



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

**JODI HIGUCHI SAYEGUSA, CLERK OF COMMISSION**

**SHAYLYN ORNELLAS, CHAIR**  
**ROBIN PRATT, VICE CHAIR**  
**MANUEL CABRAL, MEMBER**  
**NANCY KANNA, MEMBER**  
**WILLIAM KINNEY, MEMBER**  
**JONATHAN LUCAS, MEMBER**  
**MARK ONO, MEMBER**  
**MAI SHINTANI, MEMBER**

25 AUG -6 A8:19

THE CLERK  
COUNTY OF KAUAI

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

**Līhu'e Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i**

- **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](mailto:planningdepartment@kauai.gov) or mailed to the County of Kaua'i 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](mailto: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, NATURAL RESOURCES PRESERVATION FUND  
COMMISSION**

**MEETING NOTICE AND AGENDA**

**Thursday, August 14, 2025  
1:00 p.m. or shortly thereafter**

25 AUG -6 A8:19

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. MINUTES of the meeting(s) of the Commission**

1. July 17, 2025

**E. RECEIPT OF ITEMS FOR THE RECORD**

**F. GENERAL BUSINESS**

1. Update on the current balance of the Public Access, Open Space, and Natural Resources Preservation Fund.
2. Discussion and recommendations on public input for the Biennial Report of the Public Access, Open Space & Natural Resources Preservation Fund Commission.
3. 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. Tallman and Lisa Flores) (Preliminary Report 6/1/2022).

**G. COMMUNICATIONS**

**H. UNFINISHED BUSINESS (For Action)**

1. Report and recommendation on the proposal to acquire an 'Aliomanu Beach Access, located on a lot further identified as Tax Map Key (4) 4-9-004:013 (Preliminary Report 3/9/2017, Supplemental Report 05/31/2022).
  - a. Amended Preliminary Report 4/4/2025 (deferred on 05/08/2025)
2. Report and recommendation on the proposal to acquire an 'Aliomanu Beach Access, located on a lot further identified as Tax Map Key (4) 4-9-004:012
  - a. Preliminary Report 05/30/2025 (deferred on 06/12/2025)

**I. NEW BUSINESS (For Action)**

**J. 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 current balance of the Public Access, Open Space, and Natural Resources Preservation Fund.
2. Discussion and recommendations on public input for the Biennial Report of the Public Access, Open Space & Natural Resources Preservation Fund Commission.
3. Update on a proposal to acquire access to State of Hawai'i property through 4901 Waiakalua Street, Kilauea, Hawai'i 96754, Ko'olau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Tallman and Lisa Flores) (Preliminary Report 6/1/2022).
4. Report and recommendation on the proposal to acquire an 'Aliomanu Beach Access, located on a lot further identified as Tax Map Key (4) 4-9-004:013 (Preliminary Report 3/9/2017, Supplemental Report 05/31/2022).
  - a. Amended Preliminary Report 4/4/2025 (deferred on 05/08/2025)
5. Report and recommendation on the proposal to acquire an 'Aliomanu Beach Access, located on a lot further identified as Tax Map Key (4) 4-9-004:012
  - a. Preliminary Report 05/30/2025 (deferred on 06/12/2025)

**K. 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 September 11, 2025. The Open Space Commission anticipates this meeting to be held in-person at the Lihu'e Civic Center, Moikeha Building 2A/2B, 4444 Rice Street, Lihu'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.

**L. ADJOURNMENT**

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

**DRAFT To Be Approved**

Board/Commission:		Public Access, Open Space, Natural Resources Preservation Fund Commission	Meeting Date	July 17, 2025	
Location	Moikeha Meeting Room 2A/2B		Start of Meeting: 1:12 p.m.		End of Meeting: 2:50 p.m.
Present	Chair Shaylyn Ornellas and Vice Chair Robin Pratt. Commissioners: Nancy Kanna, Jonathan Lucas, and Mark Ono. Deputy County Attorneys Kimberly Torigoe and Andrew Michaels ( <i>via remote technology</i> ). Planning Department Staff: Deputy Planning Director Jodi A. Higuchi Sayegusa, Planner Shelea Koga, and Open Space Secretary Brent Sokei. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Lisa Oyama.				
Excused	Commissioners: Manuel Cabral, William Kinney, and Mai Shintani.				
Absent					
SUBJECT	DISCUSSION			ACTION	
A. Call to Order	Chair Ornellas called the meeting to order at 1:12 p.m.				
	There was no one present from the public to provide testimony on any of the agenda items.				
B. Roll Call	Deputy Planning Director Jodi A. Higuchi Sayegusa verified attendance by roll call: Commissioner Cabral was excused. Commissioner Kanna replied present. Commissioner Kinney was excused. Commissioner Lucas replied present. Commissioner Ono replied present. Commissioner Shintani was excused. Vice Chair Pratt replied present. Chair Ornellas replied present.			Quorum was established with five Commissioners present.	
C. Approval of Agenda	Chair Ornellas asked for a motion to approve the agenda.			Ms. Kanna moved to approve the agenda, as circulated with the exception of taking I.1. before F.1. Mr. Ono seconded	
	Ms. Higuchi Sayegusa stated that the Commission may want to consider moving up agenda item I.1. before item F.1. as a Deputy County Attorney assigned to the item will be joining the meeting.				

D.1.

