

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 11, 2021
Location	Council Chambers, Historic County Building and Microsoft Teams		Start of Meeting: 9:35 a.m.	End of Meeting: 11:25 a.m.
Present	<p>Chair Pro Tem Shaylyn Kimura. Commissioners: Taryn Dizon, Jett Jasper, Jonathan Lucas, Nancy Kanna, Karen Ono and Erica Taniguchi.</p> <p>Deputy County Attorney Laura Barzilai. Planning Department Staff: Director Ka‘āina Hull, Deputy Director Jodi Higuchi-Sayegusa, Planner Myles Hironaka, Planning Commission Secretary Leslie Takasaki, Commission Specialist Nani Sadora and Commission Support Clerk Duke Nakamatsu. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Sandra Muragin. Deputy County Clerk Scott Sato.</p> <p>Mālama Hulē‘ia: Executive Director Sara Bowen, President Jan TenBruggencate. Aloha Aina Project Manager and The Trust for Public Land Reyna Ramolete Hayashi and Field Operations Manager Peleke Flores. The Trust for Public Land Director Lea Hong.</p>			
Excused				
Absent				
SUBJECT	DISCUSSION			ACTION
Swearing in of Commissioners	Prior to the meeting being called to order, Administrative Assistant to the County Clerk Eddie Topenio administered the Oath of Office to Commissioner Jonathan Lucas serving a first term ending 12/31/22.			
	Chair Pro Tem Kimura, Commissioner Dizon, Commissioner Jasper, Commissioner Ono, Deputy County Attorney Barzilai, Deputy County Clerk Sato, Planning Director Hull, Deputy Director Higuchi-Sayegusa and Commission Specialist Sadora were present in Council Chambers. Commissioner Lucas, Commissioner Kanna, Commissioner Taniguchi, Commission Secretary Takasaki, Planner Hironaka, Commission Support Clerk Nakamatsu, Administrator Ching and Commission Support Clerk Muragin were logged onto Microsoft Teams by video.			
Call To Order	Planning Director Ka‘āina Hull called the meeting to order at 9:35 a.m.			
Roll Call	Mr. Hull verified attendance by roll call and requested a verbal response; Commissioner Dizon replied here. Commissioner Jasper replied present.			

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Kanna replied present. Commissioner Lucas replied present. Commissioner Ono replied here. Commissioner Taniguchi replied here. Chair Pro Tem Kimura replied present.</p>	<p>Quorum was established with seven commissioners present.</p>
<p>Selection of Chair and Vice Chair</p>	<p>Mr. Hull opened the floor for nominations for Chair.</p> <ul style="list-style-type: none"> • Ms. Ono nominated Nancy Kanna. <p>Mr. Hull opened the floor for nominations for Vice Chair.</p> <ul style="list-style-type: none"> • Ms. Ono nominated Shaylyn Kimura. <p>Chair Kanna and Vice Chair Kimura assumed their new positions.</p>	<p>Ms. Ono moved to close nominations for Chair and appoint Nancy Kanna to serve as Chair for calendar year 2021. Mr. Jasper seconded the motion. Motion carried 7:0.</p> <p>Ms. Ono moved to close nominations for Vice Chair and appoint Shaylyn Kimura to serve as Vice Chair for calendar year 2021. Mr. Jasper seconded the motion. Motion carried 7:0.</p>
<p>Approval of Agenda</p>	<p>Mr. Hull stated the agenda was slightly amended and there would be no preliminary report as noted under J. New Business, 2. A. Preliminary report pertaining to this matter and there were two addendums transmitting testimonies that were forwarded to the commissioners.</p>	<p>Ms. Ono moved to approve the amended agenda. Mr. Jasper seconded the motion. Motion carried 7:0.</p>
<p>Minutes of the Meeting(s) of the Open Space Commission</p>	<p><u>F.1. Meeting minutes of January 9, 2020.</u></p>	<p>Mr. Jasper moved to approve the January 9, 2020, minutes as circulated. Ms. Ono seconded the motion. Motion carried 7:0.</p>
<p>Receipt of Items For The Record</p>	<p>There were no items for the record.</p>	

