

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	October 10, 2024
Location	Moikeha Meeting Room 2A/2B		Start of Meeting: 1:00 p.m.	End of Meeting: 2:15 p.m.
Present	Vice Chair Robin Pratt. Commissioners: Taryn Dizon, William Kinney, Mark Ono, and Shaylyn Ornellas. Deputy County Attorney Tyler Saito. Planning Department Staff: Deputy Planning Director Jodi A. Higuchi Sayegusa, Planner Shelea Koga, Open Space Secretary Brent Sokei, Staff Services Supervisor Leila Kim, and Planning Department Secretary Shanlee Jimenez. Office of Boards and Commissions: Administrator Ellen Ching and Commission Support Clerk Lisa Oyama.			
Excused	Chair Jonathan Lucas and Commissioner Mai Shintani.			
Absent				
SUBJECT	DISCUSSION			ACTION
A. Call to Order	Vice Chair Pratt called the meeting to order at 1:00 p.m.			
B. Roll Call	Deputy Planning Director Jodi A. Higuchi Sayegusa verified attendance by roll call: Commissioner Dizon replied present. Commissioner Kinney replied present. Commissioner Ono replied present. Commissioner Ornellas replied present. Vice Chair Pratt replied present. Commissioner Shintani was noted as excused. Chair Lucas was noted as excused.			Quorum was established with five Commissioners present.
C. Approval of Agenda				Mr. Kinney moved to approve the agenda, as circulated. Ms. Dizon seconded the motion. Motion carried 5:0.
D. Minutes of the Meeting(s) of the	1. August 8, 2024			Ms. Dizon moved to approve the August 8, 2024, meeting minutes. Mr. Kinney seconded

SUBJECT	DISCUSSION	ACTION
Commission		the motion. Motion carried 5:0.
E. Receipt of Items for the Record	Ms. Higuchi Sayegusa stated that there were no items for receipt.	
F. General Business	<p><u>F.1. Update on a proposal to acquire 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, Final Report and Recommendation to acquire 05/16/2024).</u></p> <p><u>F.2. Update on a proposal to acquire 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, Final Report and Recommendation to acquire 05/16/2024).</u></p> <p>Ms. Higuchi Sayegusa stated that these two agenda items were placed on the agenda so that the Department could provide an update to the Commission. A commemoration event of the anniversary of the Hanapēpē Massacre was held on September 9, 2024. The event was a success. Many descendants of family who were impacted by the Massacre attended the event. Their names were read. There was a story map as a resource to coincide with the event itself to allow the public to research and read up on the research that took place. Chad Taniguchi and Michael Miranda, both of whom are associated with the book on the Hanapēpē Massacre with the University of Hawai‘i Press were present and were the featured speakers.</p> <p>Ms. Higuchi Sayegusa noted that the Council approved of the funding of the purchase of the parcels. A contract is in place with Element Environmental, LLC to do a Phase I Environmental Site Assessment. The consultant is currently wrapping up the report. In addition to the Phase I Environmental Site Assessment, the Department was able get the landowners approval to do the surface soil testing up to 6” at 72 sample spots throughout both parcels. A laboratory in California will be testing the samples and providing results. The consultant also conducted ground-penetrating radar to confirm what the records that the Department was able to obtain</p>	

