



PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES PRESERVATION FUND COMMISSION

JODI HIGUCHI SAYEGUSA, CLERK OF COMMISSION

NANCY KANNA, CHAIR
JONATHAN LUCAS, VICE CHAIR
TARYN DIZON, MEMBER
WILLIAM KINNEY, MEMBER
MARK ONO, MEMBER
ROBIN PRATT, MEMBER
MAI SHINTANI, MEMBER

23 SEP -6 P 8:52

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

Office of Boards and Commissions
4444 Rice Street, Suite 300
Lihue, HI 96766

- **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, AND NATURAL RESOURCES PRESERVATION FUND
COMMISSION**

MEETING NOTICE AND AGENDA

**Thursday, September 14, 2023
1:00 p.m. or shortly thereafter**

RECEIVED
23 SEP -6 P8:52

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. November 10, 2022
2. July 13, 2023

E. RECEIPT OF ITEMS FOR THE RECORD

F. GENERAL BUSINESS

1. Discussion on Public Access, Open Space, and Natural Resources Preservation Fund Commission Balance.
2. Discussion on Vision and Strategies for Commission Outreach.
3. Discussion on Obtaining Public Access Easements or Dedications through Zoning Permit Processes.
4. 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).
5. 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).
6. 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 Kaumumene or Hideaways Beach (County of Kaua'i Easement).

G. COMMUNICATIONS

H. UNFINISHED BUSINESS (For Action)

I. NEW BUSINESS (For Action)

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.

J. EXECUTIVE SESSION

EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

1. Discussion on the Public Access, Open Space, and Natural Resources Preservation Fund Commission Balance.
2. Discussion on Vision and Strategies for Commission Outreach.
3. Discussion on Obtaining Public Access Easements or Dedications through Zoning Permit Processes.
4. Update on the 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (TMK) (4)1-8-008: 065 and the 0.2867 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (TMK) (4)1-8-008: 071 (Kaua'i Petroleum Co. LTD).
2. 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.

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 November 9, 2023. 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

COUNTY OF KAUA'I
Minutes of Meeting
OPEN SESSION

DRAFT To Be Approved

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>	

SUBJECT	DISCUSSION	ACTION
	<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>	

SUBJECT	DISCUSSION	ACTION
	<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>	

SUBJECT	DISCUSSION	ACTION
	<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 M. Muragin, Commission Support Clerk

Reviewed and Approved by: _____
Shayln Kimura, Chair

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

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

DRAFT To Be Approved

Board/Commission:	Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	July 13, 2023
Location	Boards and Commissions Conference Room	Start of Meeting: 1:01 p.m.	End of Meeting: 1:58 p.m.
Present	Chair Nancy Kanna. Vice Chair Jonathan Lucas. Commissioners: Taryn Dizon, Mark Ono, Robin Pratt, and Mai Shintani Deputy County Attorney Laura Barzilai. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa, Commission Support Clerk Kristen Romuar-Cabico and Planner Myles Hironaka. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Sandra Muragin		
Excused	Commissioner William Kinney		
Absent			
SUBJECT	DISCUSSION	ACTION	
A. Call To Order	Chair Kanna called the meeting to order at 1:01 p.m.		
B. Roll Call	Deputy Director Jodi Higuchi Sayegusa verified attendance by roll call; Commissioner Dizon replied present. Commissioner Kinney was not present. Commissioner Ono replied present. Commissioner Pratt replied present. Commissioner Shintani replied present. Vice Chair Lucas replied present. Chair Kanna replied present.	Quorum was established with six commissioners present.	
C. Approval of Agenda	Chair Kanna explained that F.5. had a presentation and requested to amend the agenda to move F.5. before F.3.	Ms. Pratt moved to amend the agenda and approve moving F.5. before F.3. Vice Chair Lucas seconded the motion. Motion carried 6:0.	
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. Discussion on Public Access, Open Space, and Natural Resources Preservation Fund Commission Balance.</u></p> <p>Ms. Higuchi Sayegusa announced the new fiscal year 0.05% allocation amounted to a total fund balance of \$2.6 million. Expenses from the Waipa Foundation Halulu Fishpond contribution and 0.5% administrative budget brought the fund balance to \$1,693,256.</p> <p>With no questions from the commission Chair Kanna moved to the next agenda item.</p>	
	<p><u>F.2. 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)</u></p> <p>Ms. Higuchi Sayegusa explained this proposal was initiated by Councilmen Bill DeCosta. The department was currently looking for any outstanding conditions of approval for the subdivision that would have dedicated pedestrian and equestrian access requirements to the county and contacted landowners to resolve a possible access issue that could be enforced.</p> <p>Deputy County Attorney Laura Barzilai interrupted and asked that they address if anyone in attendance wanted to testify on this agenda item. Public person Ms. Lisa Flores stepped up to the table.</p> <p>Ms. Flores testified that she owned the property with her husband and was only now learning about the access situation. She asked if she could testify after Ms. Higuchi Sayegusa finished reporting. Chair Kanna suspended her public testimony and returned to Ms. Higuchi Sayegusa.</p> <p>Ms. Higuchi Sayegusa said they were currently in contact with DLNR (Department of Land and Natural Resources) on a possible cooperation to amend the lease with Jurassic Kahili Ranch to allow public access on leased land to access hunting grounds. She explained that the mauka land</p>	

