



PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION

JODI A. HIGUCHI SAYEGUSA, CLERK OF COMMISSION

ROBIN PRATT, CHAIR
WILLIAM KINNEY, VICE CHAIR
SPENCER COOK, MEMBER, Ex-Officio
MANUEL CABRAL, MEMBER
NANCY KANNA, MEMBER
JONATHAN LUCAS, MEMBER
MARK ONO, MEMBER
SHAYLYN ORNELLAS, MEMBER
MĀI SHINTANI, MEMBER

RECEIVED

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

26 FEB 19 A7:58

Pi'ikoi Suite 300
Boards and Commission Meeting Room
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

- **Written testimony** indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of 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 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, February 26, 2026
1:00 p.m. or shortly thereafter**

DECEMBER 1940

- A. CALL TO ORDER
 - B. ROLL CALL
 - C. APPROVAL OF AGENDA
 - D. MINUTES of the meeting

26 FEB 19 A7:58

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

1. December 11, 2025
 2. January 8, 2026

- E. RECEIPT OF ITEMS FOR THE RECORD**

F. GENERAL BUSINESS

1. Discussion and recommendations for administrative rules to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the Public Access, Open Space, Natural Resources Preservation Fund.

2. Discussion on possible amendments to the Public Access, Open Space, Natural Resource Preservation Fund Commission administrative rules pertaining to proposal requirements.

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).

- #### 4. Review and discussion on the final draft of the Biennial Report.

- a. Final draft Biennial Report dated February 2026.

- ## G. COMMUNICATIONS

- ## H UNFINISHED BUSINESS (For Action)

- ## I NEW BUSINESS (For Action)

- ## I. 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. Discussion and recommendations for administrative rules to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the Public Access, Open Space, Natural Resources Preservation Fund.
2. Discussion on possible amendments to the Public Access, Open Space, Natural Resource Preservation Fund Commission administrative rules pertaining to proposal requirements.
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. Review and discussion on the final draft of the Biennial Report.
 - a. Final draft Biennial Report dated February 2026.

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 March 12, 2026. 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.

L. ADJOURNMENT

DRAFT to be Approved

OPEN SESSION MEETING MINUTES

Board/Commission		Public Access, Open Space, Natural Resources Preservation Fund Commission	Meeting Date: December 11, 2025
Location	Līhu`e Civic Center, Mo`ikeha Building Meeting Room 2A-2B 4444 Rice Street, Līhu`e, Kaua`i, Hawai`i		Start of Meeting: 1:15 p.m. End of Meeting: 2:18 p.m.
Present	Chair Shaylyn Ornellas and Vice Chair Robin Pratt. Commissioners: Manuel Cabral, Mark Ono, and Mai Shintani. Also present: Deputy County Attorney Kimberly Torigoe. Planning Department Staff: Planning Director Ka`aina Hull, Planner Shalea Koga, and Account Clerk Brent Sokei. Office of Boards and Commissions: Commission Support Clerk Celine De Leon		
Excused	Commissioners: Nancy Kanna, William Kinney, Jonathan Lucas, and Ex-Officio Spencer Cook.		
Absent			

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SUBJECT	DISCUSSION	ACTION
A. Call to Order	Chair Ornellas called the meeting order at 1:15 p.m. There was no one present from the public to provide testimony on any of the agenda items.	
B. Roll Call	Planning Director Ka`aina Hull verified attendance by roll call. Commissioner Cabral replied present. Commissioner Ono replied present. Vice Chair Pratt replied present. Commissioner Shintani replied present. Chair Ornellas replied present.	

SUBJECT	DISCUSSION	ACTION
	For the record, Mr. Hull stated that Commissioners Kanna, Kinney, Lucas, and Ex-Officio Cook were excused.	Quorum was established with five commissioners present.
C. Approval of Agenda	Chair Ornellas called for a motion to approve the agenda.	Vice Chair Pratt moved to approve the agenda, as circulated. Commissioner Ono seconded the motion. Motion carried 5:0.
D. Minutes of the Meeting(s) of the Commission	1. November 14, 2025	Vice Chair Pratt moved to approve the minutes of the Commission. Commissioner Cabral seconded the motion. Motion carried 5:0.
E. Receipt of Items for the Record	Ms. Koga noted that before the Commission there was a handout pertaining to agenda item F.1 and F.2.	
F. General Business	<p>F.1. <u>Discussion and recommendations for administrative rules to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the Public Access, Open Space, Natural Resources Preservation Fund.</u></p> <p>Ms. Koga explained the following:</p> <ul style="list-style-type: none">• She noted that the first handout is a draft of the administrative rules for the use of maintenance funds discussed at the previous meeting.• The draft includes revisions based on feedback received at the last meeting.• Two requested changes were specifically addressed and incorporated.• Section 1-6-2 Annual Budgeting C:	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none">○ The language was revised to clarify that any unspent maintenance funds at the end of a fiscal year must revert to the main Open Space Fund account.○ This change ensures maintenance funds do not carry over or exceed the 5% allocation limit.● Section 1-6-4 Eligible Uses:<ul style="list-style-type: none">○ The eligible uses were updated to include regular upkeep such as vegetation management and minor repairs.○ The previously listed item “signage” was removed as requested. <p>Vice Chair Pratt asked when the administrative rules would go into effect.</p> <p>Ms. Koga stated that she was unsure, based on how the item was listed on the agenda, whether the board could vote on it at this meeting or if it would need to be returned to the next agenda for action.</p> <p>DCA Torigoe stated that it would need to be placed on the next agenda.</p> <p>Ms. Koga stated that if the Commission was comfortable with the changes, the item would be placed under new business for action at the next meeting.</p> <p>Mr. Hull asked whether the item had already been sent to the Small Business Regulatory Review Board (SBRRB), noting that administrative rules generally come to this body for an initial review and go to the SBRRB.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Koga asked for clarification, confirming whether the Commission would need to approve it first before it goes to the SBRRB.</p> <p>Mr. Hull stated that the item did not need prior approval, explaining that it was likely to be provided for the Commission's initial review before being taken to the SBRRB. Mr. Hull added that if there were serious concerns or objections, it would not be brought forward, but if the Commission supported the amendments, staff would proceed with initiating the steps to submitting it to the SBRRB, which is a state board.</p> <p>Ms. Koga added that another topic for discussion after this is also administrative rules and suggested that they might coordinate with Ms. Higuchi Sayegusa to package both drafts together. She noted that if it goes to the SBRRB, both drafts could be submitted at once. Ms. Koga then asked if the Commission had any further amendments to these rules or if they were okay with the changes made from the last meeting, clarifying that the current draft only covers the use of maintenance funds.</p> <p>Commissioner Shintani asked a question regarding reporting and accountability, noting that the draft states stewards receiving funds must submit a report within 30 days after the end of the one-year period. She asked whether that is the only opportunity for this body to review the status of maintenance, or if review occurs throughout the year.</p> <p>Ms. Koga responded that review could occur throughout the year, explaining that the 30-day requirement ensures stewards submit a report</p>	