August 14 2025

SUBJECT	DISCUSSION	ACTION
		the motion. Motion carried 5:0.
<b>D. Minutes of the Meeting(s) of the Commission</b>	1. June 12, 2025	Vice Chair Pratt moved to approve the minutes of the June 12, 2025, meeting of the Commission. Ms. Kanna seconded the motion. Motion carried 5:0.
<b>E. Receipt of Items for the Record</b>	Ms. Higuchi Sayegusa stated that there were no items for receipt.  There being no objections, agenda item I.1. was taken out of order as was approved during agenda item C.	
<b>I. New Business (For Action)</b>	<p><b><u>I.1.</u></b> <u>Report and recommendation on a proposal to expend Open Space Funds for the design and installation of a monument commemorating the Hanapēpē Labor Strike, to be located on a 0.2867-acre parcel in Hanapēpē, Kona Moku, identified as Tax Map Key (4) 1-8-008:071.</u></p> <p><b><u>a.</u></b> <u>Director's Report 7/9/2025</u></p> <p>Ms. Higuchi Sayegusa stated that she would turn over the floor to Ms. Koga to present the Director's Report. Ms. Koga stated the following:</p> <ul style="list-style-type: none"> <li>• In May, the two Hanapēpē parcels were acquired by the Commission where the 1924 Hanapēpē Labor Strike occurred.</li> <li>• The Department has been working with the community to put something on the mauka side of the parcels. The Department was looking at a monument of some type.</li> <li>• The proposal before the Commission is a consideration to expend Fund monies for the monument itself and any improvements that go along with it.</li> <li>• The proposal is that the Department is asking for up to \$315,000. The Report states \$300,000, but Ms. Koga asked for that amount to be amended to \$315,000.</li> </ul>	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> <li>• The Department put out a Request for Information (RFI) for artists to apply and show proposals regarding what they think would be an appropriate piece of artwork for the location.</li> <li>• Once the proposals are narrowed down to the top three (3) artists, the additional \$15,000 would go towards paying \$5,000 to each artist who would then construct a model version of their proposed monument.</li> <li>• The community group, along with the Department would review them to see which proposal would fit on the parcel. Construction would then commence with the remainder of the funds. Funds would include the monument itself and any costs to move the monument to the final location, if needed.</li> <li>• The action before the Commission would be to approve the evaluation and recommendation, decline the evaluation and recommendation, or to defer the item.</li> <li>• On the Department's website is the press release that was distributed on Monday. It leads artists to the link on the Department's website. The link provides a page that contains background information for artists to look at, including the press release for the commemoration of the 100<sup>th</sup> anniversary last year and the story map which gives background on the actual event itself and different facts that were found or provided by the State.</li> <li>• The RFI document is also linked on the website and gives the criteria for what the Department and community is looking for based on working group discussions. It sets parameters though the working group wanted to leave it broad enough to give the artists the creative freedom to create a monument based on what they feel would be appropriate.</li> </ul> <p>Ms. Higuchi Sayegusa stated that Cheryl Soon provided the Department with a lot of advice. Ms. Soon was a former planner with SSFM but has since retired. Ms. Soon's passion project was to study and compile a book of statutes, monuments, and memorials across the state. Ms. Soon was helpful in guiding the Department in coming up with a fair and effective process to find an artist that would eventually design the monument. The aforementioned selection process was one that was generated based on the advice of Ms. Soon. The RFI process will be two-fold. First, the artists will submit their qualifications, provide examples of their past work, and a</p>	

SUBJECT	DISCUSSION	ACTION
	<p>statement of a general conceptual model of what they foresee designing for the monument. The Department has been very careful in including the key community members and stakeholders that should be a part of the selection process. This group includes Dorothea “Kako” Hayashi, Tina Sakamoto, Ale Lomosad, representatives from the labor unions including the ILWU, some of the Filipino community groups including the Visayan community group, and Malia Nobrega-Olivera. Ms. Nobrega-Olivera and her husband have shown some interest in helping to steward the area. The group also includes representatives from the University of Hawai‘i research team, including Chad Taniguchi. Ms. Koga noted that there is also one descendent from the strikers and one descendent from the sheriff’s group. The Department was careful to form the committee to provide advice and recommendations, and to go through the qualifications of the artists after they are submitted.</p> <p>Ms. Higuchi Sayegusa explained that the Department anticipates going through the RFI process in September 2025. The Department wanted to get the advertisement out as soon as possible to give the artists at least six (6) weeks to turn in their qualifications and other required information. In September, the committee will come together to go through the submissions and select up to three finalists who would be invited to participate in the second step, which is the process to create more than the conceptual design, but a model monument and written statement explaining what their design is. The artists would also need to be available for an in-person interview with the committee. The top three (3) finalists are going to be given a stipend of \$5,000 each to have the artists be compensated for the materials that will go into the model and to be able to be present for an interview.</p> <p>Ms. Higuchi Sayegusa further stated that they wanted to give the artists enough time to develop their models and is hopeful the committee can evaluate the models and conduct interviews in September-October and select a final design by December. The selected artist would then have approximately nine (9) months to construct the monument to have it completed by September 1, 2026, which is a couple of weeks before the anniversary of the Labor Strike happening on September 9, 2026.</p> <p>Ms. Higuchi Sayegusa asked the Commission to review the budgetary proposal and noted that</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Koga did do research into the cost of a monument similar to that which is at the entrance to Kōloa to commemorate the plantation laborers. Ms. Soon provided an estimate of approximately \$250,000. Ms. Koga then reached out to other artists to see what it might cost for them to do a monument of that type the Department and community are looking to erect. That is how the Department came up with the \$250,000-\$300,000 range. The Commission can decide whether they want to approve the amount or go higher or lower. Ultimately, the Kaua‘i County Council would need to approve a money bill to appropriate the funds from the Open Space Fund.</p> <p>Vice Chair Pratt asked if the Kaua‘i Historic Preservation Review Commission (KHPRC) have any funds to help with this project. Vice Chair Pratt stated that she feels they are partners in this project as well and was not aware of the cost for statutes and monuments.</p> <p>Mr. Ono asked if there were qualifications regarding what kind of material has to be used for the monument. Ms. Higuchi Sayegusa responded that the RFI does talk a little bit about the artists having to consider durability and weather elements in the selection of the materials. However, the Department is not prescribing a specific type of material, though that is a consideration that has to be taken into account.</p> <p>Ms. Higuchi Sayegusa, responding to Vice Chair Pratt’s earlier question, stated that the KHPRC does not have a budget. They are connected with the Department and are supported by the Department. They do not have a funding source like the Open Space Commission does.</p> <p>Mr. Ono stated that he recalls there was a private person that stated they would be willing to construct the monument at one point. Ms. Higuchi Sayegusa responded that the Department has reached out to the Consuelo Foundation and other entities who had expressed after the Centennial Celebration that they wanted to be kept in the loop, but no response has been received yet. The Department is also exploring other funding options and partnerships.</p> <p>Ms. Kanna asked if there was going to be parking on the parcels. Ms. Higuchi Sayegusa responded that the parking consideration would be a part of the second phase of the process.</p>	



