

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	Public Access, Open Space and Natural Resources Preservation Fund Commission	Meeting Date	January 13, 2022
Location	Zoom Teleconference	Start of Meeting: 1:01 p.m.	End of Meeting: 2:34 p.m.
Present	Chair Nancy Kanna. Vice Chair Shaylyn Kimura. Commissioners: Taryn Dizon, Jonathan Lucas, and Erica Taniguchi. Deputy County Attorney Laura Barzilai. Planning Department Staff: Deputy Director Jodi Higuchi-Sayegusa and Commission Support Clerk Duke Nakamatsu. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Sandra Muragin.		
Excused	Commissioner Karen Ono		
Absent			
SUBJECT	DISCUSSION	ACTION	
Oath of Office	Prior to the meeting being called to order, Administrative Assistant to the County Clerk Eddie Topenio administered the Oath of Office to Waimea/Kekaha Mayoral Appointee Commissioner Taryn Dizon serving a second term ending 12/31/24.		
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 Lucas replied here. Commissioner Ono was excused. Commissioner Taniguchi replied present. Vice Chair Kimura replied present. Chair Kanna replied present.	Quorum was established with five commissioners present.	
C. Selection of Chairperson and Vice Chairperson	Chair Kanna opened the floor for chair nominations. Chair Kanna nominated Shaylyn Kimura to serve as Chair for calendar year 2022. Shaylyn Kimura assumed the chair position Chair Kimura opened the floor for vice chair nominations.	Mr. Lucas moved to close and nominate Shaylyn Kimura as chair for calendar year 2022. Ms. Dizon seconded the motion. Roll Call Vote: Aye-5 Nay-0 Motion carried 5:0.	

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	<p>Ms. Taniguchi nominated Nancy Kanna to serve as Vice Chair for calendar year 2022</p> <p>Nancy Kanna assumed the vice chair position.</p>	<p>Ms. Kanna moved to close nominations for vice chair. Ms. Dizon seconded the motion. Motion carried 5:0.</p> <p>Ms. Dizon moved to nominate Nancy Kanna as vice chair for calendar year 2022. Mr. Lucas seconded the motion. Roll Call Vote: Aye-5 Nay-0. Motion carried 5:0</p>
D. Approval of Agenda		<p>Vice Chair Kanna moved to approve the agenda, as circulated. Mr. Lucas seconded the motion. Motion carried 5:0.</p>
E. Minutes of the Meeting(s) of the Commission	<u>E.1.</u> <u>October 14, 2021.</u>	<p>Vice Chair Kanna moved to accept the October 14, 2021, minutes, as circulated. Mr. Lucas seconded the motion. Motion carried 5:0.</p>
F. Receipt of Items For The Record (None)	<p>Ms. Higuchi Sayegusa stated the commissioners were transmitted a report related to J.1. the Kaumumene Beach Access.</p>	
G. Hearings and Public Comment	<p>Ms. Higuchi Sayegusa announced all names registered to testify and they were given a three-minute time limit. Four individuals testified. Once the registered testifiers were done Ms. Higuchi Sayegusa opened it up to anyone else who did not register. With no response she moved on to the next agenda item.</p>	
H. Communication	<p>There were none.</p>	

SUBJECT	DISCUSSION	ACTION
I. General Business	There were none.	
J. Unfinished Business (For Action)	<p><u>J.1.</u> <u>Review and discussion of the dedication of an easement and possible improvements related to the easement located on land identified as tax map key (4)5-4-11:04 and (4)5-4-12:11 that accesses Kaumumene or Hideaways Beach.</u></p> <p>Ms. Higuchi Sayegusa shared the following;</p> <ul style="list-style-type: none"> • Received an email January 12, 2022, that contained copies of the petition that Ms. Barbara Wiedner displayed during her testimony in support of the easement. The petitions were transmitted to all the commissioners prior to the start of the meeting. • The commission at its October 14, 2021, meeting requested further research on possible improvements to the trail that could be funded by Open Space funds and formalize a stewardship agreement for maintenance. A report summarizing this information was compiled and transmitted to all the commissioners. • The commission’s action was; <ul style="list-style-type: none"> ○ To recommend or not recommend to council the acceptance of the grant of easement. ○ To request the county council, approve use of Open Space funds for the improvements and specify how much. • Mr. Lucas suggested materials and design that would minimize rust and deterioration. He stressed the importance that the contractor follow all code requirements and receive all the necessary permits. • Contacted six contractors recommended by Engineering, Public Works, and Roads Division. Received three estimates in addition to two estimates provided by Councilmember Cowden. There was a wide range of estimates; from \$50,000 to \$1.5 million. • Mike Lyons met with the \$1.5 million estimate contractor and inspected the trail. The reason for the cost was use of Trex® composite decking and the contractor would customize the stairs to fit the terrains various slope, pitch, and narrow pathways. • The next two estimates used prefabricated stairs and two lowest estimates indicated 	