SUBJECT	DISCUSSION	ACTION
(None)		
Hearings and Public Comment	<p><u>H.1.</u> <u>All remaining public testimony pursuant to HRS 92 (Sunshine Law).</u></p> <p>Mr. Hull said they received numerous testimonies (208 total) relating to Alakoko Fishpond and asked that the members of Mālama Hulē‘ia and The Trust for Public Land testify at the time the agenda item comes up. He opened the floor for the general public to testify and called out each phone number and asked if they wanted to testify;</p> <ol style="list-style-type: none"> 1. [REDACTED] – declined 2. [REDACTED] – no response 3. [REDACTED] – declined <p>There were no other individuals from the general public, Mr. Hull moved on to the next agenda item.</p>	
Communication (For Action) (None)	There were no communications.	
New Business (For Action)	<p><u>J.1.</u> <u>Nomination and appointment of Public Access, Open Space & Natural Resources Preservation Fund Commission’s island wide, at large appointee.</u></p> <p>Mr. Hull said Commissioner Nancy Kanna termed out December 31, 2020, but was held over until March 31, 2021. The commission at this time could appoint Ms. Kanna for a second three-year term.</p> <p>Ms. Ono asked if Ms. Kanna could be moved to fill the vacant Hanapēpē/‘Ele‘ele slot and this could open up the commission to appoint another at-large commissioner. Mr. Hull said the Hanapēpē/‘Ele‘ele slot was Council and would require that it go through that process.</p>	Vice Chair Kimura nominated Nancy A. Kanna to fill the at-large commission appointed position and serve a second term ending December 31, 2023 on the Public Access, Open Space, and Natural Resources Preservation Fund Commission. Ms. Ono seconded the motion. Motion carried 7:0.
	<p><u>J.2.</u> <u>Review and discuss the potential acquisition of 55,408 and 46,641 acre parcels located in Līhu‘e District further identified as Tax Map Keys (4) 3-2-001:001 and (4) 3-1-001:012.</u></p> <ol style="list-style-type: none"> a. <u>Preliminary report pertaining to this matter.</u> b. <u>Presentation by Mālama Hulē‘ia and the Trust for Public Lands.</u> 	

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	<p><u>c. Recommendation to County Council.</u></p> <p>Commission Specialist Nani Sadora read page 12, Alekoko (Menehune) Fishponds (Līhu‘e District) portion of the 2015 report to the Kaua‘i County Council and Mayor Bernard Carvalho, Jr., 99 page document. (<i>Documents on file</i>)</p> <p>Ms. Sadora concluded her report with a recommendation to acquire the two tax map key parcels, (4) 3-2-001:001 and (4) 3-1-001:012, for prevention of residential development which could impact the historical cultural site. The recommendation was to partner with local non-profit Mālama Hulē‘ia who would restore and protect the fishpond and its surrounding areas.</p> <p>Mr. Hull briefly updated the commission on the status of the property. The site had been on the Open Space recommendation to purchase list for several years and was recently placed up for public sale by owners, Okada Trucking Company, Ltd. The County and County Council were currently meeting to discuss possible use of Open Space Commission funds to purchase the two parcels. Mr. Hull requested that the Commission provide feedback and comments to the County Council.</p> <p>Mālama Hulē‘ia Board President Jen Tenbruggencate thanked the commission for allowing them the opportunity to present. Before beginning the presentation the commission was asked if they could open up with an oli, which was part of their protocol. Field Operations Manager Peleke Flores led the oli of Nā ‘Aumākua. Mr. Tenbruggencate said the property was listed for three million subject to appraisal and there would be additional fees and expenses; however, the request was for the commission to recommend and the county authorize use of open space funds to purchase the two parcels up to the full appraised value. The parcels aligned with the purpose of the fund and they were at risk of losing the property to private developers.</p> <p>Aloha Aina Project and The Trust for Public Land (TPL) Manager Reyna Ramolete Hayashi shared a Alakoko Fishpond power point presentation;</p>	

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	<ol style="list-style-type: none"> 1. TPL was a non-profit land conservation organization whose mission was to protect native land for Hawai‘i’s people. 2. In operation for over 42 years 3. Acquired and protected over 56,000 acres and 43 special places throughout Hawai‘i. 4. Alakoko Fishpond displayed the finest example of inland loko kuapā (brackish water walled fishpond) in Hawai‘i. It showed Hawaiian innovation, engineering, hydrology, aqua culture, biology and model for nature resource management. 5. The two parcels total 102 acres: TMK 3-2-001-001 (55.408 acres) fishpond parcel TMK 3-1-001-012 (46.641 acres) stream parcel 6. TPL and Mālama Hulē‘ia has been in open discussions with the Owners who were willing to sell to TPL and Mālama Hulē‘ia. An appraiser was contracted and the final report should be completed in 30-45 days. 7. TPL would facilitate the purchase of the two parcels and deed to Mālama Hulē‘ia to become the future owner and steward of the property. Mālama Hulē‘ia currently held a 20-year lease agreement. <p>Executive Director Sara Bowen and Field Operations Manager Peleke Flores of Mālama Hulē‘ia shared a 16-page power point presentation.</p> <ol style="list-style-type: none"> 1. Shared the formation of Mālama Hulē‘ia and mission and vision statements and efforts to eradicate and remove the invasive red mangrove. 2. Alakoko Fishpond was carbon dated to be 600 years old and registered under the National Register of Historic Places in 1973. 3. Ancient stories tell a tale that the Menehune built the first foundation of the fishpond wall with stones from Makaweli and was later finished with stones from the local area and Kōloa. 4. The manmade kuapā (wall) was 2,700 feet long with stone facing the river and dirt mound on the other side. <p>Ms. Bowen shared that their work had a huge impact on erosion control and runoffs. Their</p>	