SUBJECT	DISCUSSION	ACTION
	<p>was state owned and leased by Jurassic Kahili Ranch. It's initiated a greater interest with the county council and the department was now tasked with researching all subdivisions on island on what the access requirements were and on what various stages of conveyances or recordation's.</p> <p>Questions:</p> <ol style="list-style-type: none"> 1. Ms. Pratt asked if they looked at Wailapa Road to see if it was part of the subdivision and if there was access. Ms. Higuchi Sayegusa replied yes there was. 2. Ms. Dizon asked if they secured the lease would the county pay yearly and would it come out of the Public Access, Open Space & Natural Resources fund balance? Ms. Higuchi Sayegusa explained that they would ask the state to amend the lease to allow public access but continue maintenance responsibility with the lessee Jurassic Kahili Ranch. <p>Ms. Higuchi Sayegusa displayed a map of the area and pointed to three subdivisions. They found a required pedestrian and equestrian access that led to the state property in Puupani Phase I that was not opened, and they were exploring how to enforce that access. She pointed out Ms. Flores's property and a pedestrian easement that crossed into the property to the state property.</p> <ol style="list-style-type: none"> 3. Ms. Pratt asked if that area was the old Kula School; she wanted to orientate herself to the map area. The commission discussed the area and Ms. Higuchi Sayegusa pointed out the ocean side. <p>With no further questions from the commission, Chair Kanna called Ms. Lisa Flores to continue her testimony.</p> <p>Ms. Flores shared that Ms. Higuchi Sayegusa and Councilman DeCosta visited the property about a year ago and after the meeting it left them with a lot of unanswered questions and understood that the planning department was exploring options and would return. Since that time, they received a letter. She said her property was surrounded by Jurassic Kahili Ranch and would support open space and cooperate with planning department to support the trail access. She admitted to not understanding the access requirements and wanted to learn more.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>4. Mr. Ono asked what kind of access went through her property because they were interested in vehicular access. Ms. Flores replied a pedestrian access.</p> <p>Chair Kanna reassured Ms. Flores that planning department was researching all options and would keep her informed.</p> <p>Ms. Ono stated he wanted to continue a mutual relationship in an open good manner and if anyone from the county was aggressive, to please inform him.</p> <p>Chair Kanna asked if there was anyone else who wanted to testify, hearing none, she asked if anyone wanted to testify on the previous agenda item F.1., hearing none she moved on to the next agenda item</p>	
	<p><u>F.5. 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>Chair Kanna asked if there was any public testimony, no response.</p> <p>Ms. Higuchi Sayegusa invited Capitol Improvements Project Coordinator for the County of Kauai Michael Contrades to speak on this agenda item.</p> <p>Ms. Higuchi Sayegusa presented Kaua‘i Coastal Access PowerPoint that featured pictures of the area, public access parking, and access trail. The pictures reflected how the trail looked before repairs and the improvements after repairs.</p> <p>Ms. Higuchi Sayegusa said initial repair estimates totaled \$1.5 million due to potential complicated SMA (Special Management Area) permits, OCCL (Office of Conservation and Coastal Lands), and BLNR (Board of Land and Natural Resources) discretionary permits. Mr. Contrades explained he became aware of this project in February when Ms. Higuchi Sayegusa approached him for assistance when the outside contractor did not work out. During his initial assessment of the trail he spotted sharp metal objects, rebar protruding from the ground and worn</p>	