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	<p>stated, including the removal of the fuel tanks on the makai parcel. The consultant confirmed that no tanks were present at the site.</p> <p>Ms. Higuchi Sayegusa further stated that the Department is awaiting the final reports from the consultant on the various testing that was done and will go back to the landowner to negotiate the price. Thereafter, the formal acquisition can take place. As a part of that process, the Department intends to further meet with community members, including Dorothea Hayashi, Ale Lomasad, and other interested parties to start visioning what the future of the parcel could look like. Amongst the items that will need to be decided following parcel acquisition include stewardship, maintenance, and an appropriate memorial for the site.</p> <p>Mr. Ono asked if Senter Petroleum was represented at the event. Ms. Higuchi Sayegusa responded that Par Hawai'i had a representative present in local boy Marc Inouye.</p> <p>Ms. Dizon commended the Department for putting everything together for the commemorative event and for their show of support for the community. Ms. Dizon asked if the Consuelo Foundation was still involved in the project. Ms. Higuchi Sayegusa responded that numerous Filipino organizations were consulted, including the Consuelo Foundation. After the event, the Consuelo Foundation asked to be kept in the loop regarding the future of the site location, including possible stewardship or donations for the site.</p> <p>Ms. Koga stated that a lot of the unions were supportive of providing financial or other assistance to help with the memorial or commemoration of what the community decides will be at the location.</p> <p>Vice Chair Pratt stated that she attended the event and that it was very enjoyable. Vice Chair Pratt asked who paid for the food that was provided. Ms. Koga responded that the food was provided through donations from the union, Filipino groups, and other private entities.</p> <p>There was no one present from the public wishing to testify on this agenda item.</p>	

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	<p>Mr. Ono asked if the Hanapēpē event was hosted on the Commission’s website. Ms. Higuchi Sayegusa responded that the event details are still available on the Commission’s website.</p>	<p>No action was taken as it relates to these agenda items.</p>
	<p><u>F.3.</u> <u>Update on ‘Aliomanu Beach Access, located on a lot further identified as Tax Map Key (4) 4-9-004:013 (Preliminary Report 3/9/2017, Supplemental Report 05/31/2022).</u></p> <p>Ms. Koga stated that movement for this project was previously at a standstill while a Stewardship Agreement was being worked on at the request of the landowner. A meeting was held a couple of weeks back between the Planning Department and Nalani Kaneakua, who is doing amazing community work in the area. During the meeting, Ms. Kaneakua shared that she now has a non-profit organization set-up as a 501(c)3 and is open to being the steward for the parcel should the County acquire it. The Department will now be reaching out to the landowners, the Crabtrees to see if they are still interested in granting the easement to the County now that a steward has been identified.</p> <p>Ms. Higuchi Sayegusa stated that in previous discussions with Ms. Kaneakua, she had suggested possible Stewardship Agreements with other parties, however, now she is willing to take the role now having established a formal non-profit organization. Ms. Higuchi Sayegusa further noted that there is a Charter Amendment proposal appearing on the General Election ballot which would allow up to 5% of the existing funds to be used for maintenance purposes. Groups like Ms. Kaneakua’s group or other non-profit organizations would be ideal to receive those maintenance funds for the upkeep of public access. The benefits of having an organization like Ms. Kaneakua’s become the stewards of the area is that they are already familiar with the area, have established relationships and protocol for the area, and have a proven track record of the work that they do in the area.</p> <p>Vice Chair Pratt asked if there was parking in the area. Ms. Higuchi Sayegusa responded that there is not much parking in the area, possibly one or two stalls. Ms. Kaneakua’s organization has a spot on Department of Hawaiian Home Lands’ (DHHL) property for their use so they may have to park there and transport or bus participants from that location to the access.</p>	

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	<p>Ms. Koga noted that at Ms. Kaneakua’s recent Limu Festival event, the event was held on the DHHL property and participants walked over to the access area where the limu is located.</p> <p>Mr. Ono asked what would be defined as “maintenance” as it relates to the Charter Amendment proposal. Ms. Higuchi Sayegusa responded that currently Open Space funds can be used to help improve access points, including spending funds for demarcation purposes, signage, adding parking, etc. However, if signage needs to be replaced or the trail needs to be weed whacked or re-graveled, those kinds of “maintenance” expenses are currently not allowed to be paid out of Open Space funds. There is a gray area as to what constitutes improvements and maintenance, and the Charter Amendment will help to clarify the gray area while also allowing more flexibility in the use of the funds under the Commission’s purview. Ms. Higuchi Sayegusa explained that with the Kaumumene project, some of the work there could have been deemed to be maintenance instead of improvements as the trail and access already existed and the work done could have been considered more maintenance instead of improvements.</p> <p>Mr. Ono asked if signage would be a part of the maintenance. Ms. Higuchi Sayegusa responded that signage would be deemed an improvement and be allowable.</p> <p>Ms. Higuchi Sayegusa reiterated that Ms. Koga would reach out to the easement owner to further negotiate easement access and then move forward from there.</p> <p>There was no one present from the public wishing to testify on this agenda item.</p> <p>Ms. Koga stated that this agenda item will continue to appear on the Commission’s future agendas for an update. At the Commission’s next meeting, a more robust update should be available.</p>	<p>No action was taken as it relates to this agenda item.</p>
	<p><u>F.4.</u> <u>Discussion and recommendations for prioritizing improvements for coastal accesses.</u></p> <p>There was no one present from the public wishing to testify on this agenda item.</p>	