SUBJECT	DISCUSSION	ACTION
	<p>With the momentum of everything going on, the primary focus would be on the monument. Once that is done, the plan is to have parking on the makai parcel that abuts Kaumuali'i Highway. However, the vision was always to not have a major parking lot but just concrete and a few stalls marked. The park was meant to be a neighborhood park with occasional regional use.</p> <p>Ms. Kanna asked what would happen if in the future the monument was damaged or defaced, and the monument is designed in a way that the original artist would need to fix it, whether that kind of stipulation would be built into the agreement with the artist. Ms. Higuchi Sayegusa responded that what Ms. Kanna noted would be something to consider. The requirement to fix the monument could be structured into the budget. The Commission also has the ability to use 5% of the Fund for maintenance of improvements that were funded by the Fund. The Department of Parks and Recreation would be the fallback to take care of repair and maintenance as it becomes an asset of that Department. Ms. Kanna stated that she is aware that sometimes when something is damaged, it is something the original artist would have to fix and not something the County or Department of Parks and Recreation could take care of.</p> <p>Mr. Lucas asked if there will be some kind of warranty on the monument or have the artist provide a bond. Ms. Higuchi Sayegusa responded that those kinds of details would need to be developed. When distributing the stipends to the three (3) finalists, an agreement would need to be created. A construction contract would ultimately be developed with the artists that would contain certain requirements or understandings, while still being exempt from the procurement process.</p> <p>Mr. Lucas asked whether the Fund has ever been used to build things before. Ms. Higuchi Sayegusa responded that the first use of the Fund for construction purposes was the repair of the Kaumumene (Hideaways) access. The Charter Amendment that allowed the Fund to be used for improvements was only passed 3-4 years ago. Mr. Lucas said that he likes the concept and the process that is being followed but believes that the budget is a little high. Mr. Lucas further stated that even though the proposal states that it fulfills one of the Commission's purposes, he does not feel that it actually does fulfill any of the Commission's purposes even though he likes</p>	

SUBJECT	DISCUSSION	ACTION
	<p>the project itself. Ms. Koga responded that when the Department originally worked on the Hanapēpē parcels acquisition, one of the purposes that it originally filled was to preserve a culturally and historical significant site. The proposed improvement is consistent with and intended to help fulfill that purpose in preserving the historical event that has happened so that people do not forget. It was a strong labor movement and helped move it forward. Mr. Lucas responded that he totally agrees that it preserves an important historic land area and site but has a hard time with the monument being a part of that preservation. Ms. Higuchi Sayegusa stated that the Fund can be used for acquisition of properties. Under the ordinance, the Fund can also be used for improvements as well. Mr. Lucas stated that he is just playing “devil’s advocate” and wants to be prepared should someone from the public approach anyone on the Commission to ask how the Fund was used for the monument.</p> <p>Chair Ornellas stated that she agrees with Mr. Lucas 100% and that she feels the cost of the monument is excessive. Chair Ornellas further stated that in order for people to remember the event, organizations like the Kaua‘i Philippine Cultural Center, Kaua‘i Filipino Chamber of Commerce, and other Filipino clubs need to be engaged so that they feel they have a stake in the monument. Chair Ornellas stated that she is absolutely against spending up to \$315,000 on the monument, regardless of what the experts say. Chair Ornellas noted that the Commission owes it to their constituency to watch every dollar that is spent. She feels there is a way to engage and incorporate the interested parties without the Commission completely footing the bill.</p> <p>Ms. Higuchi Sayegusa stated that the Department has attempted to contact all of the Filipino organizations. They responded that they do not have funding to offer. The Department has also reached out to the Consuelo Foundation and has not received a response back. The Department wants to fulfill the purpose of why the Commission acquired the property to begin with. Ms. Higuchi Sayegusa noted that the Fund can be used for the purchase or acquisition of land or property entitlements and any corresponding improvements to those lands or property entitlements. The purpose of the monument was to preserve the historic or culturally important area, land, and site. The monument was always a part of the vision and purpose for why the parcels were acquired. Mr. Lucas stated that he is all for the monument but just sees the cost as very high. Ms. Higuchi Sayegusa stated that if the Commission wants to approve a different</p>	

SUBJECT	DISCUSSION	ACTION
	<p>budget amount, that is why the Department is before the Commission to discuss what would be a more appropriate budget.</p> <p>Ms. Kanna stated that she is coming from an artist's perspective with her comments. Artists are perhaps the lowest paid people in the world to come up with creative content. They do not have regular business and need larger jobs to come up with income for their talent. Ms. Kanna noted that the artist would have up to \$300,000 for the monument and would need to justify the expenditures. Ms. Higuchi Sayegusa stated that the Department has not yet created the criteria for selection. If what Ms. Kanna noted is a key consideration, the Department could put an emphasis on cost to be one of the key criteria for selection. The artist would not only need to be qualified and show work product, but it also has to be mindful to minimize project costs. Ms. Kanna stated that she expresses concern because it is taxpayers' monies that are funding the project.</p> <p>Ms. Higuchi Sayegusa noted that Ms. Koga did reach out to the artists that completed the King Kaumuali'i statue at Pā'ūla'ūla. Ms. Koga reported that for the statute that is 8-feet in height, in today's cost, it would be approximately \$200,000.</p> <p>Vice Chair Pratt stated that if the artist is going to do a bronze statute then she can see the cost being high. However, if the artist is going to do a simple cement statute and just inlay a plaque in there, the \$315,000 price tag seems to be an excessive amount of money. With her philanthropy background, she wondered if the Commission could provide half of the amount or more as a match to what the Filipino community could raise.</p> <p>Mr. Ono asked what happens after the committee approves of the artist, monument design, etc. Ms. Higuchi Sayegusa responded that ultimately the recommendation goes to the Planning Department. Mr. Ono asked if the Commission would have another opportunity to provide input. Ms. Higuchi Sayegusa responded that the Commission would need to approve the budget, but that after that the process was structured so that the committee would advise the Department on the process thereafter.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Ono asked whether the Kaua‘i County Council could choose to not fund the project. Ms. Higuchi Sayegusa responded that should the Commission decide to recommend moving the project forward, the Kaua‘i County Council would ultimately need to approve the budget and money bill to fund the project.</p> <p>Mr. Ono asked if Council approval would occur before seeing the final design. Ms. Higuchi Sayegusa responded that the approval process should be completed before the final design is completed. If it does not, then the entire project would need to be canceled, and the parcels would remain as vacant lots. Ms. Kanna stated that leaving the parcels as vacant lots would not be a good idea.</p> <p>Ms. Kanna asked whether the second phase of improvements would be funded by the Open Space Fund. Ms. Higuchi Sayegusa responded that initially, the thought was that the Department of Parks and Recreation would take on the second phase as a Capital Improvement Project (CIP).</p> <p>Chair Ornellas stated that when this acquisition and project first came before the Commission a while back, there was talk about a bench and a plaque. The project has transformed into a much larger thing and has deviated away from the bench and plaque concept. Chair Ornellas further stated that she has floated the idea of engaging children in the project as well. Chair Ornellas noted that she has a hard time supporting the kind of money it will take to complete this project and would rather see those funds support a project like the Kaneioulouma Heiau or other kanaka ‘ōiwi projects that are happening.</p> <p>Chair Ornellas stated that if the matter before the Commission is to decide upon a budget, then a motion would need to be made accordingly. Chair Ornellas stated that she would not be in support of \$300,000 for art. Chair Ornellas further noted that in the current economic climate, she has been a part of meetings in recent weeks regarding federal-level budget cuts, and that the County needs to be more akamai about how they are spending its money. The people that she interfaces with do have to deal with budgetary issues due to federal cuts, so the Commission needs to be weary of that when deciding to fund a project like this. While she has a lot of</p>	