SUBJECT	DISCUSSION	ACTION
	<p>stretched rope put in by the community for support. Ms. Higuchi Sayegusa said Mr. Contrades returned from his initial assessment and wanted to start the project right away due to the condition of the trail. He said it could not wait for potential permits, which could take a year. She commended Mr. Contrades on accomplishing improvements on a tight budget and short time span.</p> <p>Mr. Contrades shared that he reached out to community members Mike Lyons and Makaala Kamuana to discover what the communities' expectations were, what they wanted done and what they did not want done. He also reached out to the general manager of the Puu Poa Association for permission to use the associations parking lot. The county's public works department sent their bridge crew to repair the trail and they did a phenomenal job. Mr. Contrades said Bridge Maintenance Worker Kevin Suga and crew along with the Hanalei Baseyard crew came up with different ideas to satisfy the communities desire to keep the repairs natural but still safe to traverse. Some of the original posts were kept and others replaced. The crew cut steps, trimmed trees, and said future maintenance work would include installing new wooden steps in the steep areas along with rubber bushings installed at each anchor point to protect the rope. They would also install a higher-grade rope.</p> <p>Ms. Higuchi Sayegusa showed pictures of the top plateau before the stairs, railings and post rusted and falling apart with sharp edges. The downhill stairs eroded and was slippery. The lower half of the trail used rebars and trees to support the rope that was used as railings. Ms. Higuchi Sayegusa showed a picture of a two new signage. One was a nice new warning sign that was made with the assistance of DCA Barzilai and installed prominently at the top of the trail. The other was a directional arrow that pointed to the start of the trail.</p> <p>Mr. Contrades said each time he inspected the trail there are about 40-50 people traversing up and down the trail.</p> <p>Questions:</p> <ol style="list-style-type: none"> 1. Mr. Ono asked if the (Puu Poa) condo owners wanted stewardship of the trail. Ms. Higuchi Sayegusa said early on they were pleased with the county taking on this task but 	

SUBJECT	DISCUSSION	ACTION
	<p>have not approached the (Puu Poa) condo association board for a permanent maintenance commitment support.</p> <ol style="list-style-type: none"> 2. Ms. Pratt asked if Surfrider was going to stewardship and maintain the trail. Ms. Higuchi Sayegusa replied they walked away and did not want to sign any contract, but they were willing to help. 3. Ms. Pratt asked if they had any stewardship in place. Ms. Higuchi Sayegusa replied no. <p>Mr. Contrades said moving forward they now needed to also secure stewardship and assistance with maintenance so internal county resources could resume their normal job duties.</p> <p>Chair Kanna commented how grateful that staff assisted at a very reasonable cost was able to complete a sustainable fix. She commended Mr. Contrades.</p> <p>Ms. Dizon was amazed at how quickly they were able to find a solution and thankful that they continued to pursue other options when the contractor did not work out.</p> <p>Mr. Contrades commended and gave the credit to public works staff. He said they did a phenomenal job and thanked DCA Barzilai and Ms. Higuchi Sayegusa for their input and guidance.</p>	
	<p><u>F.3. 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.4. 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>Chair Kanna asked if there was anyone in the audience who wanted to testify on F.3. and F.4., there was no response.</p> <p>Ms. Higuchi Sayegusa said within the last couple of days they received final appraisals for both</p>	

