

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	July 14, 2022	
Location	Mo'ikeha Meeting Room 2A/2B and Zoom Teleconference	Start of Meeting:	1:02 p.m.	End of Meeting: 3:08 p.m.
Present	Chair Shaylyn Kimura. Vice Chair Nancy Kanna. Commissioners: Jonathan Lucas, Mark Ono, Taryn Dizon (<i>Zoom</i>), and Robin Pratt. Deputy County Attorney Laura Barzilai. Planning Department Staff: Director Kaaina Hull (<i>Audience</i>), Deputy Director Jodi Higuchi-Sayegusa, Commission Support Clerk Duke Nakamatsu and Planner Myles Hironaka. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Lisa Oyama.			
Excused				
Absent				
SUBJECT	DISCUSSION			ACTION
A. Call To Order	Chair Kimura called the meeting to order at 1:02 p.m.			
B. Roll Call	Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call; Commissioner Dizon was present. (<i>Entered meeting later Via Zoom</i>) Vice Chair Kanna replied present. Commissioner Lucas replied present. Commissioner Ono replied present. Commissioner Pratt replied present. Chair Kimura replied present.			Quorum was established with five commissioners present.
C. Approval of Agenda				Vice Chair Kanna moved to approve the agenda, Mr. Lucas seconded the motion. Motion carried 5:0.
D. Minutes of the Meeting(s) of the Commission	<u>E.1. June 09, 2022.</u>			Vice Chair Kanna moved to approve the June 09, 2022, minutes, as circulated. Ms. Pratt seconded the motion. Motion carried 5:0.

SUBJECT	DISCUSSION	ACTION
E. Receipt of Items For The Record	Ms. Higuchi Sayegusa said there were none.	
F. General Business	<p><u>F.1</u> Update on a 0.2764-acre parcel located in Hanapepe, Kona Moku, further identified as Tax Map Key (4) 1-8-008:065.</p> <p><u>F.2</u> Update on a 0.2867-acre parcel located in Hanapepe, Kona Moku, further identified as Tax Map Key (4)1-8-008:071.</p> <p>Ms. Higuchi Sayegusa updated the Commission on both parcels since the last meeting and shared the following.</p> <ul style="list-style-type: none"> • The landowner was willing to sell until ceased all communication. • The Planning Department issued a follow-up final letter to the listed owner Kaua‘i Petroleum between last meeting and this meeting and received no response. • The Planning Department proposes to draft an analysis project report assuming condemnation if there is no response from landowner for Commission review and consideration. <p>Ms. Higuchi Sayegusa updated the Commission on Planning Department project to procure an appraiser contract subject to a term up to year, which would benefit Open Space Commission to utilize services.</p> <p>Mr. Ono asked what the criteria was of an appraiser and what they would do. Ms. Higuchi Sayegusa responded it would be a professional service contract, they would be licensed and registered vendor in the Hawaii Compliance Express procurement system. She explained the process the Planning Department needed to secure the final contract.</p>	<p>Vice Chair Kanna moved to defer the discussion regarding F.1 and F.2 until the next meeting. Mr. Lucas seconded the motion.</p> <p>Motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
G. Communication	There are none.	
H. Unfinished Business (For Action)	<p><u>H.1. Review and Discussion regarding 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.).</u></p> <p>Ms. Higuchi Sayegusa Shared the following;</p> <ul style="list-style-type: none"> • The commission reviewed and discussed this previously. • The community relied on the eastern edge of the stream to access the beach and coastline. • The commission heard from people who relied on and used the coastline for resources of food. • The commission heard from guest presenter Nalani Kaneakua who gave overview and context to proposal via presentation. <p>Chair Kimura introduced Ms. Nalani Kaneakua the guest presenter who lives in the area, has generations of family living in the area, and whose life work is in centered around the waters of `Aliomonu area.</p> <p>Ms. Higuchi Sayegusa announced that Ms. Taryn Dizon joined the meeting via Zoom for the record. She also, acknowledged the public testimony that there was no one in attendance in the audience or via zoom for both previously and now for the record.</p> <p><i>Taryn Dizon entered the meeting virtually via Zoom.</i></p> <p>Ms. Kane akua gave a presentation to the Commission about living in the community and the family lifestyle gathering in that coastal area.</p> <ul style="list-style-type: none"> • Laurie Lovell stated her father was master lawai’a (fisherman) and past Kuleana to her. • The commission given history of 1999 project started by two University of Hawaii students with the help of Mr. Lovell’s and his guidance suggest data collection on growing Manuea limu and studying ocean water current and motion in Anahola and 	

