

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:		Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	September 14, 2023	
Location	Boards and Commissions Conference Room		Start of Meeting: 1:00 p.m.		End of Meeting: 2:46 p.m.
Present	Chair Nancy Kanna. Vice Chair Jonathan Lucas. Commissioners: Taryn Dizon, William Kinney, Robin Pratt, and Mai Shintani. Deputy County Attorney Laura Barzilai. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa, Planner Shelea Koga, Staff Services Assistant Kristen Romuar-Cabico, and Program Manager Myles Hironaka. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Sandra Muragin.				
Excused	Commissioner Mark Ono				
Absent					
SUBJECT		DISCUSSION		ACTION	
A. Call To Order		Chair Kanna called the meeting to order at 1:00 p.m.			
B. Roll Call		Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call; Commissioner Dizon replied present. Commissioner Kinney replied present. Commissioner Ono was excused. Commissioner Pratt replied present. Commissioner Shintani replied present. Vice Chair Lucas replied present. Chair Kanna replied present. Ms. Higuchi Sayegusa introduced Open Space Planner Shelea Koga who has held various capacities of job duties within the Planning Department for several years and was excited to have her on board to assist with Open Space.		Quorum was established with six commissioners present.	
C. Approval of Agenda				Vice Chair Lucas moved to approve the agenda, as circulated. Ms. Pratt seconded the motion. Motion carried 6:0.	

SUBJECT	DISCUSSION	ACTION
D. Minutes of the Meeting(s) of the Commission	1. November 10, 2022 2. July 13, 2023	Mr. Kinney moved to approve the minutes of November 10, 2022 and July 13, 2023, as circulated. Vice Chair Lucas seconded the motion. Motion carried 6:0.
E. Receipt of Items For The Record	No receipt of items for the record.	
F. General Business	<p><u>F.1. Discussion on Public Access, Open Space, and Natural Resources Preservation Fund Commission Balance.</u></p> <p>Ms. Higuchi Sayegusa reported the fund commission balance was \$2.9 million.</p> <p>Ms. Pratt asked if Waipa was already taken out. Ms. Higuchi Sayegusa replied funds for Waipa and Kaumemene or Hideaways Beach were already taken out.</p> <p>With no further questions from the commission Chair Kanna moved to the next agenda item.</p>	
	<p><u>F.2. Discussion on Vision and Strategies for Commission Outreach.</u></p> <p>Ms. Higuchi Sayegusa wanted the commission's input on how to move forward for soliciting new requests for open space acquisition. She said they have done outreach at the County Farm Bureau Fair and community meetings and due to COVID they have relied on the open space website that had a form and email for the public to access.</p> <p>Questions/Comments;</p> <ol style="list-style-type: none"> Ms. Pratt said the Planning Department had a Climate Adaption Workshop and if they could tag a few minutes to introduce open space and requests for acquisition. Ms. Higuchi Sayegusa replied they could be given time at these meetings, within Sunshine Law. Ms. Dizon agreed that leveraging on existing meetings was the best approach. 	