SUBJECT	DISCUSSION	ACTION
	<p>respect for the advisory committee, she does not see any involvement of high schoolers or youth.</p> <p>Chair Ornellas asked whether the memorializing of the event die when the people serving on the advisory committee die. She wondered why there is no presence of children and students on the advisory committee. She asked the Commission whether a \$300,000 statute is going to bring more people to the park area. She did not feel that it would and stated that she would much rather see a plaque or something that is educational be placed in that location. Chair Ornellas noted that she sees the site as a place of education to perpetuate the results of the event as it changed the tide to unify laborers which then led to unions.</p> <p>Chair Ornellas asked the Commission to consider how to best memorialize that and noted that she feels a statue is not the best way to do that. Ms. Higuchi Sayegusa responded that the committee has been meeting monthly and the idea was floated to involve students. However, at some point the project has to move forward if anything is going to be done there. Chair Ornellas responded that Mr. Lomosad said in the beginning that the group's only ask was to move the plaque to its proper location. Ms. Higuchi Sayegusa responded that there was some discussion about the plaque itself, especially after research was done and going through the State Archives' files. After consultation with the University of Hawai'i researchers, it was discovered that there was some information contained in the plaque that was inaccurate, and it was done in a different context. The idea of moving the plaque is still on the table, but the process has been discussed by the committee for many months. The monument was always a part of the discussion though it was never meant to be a very large monument. The RFI details that the monument can be only up to 10 feet in height, the trees need to be kept intact, and only a quarter of the lot can be covered. The committee also did not want to limit the scope of the RFI to say that the monument can only be a statute or concrete columns, or to have the other plaque relocated there and have it impact the artist's design. The committee began meeting and discussing the memorialization process even before the kickoff of the Centennial Event happened. The momentum was to acquire the property to site a memorial there. The Department is running against time as there is support from the current Administration to have the monument there and Ms. Higuchi Sayegusa stated that she was not sure what would happen with a new Mayor. The Department has been meeting with the community members, descendants, and labor groups to continue the momentum from the Centennial Anniversary. Ms. Koga stated that the committee</p>	

SUBJECT	DISCUSSION	ACTION
	<p>did discuss interpretative signage that would go along with the monument. The Department did not want to make the RFI too specific as that would constrain the design of the artist that is selected. They wanted to leave things broad and open so that the artist's creativity could shine. The quotes that were generated were based off of monuments that exist today and how much something of that nature would cost. The Department did not want to come up with a lower budget and have to come before the Commission and Council to ask for additional funding in the future. The RFI would include a budget amount of up to \$315,000 but the artist did not have to spend the entire amount and could potentially spend a lot less. Ms. Koga also noted that any unspent funds would be returned to the Open Space Fund.</p> <p>Chair Ornellas stated that she understands where the Department is coming but disagrees with the recommended budget amount as it is excessive. Ms. Koga asked the Commission if they had a budget amount that they felt more comfortable with.</p> <p>Mr. Lucas asked how much the parcels were acquired for. Ms. Higuchi Sayegusa responded that due to the savings from the Kaumumene Improvements Project, the amount expended from the Fund for the parcels was only \$165,000, as the remaining amount came from the Kaumumene savings. Mr. Lucas asked how much the lot itself cost in total. Ms. Koga responded that it was approximately \$1.4M. Ms. Higuchi Sayegusa responded that the lots were approximately \$760,000 each.</p> <p>Ms. Kanna asked what would happen with the other parcel that the proposed monument was not slated to be on. Ms. Higuchi Sayegusa responded that as the plan was discussed for the acquisition, the other parcel was slated for parking purposes to support the monument and park.</p> <p>Vice Chair Pratt stated that she is good with a budgeted amount of up to \$215,000 and would be willing to put that motion forward. Ms. Kanna stated that she agrees with the budgeted amount of up to \$215,000 but thinks that the Department should put a challenge out there so that if the bids come in higher, that some of the other involved organizations will have to step up to fund the amount over \$215,000.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Lucas stated that as an artist, he understands that when someone comes to you with a budgeted amount, you do not design the project to be greater than that amount. Mr. Lucas also asked that the committee and Department ensure that the proposal that is awarded for the project looks for the most efficient and effective design that stays within the budgetary constraints. Ms. Kanna stated that something needs to be done, it is just that the \$315,000 budgetary amount is too excessive. Ms. Kanna stated that her comments are being made with all due respect to Ms. Soon.</p> <p>Ms. Higuchi Sayegusa stated that she understands the concern of the Commission and that the budgetary amount was trying to create a range that could not foreclose a design for something like the monument in Kōloa which is 8 feet by 8 feet with a dome of concrete and a bronze sculpture within it. Ms. Kanna responded that she felt the original recommended budget amount just seemed excessive for the scope of the event and what was slated for those parcels.</p> <p>Mr. Lucas asked how much remained in the Fund. Ms. Koga responded that there would be approximately \$5M left in the Fund or possibly a little more.</p> <p>Ms. Kanna stated that she was unsure if it would be prudent to add to the motion that if the bids come in over the budgeted amount that the Commission would ask the community organizations to step in to put in a contribution. Deputy County Attorney Kim Torigoe (Ms. Torigoe) responded that she does not think that addition to the motion is necessary as the Commission is only approving the budget that falls under their purview.</p> <p>There being no objections agenda item F.1. was taken out of order as was approved during agenda item C.1.</p>	<p>Vice Chair Pratt moved to allocate up to \$215,000 of Open Space Fund monies for the design and installation of a monument commemorating the Hanapēpē Labor Strike. Mr. Lucas seconded the motion. Motion carried 5:0 by roll call vote.</p>
<p><b>F. General Business</b></p>	<p><b><u>F.1.</u></b> <u>Update on Kukui‘ula Bay Access through the former Hoban or Leight property (currently, Kaikapu LLC property) located in Kōloa District, Kona Moku, further identified as Tax Map Key (4) 2-6-003:017.</u></p> <p>Ms. Higuchi Sayegusa stated that Ms. Torigoe was present along with Deputy County Attorney Andrew Michaels (Mr. Michaels) via remote technology and asked Ms. Torigoe whether she</p>	<p>No action was taken regarding this agenda item.</p>

