

COUNTY OF KAUA'I
Minutes of Meeting
OPEN SESSION

Board/Commission:	Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	November 14, 2019
Location	Mo'ikeha Building – Meeting Room 2A/2B	Start of Meeting: 1:11 p.m.	End of Meeting: 2:08 p.m.
Present	Chair Karen Ono. Vice Chair Shaylyn Kimura. Commissioners: Taryn Dizon, Nancy Kanna and Herman Texeira. Office of the County Attorney: Deputy County Attorney Mark Bradbury (<i>left at 1:24 p.m.</i>). Planning Department Staff: Deputy Planning Director Jodi Higuchi-Sayegusa, Duke Nakamatsu and Nani Sadora. Office of Boards and Commissions: Commission Support Clerk Sandra Muragin.		
Excused	Commissioner Jett Jasper and Commissioner Erica Taniguchi		
Absent			
SUBJECT	DISCUSSION	ACTION	
Swearing In of Commissioner	Prior to the meeting being called to order, Deputy County Clerk Scott Sato administered the Oath of Office to Waimea/Kekaha Mayoral appointee, Commissioner Taryn Dizon serving a first term ending 12/31/21.		
Call To Order		Chair Ono called the meeting to order at 1:11 p.m.	
Roll Call	The meeting commenced with a roll call of the Commissioners.	Five Commissioners were present, which constituted a quorum.	
Approval of Agenda		Mr. Texeira moved to approve the agenda as circulated. Ms. Kanna seconded the motion. Motion carried 5:0.	
Minutes of the Meeting(s) of the Open Space Commission	<u>E.1. Meeting minutes of October 10, 2019.</u>	Mr. Texeira moved to approve the October 10, 2019, minutes as circulated. Vice Chair Kimura seconded the motion. Motion carried 5:0.	
Receipt of Items For The Record	There were no items for the record.		

SUBJECT	DISCUSSION	ACTION
(None)		
Hearings and Public Comment	<p>G.1. <u>All remaining public testimony pursuant to HRS 92 (Sunshine Law).</u></p> <p>Seeing no one, Chair Ono moved to the next agenda item.</p>	
Communication (For Action) (None)	<p>There were no communications.</p>	
	<p>Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the Office of the County Attorney requests an executive session with the Open Space Commission to provide the Commission with a briefing on Trevor Wright vs. County of Kaua'i, et al. (Civ. No. 19-1-0061 JRV). This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Commission and the County as they relate to this agenda item.</p> <p>Planning Department staff Jodi Higuchi-Sayegusa, Duke Nakamatsu and Nani Sadora left the meeting room at 1:12 p.m.</p>	<p>Deputy Planning Director Jodi Higuchi-Sayegusa read the Hawai'i Revised Statutes to move the meeting into Executive Session.</p> <p>Vice Chair Kimura moved to enter into Executive Session. Mr. Teixeira seconded the motion. Roll Call Vote: 5 Ayes and 0 Nays.</p> <p>At 1:13 p.m. the Commission entered into Executive Session.</p>
Return to Open Session	<p>At 1:24 p.m. the Commission reconvened in Open Session.</p> <p>Chair Ono called for a recess at 1:25 p.m. to wait for the return of Planning Department staff Jodi Higuchi-Sayegusa, Duke Nakamatsu and Nani Sadora to the meeting.</p> <p>Chair Ono called the meeting back to order at 1:28 p.m. once the Planning Department staff returned.</p>	
New Business (For Action)	<p>J.1. <u>Possible formation of a Permitted Interaction Group pursuant to Hawai'i Revised Statutes Section 92-2.5(b)(2) to review and discuss existing beach accesses and their possible</u></p>	

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	<p><u>improvement needs that the Commission may consider for funding from the Public Access, Open Space, and Natural Resources Preservation Fund.</u></p> <p>Ms. Sadora reminded the Commission that the last Permitted Interaction Group (PIG) reported its findings of demarcation for existing accesses and this PIG's scope of duties would be to identify and locate accesses around the entire island.</p> <p>Ms. Higuchi-Sayegusa said the 1991 inventory list identified over 200 accesses and the consultant would work with the department to update that list. The consultant would take the information from the files and digitize it, as well as, convert to a geographic information system (GIS) that layered information into a visual map. The department was also tasked with searching its subdivision records and SMA (Special Management Area) permits to identify 50 new accesses to add to the existing inventory list. The vision was to have the access information digitized and available for use by the public, department and commission.</p> <p>Ms. Sadora left the meeting room to retrieve inventory files for the commission to browse through and find out what was being included as part of the report. She returned and passed out folders to each commissioner.</p> <p>Mr. Texeira recalled the formation of a PIG at a previous meeting. Ms. Kimura said it was not agendized but discussed and voted to keep the same members and continue the scope of work, as well as, add the inclusion of all accesses around the entire island. Ms. Sadora realized that the commission did form a PIG.</p>	<p>Vice Chair Kimura moved to defer J.1. Possible formation of a Permitted Interaction Group pursuant to Hawai'i Revised Statutes Section 92-2.5(b)(2) to review and discuss existing beach accesses and their possible improvement needs that the Commission may</p>

