSION	ACTION
E. Receipt of Items For The Record	No receipt of items for the record.	
F. General Business	<p><u>F.1. Discussion on the Site Visit held on March 9, 2023.</u></p> <p>Chair Kanna shared that the site visit was excellent and valuable to everyone who went, and they got to see and experience the different properties.</p> <p><i>Commissioner Pratt joined the meeting at 1:05 p.m. by Zoom Teleconference.</i></p> <p>Ms. Higuchi Sayegusa announced there was no one in the audience and no one virtually by Zoom to testify.</p> <p>Mr. Kinney stated it was important for the commissioners to meet community members who hold valuable historical stories about these sites.</p>	
	<p><u>F.2. Discussion on Public Access, Open Space, and Natural Resources Preservation Fund Commission Balance.</u></p> <p>Ms. Higuchi Sayegusa shared that in fiscal year 2023 the balance was \$2,632,352. After Council approved the Waipa acquisition of \$850,000 and \$5,000 for Hanapēpē appraisals the remaining balance would be \$1,777,352.</p> <p><u>Questions:</u></p> <ol style="list-style-type: none"> 1. Ms. Dizon asked how they could increase the allocation. Ms. Higuchi Sayegusa replied the Charter sets the minimum of 0.5% of property tax and a request to increase the percentage share was placed in the biennial report. 2. Mr. Ono asked if the minimum was set by the Charter. Ms. Higuchi Sayegusa replied yes. 3. Mr. Ono asked would they need to make a charter amendment to change the minimum. Ms. Higuchi Sayegusa replied it's done by ordinance. 4. Mr. Ono asked if it was a major task to increase the minimum set in the Charter. Ms. 	

SUBJECT	DISCUSSION	ACTION
	<p>Higuchi Sayegusa replied it would need to be approved by the Charter Commission and if accepted it would be on the ballot for the public to vote on.</p>	
	<p><u>F.3. Update on a proposal to acquire access to State of Hawai'i property through 4901 Waiakalua Street, Kīlauea, Hawai'i 96754, Koolau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Stallman and Lisa Flores) (Preliminary Report 6/1/2022)</u></p> <p>Ms. Higuchi Sayegusa said there was no one in the audience and no one virtually by Zoom to testify.</p> <p>Ms. Higuchi Sayegusa showed a PowerPoint presentation (<i>on file</i>) and said there were existing pedestrian and equestrian easements from Wailapa Road. She said there were three subdivisions in this area; phase one was Puu Pane, phase two included this property and phase three was Kīlauea ag subdivision parcel. They uncovered three easements, A6, A8 and A9. The deeds in this property included nonexclusive easement for pedestrian and equestrian purposes but not for motorized vehicles. It's not used or publicly known and may require enforcement action. Another access possibility was through a neighboring property, the Lucas property. She said they could possibly obtain access if the Lucas property subdivides. A subdivision code of six or more lots or parcels would require and trigger the developer to convey an easement. Councilman DeCosta has contacted the state to start the process to provide parking and establish hunting, hiking and pedestrian access onto the states leased lands.</p> <p><u>Questions:</u></p> <ol style="list-style-type: none"> 1. Mr. Ono asked if the Lucas property was ready or did, they have to wait for them to CPR the property. Ms. Higuchi Sayegusa replied the CPR was already established so the opportunity would be when they subdivide. 2. Mr. Ono said he saw one easement that said vehicular access and wasn't sure how far it went. Ms. Higuchi Sayegusa replied the owner owned both properties and was going to build along the vehicular access path. It may need to be enforced. 3. Mr. Ono asked if Councilman DeCosta could ask the state to provide a parking lot. Ms. Higuchi Sayegusa replied she couldn't speak for Councilman DeCosta but that was part of the settlement. 	

