

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				



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.	

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	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: 	

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	<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>	

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	<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>	

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	<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>	

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	<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>	

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	<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>	

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	<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>	

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	<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>	

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	<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 	

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	<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>	

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	<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>	

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	<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>	

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	<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 	

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	<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>	

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	<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>	<p>Vice Chair Pratt moved to receive Chapter 5 of</p>

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		<p>the Application Process for the Open Space, Public Access Commission. Commissioner Shintani seconded the motion. Motion carried 5:0.</p>
	<p>F.3. <u>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>	

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	<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>	

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	<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>	

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	<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><u>K.1.</u> <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><u>K.2.</u> <u>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.</u></p>	
L. Adjournment	Chair Ornellas called for a motion to adjourn the meeting.	<p>Vice Chair Pratt moved for the adjournment of the meeting. Commissioner Cabral seconded the motion. Motion carried 5:0.</p> <p>The meeting was adjourned at 2:18 p.m.</p>

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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 **March 5, 2026**
- Approved as amended. See minutes of _____ meeting.