SUBJECT	DISCUSSION	ACTION
	<p>showing how they spent the funds, but it does not prevent the Commission from asking questions or requesting status updates at other times.</p> <p>Vice Chair Pratt asked whether the funds would be provided to stewards upfront.</p> <p>Ms. Koga explained that the program is being set up as a grant-funded program. Stewards would apply, the applications would be reviewed, and if approved, the funds would be provided upfront. She added that the report required after the one-year period ensures the Commission can track how the grant funds were spent.</p> <p>Vice Chair Pratt asked for clarification, noting that the one-year period is tied to the fiscal year rather than the date the funds are disbursed. She asked whether, if funds are given in March, stewards would have a full year plus 30 days to submit their report.</p> <p>Ms. Koga explained that, as currently written, the report is due 30 days after the one-year period from when the grant is approved and funds are given. She added that the language could be adjusted if the Commission prefers the report to be submitted before the next fiscal year, allowing them to review how funds were spent before approving any subsequent maintenance fund requests.</p> <p>Chair Ornellas stated that the language needs to be cleaned up.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Koga asked the Commission if they had a preferred way to revise or clarify the language.</p> <p>Chair Ornellas stated that since stewards must apply for the grant, there is likely a deadline on the application. To avoid overlapping multiple fiscal years, the language should be clearly written, as the current wording is too vague.</p> <p>Vice Chair Pratt said she was unsure whether the program should allow for two open grant periods or just one.</p> <p>Ms. Koga said she would talk to Ms. Higuchi Sayegusa to determine the best dates so that the Commission would receive the report in time to review it before considering any new grant applications.</p> <p>Commissioner Cabral asked if the first grant runs for a full year and another nonprofit wants to apply for the same grant, how the Commission would distinguish between the two applications.</p> <p>Ms. Koga explained that there would be a set application period for the grant. If multiple applications are received, the Commission would review them based on the available funds. Currently, 5% of the funds are allocated for maintenance at any given time. At the start of the fiscal year, the total amount available would be established (e.g., \$100,000), and the Commission would decide how to prioritize and distribute funds based on proposals. Each applicant would need to specify how they plan to use the money, and amounts requested could vary, such as \$30,000 or \$5,000.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Pratt asked whether the Commission would require the stewards to submit their budget or fiscal report at the end of the grant period.</p> <p>Ms. Koga confirmed that, under Section 1-6-7 Reporting and Accountability, stewards would be required to report on their expenses and how the grant money was used throughout the year.</p> <p>Commissioner Ono suggested designating specific dates, so the grant period could run for one year from a set start date, with the report due by a specific deadline.</p> <p>Ms. Koga said that if the Commission wants to provide a specific date for the deadline, they could base it on the beginning of the fiscal year, which starts in July. She added that they could allow a set amount of time for applications or other processes and then establish that as the official deadline.</p> <p>Commissioner Ono stated that setting specific dates would make the process clearer, eliminating confusion about when the clock starts. Applicants would know when they can apply and the exact date by which their report is due.</p> <p>Mr. Hull stated that Chair Ornellas is raising concerns about the language Ms. Higuchi Sayegusa and Ms. Koga are drafting. From an administrative perspective, having a single fixed date would be easier for both the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>application and reporting processes. However, he noted a drawback, if the fixed date were July 1st and an application was submitted on July 2nd, the applicant would have to wait to apply again. Mr. Hull explained that the first draft attempts to provide more flexibility by allowing moving targets, rather than a single fixed date, though this is more challenging administratively. He concluded that Ms. Higuchi Sayegusa and Ms. Koga present two options, the fixed-date approach and the more flexible option, and the Commission will decide which approach to adopt.</p> <p>Commissioner Ono stated that the Commission could proceed with a fixed application date. He also raised the need for language allowing the Commission, at its discretion, to accept applications submitted beyond the established deadline.</p> <p>Ms. Koga stated that a high volume of applications is unlikely, as the 5% maintenance funds would apply only to stewards of properties acquired or improved using the fund, and there are currently only a handful of such properties and no stewards at this time. Ms. Koga indicated that keeping the application date open would be acceptable, as would establishing a fixed date. She added that if applications are received after a deadline and the Commission wishes to be flexible, it could do so and express openness to any of the proposed options.</p> <p>Chair Ornellas noted that typical grant programs include at least a commencement date, such as grants being released on October 1st. She stated that the document lacks a baseline indicating when applications will be available. She also pointed out that, while the document specifies</p>	

SUBJECT	DISCUSSION	ACTION
	<p>reporting is due 30 days after the expiration of the one-year period, it does not provide guidance to stewards on when the application period begins.</p> <p>Ms. Koga clarified that the current document is a draft of the administrative rules, and that the department will later issue a separate application for applicants to complete, which would include the deadline. She explained that Chapter 6 addresses maintenance funds, while Chapter 5 covers proposals from the public. She stated that the Commission could either include a date for maintenance grant applications in the rules or incorporate the application period and deadlines directly into the application materials.</p> <p>Vice Chair Pratt asked whether it would be preferable to keep the administrative rules flexible and allow the application materials to include specific, fixed dates, or whether both the administrative rules and the application should reflect the same defined dates.</p> <p>Mr. Hull stated, to his understanding, Ms. Higuchi Sayegusa was compiling policies based on those used by other islands' Open Space programs, and that the draft reflects a template drawn from several other islands' programs.</p> <p>Chair Ornellas asked whether the purpose of the meeting was to receive and review the draft administrative rules.</p> <p>Ms. Koga responded that the purpose of the meeting is to review the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>draft and determine whether there are additional criteria the Commission would like to add or any existing criteria they would like to remove.</p> <p>With no other discussion, the Chair Ornellas called for a motion to receive.</p>	<p>Vice Chair Pratt moved to receive the draft of the administrative rules for the use of maintenance funds. Commissioner Shintani seconded the motion. Motion carried 5:0.</p>
	<p><u>F.2. Discussion on possible amendments to the Public Access, Open Space, Natural Resource Preservation Fund Commission administrative rules pertaining to proposal requirements.</u></p> <p>Ms. Koga explained the following:</p> <ul style="list-style-type: none">• At the previous meeting, Ms. Higuchi Sayegusa presented how other islands administer their Open Space programs, including application requirements, proposal review processes, and use of funds.• A commissioner requested that staff review existing administrative rules and draft revisions more consistent with other counties and states.• Chapter 5, Application Process, represents Ms. Koga and Ms. Higuchi Sayegusa's first attempt at drafting revised rules for Commission review and feedback.• The draft is intended to identify what rules or criteria the Commission may want to impose on applicants submitting proposals.• In the draft, text highlighted in yellow indicated newly proposed items, while unhighlighted text reflects existing rules that remain but may be renumbered or restructured.• The purpose of the proposed criteria is to ensure applicants	

SUBJECT	DISCUSSION	ACTION
	<p>provide sufficient information and to avoid incomplete or inappropriate proposals.</p> <ul style="list-style-type: none">• She noted that applicants and community members may have greater knowledge of certain resources, such as cultural significance, than the department.• Section 1-5-2 establishes applicant eligibility, identifying allowable applicants as state agencies, county agencies, and nonprofit land conservation organizations.• The entity holding title to the land interest must be the applicant and is responsible for providing all required documentation.• Eligible proposal requirements were modeled after Hawai`i County and the State Legacy Lands program.• Proposed rules would require applicants to provide appraisals and identify willing landowners for land acquisition proposals.• Eligible expenditures of grant funds for land acquisition would be limited to specified categories outlined in the draft.• The draft includes language encouraging applicants to seek matching funds from other sources, like Hawai`i County and State Legacy Lands requirements.• Matching funds are not required to be strictly monetary and may include in-kind contributions or documented efforts that contribute toward the 25% match.• The intent is to ensure applicants demonstrate commitment and support for proposed land acquisitions. <p>Vice Chair Pratt questioned if this was the intended approach, noting that 25% of some items could have a significant financial impact. She</p>	

SUBJECT	DISCUSSION	ACTION
	<p>referenced the Waipā and Trust for Public Land example, emphasizing that acquiring those lands took many years.</p> <p>Ms. Koga stated that the draft was modeled after Hawai‘i County and State Legacy Lands and is a rough first version. She noted that it was intended for discussion on the agenda and invited feedback on additions, removals, or other changes, emphasizing that it is open for discussion.</p> <p>Chair Ornellas expressed strong opposition to section 1-5-2a, noting that historically, most acquisitions (except Waipā) did not involve organizations paying to propose parcels. She emphasized that the provision could eliminate community engagement, which has been central to acquisitions through neighborhood outreach. While she supports the idea of applicants having “skin in the game,” she questioned the language “eligible applicants,” as it might exclude average citizens from proposing properties, and suggested reconsidering the wording.</p> <p>Ms. Koga clarified that the “eligible applicants” language refers only to who can hold the land title. Regular citizens can still propose properties, but the County would not convey the title directly to them. In cases like Waipā, a nonprofit can hold the title while the County places a conservation easement, allowing funding support. She suggested strengthening the language to make this distinction clear.</p> <p>Commissioner Shintani expressed concern that the proposal could place undue burden on individual community members to partner with nonprofits or county agencies, potentially discouraging participation. She</p>	