SUBJECT	DISCUSSION	ACTION
	<p><u>F.4. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p><u>F.5. Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p>Ms. Higuchi Sayegusa said they have secured an appraiser and should have an updated appraisal in two months. She reached out to Kako (Dorothy Hayashi) and her group to start thinking about how they want to commemorate the property and involve community stakeholders to memorialize the events that happened and secure a stewardship plan.</p> <p><u>Questions:</u></p> <ol style="list-style-type: none"> 1. Mr. Kinney asked if once the county acquired the parcels do they step in to improve the property or would the community create the space. Ms. Higuchi Sayegusa replied the community would create the space, but it would be a county asset. 2. Mr. Kinney asked if the county would provide for that process to happen with the community and would the county provide a place maker planner. Ms. Higuchi Sayegusa replied they have a place maker planner. 3. Vice Chair Lucas asked if there was a draft stewardship agreement. Ms. Higuchi Sayegusa replied there was no draft stewardship agreement. 	
	<p><u>F.6. Update on a 1.39 acre parcel located in ‘Aliomanu, Koolau Moku, further identified as Tax Map Key (4)4-9-004:013 (‘Aliomanu Beach Living Trust, et al.) (Preliminary Report 3/9/2017, Updated Preliminary Report 5/31/2022).</u></p> <p>Ms. Higuchi Sayegusa displayed a PowerPoint of pictures from Nalani Kaneakua that showed Hālau Hula Ka Lei Mokihana o Leinā‘ala and another halau group that gathered foliage to make a lei and helped in replanting limu. She continues to work with Ms. Kaneakua on securing a formalized stewardship agreement. Once a stewardship agreement is in place the owner would be open to agreeing to a friendly acquisition of the easement. Ms. Higuchi Sayegusa reminded</p>	

SUBJECT	DISCUSSION	ACTION
	the commission that within walking distance the county owned access to 'Aliomanu nearby and to think about prioritizing the other properties on the list.	
	<p><u>F.7. Update on improvements related to the easement located on land identified as tax map key (4)5-4-11:04 and (4)5-4-12:11 that accesses Kaumumene or Hideaways Beach (County of Kaua'i Easement).</u></p> <p>Ms. Higuchi Sayegusa said the commission and council approved \$1.5 million to improve the easement and trail and was working with Public Works to procure a contractor to initiate the improvements. Due to the hazardous condition of the trail Special Projects Administrator with the Mayors Office Michael Contrades began to immediately plan temporary emergency and remediation repairs. These involved short term repairs to the anchors, rope and dirt stairs leading down to the beach.</p>	
G. Communication	No communication items.	
H. Unfinished Business (For Action)	No unfinished business.	
I. New Business (For Action)	No new business.	
J. Executive Session	<p><i>Ms. Higuchi Sayegusa said there was no need to enter executive session. The commission did not enter executive session for J.1., J.2., J.3. and J.4.</i></p> <p><u>J.1. Update on a proposal to acquire access to State of Hawai'i property through 4901 Waiakalua Street, Kīlauea, Hawai'i 96754, Koolau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Stallman and Lisa Flores) (Preliminary Report 6/1/2022)</u></p>	
	<p><u>J.2. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 and the 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua'i Petroleum Co. Ltd).</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>J.3.</u> Update on a 1.39 acre parcel located in ‘Aliomanu, Koolau Moku, further identified as Tax Map Key (4)4-9-004:013 (‘Aliomanu Beach Living Trust, et al.).</p>	
	<p><u>J.4.</u> Update on improvements related to the easement located on land identified as tax map key (4)5-4-11:04 and (4)5-4-12:11 that accesses Kaumumene or Hideaways Beach (County of Kaua‘i Easement).</p>	
<p>K. Announcements</p>	<p><u>K.1.</u> Topics for future meetings.</p> <ol style="list-style-type: none"> 1. Update on Kauapea Beach Access 2. Kamealoha Kuleana Hā‘ena 3. Appraisal update on Hanapēpē properties 4. Kako visit to brief commission on Hanapēpē commemoration. 5. Outreach to greater community for other acquisition proposals <p><u>K.2.</u> The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m. or shortly thereafter, on or about June 8, 2023. The Commission will post notice in compliance with Hawai‘i Revised Statutes Chapter 92 for the next regularly scheduled meeting or any meetings held sooner. The Open Space Commission anticipates this meeting to be held in-person at the Līhu‘e Civic Center, Mo‘ikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu‘e, Hawai‘i, 96766. The Commission also anticipates providing a visual platform capability for members of the public to testify remotely. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.</p>	
<p>L. Adjournment</p>		<p>Mr. Kinney moved to adjourn the meeting. Ms. Dizon seconded the motion. Motion carried 7:0.</p> <p>Chair Kanna adjourned the meeting at 2:12pm.</p>

Public Access, Open Space & Natural Resources
Preservation Fund Commission
Open Session
April 13, 2023

Page 7

Submitted by: _____
Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
Nancy Kanna, Chair

- Approved as circulated.
- Approved with amendments. See minutes of _____ meeting.