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	<p>Aliomanu for two or three years. Data collection continued with the Kapaa school science and math fourth grade students provide continued the work and data collection however, access and parking were barriers.</p> <ul style="list-style-type: none"> • Barriers to limu cultivation lack of water fresh limited due to streams damming. • Access and parking are barriers for students and site visits for restoration projects. • Moved limu planting to site to Aliomanu Stream freshwater critical source for thriving limu. • Stressed Limu’s importance to environment air quality, fish survival, cultural significance as food source for the people, and shared a short video “Limu is the Lesson” program. • Governor Ige signed 2022” Year of the Limu” which highlights Limu’s cultural and environmental importance. 	
	<p>Chair Kimura thanked Ms. Lovell for her work and noted Ms. Lovell is an amazing professional chef who traveled the world and competed. Chair Kimura said commission will investigate the barriers to access issues for all beach users. She noted that in her work with Kanuikapono Project she watched children holding their backpacks and supplies in the air traversing the the stream to get to the beach site was disturbing and bothersome living on an island. She spoke personally, she has mountain people who are generational hunters who have lost their playgrounds, and as equally her Lawai’a family gathered for generations and have lost areas. Chair Kimura noted she supports the work and witness the children’s faces and the spark in them as they learn and participating in an echo system that exists right down the road from the school.</p> <p>Chair Kimura opened time for questions. She asked what right now the biggest barrier aside from opening the stream but could not give a politically correct answer. What was the biggest barrier to doing the work down there? You keep moving and adjusting as the properties are being sold and the lava rock is going up as well as the hog wire fences, what is the biggest barriers do you see today?</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Lovell replied, the south path owner opened a a single narrow path and have recently erected a fence against it, when talking about the kids walking straight trying to get through that area. The north end which is the wider end where we set-up every day. It is a labor of love and a project that doesn't cost a penny just to get set up, but the hardest thing is showing up one day and seeing a fence come up again. Its securing that peace so we can educate our kids and we are able to access that path, it's no wider than an arm stretched across, it's a fifty-yard dash from the county to the beach, and part of it is a high-water mark. Also, security in having a place where we can go to educate or kids that is promised every day and cannot be taken away a place that the kids can bring their families to enjoy. So, securing that little piece for access, and opening that stream as with all living beings we need food clothing and shelter and the limu and the ocean needs the fresh water to flourish and have more fish. The barriers are access and opening the stream are the two main important things right now, everything else will fall into place.</p> <p>Ms. Higuchi Sayegusa asked to clarify the north end access on a map. Ms. Lovell noted that the access she was talking about was not the legal access. Both worked to identify the correct access area. A brief discussion on past property ownerships who gave permission yet instability the access path still faces today.</p> <p>Ms. Pratt pointed out possibility of a willing landowner who maybe workable and the timing is right to start moving forward.</p> <p>Ms. Higuchi Sayegusa shared the following;</p> <ul style="list-style-type: none"> • The Department heard back from owner; he did express certain willingness to work with county and expressed some of his concerns of on-going maintenance. • Recommendation based on updated preliminary analysis commission could move forward recommending that the Department do a final recommendation. • Department seeking to precure an appraiser to appraise value for coastal access on the property, an analysis would be wrapped into another final recommendation to commission for analysis and review, and a final evaluation and recommendation for 	