SUBJECT	DISCUSSION	ACTION
	<p>3. Ms. Pratt suggested using the County’s social media platform to post about open space and have a link to the website and at the same time they could recruit more members.</p> <p>4. Mr. Kinney said the guidelines were convoluted and requested a simplified outline of what proposals would fall within their criteria. Was it stewardship, protecting wild space, protecting echo systems, social cultural economics, and improvement of public access.</p> <p>5. Mr. Kinney asked if the vision of open space included saving and protecting ancestral lands. Ms. Higuchi Sayegusa replied that it was a priority to protect cultural resources.</p> <p>6. Ms. Dizon inquired if they could create subdivisions with a lower threshold to ensure public access without requiring monies from the fund balance. She shared how one subdivision owner decreased the number of parcels and that action meant that public access was no longer enforceable, and the public lost its access.</p> <p>7. Mr. Kinney brought up climate change and how vertical public access to horizontal shoreline access could be affected with shoreline erosion and open space should account for that.</p> <p>Ms. Higuchi Sayegusa displayed the new webpage and navigated to show the open space survey and form. They would work on updating the forms and inquire with the various neighborhood boards for a schedule of their meetings.</p>	
	<p><u>F.3. Discussion on Obtaining Public Access Easements or Dedications through Zoning Permit Processes.</u></p> <p>Deputy County Attorney Laura Barzilai asked Ms. Higuchi Sayegusa to announce for the record any testifiers. Ms. Higuchi Sayegusa said Planner Myles Hironaka was the only person in the audience and he did not have any testimony.</p> <p>Ms. Higuchi Sayegusa gave a PowerPoint presentation on Subdivision and SMA Permits. (<i>Report on file</i>)</p> <p>Subdivision:</p> <ul style="list-style-type: none"> • Developments happened before laws were in place, some were not enforced, some were on paper but not marked or maintained. 	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> • Subdivision ordinances have a set maximum block, minimum lot sizes, six or more parcels and 1500 square feet. • Example of subdivision access conveyed with six or more parcels was the Kīlauea Mauka access Puu Pani subdivision phase I and II, that required pedestrian and equestrian access. <p>SMA (Special Management Area) Permits:</p> <ul style="list-style-type: none"> • Coastal Zone Management Act (CZMA) ensures recreational and access to resources. • Requires guidelines and imposes conditions to ensure adequate access. • Example was Hokuala that required extensive public access, pedestrian access, comfort stations and beach park. <p>Questions:</p> <ol style="list-style-type: none"> 1. Ms. Pratt inquired if it was developed in phases, would they look at it separately or with six or more parcels. Ms. Higuchi Sayegusa replied they would consider the entire development. 2. Mr. Kinney asked if historic accesses were flagged. Ms. Higuchi Sayegusa replied they were careful to recognize established customs and included historic traditional accesses. 3. Mr. Kinney asked how they could prevent large landowners outside of Kīlauea where access has been there a long time but not included and wanted to know if it was because it was never brought up or requested or was it not considered during permitting. Ms. Higuchi Sayegusa replied it could be various reasons. 4. Ms. Dizon asked how to best use what they have and change from developers to large landowners to maintain the public interest. Ms. Higuchi Sayegusa replied open space has the authority and mission to work with landowners. <p>Ms. Higuchi Sayegusa said they have discussed access conveyed at the time of CPR (Condominium Property Regimes) approval, but she wasn't sure how far that got. Other opportunities include public trust where certain resources are protected water and beach access, and the county has authorization to purchase public land through condemnation.</p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>F.4.</u> <u>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.5.</u> <u>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>Ms. Higuchi Sayegusa stated she had not been able to reach the landowner and a certified letter was sent, with no response. However, the community was moving forward with a Centennial event planned in September 2024 and Michael Miranda’s book should be finalized by then. Planner Marisa Valenciano, Planner Shelea Koga and herself have been attending monthly community meetings in Hanapēpē. She said the signage for the front of the cemetery to acknowledge the graves and another plaque to memorialize the site on the mauka parcel was being worked on.</p> <p>Questions:</p> <ol style="list-style-type: none"> 1. Ms. Pratt asked if stewards were in place to maintain the site. Ms. Higuchi Sayegusa replied that Parks and Recreation has been supporting maintenance of the site and they were working on establishing stewardships. 2. Mr. Kinney asked what historic preservation provided to that place. Ms. Higuchi Sayegusa said Ms. Valenciano has taken on the task to research through national parks sensitive verbiage that would respect the event and would be placed on the plaque. 	
	<p><u>F.6.</u> <u>Update on improvements related to the easement located on land identified as Tax Map Key Nos.: (4)5-4-011:004 and (4)5-4-012:011 that accesses Kaumemene or Hideaways Beach (County of Kaua‘i Easement).</u></p> <p>Ms. Higuchi Sayegusa displayed updated pictures of additional trail improvements. (<i>Report on file</i>)</p> <p>She said the project was done and the county saved \$1.4 million. Improvements included</p>	