COUNTY OF KAUA'I
Minutes of Meeting
OPEN SESSION

DRAFT To Be Approved

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	November 9, 2023
Location	Moikeha Meeting Room 2A/2B		Start of Meeting: 1:05 p.m.	End of Meeting: 2:07 p.m.
Present	Chair Nancy Kanna. Vice Chair Jonathan Lucas. Commissioners: Taryn Dizon, William Kinney, Mark Ono, and Robin Pratt. Deputy County Attorney Kimberly Torigoe and Deputy County Attorney Laura Barzilai. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa, Planner Shelea Koga, Staff Services Assistant Kristen Romuar-Cabico (<i>left at 1:13 p.m.</i>), and Planner Myles Hironaka (<i>left at 1:13 p.m.</i>). Office of Boards and Commissions: Administrator Ellen Ching (<i>left at 1:13 p.m. and returned at 1:37 p.m.</i>) and Commission Support Clerk Sandra Muragin.			
Excused				
Absent				
SUBJECT	DISCUSSION			ACTION
A. Call To Order	Chair Kanna called the meeting to order at 1:05 p.m.			
B. Roll Call	Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call; Commissioner Dizon replied present. Commissioner Kinney replied present. Commissioner Ono replied present. Commissioner Pratt replied present. Commissioner Shintani was excused. Vice Chair Lucas replied present. Chair Kanna replied present.			Quorum was established with six commissioners present.
C. Approval of Agenda				Mr. Ono moved to approve the agenda, as circulated. Vice Chair Lucas seconded the motion. Motion carried 6:0.
D. Minutes of the Meeting(s) of the Commission	1. September 14, 2023			Ms. Pratt moved to approve the minutes of September 14, 2023, as circulated. Ms. Dizon seconded the motion. Motion carried 6:0.

E.5.
JAN 11 2024

SUBJECT	DISCUSSION	ACTION
E. Receipt of Items For The Record	No receipt of items for the record.	
F. General Business	<p><u>F.1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p><u>F.2. Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p>Ms. Higuchi Sayegusa suggested the commission enter executive session to discuss the recent development from landowner Par Pacific which proposed a lease agreement instead of selling. The commission would discuss how they want to move forward which would include consulting with the Deputy County Attorney on strategy and legal advice on condemnation.</p>	
Executive Session	<p>Chair Kanna read the Hawai‘i Revised Statutes to move the meeting into Executive Session. Pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4), the purpose of this executive session is to consult with county’s legal counsel on questions, issues, status, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the commission and the county as they relate to the following matters.</p>	<p>Mr. Ono moved to enter Executive Session. Vice Chair Lucas seconded the motion. Roll Call Vote: Ms. Dizon – Aye Mr. Ono – Aye Ms. Pratt – Aye Mr. Kinney – Aye Vice Chair Lucas – Aye Chair Kanna - Aye Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
		Open Session ended at 1:13 p.m.
Call To Order in Open Session	Chair Kanna called the Open Session meeting back to order at 1:37 p.m. Ms. Ching rejoined the open session meeting.	Quorum was established with six commissioners present.
	<p><u>F.1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p><u>F.2. Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p>Mr. Kinney requested that the correspondence with the landowner include that the commission was only interested in a long term lease of 65 years or more or it could lead to eminent domain. Ms. Higuchi Sayegusa said the commission preferred purchasing the parcel and may consider a long term lease. She asked the commission for direction.</p> <p>Chair Kanna replied she was still interested in a long term lease for nominal or no fee lease agreement. She believed it could be a win-win situation for the landowner who would get good publicity and the community would have use of the parcel for their memorial. Ms. Higuchi Sayegusa clarified that the commission preferred purchasing the parcel, would consider a long term lease of 65 years or more and condemnation was still a consideration.</p> <p>Mr. Kinney said the parcel could include permanent and non-permanent memorials. He recalled a suggestion from the community to memorialize the area with a banana patch because it represented what was there before.</p> <p>Ms. Dizon thanked Ms. Higuchi Sayegusa and her team for all their hard work. Ms. Higuchi Sayegusa said she would continue to communicate with the landowner, and it may appear on the January 2024 agenda.</p>	