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	<p>Ms. Koga provided the following information:</p> <ul style="list-style-type: none"> • She and Ms. Higuchi Sayegusa recently met with Tara Owens from a Coastal Access group. Ms. Owens worked with the Maui Planning Department to develop Maui's Shoreline Coastal Access project. • The Department wanted to learn from Maui on how to best incorporate best practices or techniques on creating a coastal access project for Kaua'i. This project would entail vetting or incorporating culturally significant locations or locations with important ecological significance. • The Maui Planning Department created a focus group of leaders from each Ahupua'a on Maui. These focus groups included non-profit leaders and shoreline advocates and was an avenue for the Department to discuss with these leaders what the Department was trying to do with the project and where they wanted to go. This was a way for the Department to engage the community leaders and find out what they thought about putting the information out to the public, knowing that some locations could be culturally sensitive. • The Maui Planning Department also hired a consultant to map the areas and access points and to create a GIS map to be used on a website which contains additional information and photos of each of the access points. Photos showed the start and end of each access point. Information included the type of terrain of each access. • She and Ms. Higuchi Sayegusa discussed what they learned and thought that the Commission might want to create a Permitted Interaction Group (PIG) to discuss the creation and makeup of the various focus groups from each Ahupua'a. These focus groups could meet with the Department and some members of the Commission to provide guidance on which access points should or should not be made public. • The Department discussed doing two focus groups. One would be for cultural issues and the other would be for biological and ecological resources. The Department wanted to work with the Commission to get recommendations on participants to work on these focus groups. 	

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	<p>Ms. Higuchi Sayegusa stated that the reason why the Department is recommending the focus group approach is that it allows for more flexibility through the PIG-approach to allow for up to four Commissioners to participate in the focus group meetings. For the Commission to vet the topical issues that could be vetted through the focus group approach, the Commission would need to meet more frequently or wait until a posted meeting occurs to discuss. The focus group approach would also allow a less public meeting format for cultural issues or concerns to be shared instead of at a more public type of meeting. Cultural practitioners may be more willing to share the types of resources that they gather at certain locations if it is not made public. The focus groups would provide a haven for the necessary discussions to take place. The recommendations could then be brought back to the Commission for a vote.</p> <p>Mr. Kinney expressed his support for the focus group approach and encouraged a participatory process to include necessary stakeholders, resource users, and mapping assistance. He further noted that ‘Ike Kūpuna is valuable, but also sensitive in nature and needs to be honored. You cannot play around with the wisdom of individuals. The Department also needs to be aware that with these types of focus groups and the issues being discussed, strong stances and feelings may be present. Mr. Kinney stated that it is important that certain access is not glorified. Participants may want to bring up other issues related to access being discussed and he was not sure if that is something that will help or hurt the process.</p> <p>Ms. Higuchi Sayegusa asked Mr. Kinney if he felt having two separate focus groups as mentioned would be more advantageous to having just one group. Mr. Kinney responded that he felt having at least one group focusing on the sensitivity of the accesses and the work there would be important. Ms. Higuchi Sayegusa further noted that Maui conducted the groups through their Aha Moku Advisory Councils. Kaua‘i would want to tap the right people to serve as representatives and have proper representation from across the island. The Department would seek the guidance of the Commission as to who might be appropriate representatives. Mr. Kinney stated that he does not believe the Aha Moku Advisory Councils are very strong on the island of Kaua‘i. Ms. Higuchi Sayegusa asked if the Hawaiian Civic Clubs might be more adequate representatives for this task and further stated that the Commission would play a key role in making that type of recommendation.</p>	