SUBJECT	DISCUSSION	ACTION
	<p>parcels. She said 2024 would be the centennial year for the massacre event and an opportunity for the county to acquire one or both parcels to create a memorial for the centennial year event. She also shared that the state department of accounting general services was responsible for maintaining the massacre grave sites at the old cemetery. They were moving forward to place a memorial signage to mark the unmarked massacre grave sites.</p> <p>Chair Kanna asked the commission if they wanted to discuss the appraisals in executive session.</p> <ol style="list-style-type: none"> 1. Mr. Ono inquired if the room would need to be cleared if they entered executive session. Chair Kanna and DCA Barzilai responded yes. 2. Mr. Ono asked how would they take testimonies? DCA Barzilai replied interested parties could return once the commission entered back into open session, and they could testify at that point. 	
<p>Executive Session</p>	<p>Chair Kanna read the Hawai‘i Revised Statutes to move the meeting into 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 the County’s legal consent on questions, issues, status, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters.</p> <ol style="list-style-type: none"> 3. Update on the 0.2764 acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065 and 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) 	<p>Ms. Dizon moved to enter Executive Session. Vice Chair Lucas seconded the motion.</p> <p>DCA Barzilai Roll Call Vote: Ms. Dizon responded aye. Mr. Ono responded aye. Ms. Pratt responded aye. Ms. Shintani responded aye. Vice Chair Lucas responded aye. Chair Kanna responded aye. Motion carried 6:0. Open session ended at 1:57 p.m.</p>

SUBJECT	DISCUSSION	ACTION
Call To Order In Open Session	Chair Kanna called the Open Session meeting back to order at 2:28 p.m.	
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.	
K. Announcements	<p><u>K.1.</u> <u>Topics for future meetings.</u></p> <ol style="list-style-type: none"> 1. Maha‘ulepu Dirt Road. 2. Update on a 0.2764-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:065. 3. Update on a 0.2867-acre parcel located in Hanapēpē, Kona Moku, further identified as Tax Map Key (4)1-8-008:071. 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. Hideaways Beach Access Trail Stewardship Agreement 6. Mike Contrades to ask Mike Lyons and other community leaders for ideas or referrals on potential stewardship partnership. 7. Charter Amendment or Ordinance to increase Open Space Fund Allocation. 8. Approach County Council on possible higher tax bracket rates for homes valued over \$2 million. 9. Subdivision and pedestrian accesses and its affect on open space moving forward. <p>Ms. Higuchi Sayegusa announced that Mo‘ikeha meeting room 2A/2B would probably be available starting in September. The next meeting scheduled in September may be in meeting room 2A/2B.</p>	

SUBJECT	DISCUSSION	ACTION
<p>L. Adjournment</p>	<p>DCA Barzilai and Ms. Higuchi Sayegusa agreed the commission could adjourn the open session meeting and not return to open session and once executive session was done, they would need to adjourn in executive session.</p> <p>The commission adjourned the open session meeting and went into executive meeting.</p>	<p>Ms. Pratt moved to adjourn the opening meeting. Ms. Shintani seconded the motion. Motion carried 6:0.</p> <p>Chair Kanna adjourned the meeting at 2:34pm</p>
<p>J. Executive Session</p>	<p>Chair Kanna read the Hawai‘i Revised Statutes to move the meeting into 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 the County’s legal consent on questions, issues, status, and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters;</p> <ol style="list-style-type: none"> 1. Litigation Update: County of Kaua‘i v. Kala Industries, LLC, et. al., etc., Fifth Circuit Court Civil No. 18-1-0031; Kauapea Beach Access – Hanalei District, Kaua‘i, Tax Map Key (4)5-2-004:071. 	<p>Vice Chair Lucas moved to enter Executive Session. Ms. Pratt seconded the motion.</p> <p>DCA Barzilai Roll Call Vote: Ms. Dizon responded aye. Mr. Ono responded aye. Ms. Pratt responded aye. Ms. Shintani responded aye. Vice Chair Lucas responded aye. Chair Kanna responded aye. Motion carried 6:0. Open session ended at 2:35 p.m.</p>

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

Reviewed and Approved by: _____
Nancy Kanna, Chair

- Approved as circulated.
- Approved with amendments. See minutes of _____ meeting.