SUBJECT	DISCUSSION	ACTION
	<p>acquisition to this access to the County Council.</p> <ol style="list-style-type: none"> 1. Ms. Kanna commented that she appreciated the work with teaching aqua culture and life lessons being taught to children who are our future, and the oxygen that comes from the ocean is what will save us in the future, and thanked Nalani. 2. Ms. Dizon thanked Nalani for her labor of love and dedication and stated her hopes that the project would expand on Kauai. She noted she lived on Kekaha side and Na pali Coast is dear to her which she stewards but lacks access. 3. Nalani replied she does limu surveying there and the limu is not abundant as it once was including the junk kind. However, what is needed is to prove water is key and we have to look at gradient, we have to look at agitation and all those things and we have to bring back a seed bank. Because if it was there, it will grow there. Ms. Dizon agreed. She shared how alarming it is at Nualolo and a brief discussion ensued. <p>Chair Kimura asked if there were any other comments. She asked if there was any discussion. Mr. Ono asked about time frame an urgency. How fast to we need to move on this and what could we do to speed up the process.</p> <p>Ms. Higuchi Sayegusa shared the following:</p> <ul style="list-style-type: none"> ○ Acquire a prepared process with the appraiser which would be approximately three months for that process. ○ Meantime, reach out to the landowner as he did respond and seems open to working on the helping with the acquisition itself. ○ Reach out to the stewards like Ms. Kaneakua and work towards a stewardship agreement moving forward that way to secure on-going maintenance for this particular access area. ○ As far as time, there will be minimal things to do from now until I get back from maternity leave to move this forward. <p>Chair Kimura asked being that fresh water the Kahawai and the Kahakai need to work together what was the possibility of using this TMK as a springboard to get the opening of the Kahawai and how would it work. Ms. Higuchi Sayegusa replied she was not sure who had jurisdiction or ownership of this particular stream or where the property lines go into the streams. It would also</p>	

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	<p>depend on the type of water course and the type of property designations. It would be something to investigate and need researched as land over water sometimes is a state issue, but we are not sure what this one is categorized or if it is a private issue.</p> <p>Ms. Kaneakua stated that some overgrowth in the `Aliomanu stream is from the landowners. We try to go up the stream on paddle boards and the some of the overgrowth is from landowners.</p> <p>Ms. Higuchi Sayegusa replied this would be an opportunity to offer help to maintain in addition to the pathway and clear the stream in that area to and be a possibility to fold into the stewardship agreement.</p> <p>Chair Kimura noted at Kealia possibly seasonally, heavy equipment is used to open the river mouth and they have done that my whole lifetime. She was not sure if it was state or county but wanted to request formally for this type of action be taken to open the stream.</p> <p>Ms. Higuchi Sayegusa replied that the acquisition and the Open Space Commission may not be the avenue to get that type of service done. It might be other means such as SMA Permits, Shoreline setback review, and other various permits to make that project happen.</p> <p>Ms. Kaneakua pointed out opening the stream is a temporary fix and the problem was further mauka concerning wells and diversions where the percentage of stream flow is dropping, and the stream water is not able to compete as it loses its ferocity with the ocean water that makes it a big mess.</p> <p><u>H.2. Review and Discussion regarding a proposal to acquire access to State of Hawaii Property through 4901 Waiakalua Street, Kilauea, Hawaii 96754, Ko`olau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Stallman and Lisa Flores).</u></p> <p>Ms. Higuchi Sayegusa called for public testimony from the audience. There was none. Mr. Hironaka stated there was no one present from the public via zoom to testify.</p>	<p>Chair Kimura and entertained a possible motion to allow the Department to pursue an appraisal for the coastal excess and final recommendation for acquisition. Ms. Pratt seconded the motion.</p> <p>Roll Call Vote: 5-Ayes 0-Nays.</p>