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	<p>Ms. Dizon stated that the first part of the project regarding the mapping is already completed. Ms. Higuchi Sayegusa stated that Coastal Zone Management (CZM) funds were used for the initial phase of the project, which included the inventory of the accesses. Ms. Higuchi Sayegusa was not able to speak directly with Ms. Owens when the County of Kaua‘i initially worked on its inventory project. Ms. Higuchi Sayegusa noted that Ms. Owens had a lot of good recommendations on community and public engagement as the access project moves forward. Ms. Higuchi Sayegusa stated that the County currently has the access inventory and the GIS mapping layer. The Department does not have the accesses mapped from start to end and only have photos of select access points. Ms. Koga clarified that the Department has photos of some access points and for others, all that is available is a detailed Excel spreadsheet of data related to the access point.</p> <p>Ms. Higuchi Sayegusa stated that the goal of the focus groups with the community is to get an answer to what might be the end goal for Kaua‘i in terms of what would be publicly available. Maui has an interactive map viewer embedded on one of their websites to provide details on access points in their county. Ms. Dizon stated that it would be nice to include a legal disclaimer for access points that are difficult to traverse.</p> <p>Mr. Kinney asked if the Department knew what the objectives of Maui’s project were. Ms. Higuchi Sayegusa responded that the goal was to have a website that was accessible to the public informing them on each of the access available across the county. Mr. Kinney further asked if part of the project involved protection of sensitive access points. Ms. Higuchi Sayegusa responded that that was not a part of the project. The project was focused more on any and all public accesses.</p> <p>Mr. Ono asked if all the accesses were trails or areas that the public could utilize. Ms. Higuchi Sayegusa responded that the website provided the level of accessibility for the public. Mr. Ono asked if all the accesses were accessible. Ms. Higuchi Sayegusa responded that not all the accesses were accessible, but that the information provided details for the viewer. She further noted that the dangerous access points were removed from the map viewer. Ms. Higuchi</p>	

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	<p>Sayegusa did inquire with Maui if any of the accesses were taken out of the map. Maui responded that many of the Hāna access points were removed due to cultural concerns.</p> <p>Vice Chair Pratt asked if her understanding that the Commission could pick and choose access points for listing was correct. Ms. Higuchi Sayegusa responded in the affirmative that Vice Chair Pratt was correct and that the vetting process would help identify possible accesses that could be removed prior to publishing of the information due to cultural or ecological concerns. Through Maui’s outreach efforts, they determined access points that were not suitable for publication and Kaua‘i could follow a similar process.</p> <p>Mr. Ono asked how long has Maui’s map been made available to the public and what kind of feedback they have received. Ms. Higuchi Sayegusa responded that the mapping process just wrapped up and has been online for approximately one year or a little less than that. Ms. Owens did not mention to the Department any concerns. Ms. Koga clarified that Ms. Owens did mention that some accesses were omitted. They do provide interactive buttons for the public which allow the public to report a concern, check weather or surf data, water quality, etc. Maui’s website also provides additional information on their Aha Moku Advisory Councils or stewardship partnerships for the public. The site also includes the public access rights of a specific location. The future website could include other resources and data tailored to what might be appropriate for Kaua‘i. Ms. Koga volunteered to show the Commission Maui’s website at the next Commission Meeting.</p> <p>Mr. Ono asked if any of the other islands have a website like Maui’s. Ms. Higuchi Sayegusa responded that she is unaware of any other island having that resource available.</p> <p>Vice Chair Pratt asked how long the Maui project took to be completed. Ms. Higuchi Sayegusa responded that the mapping part of the project was done in 2020, and the final product just came online. Vice Chair Pratt asked if Maui was keeping track of the number of hits on the website. Ms. Koga responded that Ms. Owens did not provide that information, but did mention that they had a few reports of accesses that the public felt was missed or omitted.</p>	