SUBJECT	DISCUSSION	ACTION
	<p>wanted to present anything in Open Session or go straight into Executive Session. Mr. Michaels responded that it would be best for the Commission to convene in Executive Session.</p> <p>There being no objections agenda item J.1. was taken out of order.</p>	
<p><b>J. Executive Session</b></p>	<p>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:</p> <p><b><u>J.1.</u></b> <u>Update on Kukui‘ula Bay Access through the former Hoban or Leight property (currently, Kaikapu LLC property) located in Kōloa District, Kona Moku, further identified as Tax Map Key (4) 2-6-003:017.</u></p> <p>Ms. Torigoe read the Executive Session notice into the record and asked if the Commission wanted to make a motion to ask for anyone to appear in Executive Session as a resource person.</p> <p>There being no objections, the Open Session meeting was recessed at 1:56 p.m. and the Commission convened in Executive Session.</p> <p><b><u>J.2.</u></b> <u>Report and recommendation on a proposal to expend Open Space Funds for the design and installation of a monument commemorating the Hanapēpē Labor Strike, to be located on a 0.2867-acre parcel in Hanapēpē, Kona Moku, identified as Tax Map Key (4) 1-8-008:071.</u></p>	<p>Ms. Kanna moved to go into Executive Session. Vice Chair Pratt seconded the motion. Motion carried 5:0 by roll call vote.</p> <p>Vice Chair Pratt moved to have Deputy Planning Director Jodi A. Higuchi Sayegusa present in the Executive Session. Ms. Kanna seconded the motion. Motion carried 5:0.</p>



SUBJECT	DISCUSSION	ACTION
	<p><u>a. Director's Report 7/9/2025</u></p> <p>The Commission did not convene into Executive Session for agenda item J.2.</p> <p>There being no objections, the Open Session meeting was called back to order at 2:47 p.m. and proceeded as follows:</p> <p>There being no objections, agenda item G. was taken out of order.</p>	No action was taken regarding this agenda item.
<b>G. Communications</b>	There were no Communications on the Commission's agenda.	
<b>H. Unfinished Business (For Action)</b>	<p>There was no Unfinished Business (For Action) on the Commission's agenda.</p> <p>There being no objections, agenda item K. was taken out of order.</p>	
<b>K. Announcements</b>	<p><u>K.1. Topics for Future Meetings.</u></p> <p>Ms. Higuchi Sayegusa noted that there are several items on the next meeting agenda. Ms. Koga stated that there would be agenda items regarding 'Aliomanu, the Biennial Report Update, and discussing how the Commission wanted to do community outreach on the Biennial Report were all topics for the next Commission meeting. Ms. Koga further noted that she believes that the Kīlauea item may also have been on the slate for the next meeting. Ms. Koga asked the Commissioners to notify the Department of any additional items for the agenda.</p> <p>Ms. Higuchi Sayegusa stated that the Department is still working on the proposed rules for the use of the 5% of the existing funds for proposed maintenance. If the Department is able to complete its draft of the rules, they will place it on the August 14, 2025, meeting agenda, or if not, then soon after. The Department is currently working on drafting an amended Chapter 6 of the Commission's Rules. The Department would have to take the amended rules through the rulemaking process, including posting a formal notice and possibly go to the Small Business Regulatory Commission on O'ahu for comments, etc.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Pratt asked for an update on the balance of the Fund. Ms. Higuchi Sayegusa responded that an amount can be provided and that it is approximately \$5M.</p> <p><b><u>K.2.</u></b> The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m., or shortly thereafter, on August 14, 2025. 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.</p>	
<b>L. Adjournment</b>	Chair Ornellas asked for a motion to adjourn the meeting.	<p>Ms. Kanna moved for the adjournment of the meeting. Vice Chair Pratt seconded the motion. Motion carried 5:0.</p> <p>The meeting was adjourned at 2:50 p.m.</p>

Submitted by: Lisa Oyama  
Lisa Oyama, Commission Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
Shaylyn Ornellas, Chair

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

# DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JOÏ A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUNAGA, MANAGING DIRECTOR

## Public Access, Open Space, and Natural Resources Preservation Fund Commission ("Open Space Commission")

### \*AMENDED\* PRELIMINARY REPORT

#### I. SUMMARY

Consideration of the possible condemnation of a coastal access easement on a portion of the property.

**Open Space Commission action may include any of the following actions:**

1. Recommendation that the County Council consider condemnation of a coastal access easement on a portion of the property using Open Space Funds; or
2. A recommendation that the County Council NOT consider condemnation of a coastal access easement on a portion of the property; or
3. A recommendation to defer consideration.

#### II. BACKGROUND OF PROPERTY

PROJECT INFORMATION			
Parcel Location:	'Aliomanu		
Tax Map Key(s):	(4) 4-9-004:013	Area:	1.393
LAND USE DESIGNATIONS & VALUES			
Zoning:	Open		
State Land Use District:	Urban		
General Plan Designation:	Residential Community		
Real Property Assessed Value:			
Market Value:			
Owner(s):	Gerald Crabtree and Isabella Graef		
Owner Response:	February 6, 2025		
Date Public Recommendation Received:	March 9, 2017		
Preliminary Report Date:	May 9, 2017		

<b>Updated Preliminary Report Date:</b>	May 31, 2022
<b>Amended Preliminary Report Date:</b>	April 4, 2025

### **III. PROJECT DESCRIPTION AND USE**

The subject lot of record is approximately 1.393 acres in size and is located in ‘Aliomanu, ‘Aliomanu Ahupua‘a, Ko‘olau Moku, Kaua‘i Island, Hawai‘i. The property is located within the County of Kaua‘i’s Open Zoning District, State Land Use Urban District and its General Plan Designation is Residential Community.

The lot of record is bordered to the north by ‘Aliomanu Road at a dead end. The property is bordered to the north and south by residential properties that are currently in residential use. The property is bordered to the east by the shoreline. A bridge once connected ‘Aliomanu Road to the other side of the ‘Aliomanu neighborhood referenced as the old Belt Road Loop. The bridge was destroyed after it was washed out by a tsunami in the mid 60’s and was never rebuilt.

