

COUNTY OF KAUA'I
Minutes of Meeting
OPEN SESSION

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	November 10, 2022
Location	Mo'ikeha Meeting Room 2A/2B and Zoom Teleconference		Start of Meeting: 1:08 p.m.	End of Meeting: 1:58 p.m.
Present	<p>Chair Shaylyn Kimura. Vice Chair Nancy Kanna. Commissioners: Taryn Dizon (<i>joined remotely by Zoom</i>), Jonathan Lucas, Mark Ono, and Robin Pratt.</p> <p>Deputy County Attorney Laura Barzilai. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa, Commission Support Clerk Kristen Romuar-Cabico and Planner Shelea Koga. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Lisa Oyama.</p>			
Excused	Commissioner Mai Shintani and Commission Support Clerk Sandra Muragin.			
Absent				
SUBJECT	DISCUSSION			ACTION
	Commission Support Clerk Lisa Oyama was unable to connect her audio recording from the start of the meeting. Recording started around 1:28 p.m.			
A. Call To Order	Chair Kimura called the meeting to order at 1:08 p.m.			
B. Roll Call	<p>Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call;</p> <p>Commissioner Dizon was present remotely by Zoom.</p> <p>Commissioner Lucas was present.</p> <p>Commissioner Ono was present.</p> <p>Commissioner Pratt was present.</p> <p>Commissioner Shintani was excused.</p> <p>Vice Chair Kanna was present.</p> <p>Chair Kimura was present.</p>			Quorum was established with six commissioners present.
C. Approval of Agenda	<i>Agenda was approved but no documentation on who motioned and seconded.</i>			
D. Minutes of the Meeting(s) of the Commission	Ms. Higuchi Sayegusa said there were no minutes to approve.			

SUBJECT	DISCUSSION	ACTION
E. Receipt of Items For The Record	Ms. Higuchi Sayegusa said there were no receipt of items for the record.	
F. General Business	<p><u>F.1. Update on a 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 (Kaua‘i Petroleum Co. Ltd) (preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p><u>F.2. Update on a 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071 (Kaua‘i Petroleum Co. Ltd) (preliminary Report 12/29/2017, Supplemental 1-5 2/8/2018 to 10/19/2019).</u></p> <p><i>Recording did not capture discussion.</i></p>	
	<p><u>F.3. Update on a 1.39 acre parcel located in ‘Aliomanu, Koolau Moku, further identified as Tax Map Key (4)4-9-004:013 (‘Aliomanu Beach Living Trust, et al.) (Preliminary Report 3/9/2017, Updated Preliminary Report 5/31/2022).</u></p> <p><i>Recording resumed around 1:28 p.m. in the middle of this agenda item...</i></p> <p>Ms. Higuchi Sayegusa explained that the landowner previously responded, and they were interested; however, since then they have not been able to contact him within the last three months. She said it could go towards condemnation unless they receive willingness to purchase the easement. Surfrider Foundation has expressed interest in a stewardship agreement for maintenance and Kanuikapono Public Charter School would provide support for their educational program.</p> <p>Chair Kimura stated for the record they would acquire the easement, not a total acquisition.</p> <p>Ms. Higuchi Sayegusa asked if there were any public testimony for both Hanapēpē properties and ‘Aliomanu, seeing none. Planner Shelea Koga confirmed no one was on Zoom.</p>	
	<p><u>F.4. Update on a proposal to acquire access to State of Hawai‘i property through 4901 Waiakalua Street, Kīlauea, Hawai‘i 96754, Koolau Moku, further identified as Tax Map Key 5-1-005:036 (Richard S. Stallman and Lisa Flores) (Preliminary Report 6/1/2022)</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Higuchi Sayegusa asked if anyone wanted to testify, seeing none, Ms. Koga confirmed no one on Zoom.</p> <p>Ms. Higuchi Sayegusa shared the landowners were receptive to her correspondence but did not confirm or agree on selling the access. On November 22, Planning Director Ka‘aina Hull, Councilman Bill DeCosta and herself planned a site visit at the invitation of the owners.</p> <ol style="list-style-type: none"> 1. Mr. Ono asked if they would consider using a drone. Ms. Higuchi Sayegusa replied it had been a topic of conversation and the department does not own one. 2. Mr. Ono asked if the county was restricted from using a drone. Deputy County Attorney Barzilai replied research on trespass and privacy rights would need to be evaluated. 3. Mr. Ono asked if the property owner granted the county access could they use a drone. DCA Barzilai replied if the owner granted the use of the drone for the site visit, it would not be a problem. <p>Ms. Higuchi Sayegusa stated the following issues;</p> <ul style="list-style-type: none"> • It might require proceedings before the state land board because of the leases. • It might require DLNR (Department of Land and Natural Resources) to cancel or amend lease agreements. • Secure maintenance agreement to steward access trail. 	
	<p><u>F.5.</u> <u>Update on a request to acquire a 0.4006 acre parcel located in Wainiha, Hā‘ena, Halelea Moku, identified as Lot 10 of Wainiha Subdivision II (File Plan 1840), 7322 Alealea Road, Kaua‘i, Hawai‘i 96714 and further identified as Tax Map Key (4)5-8-09:049 (Dirk P. & Kathleen Lange) (Preliminary Report 7/7/2022).</u></p> <p>Ms. Higuchi Sayegusa asked if anyone wanted to testify.</p> <p>Public testifier Maunakea Trask stepped forward to the microphone and disclosed that he represented the landowner and would answer any questions.</p>	