SUBJECT	DISCUSSION	ACTION
	<p>emphasized that Open Space empowers individuals to bring forward ideas and suggested creating a way to connect them with eligible organizations if “skin in the game” is required. Simply limiting title-holding to certain agencies or nonprofits may reduce valuable community input.</p> <p>Chair Ornellas noted that the issue may come down to language and interpretation.</p> <p>Ms. Koga asked whether the Commission wanted to maintain the current process, where anyone can apply, or make it slightly stricter by requiring applicants to provide more information. She noted that the department currently bears the research burden, including details on property and cultural practices. She suggested potential requirements, such as having the landowner or applicant reach out to local community members for information. She noted a proposal in Hanalei where a neighbor initiated a request for self-interest, emphasizing the need to prevent similar situations while not overburdening applicants.</p> <p>Commissioner Shintani suggested creating a checklist for applicants outlining what is needed to strengthen their proposals. This would help applicants understand expectations in advance and sure more complete submissions. She also proposed an option for applicants lacking partnerships to consult with the department for guidance, making the process more empowering and educational.</p> <p>Ms. Koga proposed putting the current draft on hold but bringing it to the next meeting. She plans to present the existing application process and</p>	

SUBJECT	DISCUSSION	ACTION
	<p>explore ways to tighten it, adding some qualifications to request more information from applicants without making it harder, aiming for a balanced approach.</p> <p>Vice Chair Pratt commented that requiring applicants, such as the fisherman at Kukui`ula Bay, to contact landowners could be intimidating. She prefers the Commission to handle due diligence, while suggesting the checklist could be expanded or improved to gather necessary information without putting applicants in difficult situations.</p> <p>Ms. Koga suggested making it mandatory for applicants to attend at least one meeting, as not all proposers provide information or engage with the department. This would allow the department to follow up with questions about the site, since staff may not be experts on every location.</p> <p>Vice Chair Pratt stated that she would like applicants to present their proposals in person.</p> <p>Chair Ornellas highlighted examples demonstrating the importance of community engagement in acquisitions:</p> <ul style="list-style-type: none">• Ko`olau Limu Project: While Nalani Kaneakua has a nonprofit, the limu cages had historically been managed by her family for generations, showing long-standing local stewardship.• Waiakalua Property: North Shore hunters approached Billy Decosta, who presented on their behalf, illustrating community groups initiating proposals rather than formal organizations.• Kalihiwai River: Acquisitions on both sides were brought forward	

SUBJECT	DISCUSSION	ACTION
	<p>by an individuals North Shore resident, further showing citizen driven efforts.</p> <p>Chair Ornellas stressed that these examples show the value of allowing average citizens to propose properties and indicated that the current draft may need adjustments to maintain such opportunities.</p> <p>Ms. Koga reiterated that this is the first draft and plans to present the current application process at the next meeting. She suggested reviewing it to identify possible tweaks and additions that would gather more information while still allowing anyone to submit a proposal.</p> <p>Commissioner Ono noted that the draft currently appears to allow only nonprofits to apply. He suggested revising it to permit individuals to apply as well, with a separate section for nonprofits. For individual proposals, he recommended a checklist and guidance on presenting to the Council, including providing cultural and other relevant information to strengthen their submission.</p> <p>Chair Ornellas acknowledged the department's efforts and the workload involved when applicants submit minimal information, such as just a TMK. She supported having applicants provide more substantial information and present to the Commission, while noting that they shouldn't be required to pay for appraisals. She emphasized that the main issue is refining the language to clarify expectations.</p> <p>Ms. Koga noted that some survey submissions are anonymous, making it</p>	

SUBJECT	DISCUSSION	ACTION
	<p>difficult for the department to follow up on details such as easements. She emphasized the need to balance gathering necessary information without deterring people from applying.</p> <p>Mr. Hull provided background on the current rules and comparison with other counties. He noted that Kaua`i County's process is much simpler compared with Hawai`i County's thorough screening process. He explained that the current rules arose from historical challenges, including a long period of neglect and a rift between the administration and the legislative office. The Commission, which advised the legislative office on expenditure, often faced frustration when offices did not forward recommendations. The administrative rules were designed to rebuild trust among the Commission, the administration, and the public.</p> <p>Ms. Koga stated that she and Ms. Higuchi Sayegusa are open to feedback. They included this item on the agenda in response to a previous request about other counties, but they are neutral and willing to maintain the status quo if that is the Commission's preference.</p> <p>Chair Ornellas commented that Mr. Hull's historical context is important to understand the Commission's evolution and accomplishments. She acknowledged public expectations and suggested finding a balance that informs applicants upfront while minimizing workload for the department. She emphasized the importance of preserving community engagement in the process.</p> <p>With no other discussion, Chair Ornellas called for a motion to receive.</p>	Vice Chair Pratt moved to receive Chapter 5 of

SUBJECT	DISCUSSION	ACTION
		<p>the Application Process for the Open Space, Public Access Commission. Commissioner Shintani seconded the motion. Motion carried 5:0.</p>
	<p><u>F.3. Discussion and recommendations for community outreach for the Public Access, Open Space, Natural Resources Preservation Fund.</u></p> <p>Ms. Koga noted that the topic was introduced by Chair Ornellas and stated that the department is open to discussion or recommendations on how the Commission can conduct community outreach.</p> <p>Chair Ornellas asked for an update on the community outreach efforts, noting that some work has already been done.</p> <p>Ms. Koga reported on outreach efforts, noting that the department contacted community groups and the mayor's office. Active groups identified included the Kilauea Neighborhood Association, Lihue Business Association, and a Koloa group, in which a leader could not be found. Other community associations had limited activity, with no regular meetings or updated websites.</p> <p>Commissioner Ono proposed considering additional community groups for outreach, specifically mentioning the Koloa branch of the Rotary Club and Zonta.</p> <p>Ms. Koga asked the Commission if they had a vision or ideas for how community outreach should be conducted.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Ornellas recalled that past outreach included attending neighborhood association meetings while also circulating an online survey. She asked whether the current discussion was about placing the topic on the agenda or distributing the survey.</p> <p>Ms. Koga clarified that her research was limited to identifying active community associations. No outreach has been conducted yet, though brochures were prepared. She suggested the Commission could decide whether to place the topic on the agenda and circulate the survey.</p> <p>Chair Ornellas requested to place the topic on the agenda for the Kilauea Neighborhood Association in January, noting the recent meeting in December. She asked for printed and digital copies of the materials to share.</p> <p>Ms. Koga asked Chair Ornellas if she knew the specific date in January for the meeting.</p> <p>Chair Ornellas stated that the Kilauea Neighborhood Association meets on the first Tuesday of every month at 6 p.m., making the next meeting January 6th. She also expressed interest in reaching out to the Princeville Community Association, noting they have a newsletter, website, and app.</p> <p>Vice Chair Pratt suggested using the Chamber of Commerce newsletter.</p> <p>Ms. Koga stated she will provide handouts and reach out to the identified</p>	

SUBJECT	DISCUSSION	ACTION
	<p>associations. She noted pending items, including the Hoban property, the litigation piece, `Aliomanu condemnation, and the upcoming monument, which will affect the fund, potentially leaving around \$3 million. She emphasized that community outreach should include setting expectations that the fund may not cover all desired acquisitions, and priorities will be based on Open Space's criteria, though proposals are still welcomed.</p> <p>Commissioner Ono suggested using volunteer speakers to present to community organizations, noting that face-to-face interaction is more effective than just distributing brochures.</p> <p>Commissioner Shintani asked for confirmation that 0.5% funding comes from real property tax. Ms. Koga confirmed that it does.</p> <p>Commissioner Shintani asked why informational materials about Open Space funding are not included with the county's real property tax assessment mailings, questioning whether it's due to being managed by a different department or the added cost.</p> <p>Mr. Hull asked if she suggested including an Open Space survey with the real property tax assessment mailings.</p> <p>Commissioner Shintani suggested including a flyer, survey, or even just language in the real property tax assessment mailings to inform residents that 0.5% of their tax supports the Open Space Commission and to explain the Commission's goals, helping connect the public to its work.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Hull explained that while property owners' rights are protected under the Constitution, the County has the authority to collect taxes. He noted that including Open Space information in tax assessments may raise procedural or legal questions and said he will consult with the Real Property Division, Finance Director, and the Public Information Officer to see if it is feasible.</p> <p>Chair asked if it would be acceptable to email Ms. Koga after securing a spot on the agenda to review the brochure and talking points.</p> <p>Ms. Koga confirmed that they can email her after securing a meeting spot. She will review the meeting schedule, ensure appropriateness, and obtain departmental approval.</p> <p>There was no further discussion.</p>	
G. Communications	There were no communications.	
H. Unfinished Business (For Action)	There was no unfinished business for action.	
I. New Business (For Action)	There was no new business for action.	