The lot is approximately ten (10) feet above sea level and is nearly level. Pine trees border the lot and coconut trees line the eastern edge of the lot bordering ‘Aliomanu stream, which has been an area used by the community to access the coastline. A dead end roadway ends at the eastern portion of the property at ‘Aliomanu stream.

Along the northeastern boundary closest to the shoreline, the lot contains a 1 bedroom 1 bath cottage with 646 square feet living area and is approximately 37 feet from the approximate shoreline. Fronting the cottage is another rectangular structure identified as a garage per information gathered from the real property assessment records. The garage is approximately 137 feet from the vegetation of the shoreline.

The community has relied on the eastern edge of the lot along and within the ‘Aliomanu Stream to access the beach and coastline. The coast near the subject lot and its resources are valued for cultural, educational, and recreational purposes including fishing and limu gathering. The coastal and stream ecosystem near the lot of record is especially unique where ‘Aliomanu Stream enters the sea.

### **IV. ADDITIONAL FINDINGS AND BACKGROUND**

On June 8, 2017, the Commission received the preliminary report of the Planning Department. In addition, the Commission voted to explore whether the acquisition of the lot of record could potentially be supported under the Commission’s criteria to support acquisitions where the structure(s) and site is of historic or cultural importance. On February 15, 2018, the Kaua‘i Historic Preservation Review Commission (KHPRC) reviewed the lot of record and concluded

that the structures retain no architectural historical significance.

The RAIN18 and COVID19 emergency events severely impacted the Planning Department's operations and required key Open Space Commission staff to be temporarily assigned to serve on the emergency incident response team for both emergency events. Both emergencies caused work on this acquisition to be suspended.

On June 9, 2022, the Commission received an updated preliminary report from the Planning Department. The Commission voted to defer the acquisition to allow schools and community members the opportunity to attend a meeting and provide testimony on the importance of the proposed coastal access easement. On July 9, 2022, the Commission continued its review and discussion of the potential 'Aliomanu coastal access easement. During this meeting, Ms. Nalani Kaneakua presented on the significance of the area, particularly in relation to limu cultivation.

At that time, the Planning Department was in discussions with the property owners, who were open to the possibility of conveying a coastal access easement but had concerns about ongoing maintenance and responsible access. In response, the Planning Department sought a steward for the potential easement and continued outreach to the owners to explore a possible conveyance. After multiple attempts to contact the owners, they responded on February 6, 2025, stating that after careful consideration, they were unable to convey an easement to the County of Kaua'i due to concerns regarding vehicle access, litter and maintenance, off-leash dogs and threats to endangered species, and potential impacts on property value.

This Amended Preliminary Report provides an update and revised recommendation regarding the proposed acquisition of a coastal access easement.

## **V. PRELIMINARY EVALUATION**

The following should be considered regarding the possible acquisition of a coastal access easement on a portion of the property:

**Under Rules of Practice and Procedure of the County of Kaua'i Public Access, Open Space, and Natural Resources Preservation Fund Commission, as amended on April 14, 2016, (Open Space Rules) §1-5-4, the possible acquisition of the lot of record or a coastal access easement over a portion of the property *may* comply with all criteria for acquisition:**

- 1. The proposal fulfills at least one of the Commission's purposes; specifically, the following:**
  - Public outdoor recreation and education, including access to beaches and mountains

- Preservation of historic or culturally important land areas and sites
- Protection of significant habitats or ecosystems, including buffer zones
- Preserving forests, beaches, coastal areas and agricultural lands
- Improving disabled and public access to, and enjoyment of, public land and open space
- Acquiring disabled and public access to public land, and open space

The County's acquisition of the lot of record or a coastal access easement over a portion of the property would provide greater access to the beach, coastline, and its treasured resources. An existing beach access to the subject fronting beach is provided approximately 750 feet north on Kukuna Road. However, acquiring access at this property would provide access to this particular area of the coastline that is key for cultural and educational practitioners to engage in outdoor cultural practices, educational opportunities, and recreation. In particular, practitioners and stewards have highlighted the unique importance of access and stewardship of this location due to its proximity to limu beds in the nearshore area and the need to constantly care for and clear the stream that feeds the unique ecosystem that allows the limu to grow.

The acquisition may result in some negative impacts to the "protection of significant habitats or ecosystems" or "preservation of historic or culturally important land areas and sites" where too much access is encouraged and negative impacts results to the stream, coastline, and their resources. However, access is already occurring at this site or through the existing nearby access. In addition, the acquisition will provide foster an opportunity to partner with the cultural and educational practitioners to ensure the access and stream are properly cared for, and public education on proper care for the area and its resources is enhanced.

**2. The cost for the acquisition *may* be commensurate to the public interest served where an access easement over a portion of the property is acquired.**

The subject lot of record is not publicly for sale, and the landowners have stated that they are unwilling to sell the property or any portion of it to the County. As a result, acquisition would require an adversarial condemnation process.

The cost for acquiring only an access easement over a portion of the property *may* be commensurate to the public interest served. However, further research and an appraisal is required to determine the approximate cost for an easement over a portion of the property. Since the landowners are unwilling to sell the easement, the

acquisition cost would include just compensation for the easement, severance damages (i.e., any reduction to the value of the remainder of the property due to the public access over a portion of the property), and the litigation costs due to the adversarial condemnation process to acquire the easement.

The approximate cost for an access easement must be analyzed and compared to the public interest served. While legal access is already provided 750 feet north of this property through Kukuna Road, access at the subject property would provide greater access to the beach and its unique resources at this site. In addition, acquiring access at this process would formalize and legalize access that has traditionally occurred and is still occurring. However, the lack of designated parking near to this property (and reliance on only street parking where available) would ultimately limit the actual amount of access provided. Nevertheless, designated access at this property would greatly serve the public interest depending on the approximate acquisition cost for the access easement.

- 3. The process for acquiring an access easement over a portion of the property *may* be commensurate to the public interest served. Factors may include, but are not limited to:**
  - a. The type of property interest that is proposed for acquisition (for example, an easement versus fee simple ownership)**
  - b. Whether or not the acquisition will be an adversarial process.**

The subject lot of record is not publicly for sale, and the landowners have stated that they are unwilling to sell the property or any portion of it to the County. As a result, acquisition would require an adversarial condemnation process.

The condemnation litigation process for an easement could take at least one (1) to two (2) years including appraisals and court proceedings that would be required.

While legal access is already available 750 feet north of this property via Kukuna Road, securing access at the subject property would provide more direct entry to the beach and its unique resources. Additionally, acquiring this access would formalize and legalize a pathway that has been traditionally used and continues to be utilized. Given these benefits, the public interest served may justify the complexity of the acquisition process.