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	<p>concrete stairs.</p> <ul style="list-style-type: none"> • All estimates included labor and materials. • Listed the potential range of permits that might be required but would depend on the final improvement plans and add to the costs; <ul style="list-style-type: none"> ○ Special Management Area – SMA Use permit which would need to go through the Planning Commission ○ A portion of the trail was located on state conservation district – this would require State Department of Land and Natural Resources (DLNR) to permit. It could be a site plan review or a more complicated project discretionary permit. ○ Environmental Assessment may be required. ○ Shoreline Certification may also be required by DLNR. • Met with Surf Rider Foundation and the members were willing to organize volunteers and events for ongoing maintenance of the trail. They were willing to enter into a formal stewardship agreement with the county of Kaua‘i. <p>Deputy County Attorney Barzilai suggested Chair Kimura open the discussion with questions on acceptance of the easement and questions on approval of improvement funds cap.</p> <p>Questions</p> <ol style="list-style-type: none"> 1. Chair Kimura asked if the \$1.5 million contactor also did work for Uluwehi falls. Ms. Higuchi Sayegusa replied yes. 2. Chair Kimura asked for a breakdown of what the \$1.5 million estimate included. Ms. Higuchi Sayegusa replied her intent was to ask a generalized estimate and this was not a formal bid or final costs. She said it included labor, materials and the stairs would be customized and built on location to fit the trail. Metal pins would be secured into the ground and Trex® composite decking material would be used. <p>Ms. Higuchi Sayegusa shared a picture of the Uluwehi falls walkway. She said the stairs for the trail would be similar in construction. It would be elevated and pinned to the ground. She also displayed a picture of the prefabricated metal stairs that the other estimates included.</p>	

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	<p>3. Chair Kimura asked Mr. Lucas if he’s been on the trail. Mr. Lucas replied he has not been on the trail in years.</p> <p>4. Chair Kimura asked Mr. Lucas if there could be a blending of the use of the Trex® composite decking material and prefabricated stairs. Mr. Lucas replied the prefabricated stairs were inappropriate; metal would rust and would also not consider the concrete option; however, he would fully support the Trex® composite decking material; it was a great option. His recommendations were to keep the county from lawsuits, and he continued to stress the use of aluminum, fiber glass, composite materials that would cost more but would be safe, and it should look ascetically pleasing. He fully supported the access and asked that the commission be kept informed and advised of the final design and budget.</p> <p>5. Chair Kimura asked if the \$1.5 million estimate included installing Trex® composite decking material on the entire trail. Ms. Higuchi Sayegusa replied, it would cover the steep parts of the trail and any remaining unused funds would remain in Open Space.</p> <p>Ms. Higuchi Sayegusa said the process would include securing a source of funds to pay for the improvements and then authorize procurement and develop the design built and selection criteria on prioritizing a lower cost and any remaining unused funds would remain in Open Space.</p> <p>6. Chair Kimura asked for the Open Space fund balance and any outstanding obligations. Ms. Higuchi Sayegusa replied, the Open Space fund balance was \$3.1 million. Outstanding was 5% for administrative cost, \$72,000 hydrological study project for the Hanapēpē salt beds, which left a \$2.4 million balance. She said annually its funded \$780,000 in July from real property assessment taxes.</p> <p><i>Ms. Higuchi Sayegusa lost internet connection at 1:58 p.m.</i> <i>Ms. Higuchi Sayegusa returned at 1:59 p.m.; however, she had audio problems and lost connection again.</i></p> <p>DCA Barzilai suggested Chair Kimura start with a recommendation to council to accept the</p>	