SUBJECT	DISCUSSION	ACTION
J. Executive Session	There was no executive session.	
K. Announcements	<p>K.1. <u>Topics for Future Meetings.</u></p> <ul style="list-style-type: none">• Discussion and recommendations on administrative rules, including the maintenance fund and the proposal application process.• Review of the biennial report.• Selection of Chair and Vice Chair.• Updates on Hanapēpē Monument and Waiakalua. <p>K.2. The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m., or shortly thereafter, on January 8, 2026. The Open Space Commission anticipates this meeting to be held in-person at the Līhu`e Civic Center, Mo`ikeha 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>	
L. Adjournment	Chair Ornellas called for a motion to adjourn the meeting.	Vice Chair Pratt moved for the adjournment of the meeting. Commissioner Cabral seconded the motion. Motion carried 5:0. The meeting was adjourned at 2:18 p.m.

Public Access, Open Space, Natural Resources
Preservation Fund Commission
Open Session
December 11, 2025

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Submitted by: Celine De Leon
Celine De Leon, Staff Support Clerk

Reviewed and Approved by: _____
Shaylyn Ornellas, Chair

- Approved as circulated on
 Approved as amended. See minutes of _____ meeting.

DRAFT to be Approved

OPEN SESSION MEETING MINUTES

Board/Commission		Public Access, Open Space, Natural Resources Preservation Fund Commission	Meeting Date:	January 8, 2026
Location	Pi`ikoi Building, Boards and Commissions Conference Room		Start of Meeting: 1:01 p.m.	End of Meeting: 2:34 p.m.
Present	<p>Chair Shaylyn Ornellas and Vice Chair Robin Pratt. Commissioners: Manuel Cabral, Nancy Kanna, William Kinney, Jonathan Lucas, Mark Ono, Mai Shintani, and Ex-Officio Spencer Cook.</p> <p>Also present: Deputy County Attorney Laura Barzilai. Planning Department Staff: Planning Director Ka`aina Hull, Deputy Planning Director Jodi A. Higuchi Sayegusa (<i>in at 1: 24 p.m.</i>), Planner Shalea Koga, and Account Clerk Brent Sokei. Office of Boards and Commissions: Commission Support Clerk Celine De Leon.</p>			
Excused				
Absent				

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SUBJECT	DISCUSSION	ACTION
A. Swearing in of Commissioners	Chair Shaylyn Ornellas and Commissioner Mark Ono were sworn in by Jade Tanigawa, the County Clerk, for their second term.	
B. Call to Order	Chair Ornellas called the meeting to order at 1:01 p.m. There was no one present from the public to provide testimony on any of the agenda items.	
C. Roll Call	Planning Director Ka`aina Hull verified attendance by roll call. Commissioner Manuel Cabral replied here. Commissioner Nancy Kanna replied present. Commissioner William Kinney replied present. Commissioner Jonathan Lucas replied present.	

D.2.

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SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Mark Ono replied present.</p> <p>Commissioner Mai Shintani replied present.</p> <p>Ex-Officio Spencer Cook replied present.</p> <p>Vice Chair Robin Pratt replied present.</p> <p>Chair Shaylyn Ornellas replied present.</p>	
D. Election of Chair and Vice Chair	<p>Ms. Shintani stated that she would like to nominate Ms. Robin Pratt as Chair of the Commission. No other nominations were made.</p> <p>Mr. Hull conducted roll call on the nomination of Ms. Robin Pratt to be elected as the Chair of the Public Access, Open Space, and Natural Resources Preservation Fund Commission.</p> <p>Commissioner Cabral replied aye.</p> <p>Commissioner Kanna replied aye.</p> <p>Commissioner Kinney replied aye.</p> <p>Commissioner Lucas replied aye.</p> <p>Commissioner Ono replied aye.</p> <p>Commissioner Shintani replied aye.</p> <p>Commissioner Cook replied aye.</p> <p>Commissioner Ornellas replied aye.</p> <p>Commissioner Pratt replied aye.</p> <p><i>Chair Ornellas relinquished the Chair's position to new Chair Pratt.</i></p>	<p>Chair Ornellas opened the nomination process for Chair.</p> <p>Ms. Kanna moved to close the nomination for Chair. Mr. Ono seconded the motion. Motion carried 8:0.</p> <p>Motion passes 8:0.</p>

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SUBJECT	DISCUSSION	ACTION
	<p>Chair Pratt was congratulated by the Commission and Planning Department Staff.</p> <p>Mr. Lucas stated that he would like to nominate Mr. Kinney as Vice Chair of the Commission. No other nominations were made.</p> <p>Mr. Hull conducted roll call on the nomination of Mr. William Kinney to be elected as the Vice Chair of the Public Access, Open Space, and Natural Resources Preservation Fund Commission.</p> <p>Commissioner Cabral replied aye.</p> <p>Commissioner Kanna replied aye.</p> <p>Commissioner Kinney replied aye.</p> <p>Commissioner Lucas replied aye.</p> <p>Commissioner Ono replied aye.</p> <p>Chair Pratt replied aye.</p> <p>Commissioner Shintani replied aye.</p> <p>Commissioner Cook replied aye.</p> <p>Commissioner Ornellas replied aye.</p> <p>Vice Chair Kinney was congratulated by the Commission and Planning Department Staff.</p>	<p>Chair Pratt opened the nomination process for Vice Chair.</p> <p>Ms. Kanna moved to close the nomination for Vice Chair. Mr. Lucas seconded the motion. Motion carried 8:0.</p> <p>Motion passes 8:0.</p>

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SUBJECT	DISCUSSION	ACTION
E. Approval of Agenda	Mr. Hull stated that the department recommends moving agenda item H5, Review and Discussion on the Initial Draft of the Biennial Report, to be the first item under H. General Business.	Mr. Lucas moved to approve the agenda as amended. Vice Chair Kinney seconded the motion. Motion carried 8:0.
F. Minutes of the meeting(s) of the Commission	1. December 11, 2025 The Commission did not receive the minutes of December 11, 2025. Ms. Koga asked to defer this item to the next meeting.	Ms. Kanna moved to defer to the next meeting. Mr. Cabral seconded the motion. Motion carried 8:0.
G. Receipt of Items for the Record	There was no receipt of items for the record.	
H. General Business	<p>H5. <u>Review and discussion on the initial draft of the Biennial Report.</u></p> <p>a. <u>Draft Biennial Report dated January 2025</u></p> <p>Ms. Koga stated the following:</p> <ul style="list-style-type: none">• The Commission received a packet titled Public Access, Open Space, Natural Resources Preservation Fund 2024-2025 Biennial Report.• She explained that the report reflects work completed during the calendar year 2024 through December 31, 2025.• She noted the biennial report is lengthy and requested feedback from the Commissioners regarding potential additions, removals, or improvements.• She stated that the report will be reviewed over several meetings and once finalized, will be transmitted to Council for a formal presentation.• She reviewed the report contents, beginning with the cover page, which features the Hanapēpē parcels as the most recent acquisition completed	