- 4. The access easement would require maintenance; however, the cost implications for the maintenance requirements could be reasonable and commensurate to the public interest served.**

The maintenance requirements and the cost implications for an access easement could be reasonable. Maintenance would require grass cutting, weed whacking, and tree trimming to make sure the access remains safe and clear. The Planning Department has been in contact with Nalani Kaneakua from the Hosea Lovell Foundation, who has expressed willingness to steward the easement should it be acquired. Currently, the Hosea Lovell Foundation promotes education and sustainability through the Ko'olau Limu Project, which teaches the community how to sustainably harvest limu. This initiative helps preserve limu for future generations while highlighting its importance to our ecosystems, food sources, and cultural heritage.

- 5. Pursuant to Section 1-5-5 of the Open Space Rules, any proposed acquisition that contains extremely dangerous attributes in the land or that poses a risk of serious injury or death shall not be recommended.**

There does not appear to be any prohibitive factors that would impact the recommendation regarding the acquisition of a portion of the property for an access easement.

## **VI. PRELIMINARY CONCLUSION**

Based on the information contained in the Report's Findings and Evaluation, the Planning Department concludes the following:

1. Acquisition of a coastal access easement may fulfill at least one of the Commission's purposes for public access, open space, and natural resources preservation.
2. The cost for the acquisition may be commensurate to the public interest served where an access easement over a portion of the property is acquired.
3. The process for acquiring an access easement over a portion of the property may be commensurate to the public interest served.
4. The access easement would require maintenance; however, the cost implications for the maintenance requirements could be reasonable and commensurate to the public interest served.



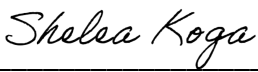
5. In addition, pursuant to Section 1-5-5 of the Open Space Rules, there are no extremely dangerous attributes in the land that poses a risk of serious injury or death.

## VII. PRELIMINARY RECOMMENDATION

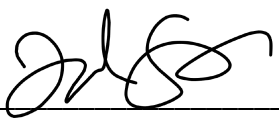
Based on the foregoing evaluation and conclusion it is hereby recommended that the proposal to condemn a portion of the subject property for a coastal access easement be further evaluated and memorialized in the Planning Department's final evaluation and recommendation.

This report may not represent the Planning Department's final recommendation in view of the forthcoming public hearings before the Open Space Commission where the entire record should be considered prior to decision making. The entire record includes but is not be limited to:

1. Government agency comments, if any;
2. Testimony from the general public and interested others; and
3. The landowner's response to an inquiry for acquisition.

By   
SHELEA KOGA  
Planner

Approved & Recommended to Commission:

By   
JODI A. HIGUCHI SAYAGUSA  
Deputy Director of Planning

# DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUNAGA, MANAGING DIRECTOR

## Public Access, Open Space, and Natural Resources Preservation Fund Commission ("Open Space Commission")

### PRELIMINARY REPORT

#### I. SUMMARY

Consideration of the possible condemnation of a coastal access easement on a portion of the property.

**Open Space Commission action may include any of the following actions:**

1. Recommendation that the County Council consider condemnation of a coastal access easement on a portion of the property using Open Space Funds; or
2. A recommendation that the County Council NOT consider condemnation of a coastal access easement on a portion of the property; or
3. A recommendation to defer consideration.

#### II. BACKGROUND OF PROPERTY

PROJECT INFORMATION			
Parcel Location:	'Aliomanu		
Tax Map Key(s):	(4) 4-9-004:012	Area:	1.65 acres
LAND USE DESIGNATIONS & VALUES			
Zoning:	Open		
State Land Use District:	Urban		
General Plan Designation:	Residential Community		
Real Property Assessed Value:			
Market Value:			
Owner(s):	'Aliomanu Sand Castles LLC		
Owner Response:			
Date Public Recommendation Received:			
Preliminary Report Date:	May 30, 2025		

### **III. PROJECT DESCRIPTION AND USE**

The subject lot of record is approximately 1.6510 acres in size and is located in 'Aliomanu, 'Aliomanu Ahupua'a, Ko'olau Moku, Kaua'i Island, Hawai'i. The property is located within the County of Kaua'i's Open Zoning District, State Land Use Urban District and its General Plan Designation is Residential Community.

The lot of record is bordered to the north by the stream. The property is bordered to the south by residential properties that are currently in residential use. The property is bordered to the east by the shoreline. A bridge once connected 'Aliomanu Road to the other side of the 'Aliomanu neighborhood referenced as the old Belt Road Loop. The bridge was destroyed after it was washed out by a tsunami in the mid 60's and was never rebuilt.

The lot is approximately ten (10) feet above sea level and is nearly level. Pine trees border the lot and coconut trees line the northern edge of the lot bordering 'Aliomanu stream. A dead end roadway ends at the northern portion of the property at 'Aliomanu stream.

Along the northeastern boundary closest to the shoreline, the lot contains a 3-bedroom 2 bath dwelling with 3,621 square feet living area and is approximately 55 feet from the approximate shoreline. A rock wall is also present along the mauka side of 'Aliomanu road on the property.

The coast near the subject lot and its resources are valued for cultural, educational, and recreational purposes including fishing and limu gathering. The coastal and stream ecosystem near the lot of record is especially unique where 'Aliomanu Stream enters the sea.

The community has traditionally used a pathway located on the property situated on the northern side of the 'Aliomanu Stream, identified as TMK: (4) 4-9-004:013, to access the beach and coastline. However, the owners of this parcel have indicated they are unwilling to convey an access easement through their property. As part of the Planning Departments effort to evaluate all potential options for securing a public access adjacent to the stream, an alternative access is now being considered on the opposite side of the stream, on the property identified as TMK: (4) 4-9-004:012, which also abuts the stream.

### **IV. ADDITIONAL FINDINGS AND BACKGROUND**

Since June 2017, the Planning Department and the Open Space Commission have been working to secure a public access easement through the lot of record identified as TMK: (4) 4-9-004:013, located on the north side of the 'Aliomanu Stream. However, the property owners have expressed that they are unwilling to convey access through their parcel. As part of the effort to explore all potential options for securing public access adjacent to the stream, the Department recommends considering the lot located on the southern side of the stream, identified as TMK: (4) 4-9-004:012. Based on preliminary research of the property, it is unclear where the stream

begins and ends in relation to the adjoining property boundaries. To determine the boundaries of both the stream and abutting property, a survey will be necessary.

This Preliminary Report provides a recommendation regarding the proposed acquisition of a coastal access easement.