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	<p>easement.</p> <p>The commissioners commented the following;</p> <ul style="list-style-type: none"> • Vice Chair Kanna commented that it was in the best interest and good for the county and community to accept the easement and fulfilled the purpose of open space. <p><i>Ms. Higuchi Sayegusa returned at 2:03 p.m.</i></p> <ul style="list-style-type: none"> • Vice Chair Kanna thanked Puu Poa Condominium Homeowners Association for correcting the easement. • Mr. Lucas agreed with Vice Chair Kanna. • Ms. Taniguchi supported the project and said the community had used the area for fishing and surfing for generations and couldn't fathom the thought of not having safe access to the area. • Ms. Dizon agreed with Ms. Taniguchi and added that maintaining beach access needed to be protected and safe for the public. <p><i>Ms. Higuchi Sayegusa lost internet connection at 2:06 p.m.</i></p> <p>DCA Barzilai in the absence of Ms. Higuchi Sayegusa proceeded with a roll call vote.</p> <p><i>Ms. Higuchi Sayegusa returned at 2:07 p.m.</i></p>	<p>Vice Chair Kanna moved to recommend County Council acceptance the grant easement located on land identified as tax map key (4)5-4-11:04 and (4)5-4-12:11 that accesses Kaumumene or Hideaways Beach. Mr. Lucas seconded the motion.</p> <p>Roll Call Vote: 5-Aye 0-Nay. Motion carried 5:0.</p> <p>Vice Chair Kanna moved to recommend the County Council approve up to \$1.5</p>

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	<p>Ms. Taniguchi asked if there were other potential engineers that could provide an estimate or was it specialized and specific. Ms. Higuchi Sayegusa replied that these were estimates and once procurement began anyone would be able to submit a proposal. Mr. Lucas asked if the easement property deed was topography surveyed or metes and bounds. Ms. Higuchi Sayegusa replied that it was metes and bounds that would go with the granted easement. Mr. Lucas said to assess the steep trail areas they should use a topography survey as part of the solicitation for an RFP (request for proposal).</p> <p>With no further questions or comments, Ms. Higuchi Sayegusa proceeded with roll call vote.</p> <p>Ms. Higuchi Sayegusa explained that normally any recommendation would be included in the biennial report or by dossier; however, this was transmitted by the county council through a lawsuit, so there was no time frame. She would transmit communication on the Open Space recommendation along with a money bill to the county council and provide any updates.</p> <p>Deputy County Attorney noted that the report also included the importance of signage and that should also be included in the referral. Ms. Higuchi Sayegusa said part of the project would require proper signage given the nature of the trail and beach. The signage would include experienced ocean swimmers, warn of danger and no lifeguard in the area.</p>	<p>million of Public Access, Open Space, and Natural Resources Preservation Funds for improvements related to the coastal access easement located on land identified as tax map key (4)5-4-11:04 and (4)5-4-12:11 that accesses Kaumumene or Hideaways Beach. Ms. Taniguchi seconded the motion.</p> <p>Roll Call Vote: Aye-5 Nay-0. Motion carried 5:0.</p>
	<p><u>J.2. Discussion and development of the biennial list of priority projects to be reported to the Kaua‘i County Council and the Mayor.</u></p>	

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	<p>Ms. Higuchi Sayegusa said the commission provided a biennial report to county council every odd calendar year and it was due within 90 days. Due to planning staff reassigned to Rain2018 and COVID-19 no report was submitted in 2019 and 2021. They are nearing completion and she asked that the commission defer this to the next meeting.</p>	<p>Vice Chair Kanna moved to defer discussion and development of the biennial list of priority projects to be reported to the Kaua‘i County Council and the Mayor to the February 10, 2022 meeting. Ms. Taniguchi seconded the motion. Motion carried 5:0.</p>
<p>K. New Business (For Action)</p>	<p>There were none.</p>	
<p>L. Executive Session</p>	<p>None</p>	
<p>M. Announcements</p>	<ol style="list-style-type: none"> 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 10, 2022. The Open Space Commission anticipates meeting via teleconference but will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date. <p>Ms. Higuchi Sayegusa announced the next meeting would be February 10, 2022 and it would be every other month following that. She said there would be no March 10, 2022 meeting.</p> <p>Ms. Higuchi Sayegusa reported that the next agenda would include the Hoban access and biennial report. Chair Kimura asked that Aliumanu access, that had been on hold status for six years, be placed on the agenda. Ms. Higuchi Sayegusa replied that she would gather past information that the commission discussed and include that in their packet.</p>	

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	Chair Kimura, along with the rest of the commissioners, acknowledged and thanked Deputy Director Jodi Higuchi Sayegusa and Deputy County Attorney Laura Barzilai. They were excited to have a great team and looked forward to working together.	
Adjournment	With no further business to conduct, Chair Kimura called for a motion to adjourn.	<p>Vice Chair Kanna moved to adjourn the meeting. Ms. Dizon seconded the motion. Motion carried 5:0.</p> <p>Chair Kimura adjourned the meeting at 2:34pm</p>

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

Reviewed and Approved by: _____
 Shaylyn Kimura, Chair

- (X) Approved as circulated. 02/10/22
 () Approved with amendments. See minutes of _____ meeting.