SUBJECT	DISCUSSION	ACTION
	<p>during the biennium.</p> <ul style="list-style-type: none">• She stated that subsequent page's list Commission members who participated over the past two years, followed by the table of contents.• She summarized the Executive Summary section, which outlines the Open Space Program, funding sources, and allowable uses of the fund.• She explained that the Status of the Fund section is currently highlighted and pending final confirmation of the fund balance, estimated at approximately \$5 million, noting that pending actions may affect the total.• She noted that Hoban and Leight are reviewing matters related to the biennial report and that condemnation of `Aliomanu is being requested.• She provided an overview of the Commission Projects Update section, which includes work conducted both within and outside of the Commission.• She referenced the formation of a Permitted Interaction Group (PIG) during 2024 to review access points and identify potential improvements, funding needs, or signage.• She provided updates on the Charter Amendment approved during the biennium, allowing up to five percent of funds to be used for maintenance and stewardship.• She noted ongoing rule amendment efforts that are expected to carry into the next biennial period.• She reviewed the Key Highlights section, beginning with acquisitions funded during the biennium, including the Hanapēpē parcel and ongoing collaboration with the Hanapēpē community regarding a monument.• She stated that the Hanapēpē parcel was the sole acquisition completed during the biennial period.• She reviewed the "Summary of Proposals Considered" section, which lists proposals discussed during 2024 and 2025.	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none">• She noted that the Kīlauea Mauka access proposal is highlighted due to its ongoing status and potential changes prior to being transmitted to Council.• She reviewed the section outlining proposals that were recommended, placed on hold, or declined, noting that condemnation of `Aliomanu was recommended and will be forwarded to Council.• She expressed concern that the `Aliomanu recommendation may be difficult to locate within the report and may require clearer emphasis. <p>Ms. Ornellas asked that the Commission be notified when the presentation is scheduled.</p> <p>Ms. Koga stated that once the Commission completes the biennial report and transmits it to Council, both actions will occur concurrently. A presentation on the biennial report will be made, and the requested action, condemnation of the portion of the property on `Aliomanu, will be addressed as part of the biennial report.</p> <p>DCA Barzilai asked what the rough timeline would be.</p> <p>Ms. Koga stated that if the work is completed by the next meeting in February, it could move forward.</p> <p>Mr. Hull stated that it could be received as early as two to three weeks, though the timing would be at the Chair's discretion.</p> <p>Ms. Ornellas asked whether the group could be notified once the timing is set so they can attend.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Koga confirmed that notification would be provided. She also invited any input on the substance related to the 'Aliomanu property. She explained that proposals listed as "on hold" do not necessarily mean they are inactive, but rather that additional research is being conducted. As an example, she noted the Kilauea Mauka Access proposal, which is considered on hold in the biennial report but is still moving forward, with a possible update on the next agenda item.</p> <p>Chair Pratt asked whether the item could move to recommended proposals following today's meeting.</p> <p>Ms. Koga stated that she would likely keep the item as is, noting that there was no substantial movement during the current biennial report year, and that it would carry over to the next biennial report.</p> <p>Ms. Ornellas stated that she was confused by the wording in item number two of the table, which references working with landowners to conduct a survey and formally convey a public access easement, and asked whether an easement already exists.</p> <p>Ms. Koga explained that the easement was created during the subdivision process but was never formally conveyed to the County of Kaua'i. The process required staking the easement and recording a grant of easement with the legal meets and bounds.</p> <p>Mr. Hull clarified that while the easement was a requirement of the subdivision, it did not formally exist. Open Space recognized that money did not need to be spent</p>	

SUBJECT	DISCUSSION	ACTION
	<p>initially, but since the easement had never been formally extracted, an enforcement process was initiated. From an enforcement standpoint, a notice of violation will be issued, and the landowner may face potential penalties if the easement is not conveyed. The landowner is now in the process of formally conveying the easement to the County by the subdivision.</p> <p>Ms. Ornellas apologized, stating she had thought the easement was already conveyed and that the matter was strictly an enforcement issue.</p> <p>Ms. Koga noted that the only items still “on hold” are the `Aliomanu easement and Kaupia Beach Access, the latter of which is still in litigation. No action was taken on these during the biennial report period, so only a status update is provided. The Hoban and Leight, Kukui`ula Bay Access, proposal is also on hold because no formal action has been taken by the group, although it was discussed by the Commission and Council in executive sessions; this item is listed to provide a brief update. The following section covers declined proposals during the biennial year, including Papa`a Bay Beach Access and the parcel adjacent to Wai`oli Stream in Hanalei, with a brief description of the properties, the Commission’s decision, and the rationale. These updates are provided to inform Council of the group’s activities during the year.</p> <p>Ms. Koga introduced the program background section, which covers all relevant legislation before and during the current biennial year. Brief descriptions are provided for each piece of legislation, including the 2002 Charter Amendment, Ordinance #812, Ordinance #925, and the most recent Charter Amendment passed by Ordinance, explaining how each affects the Commission. The appendices include the full legislation as exhibits for reference.</p>	

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SUBJECT	DISCUSSION	ACTION
	<p><i>Ms. Higuchi Sayegusa was present at 1:24 a.m., and Mr. Hull left.</i></p> <p>Ms. Koga moved to page 16, covering the public input process. This section explains how the public input process works, the survey conducted, and noted that rules are currently being developed, which may be revised in the future.</p> <p>Ms. Ornellas asked, regarding page 16B and the bullet point on open positions, whether it is expected that a name or nomination would be available before the report is transmitted.</p> <p>Ms. Koga explained that, since the report covers activity only through December 30th, it reflects positions active at that time. Currently, only one position is vacant, and that will remain as reported.</p> <p>Ms. Koga then moved to the Commission's vision and goals, noting alignment with the general plan and discussion of challenges faces, including Open Space rules, difficulty in finding stewards for acquisitions, and reliance on the Parks Department for maintenance. The section also addresses facilitating long-term stewardship and revising public outreach. A brief excerpt from the previous biennial report regarding increasing the Public Access, Open Space, and Natural Resources Fund was included, highlighting ongoing efforts to secure additional funding for Open Space acquisitions.</p> <p>Ms. Ornellas recommended strengthening the section by including data on property taxes and the real estate market to support the request to increase funding to 1.5%. She suggested obtaining information from the Property Tax Office</p>	

SUBJECT	DISCUSSION	ACTION
	<p>or the Kaua`i Board of Realtors to show current revenue, median vacant land parcel values, and how rising land costs affect acquisitions. She referenced the Kepuhi point acquisition as an example where lacking appraisal and market data hindered Council approval. She emphasized that providing current, local data would help justify the proposed increase and demonstrate the potential impact in terms of additional acquisitions and funding needs.</p> <p>Ms. Higuchi Sayegusa noted that figures could be obtained from real property tax records and the Board of Realtors but added that much of the property tax revenue comes from vacation rentals and that there have been multiple amendments to the property tax structure, which may affect the data.</p> <p>Ms. Ornelas emphasized that vacant land should be treated separately, as acquisitions focus on vacant parcels rather than improved properties. She noted that monthly reports already categorize land by type, single-family, multi-family, vacant, and suggested using that data to strengthen the case for increasing funding. She stated that simply requesting an increase without context makes the ask look like any other departmental request. She argues that including data showing what has been accomplished with the current 0.5% and the potential impact of increasing to 1.5% would make a stronger, evidence-based case for preserving more open space on the island.</p> <p>Ms. Higuchi Sayegusa suggested collaborating with Ms. Ornelas specifically on this, noting her idea is to analyze trends in property taxes, including how much revenue is currently available and projections for future funding.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ornellas requested including a visual element, such as graph, to clearly illustrate the property tax data and trends.</p> <p>Ms. Higuchi Sayegusa, suggesting including a visual like a graph and adding specific figures related to <i>inaudible</i> to support the analysis.</p> <p>Ms. Kanna added that the report should also illustrate the increasing demand for properties. She suggested showing the growth in the number of properties under consideration compared to prior periods to strengthen the argument for additional funding.</p> <p>Ms. Ornellas noted that while Council is quick to praise the Commission for successes, going into the presentation unprepared on funding requests can lead to criticism. She emphasized the importance of including supporting data and talking points upfront, rather than simply making a standard “can we have more money” request during the presentation.</p> <p>Mr. Ono suggested using the Hoban property as an example to illustrate the costs and challenges of acquiring access, reinforcing the need for increased funding.</p> <p>Chair Pratt noted including examples like the Hoban property could help address potential pushbacks from Council on funding requests.</p> <p>Ms. Higuchi Sayegusa clarified that the Hoban property example is still in negotiation and not finalized. She noted that Council previously considered and approved the condemnation, being aware that it cost approximately a quarter million dollars for that access. She suggested using this example to illustrate how</p>	