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	<p>Ms. Koga further noted that information on restrooms, parking, etc. was also included on the interactive map.</p> <p>Ms. Dizon stated that she feels having this type of information available to the public is needed. Days of being the only person at a remote location on the island are gone, but having the proper information for public consumption is important to protecting the island’s resources. It is important to provide information for the public’s education as opposed to them learning everything from tour books or guides. Some of the guidebooks have opened the island to everyone, but having something from the County that has been vetted and provides caution is something that could be useful to minimize the legal implications from an open environment. Ms. Dizon also supported the further discussion of forming a PIG to further this project.</p> <p>Mr. Ono asked if there were any legal concerns that the Commission might need to be aware of. Mr. Saito responded that no legal concerns come to mind at this time, but for the PIG process, no action can be taken today on initiating that process. The item would need to be placed on the agenda of a future meeting whereby the Commission would define the scope and authority of the PIG and its members. If approved, the PIG could then meet. The PIG would then provide recommendations which would be presented to the Commission. No action will be taken at the meeting where the PIG presentation takes place. There would subsequently be another meeting thereafter for the Commission to act on the recommendations from the PIG.</p> <p>Ms. Higuchi Sayegusa asked how many Commissioners could serve on the PIG. Mr. Saito responded that the PIG could be comprised of at least two Commissioners and up to an amount that is less than quorum. For this Commission that would be up to four members.</p> <p>Ms. Dizon asked if the PIG could meet with other members of the community. Mr. Saito responded that if those meetings fall within the scope of the PIG’s authority set by the Commission, then it would be permissible.</p> <p>Ms. Higuchi Sayegusa stated that the Department would put the formation of the PIG on the Commission’s next meeting agenda. In the interim, the Commission should start thinking about</p>	

SUBJECT	DISCUSSION	ACTION
	<p>who may want to serve on the PIG, what the PIG’s scope would be, and who might be recommended to serve on the focus groups.</p> <p>Ms. Koga stated that the Department would like to be as inclusive as possible and is even open to meeting with individuals on a one-on-one basis should they not feel comfortable meeting in a group setting.</p> <p>Mr. Ono asked in what area would the Hanapēpē-‘Ele‘ele Commissioner must live in. Administrator Ching responded that the vacancy was recently filled with Manny Cabral, who is very active in the westside community and is the owner of Unko’s Kitchen in Hanapēpē. Mr. Cabral was just confirmed by the Kaua‘i County Council and is hopefully attending the Commission’s next meeting.</p>	<p>No action was taken as it relates to this agenda item.</p>
<p>G. Communications</p>	<p>There were no Communications on the Commission’s agenda.</p>	
<p>H. Unfinished Business (For Action)</p>	<p>There was no Unfinished Business on the Commission’s agenda.</p>	
<p>I. New Business (For Action)</p>	<p><u>I.1. Proposal to acquire a 0.5431 acres parcel located in Hanalei, Halele‘a Moku, further identified as Tax Map Key (4) 5-5-005:007 (Scarp Ridge Propco, LLC).</u></p> <p style="padding-left: 40px;"><u>a. Preliminary Director’s Report</u></p> <p>Your Commission heard from Rachel Nelson who identified herself as an adjacent land steward to this particular parcel. Ms. Nelson provided the following information in her testimony:</p> <ul style="list-style-type: none"> • The area is a watershed area, which was found approximately 6 years ago when one of the oldest trees on the North Shore was cut down. • There were bones found near the property. • Oral testimony exists from Megan Wong and her family. • The discovery of bones was never recorded. 	