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	<p>plan was to remove the estimated 70 acers of mangrove and replant with native plants that would lay the foundation for a healthy thriving eco system and reestablish native wetland plants for fisheries and aqua life.</p> <p>Mālama Hulē‘ia has accomplished the following:</p> <ol style="list-style-type: none"> 1. Negotiated with landowner and signed a 20 year lease agreement. 2. Secured a one million grant from the U.S. Fish and Wildlife 3. October 2018 began removal of mangrove 4. Goal was to clear area to its original water passage 5. In discussion to establish stewardship and partnership with the U.S. Fish and Wildlife 6. Due to COVID-19 partnered with Kamehameha Schools to develop a virtual online curriculum based education program <p>Mr. Flores shared examples of educational opportunities with the school’s curriculum on science and math that related to the Fishponds habitat and ecosystem.</p> <p>Vice Chair Kimura asked for the type of license Mālama Hulē‘ia held. Ms. Ramolete Hayashi replied that Okada Trucking provided a license agreement in 2017 to access the property and restore Alakoko Fishpond as required by the U.S. Fish and Wildlife grant. Mālama Hulē‘ia started the project in 2018.</p> <p>Ms. Ono inquired if the three million purchase was subject to TPL providing proof of funding. Ms. Ramolete Hayashi replied that they were actively doing their due diligence and seeking further assistance with the purchase.</p> <p>County Attorney Laura Barzilai asked if they looked into funding from the State of Hawai‘i Legacy Land Conservation Program. Ms. Ramolete Hayashi replied that the issue with those programs were the timelines and after going through a lengthy process, grant funds would not be available until 2023.</p> <p>Vice Chair Kimura suggested they secure an option agreement to safe guard the two parcels</p>	

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	<p>until funding could be finalized. Ms. Ramolete Hayashi said they were waiting for the appraisal and actively working to gather funds from private donors.</p> <p>Mr. Jasper inquired who would hold the title and deed. Mr. Hull replied that the county council would determine that, but they could own and contract a steward agreement.</p> <p>The commissioners and Mālama Hulē‘ia members had a lengthy conversation on the future plans to become self-sustained by food production. Mālama Hulē‘ia was now concentrating on purchasing the property and have not ventured into any feasible business plan of food production; however, they project a healthy fishpond that could produce a variety of plant and fish and the positive impact it would have on the shoreline fish supply.</p> <p>The commission thanked Mālama Hulē‘ia for the great work they were doing and offered assistance through letters of endorsement.</p> <p>Vice Chair Kimura asked if the Open Space currently had sufficient funds to purchase the property without impacting other projects. Mr. Hull said it should be available by July 2021 and that funding this project would not take away resources from other projects that were approved in the past.</p>	<p>Vice Chair Kimura moved to support the acquisition of 55,408 and 46.641 acre parcels located in Līhu‘e District further identified as Tax Map Keys (4) 3-2-001:001 and (4) 3-1-001:012 that meet the commissions criteria to acquire land or property entitlements for the following purposes; 1. Public outdoor recreation and education, including access to beaches and</p>

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	<p>The commission requested that they and the department be kept updated on the progress of this acquisition.</p>	<p>mountains; 2. Preservation of historic or culturally important land areas and sites; 3. Protection of significant habitats of ecosystems including buffer zones; 4. Preserving forest, beaches, coastal areas and agricultural lands; 5. Protecting watershed lands to preserve water quality and water supply; 6. Conserving land in order to reduce erosion, floods, landslides and runoffs; 7. Improving public access to an enjoyment of public land and open space; 8. Acquiring public access to public land and open space; and 9. Conserving land for open space and scenic values. Ms. Dizon seconded the motion. Roll Call Vote: 7-Ayes and 0-Nays. Motion carried 7:0.</p>
Unfinished	There was no unfinished business.	

SUBJECT	DISCUSSION	ACTION
Business (For Action) (None)		
Executive Session	The commission did not go into executive session.	
Announcements	There were no announcements.	
Next Meeting Date and Agenda Topics for Discussion		
Adjournment	With no further business to conduct, Chair Kanna called for a motion to adjourn.	Ms. Ono moved to adjourn the meeting. Mr. Jasper seconded the motion. Motion carried 7:0. Chair Kanna adjourned the meeting at 11:25am

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.