SUBJECT	DISCUSSION	ACTION
	<p>costs may have increased from that time to the present.</p> <p>Mr. Ono added that the cost of acquiring property is unlikely to decrease and suggested that the Hoban property serves as a clear example of how acquisition costs are increasing over time.</p> <p>Chair Pratt recommended not using the Hoban property as a specific example in the report. Instead, she suggested presenting a general statement that land costs are increasing, supported by data showing trends over time.</p> <p>Ms. Shintani suggested another way to justify the funding request is to show public support for the program, such as the number of applications submitted over time, highlighting trends and increasing demand.</p> <p>Ms. Higuchi Sayegusa noted that more discussion could occur when addressing other items. She explained in past years, extensive outreach generated many proposals, which the Commission has been working through over the past five years. Some proposals were denied, others are in litigation, and the process to move a proposal toward acquisition is resource-intensive and costly, with only a few ultimately resulting in acquisitions.</p> <p>Ms. Ornellas provided the Black Pot Expansion as an example, noting that the estimated cost was \$12 million.</p> <p>Ms. Higuchi Sayegusa corrected that the estimated cost for the Black Pot Expansion was \$5 million, not \$12 million.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ornellas emphasized that providing high-level, data-driven context upfront is important. Using sources such as Realtor Hawai`i Information Service, the County of Kaua`i Real Property Office, and market assessments, the Commission can show the current market value of vacant land versus tax revenue collected. She highlighted that land acquisition costs are rising, especially through processes like condemnation, making proactive funding increases critical. She suggested presenting data to illustrate that it is more cost-effective to allocate additional funding now to acquire properties, rather than later when costs could become prohibitive, using examples like `Aliomanu to demonstrate the difference between willing sellers and administrative burdens.</p> <p>Ms. Higuchi Sayegusa suggested working with Ms. Ornellas on a draft to include this data. She noted that previous overviews of other jurisdictions, such as the Big Island with \$30 million and structured procedures, would provide useful context. For the purposes of the current biennial report, she recommended keeping the presentation more general. In future reports, once procedures are further refined, the Commission could prioritize certain acquisitions and demonstrate that, despite optimizing processes, the 0.5% funding limit still restricts their ability to act, strengthening the case for increased funding.</p> <p>Mr. Kinney asked whether there is a proposed Charter Amendment related to stewardship.</p> <p>Ms. Higuchi Sayegusa clarified that the Charter Amendment establishing the 5% maintenance fund has already been completed, and that the remaining task is to develop the rules for administering the fund.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Kinney noted that the 5% set aside from the Open Space Fund to support stewardship is a good example for the Commission to try to do more with the resources it currently has.</p> <p>Ms. Higuchi Sayegusa explained that the stewardship allocation fluctuates and is capped at no more than 5% of the balance in the Open Space Fund. If the fund balance is reduced to zero following an acquisition, there would be no funds available for stewardship.</p> <p>Vice Chair Kinney expressed concern about how stewardship efforts with community groups can be supported if no funds remain in the Open Space Fund after acquisitions or litigation.</p> <p>Ms. Kanna asked whether anyone recalls when the Commission previously had a 1.5% allocation, where an additional 1% of funding was directed.</p> <p>Ms. Higuchi Sayegusa asked for clarification, noting that the 1.5% referenced was the minimum allocation derived from real property taxes.</p> <p>Ms. Kanna clarified that she was referring to the period when the Commission received a 1.5% allocation and later had 1% removed and asked where that 1% was reallocated or directed after it was taken away.</p> <p>Ms. Higuchi Sayegusa stated that the removed 1% remained in the fund and did not revert elsewhere.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Kanna asked for confirmation that the removed 1% was not redirected to any other use.</p> <p>Ms. Higuchi Sayegusa clarified that the 1% was not separately redirected; currently, only 0.5% is allocated to the Commission, and the remainder stays in the real property tax pool for other County functions.</p> <p>Ms. Koga stated that she and Ms. Higuchi Sayegusa will work on the suggested updates and present them at the next meeting when the biennial report is brought back. She noted that the main body of the biennial report is complete. The remaining sections include the appendices, which provide details on completed charter amendments, ordinances, rules, and practices. Appendix I lists all previously discussed properties with brief updates during the current and prior biennial periods. Following that, the report includes all current and past year recommendations from 2005 through the present.</p> <p>Ms. Ornellas asked about the properties noted for reanalysis, specifically Anini and Winston, noting that the report states “the Commission has expressed interest in reanalyzing this proposal,” and asked whether a date had been set for that reanalysis.</p> <p>Vice Chair Kinney responded that the last discussion about the Anini and Winston properties occurred during the site visit.</p> <p>Ms. Ornellas asked whether, from a reader’s perspective, it would be clearer to include a date, schedule it on a future agenda, or revise the wording regarding reanalysis of the properties, noting she could not recall the details.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Higuchi Sayegusa suggested reviewing the past meeting minutes to clarify the timing and details for reanalyzing the properties.</p> <p>Ms. Koga noted that the preliminary report was received by the Commission on February 2, 2018, and stated she would review the minutes to determine when the Commission acted on it.</p> <p>Mr. Lucas noted that, from the list of acquisitions, the Hoban property dates back to 2005.</p> <p>Ms. Higuchi Sayegusa explained that the current report format has been developed over the years to improve readability and clarity. She noted that 2005 represents the start of the Commission's acquisition process.</p> <p>Ms. Ornellas asked about the Chinese Cemetery property, purchased in 2018, and inquired whether a steward has still not been assigned.</p> <p>Chair Pratt mentioned that the Boy Scouts might have been serving as steward.</p> <p>Ms. Kanna clarified that they are no longer providing stewardship for the property.</p> <p>The Commissioners continued to talk about the 2005 Hoban section.</p> <p>Chair Pratt suggested revising the wording regarding the Chinese Cemetery property, as the current phrasing could give the impression that all listed properties have active stewardship.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Koga stated that the wording will be changed from “acquired” to “proposals” to more accurately reflect the status of the properties.</p> <p>Chair Pratt recommended ensuring that the terminology is consistent throughout the entire report.</p> <p>Mr. Lucas noted that the Hoban property has been in litigation since 2018 and expressed curiosity as to why the County Attorney did not consult the Commission about whether they wanted to be involved.</p> <p>Chair Pratt pointed out that there are no entries listed for 2016 or 2018 in the report.</p> <p>Ms. Koga explained that the absence of 2016 and 2018 entries is likely because this is a biennial report, which summarizes activity over two-year periods.</p> <p>Ms. Ornellas asked whether there was an update on the Kekaha property.</p> <p>Ms. Higuchi Sayegusa confirmed that the Kekaha property has been acquired.</p> <p>Ms. Ornellas noted that, although the Kekaha property was acquired, the report states that the Parks Department is currently negotiating and drafting a stewardship agreement with a Kekaha organization. She found this curious, given that the acquisition occurred in 2018 and it is now 2025.</p> <p>DCA Barzilai clarified that, to their knowledge, a family has been caring for the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Kekaha property, rather than a formal stewardship agreement being in place.</p> <p>Ms. Ornellas noted that having a family care for the Kekaha property does not comply with the Commission's rules, as they are not a nonprofit organization.</p> <p>DCA Barzilai stated that it may be a descendant of the family with an interest in caring for the grave sites, but they were no certain of the details.</p> <p>Chair Pratt asked whether the Commission's requirement is a preference for a nonprofit to serve as steward, rather than an absolute rule.</p> <p>Ms. Higuchi Sayegusa explained that executing a formal stewardship agreement, necessary for holding proper insurance and indemnifying the County, typically requires an entity such as a nonprofit. However, individuals like Mr. Mike Lions can manage stewardship on their own without an agreement if they are willing, though it does not provide formal protection of an official arrangement.</p> <p>Chair Pratt clarified that, in such cases, there is no legally binding agreement in place; stewardship is simply carried out by individuals.</p> <p>Ms. Higuchi Sayegusa stated that if the Commission wanted to formalize an arrangement and potentially provide compensation, a formal agreement would be necessary. She noted that they plan to move toward a fully formalized process to allocate stewardship funds to help maintain properties under the Commission's care.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ornellas suggested that the report should explicitly state if a descendant family is currently caring for the Kekaha property.</p> <p>Ms. Higuchi Sayegusa noted that previously, efforts were underway to develop a formal stewardship agreement involving various entities connected to Kikiaola Harbor. She added that the current situation is somewhat uncertain, but it is accurate that the individual in question is attempting to formalize an agreement to both steward the property and provide parking.</p> <p>Ms. Ornellas suggested reaching out to the individual before submitting the report to Council to clarify the situation. She recommended confirming whether it is truly an organization or a family, as the report currently refers to "a Kekaha organization," which would be inaccurate if a family providing the stewardship.</p> <p>Ms. Higuchi Sayegusa acknowledged that the current information about a family caring for the Kekaha property was new to her. She explained that the last update she had was that the individual was trying to arrange for spillover parking and have entity manage and maintain the cemetery. She confirmed that if a family is indeed providing stewardship, the report can be updated to reflect that.</p> <p>Chair Pratt asked for clarification about the subject or context of a photo included in the report.</p> <p>Ms. Koga explained that the photo depicts the Hanapēpē parcel, near the site of the 1944 Hanapēpē Battle. She noted that the fighting occurred approximately on the road portion in front of the block and said he could label the photo for clarity.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ornellas asked about the Kīlauea Mauka Access, noting that the last bullet point states, “if compliance is achieved, use of the fund will not be necessary to establish public access,” and questioned whether the Commission is still paying for a fence.</p> <p>Ms. Higuchi Sayegusa confirmed that the matter of paying for the fence at Kīlauea Mauka Access is on the agenda.</p> <p>Ms. Ornellas noted that if the Commission is paying for a fence at Kīlauea Mauka Access, then funds are being used, contrary to the bullet point stating that fund use would not be necessary.</p> <p>Ms. Higuchi Sayegusa responded that she is not certain whether the Commission is using funds to pay for the fence.</p> <p>DCA Barzilai asked Ms. Ornellas would like to present the full report at that time.</p> <p>Ms. Koga clarified that presenting the full report would be covered under agenda item H3.</p> <p>With no further discussion, the Commission moved onto the next agenda item.</p>	
	<p><u>H1. Discussion and recommendations for administrative rules to allow up to 5% of the Public Access, Open Space, and Natural Resources Preservation Fund to be used for the maintenance of entitlements acquired by the Public Access, Open Space, Natural Resources Preservation Fund.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>DCA Barzilai noted that no members of the public were present to provide testimony.</p> <p>Ms. Koga explained that the discussion and recommendations regarding administrative rules for the 5% stewardship fund had been reviewed previously. The draft rules were generally accepted at the last meeting. The item remains on the agenda because H2 also pertains to Commission administrative rules, and it is preferable to implement any changes to all related rules simultaneously.</p>	
	<p><u>H2. Discussion on possible amendments to the Public Access, Open Space, Natural Resource Preservation Fund Commission administrative rules pertaining to proposal requirement.</u></p> <p>Ms. Higuchi Sayegusa explained the following:</p> <ul style="list-style-type: none">• The draft reflects feedback from the prior meeting and is intended as a preliminary discussion document, not a formal proposal.• The revisions respond to an earlier comparative review of Open Space Commission practices in other jurisdictions.• She noted that moving forward would require notice and formal public hearing; the current review is for discussion only.• The goal of the draft is to maintain existing rules while clarifying procedures.• Maintenance and stewardship funding remains governed by Chapter 6 and capped at 5%; no changes proposed.• Amendments focus on clarifying other authorized uses of Open Space funds.• Section 1-52, Eligibility, clarifies allowable proposal types:	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none">○ Acquisitions by the State or County.○ Grant-funded acquisitions by qualified private individuals or nonprofit organizations.○ Improvements to acquired land or property entitlements, including public coastal access improvements.● Grant-eligible costs include land purchase and related acquisition expenses (e.g., appraisals, surveys, fees).● Proposal evaluation criteria continue to rely on Chapter 5 and Charter purposes, with added language requiring acquisition and improvement costs to be commensurate with public benefit.● An additional criterion addresses feasibility and long-term sustainability of proposed improvements.● Section 1-53, Review process, aligns the existing practice and adds site visits as part of proposal evaluation.● Preliminary recommendations may be revised following additional research.● Council referral processes, including biennial reporting, remain unchanged.● Section 1-54, Land acquisition grants, establish requirements for grants to non-County applicants, including perpetual protection through conservation easements and submission of title reports and other due diligence documentation. <p>Ms. Ornellas asked whether members of the public would still be able to provide suggestions.</p> <p>Ms. Higuchi Sayegusa confirmed that the public may continue to submit proposals under Section 1-52. She clarified that once an applicant reaches the stage of</p>	