SUBJECT	DISCUSSION	ACTION
	<p>replacing the rope with a blue steel rope that was much stronger and reshaped the stairs for a safer descent. She acknowledged Michael Contrades and the Public Works Bridge Crew for getting this done.</p> <p>Question:</p> <ol style="list-style-type: none"> Ms. Pratt asked if they could post an open space thank you on the county's social media platform. Ms. Higuchi Sayegusa replied she would work on it. Chair Kanna requested county council recognition. Ms. Pratt asked if the \$1.4 million expired. Ms. Higuchi Sayegusa said the funds would not expire. Ms. Dizon inquired if they had a stewardship agreement. Ms. Higuchi Sayegusa replied Public Works is assisting now and they would be looking for a stewardship agreement. 	
G. Communication	No communication items.	
H. Unfinished Business (For Action)	No unfinished business.	
I. New Business (For Action)	<p>1. Proposal to Amend Charter Section 19.15 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 Fund.</p> <p>Ms. Koga passed out section 19.5 Fund Administration to the commissioners. Ms. Higuchi Sayegusa said the charter amendment would allow no more than 5% of the fund balance to be used for maintenance.</p> <p>Currently maintenance would cover black pot, cemetery, hideaways and Halulu fishpond.</p> <p>Questions:</p> <ol style="list-style-type: none"> Ms. Pratt inquired how the process would work; specific time to apply, oversight of the fund and who would approve how much each steward would get. DCA Barzilai suggested a grant process. 	

SUBJECT	DISCUSSION	ACTION
	<p>2. Ms. Shintani asked if the stewardships were required to report back to open space or was there a monitoring system in place. Ms. Higuchi Sayegusa said the stewardship agreement contained certain benchmarks.</p> <p>3. Ms. Pratt asked who was stewarding the cemetery. Ms. Higuchi Sayegusa replied Parks and Recreation have been maintaining the area and they were close to getting Kikiaola to steward.</p> <p>4. Ms. Shintani said once a quarter recognition from the county council would go a long way in securing more stewards.</p> <p>5. Mr. Kinney suggested any acquisitions should have stewards in place. Ms. Dizon said she wouldn't want to lose an opportunity to protect more coastal accesses and trails just because they didn't have a stewardship in place.</p> <p>6. Mr. Kinney asked if 5% would be taken at the beginning of July. Ms. Higuchi Sayegusa replied yes.</p> <p>The commission had a lengthy discussion on whether to keep the 5% or move it up to 7% or 10%. In the end they agreed that the public may not agree with a larger percentage.</p>	<p>Vice Chair Lucas moved to approve the Proposal to the Charter Commission to Amend Charter Section 19.15 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 Fund, as discussed. Mr. Kinney seconded the motion.</p> <p>Role Call Vote: Ms. Dizon – Aye Ms. Pratt – Aye Ms. Shintani – Aye Mr. Kinney – Aye</p>

SUBJECT	DISCUSSION	ACTION
		Vice Chair Lucas – Aye Chair Kanna - Aye Motion carried 6:0
J. Executive Session	Ms. Higuchi Sayegusa said there was no need to go into executive session.	
K. Announcements	<p><u>K.1. Topics for future meetings.</u></p> <ol style="list-style-type: none"> 1. Update on a 0.2764-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065. 2. Update on a 0.2867-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071. 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. Stallman and Lisa Flores) (Preliminary Report 6/1/2022) 4. Update on a 1.39-acre parcel located in ‘Aliomanu, Ko‘olau Moku, further identified as Tax Map Key (4)4-9-004:013 (‘Aliomanu Beach Living Trust, et al.). 5. Kauapea Beach Access-Hanalei District, Kaua‘i, Tax Map Key (4)5-2-004:071. 6. Continue discussion on Vision and Strategies for Commission Outreach and update on access through CPR. 7. Recognition event for Public Works Hideaways project. 8. No meeting in December. <p>Ms. Higuchi Sayegusa announced the next meeting was scheduled on November 9, 2023 in the Mo‘ikeha meeting room 2A/2B.</p>	
L. Adjournment		<p>Ms. Dizon moved to adjourn the meeting. Vice Chair Lucas seconded the motion. Motion carried 6:0.</p> <p>Chair Kanna adjourned the meeting at 2:46pm.</p>

Public Access, Open Space & Natural Resources
Preservation Fund Commission
Open Session
September 14, 2023

Page 9

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

Reviewed and Approved by: _____
Nancy Kanna, Chair

(X) Approved as circulated. 11/09/23

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