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	<p>Ms. Higuchi Sayegusa introduced Councilman Bill DeCosta to present overview of submitted proposal.</p> <ul style="list-style-type: none"> • Prime hunting and gathering mauka access for Unit C area is nonexistent due to not having literature or laws regarding mauka access when it comes to CPRs. • One state mauka access does exist behind the Medeiros chicken farm but it is unmaintained. • Review of the map and access piece of the 10-acre property. • Current owners are Richard S. Stallman and Lisa Flores • Northshore land DLNR leased to Kahili Jurassic Park, there is no Northshore public access. • DLNR is workable but have no right of entrance, commission support is important. • Pointed out possible public access and parking area to mauka alongside Jurassic Park property. • Chair Kimura shared her family gathered Mokihana and Maile from Mokihana Ridge and she is happy to be able to entertain mauka access. <p>Ms. Dizon stated she and her family hunted there, but it is overgrown with cattails. Public access and stewardship should be allowed for maintenance of the area. She also noted that hunters are allowed to access on 2% of the land and that hunters are stewards as they maintain eradication. For example, goats on the westside have caused erosion.</p> <p>Chair Kimura noted it is a place not only enjoyed by the hunters but also for gathers, hikers, a place to enjoy nature, and lei making.</p> <p>Mr. Ono asked about established trails. Chair Kimura replied there were when she was a child, the trails were well defined with names like Koke'e.</p> <p>Ms. Kanna if the squiggly line was a top of a ridge. Ms. Higuchi Sayegusa replied she was not familiar with the property. Ms. Kanna asked Councilman DeCosta if the access point was the</p>	

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	<p>best access point mauka. Councilman DeCosta replied currently it is the only access that touches the road and if they wanted to get access from surrounding CPR properties there was not roads and infrastructure would need to be put in. The access point discussed would have the least amount of cost.</p> <p>Ms. Higuchi Sayegusa shared the following;</p> <ul style="list-style-type: none"> • There was an overview of the Proposal • Possible recommendation points to further evaluate and memorialize this proposal to acquiring the access in the final recommendation. • Sent out letter to owner and awaiting to hear from them to see their willingness to entertain conveyance or sale of a portion of property. Will sent out letter again. • Willingness could set the process and price of property. <p>Councilman DeCosta asked if there was a site visit yet. Ms. Higuchi Sayegusa no. Councilman DeCosta would like to join commission for a site visit to evaluate landscape appropriateness.</p> <p>Ms. Higuchi Sayegusa recommended to adopt the recommendation to have Department conduct a final evaluation after the appraisal and possible site visit as well as determine what the willingness of the landowner is.</p> <p>Ms. Pratt stated this is the future to teach our grandchildren and great grandchildren to learn life lessons. The hunters are stewards of the land who cull the pigs and goats whose population is out of control on the island.</p> <p>Mr. Lucas stated he would agree, and it is a greatly needed access. I am unaware that it's been two years since there has been a proposal on this. He is interested in the communication piece with landowner and their willingness as it's a 2.3-million-dollar parcel.</p> <p>Ms. Kanna commented that she would like a site visit to see the terrain, the access, and to make sure this is the right thing. Otherwise, she feels it is a great thing for the Northshore, the hunters,</p>	

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	<p>and the people who would like to gather.</p> <p>Mr. Ono noted that he appreciated having a picture of the land area as it helped him understand the importance of the project and why he wants to do this.</p> <p>Chair Kimura stated she feels time is of the essence with both projects and land sales as well as the private lands that abuts to the access land in the back side of Anahola which was an access point for family but is now in private landownership and not accessible. Further discussion regarding access ensued with commission members.</p> <p>Ms. Higuchi Sayegusa stressed the importance of getting permission from the landowner to access and view the land in its entirety.</p> <p>Mr. Ono asked if we could use access from another means and could the commission the site say through a fly zone and stressed it would be through legal means.</p> <p>Ms. Higuchi Sayegusa stated she was sharing another map for commissioners to view.</p> <p>County Attorney Ms. Laura Barzilai replied she wanted to take the opportunity to investigate that issue of the County accessing property via a drone and asked for some time to research.</p> <p>Ms. Higuchi Sayegusa stated the Department did not have a drone or had access to any at this time in addition to possible legal parameters to make it happen.</p> <p>Chair Kimura and the commission reviewed the map and discussion ensued.</p>	<p>Chair Kimura entertained a motion for the Department to pursue a commission site visit and present preliminary recommendations at the next Hearing. Ms. Pratt seconded the motion.</p> <p>Roll Call Vote: 5-Ayes 0-Nays.</p>