SUBJECT	DISCUSSION	ACTION
	<p>With no further discussions, Chair Ono moved on to the next agenda item.</p>	<p>consider for funding from the Public Access, Open Space, and Natural Resources Preservation Fund to the next meeting. Mr. Teixeira seconded the motion. Motion carried 5:0.</p>
	<p><u>J.2. Scheduling of community outreach for development of the biennial list of priority projects to be reported to the Kaua‘i County Council and the Mayor.</u></p> <p>Ms. Sadora referred to the calendar that listed the various community meetings that she was working with to place them on their agenda. She said the Kōloa Association was not active; however former Open Space Commissioner Theodore Blake volunteered to share and circulate the survey information at tonight’s meeting with active community members. Chair Ono agreed to contact the Līhu‘e Business Association and them to their agenda. Vice Chair Kimura said the Hanalei and Hā‘ena Association scheduled their meeting on November 21 and it was full; however the association chair promised to update her on their first meeting in 2020. The West Kaua‘i Business Association date was pending.</p> <p>The commission discussed at length the current process to submit recommendations to the commission and the biennial report, as follows;</p> <ol style="list-style-type: none"> 1. Biennial report completed and submitted to County Council in February 2020. 2. With the survey link on the website, the commission received active recommendations throughout the year. 3. Previously the commission only received recommendations from the commission or once a year from attending community meetings and publication in the newspaper. 4. The amendment to the rules of practice and procedure passed in 2016 and since than recommendations are accepted throughout the year. The department was required to generate a report for every suggested property to acquire for the commission to review and consider. 	

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	<p>5. Ms. Sadora said the department was open to add other groups, besides the community associations. She recommended the commission email that information so it could be shared with Director of Planning Ka'āina Hull and Ms. Higuchi-Sayegusa. There were no guidelines on what groups could be recommended.</p> <p>6. Vice Chair Kimura recommended North Shore Lions, Rotary Club of Hanalei Bay, Kīlauea PTSA and Hanalei School PTSA.</p> <p>Ms. Sadora clarified the differences between the preliminary and supplementary report that the commissioners reviewed whenever a recommendation was received. She said the preliminary report contained information for the commission to decide if the property should be considered for recommendation. The supplementary report included contact with the landowner to gauge if they were willing to negotiate a sale or if there would be challenges with moving forward. Ms. Sadora said once the commission decided to move forward they were able to report it to the County Council at anytime, it did not have to wait for the biennial report.</p> <p>Ms. Sadora asked for assistance in producing the biennial report and Vice Chair Kimura volunteered stating that this would be the first report with the amendment to the rules and it would list the commission's first purchase. Vice Chair Kimura said it was a great opportunity to showcase and highlight the last two years of accomplishments and present a slightly different report to generate interest and credibility.</p> <p>Ms. Sadora would email an updated calendar next week Wednesday.</p>	
Unfinished Business (None)	There were no unfinished business.	
Announcements	There were no announcements.	
Next Meeting Date and Agenda Topics	<p>Next scheduled meeting date Thursday, December 12, 2019, at 1:00 p.m.</p> <p>Chair Ono received the following December agenda topics:</p>	

SUBJECT	DISCUSSION	ACTION
for Discussion	1. Permitted Interaction Group discussion on adding to the scope of work. 2. First draft of the biennial report. 3. Update on the Hanapēpē massacre film group. Ms. Sadora said they are scheduled to meet with the film crew on December 4.	
Adjournment	With no further business to conduct, Chair Ono called for a motion to adjourn.	Mr. Texeira moved to adjourn the meeting. Ms. Kanna seconded the motion. Motion carried 5:0. Meeting adjourned at 2:08 p.m.

Submitted by: 
Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
Karen Ono, Chair

(X) Approved as circulated. 12/12/19

() Approved with amendments. See minutes of _____ meeting.