## **V. PRELIMINARY EVALUATION**

The following should be considered regarding the possible acquisition of a coastal access easement on a portion of the property:

**Under Rules of Practice and Procedure of the County of Kaua'i Public Access, Open Space, and Natural Resources Preservation Fund Commission, as amended on April 14, 2016, (Open Space Rules) §1-5-4, the possible acquisition of the lot of record or a coastal access easement over a portion of the property *may* comply with all criteria for acquisition:**

**1. The proposal fulfills at least one of the Commission's purposes; specifically, the following:**

- Public outdoor recreation and education, including access to beaches and mountains
- Preservation of historic or culturally important land areas and sites
- Protection of significant habitats or ecosystems, including buffer zones
- Preserving forests, beaches, coastal areas and agricultural lands
- Improving disabled and public access to, and enjoyment of, public land and open space
- Acquiring disabled and public access to public land, and open space

The County's acquisition of a coastal access easement over a portion of the property would provide greater access to the beach, coastline, and its treasured resources. An existing beach access to the subject fronting beach is already provided approximately 900 feet north on Kukuna Road. However, acquiring access at this property would provide greater access to this coastline that will enhance the community's ability to engage in outdoor cultural practices, educational opportunities, and recreational activities. The acquisition may result in some negative impacts to the "protection of significant habitats or ecosystems" or "preservation of historic or culturally important land areas and sites" where too much access is encouraged and negative impacts results to the stream, coastline, and their resources. However, access is already occurring at this site or through the existing nearby access. In addition, the acquisition may provide

cultural, educational, and stewardship opportunities that could enhance public education on proper care for the area and its resources.

**2. The cost for the acquisition *may* be commensurate to the public interest served where an access easement over a portion of the property is acquired.**

The subject lot of record is not currently for sale and is being used as a vacation rental. The Planning Department has reached out to the landowners to explore the possibility of conveying an easement to the County, and are waiting for a response or to set up a meeting with the landowners. If the owners are unwilling to sell a portion of the property for this purpose, acquisition would require proceeding through an adversarial condemnation process.

The cost for acquiring only an access easement over a portion of the property *may* be commensurate to the public interest served. However, further research and an appraisal is required to determine the approximate cost for an easement over a portion of the property. If the landowners are unwilling to sell the easement, the acquisition cost would include just compensation for the easement, severance damages (i.e., any reduction to the value of the remainder of the property due to the public access over a portion of the property), and the litigation costs due to the adversarial condemnation process to acquire the easement.

The approximate cost for an access easement must be analyzed and compared to the public interest served. While legal access is already provided approximately 900 feet north of this property through Kukuna Road, access at the subject property would provide greater access to the beach and its unique resources at this site. In addition, acquiring access at this process would formalize and legalize access to the coast and its valued resources that are used for cultural, educational, and recreational purposes such as fishing and limu gathering. However, the lack of designated parking near to this property (and reliance on only street parking where available) would ultimately limit the actual amount of access provided. Nevertheless, designated access at this property would greatly serve the public interest depending on the approximate acquisition cost for the access easement.

**3. The process for acquiring an access easement over a portion of the property *may* be commensurate to the public interest served. Factors may include, but are not limited to:**

- a. The type of property interest that is proposed for acquisition (for example, an easement versus fee simple ownership)**
- b. Whether or not the acquisition will be an adversarial process.**

Again, the subject lot of record is not currently for sale and is being used as a vacation rental. The Planning Department has reached out to the landowners to explore the possibility of conveying an easement to the County, and are waiting for a response. If the owners are unwilling to sell a portion of the property for this purpose, acquisition would require proceeding through an adversarial condemnation process.

The condemnation litigation process for an easement could take at least one (1) to two (2) years including appraisals and court proceedings that would be required.

While legal access is already available approximately 900 feet north of this property via Kukuna Road, securing access at the subject property would provide more direct entry to the beach and its unique resources. Additionally, acquiring access would formalize and legalize access to the coast and its valued resources that are used for cultural, educational, and recreational purposes such as fishing and limu gathering. Given these benefits, the public interest served may justify the complexity of the acquisition process.

- 4. The access easement would require maintenance; however, the cost implications for the maintenance requirements could be reasonable and commensurate to the public interest served.**

The maintenance requirements and the cost implications for an access easement could be reasonable. Maintenance would require grass cutting, weed whacking, and tree trimming to make sure the access remains safe and clear. The Planning Department has been in contact with Nalani Kaneakua from the Hosea Lovell Foundation, who has expressed willingness to steward the easement should it be acquired. Currently, the Hosea Lovell Foundation promotes education and sustainability through the Ko'olau Limu Project, which teaches the community how to sustainably harvest limu. This initiative helps preserve limu for future generations while highlighting its importance to our ecosystems, food sources, and cultural heritage.

- 5. Pursuant to Section 1-5-5 of the Open Space Rules, any proposed acquisition that contains extremely dangerous attributes in the land or that poses a risk of serious injury or death shall not be recommended.**

There do not appear to be any prohibitive factors for acquisition of the subject lot of record or a portion of the property for an access easement.

## **VI. PRELIMINARY CONCLUSION**

Based on the information contained in the Report's Findings and Evaluation, the Planning Department concludes the following:

1. Acquisition of a coastal access easement may fulfill at least one of the Commission's purposes for public access, open space, and natural resources preservation.
2. The cost for the acquisition may be commensurate to the public interest served where an access easement over a portion of the property is acquired.
3. The process for acquiring an access easement over a portion of the property may be commensurate to the public interest served.
4. The access easement would require maintenance; however, the cost implications for the maintenance requirements could be reasonable and commensurate to the public interest served.
5. In addition, pursuant to Section 1-5-5 of the Open Space Rules, there are no extremely dangerous attributes in the land that poses a risk of serious injury or death.

## **VII. PRELIMINARY RECOMMENDATION**

Based on the foregoing evaluation and conclusion it is hereby recommended that the proposal to condemn a portion of the subject property for a coastal access easement be further evaluated and memorialized in the Planning Department's final evaluation and recommendation.

This report may not represent the Planning Department's final recommendation in view of the forthcoming public hearings before the Open Space Commission where the entire record should be considered prior to decision making. The entire record includes but is not be limited to:

1. Government agency comments, if any;
2. Testimony from the general public and interested others; and
3. The landowner's response to an inquiry for acquisition.

By   
SHELEA KOGA  
Planner

Approved & Recommended to Commission:

By   
JODI A. HIGUCHI SAYAGUSA  
Deputy Director of Planning