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	<p>Ms. Higuchi Sayegusa shared the landowners wanted to construct a home on the property. If the commission wanted to pursue acquisition, she stated the following issues;</p> <ul style="list-style-type: none"> • The owners may not want to sell. • Condemnation would require just compensation amount for the property. <p>Public testifier Mr. Trask confirmed that the owners want to construct a home and notified the commission that there was another empty lot nearby with beach access. He shared issues with the shoreline setback.</p> <p>Ms. Higuchi Sayegusa asked if there was anyone online who wanted to testify. Ms. Koga said there was Karen Diamond on Zoom.</p> <p>Public testifier Karen Diamond stated she recommended this property because it was on sale and one of two undeveloped parcels. She disagreed with Mr. Trask shoreline assessment. Ms. Diamond said if the landowner did not want to sell the acquisition should be dropped. She encouraged the commission to pursue the purchase of lots for sale even though the county's process delayed it.</p> <p>Ms. Higuchi Sayegusa said the process to purchase was not perfect and explained the Dosier process, which required the request brought before the commission before submitting a recommendation to council. The process was a minimum three to six to secure an appraisal, communication, money bill and placed on the council agenda.</p> <p>Public testifier Mr. Trask stepped forward and commented that he did not lie about the shoreline setback and began to explain.</p> <p>Chair Kimura noted a sore spot with the Kepuhi point parcel that was on the open market, and how they were harshly chastised by the county council for not having an appraisal but received repeated verbal commitments from the county council to come prepared. She said having an appraiser on retainer would speed up the process.</p>	

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	<p><u>F.6.</u> <u>Update on improvements related to the easement located on land identified as Tax Map Key Nos.: (4)5-6-004:010 and (4)5-4-012:011 that access Kaumemene or Hideaways Beach (County of Kaua‘i Easement) (Preliminary Report 1/13/2022, Approval 1/13/2022).</u></p> <p>Ms. Higuchi Sayegusa shared the money bill to improve the access was sent to council and public hearing was set for December 14, 1:00 p.m. and requested that Chair Kimura and Vice Chair Kanna attend.</p> <p>Ms. Higuchi Sayegusa said there was no one in the audience to testify and Ms. Koga verified no one was on Zoom.</p> <p>Ms. Higuchi Sayegusa said she was working with DCA Barzilai and Surfrider Foundation to formalize a stewardship agreement and notified Public Works of maintenance responsibilities should Surfrider Foundation back out.</p> <ol style="list-style-type: none"> 1. Mr. Ono inquired how the agreement was formatted. Ms. Higuchi Sayegusa replied that it was an agreement between the landowner, stewards, public works and signed off by the legal team. DCA Barzilai replied it was volunteer agreement between Surfrider and their volunteers working with the county that outlined expectations. 2. Mr. Ono asked if it was a boiler plate form. DCA Barzilai replied it was a memorandum of agreement that was modified to adjust to each situation. 3. Mr. Ono said it fell within trying to streamline the process and if everything was a fill in the blanks it could start the conversation without formalizing anything. DCA Barzilai replied council required certain requirements implemented in the agreement and Ms. Higuchi Sayegusa was leading the stewardship agreement. 	
	<p><u>F.7.</u> <u>Update on a 1.8 acre known as Kaluanono further identified as Tax Map Key (TMK) (4)5-6-004:010 and a .25 acre property known as Halulu Fishpond further identified as Tax Map Key (TMK) (4)5-6-004:017 located in Waipa, Waipa Ahupuaa, Halalea Moku. (Waioli Corporation) (Preliminary Report 4/9/15, Supplemental Report 5/9/19, Approval 10/13/2022).</u></p> <p>Ms. Higuchi Sayegusa apologized and corrected herself. She said the public hearing on</p>	

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	<p>December 14, 1:00 p.m. was for Waipa not Kaumemene.</p> <p>Ms. Higuchi Sayegusa shared that it was pending before council with a money bill to provide funds to Waipa Foundation.</p>	
G. Communication	Ms. Higuchi Sayegusa said there were no communication items.	
H. Unfinished Business (For Action)	Ms. Higuchi Sayegusa said there were no unfinished business.	
I. New Business (For Action)	Ms. Higuchi Sayegusa said there were no new business.	
J. Executive Session	Ms. Higuchi Sayegusa and the commission agreed they did not need to go into executive session.	
K. Announcements	<p><u>K.1.</u> <u>Topics for future meetings.</u></p> <p>Ms. Koga confirmed no one was on Zoom.</p> <p>1. Four vacancies and for commissioners to submit any prospects. Ms. Ching said there was an individual going before council next week.</p> <p><u>K.2.</u> The following regularly scheduled Open Space Commission meeting will be held at 1:00 p.m. or shortly thereafter, on or about January 12, 2023. If a meeting may be held sooner, the Commission will post notice in compliance with Hawai'i Revised Statutes Chapter 92. The Open Space Commission anticipates this meeting to be held in-person at the Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Hawai'i, 96766. The Commission also anticipates providing a visual platform capability for members of the public to testify remotely. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.</p>	
L. Adjournment		Vice Chair Kanna moved to adjourn the meeting. Ms.

SUBJECT	DISCUSSION	ACTION
		Dizon seconded the motion. Motion carried 6:0. Chair Kimura adjourned the meeting at 1:58pm

Submitted by: Sandra Muragin
Sandra M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
Shayln Kimura, Chair

(X) Approved as circulated. 09/14/23

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