SUBJECT	DISCUSSION	ACTION
	<p>requesting funding through a grant, additional requirements would apply, including submission of a title report, documentation of matching funds, and other required materials.</p> <p>Vice Chair Kinney added that grant applications would also be subject to review by the Commission and would be forwarded to the Council either through the biennial report or via the Commission's recommendation process.</p> <p>Ms. Higuchi Sayegusa agreed and reiterated that the intent is largely to keep existing processes in place, with additional clarification specific to grant requests. She emphasized that the revisions further define procedures for grant applications, while proposals may otherwise continue to be submitted as before.</p> <p>Vice Chair Kinney asked whether other counties have similar grant proposal programs, noting that the Legacy Lands project is a state program.</p> <p>Ms. Higuchi Sayegusa responded that many of the provisions were modeled after the Legacy Lands program, which operated primarily as a grant-based program.</p> <p>Vice Chair Kinney asked whether other counties have also Open Space grant programs.</p> <p>Ms. Higuchi Sayegusa confirmed that other counties do have Open Space grant programs. She noted that Maui's program is somewhat different, with fewer formal rules, and is administered through the mayor's office.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Kinney noted that other counties likely have a higher percentage than 0.5% and acknowledged that while there are proposal criteria, a concern arises regarding the vetting of applicants. He asked what prevents transient or unqualified entities from submitting grant proposals and potentially wasting the Commission's time, even if proposals go through the review process.</p> <p>DCA Barzilai asked whether requiring applicants to be a State of Hawai'i registered nonprofit could serve as a solution, and whether that language would be sufficient to qualify applicants.</p> <p>Vice Chair Kinney responded that while requiring nonprofit status could help, it does not address situations where an applicant is not a nonprofit.</p> <p>Ms. Higuchi Sayegusa stated that this could be addressed in Section 1-54, Land Acquisition Grants. She explained that the Commission could either explicitly require applicants to provide proof of nonprofit or other qualifying status in Kaua'i or Hawai'i, or leave it to the Commission's discretion. She emphasized that no decision needs to be made at this time.</p> <p>Chair Pratt asked for clarification, noting that Section 1-54 is a new addition and has not been included in prior versions.</p> <p>Ms. Higuchi Sayegusa explained that these administrative rules are amending Chapter 5, not adding new powers. The rules implement existing Charter and Ordinance provisions that allow funds to be granted to private entities or nonprofits, provided the land is protected in perpetuity through a conservation easement. She emphasized that Section 1-54 is intended to clarify requirements</p>	