SUBJECT	DISCUSSION	ACTION
<p>I. New Business</p>	<p><u>I.1 Review and Discussion regarding a request to acquire a 0.4006-acre parcel located in Wainiha. Ha’ena, Halele’a Moku, identified as Lot 10 of Wainiha Subdivision 11 (Fire Plan 1840), 7322 Alealea Road, Kauai, Hawaii 96714 and further identified as Tax Map Key: (4) 5-8-09:049 (Dirk P. & Kathleen Lange).</u></p> <p>Ms. Higuchi Sayegusa shared the following;</p> <ul style="list-style-type: none"> • Proposal suggested by a community member Karen Diamond for Open Space to investigate acquiring beach front Lot in Wainiha. • Property was in escrow, but it fell through, currently not on open market but landowner may still be willing to sell. • Letter sent to owners came back return to sender undelivered. Department to review and make first step contact to see if owners are still willing to sell property as this will help with determine next steps in process to acquire. • Commission reviewed property map of the property area. • Three designated public access areas on property. • Property is one of the last vacant lots available for sale and presents an opportunity to work with landowners. • A possible reason property fell out of escrow is building restrictions. <p>Questions:</p> <ol style="list-style-type: none"> 1. Chair Kimura asked where the property area was. Ms. Higuchi Sayegusa replied it was in the vicinity of the Camp Naue area. 2. Ms. Kanna asked to clarify camp Naue area. Ms. Higuchi Sayegusa pointed it out on the map. 3. Chair asked if a presenter was available. Ms. Higuchi Sayegusa replied no, however, the Department could request their presence at next meeting. 4. Ms. Dizon inquired about parking area in the vicinity as area known for parking problems. Ms. Higuchi Sayegusa suggested that property could serve as parking depended on setbacks Open Space could apply for SMA permits and County could develop it as a possibility. Commission continued discussion on parking. 	

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	5. Mr. Lucas noted property size may not be large enough for a parking lot and parking there now is a major issue and off-street parking would alleviate parking issues there. 6. Chair Kimura stated if we could request for the presenter to come to next meeting. Ms. Higuchi Sayegusa replied yes, and suggested commission defer this to the next hearing so presenter could present.	Chair Kimura asked for a motion to defer this item to the next commission meeting. Ms. Pratt second the motion. Motion Carried 5:0.
L. Executive Session	There was none.	

SUBJECT	DISCUSSION	ACTION
<p>K. Announcements</p>	<p><u>K.1.</u> <u>Topics for future meetings.</u></p> <p>Ms. Higuchi Sayegusa said</p> <ol style="list-style-type: none"> 1. Update on a 0.2764-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065. 2. Update on a 0.2867-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071. 3. 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.). 4. Update 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). 5. Hawaii Congress of Planning Officials Conference at the Hyatt September 14 – 16, 2022. <p><i>Ms. Higuchi Sayegusa paused and called for public testimony from the audience. There was none.</i></p> <p><i>Mr. Hironaka stated there was no one present from the public via zoom to testify.</i></p> <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 October 13, 2022. If a meeting may be held sooner, the Commission will post notice in compliance with Hawai‘i Revised Statutes Chapter 92. The Open Space Commission anticipates 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</p>	

SUBJECT	DISCUSSION	ACTION
	electronically posted at least six days prior to the meeting date.	
Adjournment		Vice Chair Kanna moved to adjourn the meeting. Ms. Pratt seconded the motion. Motion carried 5:0. Chair Kimura adjourned the meeting at 3:08 pm

Submitted by: _____
Arleen L. Kuwamura, Commission Support Clerk

Reviewed and Approved by: _____
Shaylyn Kimura, Chair

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