SUBJECT	DISCUSSION	ACTION
	With no further questions or comments, Chair Kanna moved on to the next agenda item.	
G. Communication	No communication items.	
H. Unfinished Business (For Action)	No unfinished business.	
I. New Business (For Action)	<p><u>I.1.</u> <u>Review and discussion of a 0.3709 acre parcel located in Hanalei, Wainiha Ahupua‘a, Halelea Moku, further identified as Tax Map Key (4) 5-8-012:002.</u></p> <p>a. Preliminary Director’s Report</p> <p>Planner Shalea Koga summarized the Director’s Report dated November 9, 2023;</p> <ul style="list-style-type: none"> • The commission’s action for the project was to; <ol style="list-style-type: none"> 1.Recommend County Council acquire the property; or 2.Recommend County Council not acquire the property; or 3.Recommend deferring. • The property was referred because it was up for sale in the open market. • This property has come before the commission a few times in the past, but it was bought. • Found out the property was currently in escrow. • The property had three public accesses nearby, one almost right next to its boundary. • The department recommended that they deny consideration for acquisition. <p><u>Questions:</u></p> <ul style="list-style-type: none"> • Ms. Dizon asked if the proposal included if the purpose for purchasing the property was for historical or public access. Ms. Koga said it did not say. <p>Ms. Higuchi Sayegusa replied that Karen Diamond recommended this parcel, and it could be to prohibit development.</p>	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> • Mr. Ono asked if any other groups were interested in the parcel for cultural reasons or public access. Ms. Higuchi Sayegusa and Ms. Koga replied they did not receive any. • Mr. Ono asked for the sale price of the property. Ms. Koga replied \$889,000. <p>Mr. Kinney commended Karen Diamond for keeping the commission aware of these parcels but expressed confidence in the county’s recommendation.</p> <p>Chair Kanna expressed her appreciation for Karen Diamond’s efforts and passion for her community and encouraged her to continue to send proposals to the commission.</p> <p>Mr. Ono requested a letter be sent to Karen Diamond updating her on the commissions decision but to also thank her for her continued efforts.</p>	<p>Mr. Kinney moved to deny and not acquire the 0.3709 acre parcel located in Hanalei, Wainiha Ahupuaa, Halelea Moku, further identified as Tax Map Key (4) 5-8-012:002. Ms. Dizon seconded the motion.</p> <p>Roll Call Vote: Ms. Dizon – Aye Mr. Kinney – Aye Mr. Ono – Aye Ms. Pratt – Aye Vice Chair Lucas – Aye Chair Kanna – Aye Motion carried 6:0.</p>
<p>J. Executive Session</p>	<p><i>The commission did not need to enter executive session for the Hanalei, Wainiha Ahupua’a property.</i></p> <p><u>J.1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua’i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>J.2.</u> Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (Preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</p>	
	<p><u>J.2.</u> Review and discussion of a 0.3709 acre parcel located in Hanalei, Wainiha Ahupuaa, Halelea Moku, further identified as Tax Map Key (4) 5-8-012:002.</p> <p>a. Preliminary Director’s Report</p>	
<p>K. Announcements</p>	<p><u>K.1.</u> Topics for future meetings.</p> <ol style="list-style-type: none"> 1. Vice Chair Lucas suggested they investigate improving beach access near the Hanalei, Wainiha property. 2. Update on a 0.2764-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065. 3. Update on a 0.2867-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071. 4. Update on a proposal to acquire access to State of Hawai‘i property through 4901 Waiakalua Street, Kīlauea, Hawai‘i 96754, Ko‘olau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Stallman and Lisa Flores) (Preliminary Report 6/1/2022) 5. Update on a 1.39-acre parcel located in ‘Aliomanu, Ko‘olau Moku, further identified as Tax Map Key (4)4-9-004:013 (‘Aliomanu Beach Living Trust, et al.) 6. Mahaulepu access 7. Department of Planning website updates 8. Continue discussion on Vision and Strategies for Commission Outreach 9. Draft Biennial Report 10. Election of Chair and Vice Chair <p><u>K.2.</u> The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m. or shortly thereafter, on or about January 11, 2024. The Open Space Commission anticipates this meeting to be held in-person at the Līhu‘e Civic Center, Mo‘ikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu‘e, Hawai‘i, 96766. The Commission will</p>	

SUBJECT	DISCUSSION	ACTION
	announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.	
L. Adjournment		<p>Vice Chair Lucas moved to adjourn the open session meeting. Ms. Pratt seconded the motion. Motion carried 6:0.</p> <p>Chair Kanna adjourned the meeting at 2:07pm.</p>

Submitted by: _____
 Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
 Nancy Kanna, Chair

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.