SUBJECT	DISCUSSION	ACTION
	<p>for considering grants, reorganizing prior draft language to distinguish land acquisition grants from general proposals. She noted that this item will be placed on the next agenda.</p> <p>With no further discussion, the Commission moved onto the next agenda item.</p>	
	<p><u>H3. 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).</u></p> <p>Ms. Koga reported that she, Ms. Higuchi Sayegusa, and DCA Barzilai plan to meet with the property owners and their attorney on Wednesday. She added that a surveyor will be on site Monday and Tuesday to stake the access so they can access its layout and identify any necessary adjustments. If everything appears satisfactory, they will proceed with granting the easement, which will then be conveyed to the County and brought to Council for formal acceptance.</p> <p>DCA Barzilai explained that the site visit next week will determine whether the site visit next week will determine whether the easement is walkable and whether the landowner is agreeable to minor adjustments if sections are impassable. The surveyor will first identify any major issues and begin preparing the legal description and metes-and-bounds for the easement. She noted that the landowner's attorney has already approved the grant of easement document, and once the legal description is finalized and attached, the document will be executed and placed on the Council agenda for approval.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Ornellas asked for clarification regarding the boundaries of the easement.</p> <p>DCA Barzilai responded that the boundaries will be determined during next week's site visit and noted that, for now, the access is planned as unimproved.</p> <p>Ms. Ornellas asked how the plan changed, noting that the landowners had previously requested a fence and wanted the County to pay for it entirely.</p> <p>DCA Barzilai explained that the landowners initially requested many things, including a fence, which was estimated to cost around \$500,000 depending on the type, from a simple chain link to a tall wooden fence. She noted that it would not have been feasible for the County to fund it or for the landowners to pay themselves. She added that the landowners, who cannot pursue litigation, want to resolve the violation quickly. The notice was served and suspended until the matter is resolved. The access is far enough from the house that it is not expected to create issues with dogs. Currently, the County has no duty to maintain access unless it is improved; if the County chooses to improve it, then it would have the duty to maintain those improvements. She also stated that there are no plans to install any signage at the access.</p> <p>Ms. Koga noted that this item will likely be placed back on the agenda for the Commission next month.</p> <p>With no further discussion, the Commission moved onto the next agenda item.</p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>H4. Update on the proposed 1924 Battle of Hanapēpē monument, 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. Koga reported significant progress on the Hanapēpē monument project. She stated that the team has been coordinating with the Hanapēpē community and the labor union, and an artist has been selected. Three artists were initially interviewed and presented models to the community and working crew, who then narrowed the selection to one. The contract with the chosen artist is nearly finalized. She added that language for the plaques has been developed and the artist is beginning to craft the monument. The contract is expected to be completed within the next few weeks.</p> <p>Ms. Ornellas asked if the selected artist is from Hanapēpē.</p> <p>Ms. Higuchi Sayegusa responded that she is not; the artist is from the Big Island.</p> <p>Ms. Higuchi Sayegusa stated that the team has been dedicating at least two days a week to working with the artists and community members, with Commissioner Cabral providing significant assistance. She noted that they are close to finalizing the contract. She explained that the community group provided input on artistic elements to make the monument more place-based, suggesting Mokihana and Maile as ornamentation instead of generic hibiscus. She added that these details have been discussed collaboratively with the artist.</p> <p>Ms. Ornellas asked whether the artist had provided a price for the project.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Higuchi Sayegusa responded that the artist's fee is under budget, at approximately \$272,000.</p> <p>Ms. Kanna asked whether maintenance for the monument is included.</p> <p>Ms. Higuchi Sayegusa clarified that \$272,000 does not include maintenance for the monument.</p> <p>Ms. Ornellas asked whether the budget includes site preparation for the monument.</p> <p>Ms. Higuchi Sayegusa explained that the artist is responsible for transportation and installation of the monument. However, she noted that the County will likely need to assist with securing boulders on-site due to the presence of a nearby resident.</p> <p>Chair Pratt as whether the car on-site could be towed to facilitate the installation.</p> <p>Ms. Higuchi Sayegusa responded that they are finalizing preparations first and will then coordinate with the Parks Department to begin patrolling the property.</p> <p>Ms. Koga presented a picture of the model that the artist provided for them.</p> <p>Ms. Koga explained that the monument panel will be double-sided and approximately six feet high. She noted that the design originally included sugar cane, but they requested the lei element be changed to Maile and Mokihana, which are native to Kaua'i. The panel will depict two arms holding each other, symbolizing healing.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Koga stated that the other side of the monument will display the names of all the individuals who passed, along with <i>inaudible</i> that represent them.</p> <p>Ms. Higuchi Sayegusa reported that the group met on Monday to finalize the verbiage for both panels. She noted that the event will no longer be referred to as a “battle” but as the “Hanapēpē Tragedy,” though there has also been discussion about calling it the “Hanapēpē Massacre.” The panels will include text for Ho`oponopono, reflecting what they are trying to install, and on the other side, a brief description of the tragedy and what occurred.</p> <p>Ms. Koga explained that the monument site will include a seating area, with panels on the back displaying the names of those who passed. One side of the panels will provide a summary of the tragedy, while the other side will explain Ho`oponopono and its significance in the healing process.</p> <p>Ms. Higuchi Sayegusa noted that the key theme emphasized by the group was moving beyond the tragedy toward peacemaking, cooperation, and unity. She explained that the design, including the circular bench, reflects these themes of healing and togetherness.</p> <p>Ms. Ornellas asked for clarification about the feature located at the front of the monument.</p> <p>Ms. Higuchi Sayegusa explained that the feature at the front could be an additional interpretive sign installed by the County to provide further context about the events. She noted that the monument itself focuses primarily on healing, and the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>interpretive signage could eventually be managed by the Parks Department.</p> <p>Ms. Ornellas asked for clarification about the identity of a specific individual depicted or referenced at the monument.</p> <p>Ms. Higuchi Sayegusa explained that the figure in question represents the kupuna, serving as a symbol of mediation. She noted that the artist felt strongly that the figure was necessary and initially proposed a woman from the Big Island to embody the concept. The group discussed using a local Hanapēpē figure instead, and Ms. Malia Nobriga suggested approaching Aunty Momi, a kupuna who represents Ho`oponopono. It is not yet confirmed whether she will be the model, and the decision has been left to Ms. Malia. The idea is that the figure will embody the concept of Ho`oponopono, either modeled after a westside resident or a symbolic representation.</p> <p>Ms. Koga stated that the goal is to have the monument installed by September. She noted that they are actively coordinating with the artist to meet this deadline and plan to hold an unveiling. She added that once construction begins, the increased activity at the site may help deter people from lingering there.</p> <p>Ms. Ornellas asked whether cars would be allowed to drive into the monument area.</p> <p>Ms. Koga responded that vehicles will not be permitted in this section.</p> <p>Ms. Kanna asked whether grass or other landscaping would be installed at the monument site.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Higuchi Sayegusa explained that much of the landscaping and site work will be included in Phase 2 with the Parks Department. She noted that there is discussion about whether even installing the benches could trigger ADA compliance or require a building permit.</p> <p>Ms. Ornellas asked where the monument would be placed in relation to the existing tree.</p> <p>Ms. Higuchi Sayegusa stated that the monument will be reoriented. She noted there has been extensive discussion about adjusting its orientation toward the site, and that a site visit will be conducted with the artist, her contractors, and the Parks Department staff.</p> <p>Ms. Koga added that the artist is still aiming to place the monument under the tree to provide shade.</p> <p>With no further discussion, the Commission continued onto the next agenda item.</p>	
I. Communications	There were no communications.	
J. Unfinished Business (For Action)	There was no unfinished business.	
K. New Business (For Action)	There was no new business.	

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SUBJECT	DISCUSSION	ACTION
L. Executive Session	There was no executive session.	
M. Announcements	<p>1. Topics for Future Meetings</p> <p>Ms. Higuchi Sayegusa stated that most of the items discussed today will be carried forward.</p> <p>2. The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m., or shortly thereafter, on February 12, 2026. The Open Space Commission anticipates this meeting to be held in-person at the Līhu`e Civic Center, Mo`ikeha 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>	
N. Adjournment		<p>Commissioner Kanna moved for the adjournment of the meeting. Vice Chair Kinney seconded the motion. Motion carried 8:0.</p> <p>The meeting was adjourned at 2:34 p.m.</p>

Submitted by: Celine De Leon
Celine De Leon, Staff Support Clerk

Reviewed and Approved by: _____
Robin Pratt, Chair

() Approved as circulated on

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() Approved as amended. See minutes of _____ meeting.