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	<ul style="list-style-type: none"> • It is her hope that the site would be recorded so that cultural and lineal descendants could access it. • Recently, the land was sold and purchased by a man who owns a very large part Weke Road in Hanalei. • There are approximately 5 structures on the land, and they all sit vacant for the year. • From speaking with the owner, the owner has revealed that he plans to dig up the site for a swimming pool. • She has watched trees cut down on the land and access be gated off from the surrounding community. • The site is somewhere that she feels the Commission could get behind for its ecological, biological, and cultural reasons and to preserve access for the community. • She is unsure of the best use of the land but knows that the land should be protected. <p>Ms. Ornellas asked Ms. Nelson if she was the landowner right next door to the parcel. Ms. Nelson responded that she is the landowner to the east of the parcel on the makai-side of the highway. She lives at 5-5522 Kūhiō Highway, which is a CPR property owned by a different party. Ms. Ornellas asked on the map if she owned the property right before the parcel. Ms. Nelson confirmed that Ms. Ornellas was correct if she was headed in the north direction driving towards Waipa from the south. Ms. Ornellas asked if she owned the property that recently did a lot of excavation on the property. Ms. Nelson responded that that was not her but her neighbor. Ms. Nelson further stated that she was very much against that excavation as well.</p> <p>Ms. Ornellas asked if Ms. Nelson was aware of any iwi that was discovered during that excavation process. Ms. Nelson stated that she was not made aware of any iwi and was present during the construction project. She did not see any iwi discovered personally. However, she noted that bones were found 6 years ago on the parcel that the Commission is speaking to today. Ms. Nelson was told by Kona Wong that the Burial Council decided to rest those bones in-place though she is not certain if that is true. Ms. Nelson tried to go to the State Historic Preservation Division (SHPD) but was told that because she is not a direct descendent of the iwi nor is she the landowner, she could not get that data recorded.</p>	

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	<p>Ms. Ornellas stated that her questions were to provide context to the discussion as there was an enormous amount of excavation that took place on an adjacent parcel to the parcel in discussion. She felt it was not right to deem one parcel as warranting protection while another parcel was not.</p> <p>Ms. Ornellas stated on the record that the previous landowner of the parcel for discussion was a real estate client of hers, though the parcel has since changed hands.</p> <p>Mr. Kinney stated that if iwi is found on the parcel, there is a slew of protection that will fall on that parcel. He was unsure if everyone making claims about the iwi did their due diligence to ensure that a protection plan or burial treatment plan was put into place. Mr. Kinney felt it was important that everyone ensured the proper care for any Iwi discovered and that the proper protection was put in-place should iwi have been discovered years ago.</p> <p>Ms. Higuchi Sayegusa stated that nothing crossed the Department’s desk as it relates to that discovered iwi.</p> <p>Mr. Ono asked Ms. Nelson to clarify her parcel that is part of a CPR. Vice Chair Pratt clarified that the parcel being discussed is the parcel highlighted in blue. Ms. Nelson’s parcel is next door to that parcel where there is a red line towards the street. Ms. Nelson stated that the access being discussed is off the highway more east of the river and is an easement with her neighbor and the new owner of the lot in question. There are three parking spaces on the easement of her neighbor and that is currently gated off.</p> <p>Ms. Dizon stated that for the Commission to recommend acquisition, certain criteria must be met. She asked Ms. Nelson if she was seeking acquisition for historical reasons or for access purposes. Ms. Nelson responded that when she went to the Commission’s website, she felt she could check two-thirds of the requirements of what the Commission aims to protect, which includes protection, potential access, etc. Ms. Dizon asked if there was any historical significance of the property. Ms. Nelson responded that she might not be the proper person to answer that question as she was still learning about the area even though she had lived there for ten years. Having visited the Waioli Mission House, she believes there is a rich history of the</p>	

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	<p>area that could be further researched or investigated.</p> <p>Ms. Koga provided the following as a part of the Preliminary Director’s Report:</p> <ul style="list-style-type: none"> • The Report includes Exhibit A, which is the map of the parcel and Exhibit B, which is the proposal which was received from the member of the community. • Exhibit A shows four stars (three red and one blue). The three red stars indicate the closest beach accesses to the parcel. You can get to the Waioli Stream through any of those beach accesses off Anae Road and can traverse the Pinetree’s access to the river as well. • The proposed area is highlighted in blue. The property itself is boarded by Kūhiō Highway and a State parcel that is within the stream. • Should access be considered, the State would need to be consulted since their parcel is bordering and abutting the stream. • There is currently one structure on the property. The parcel itself is not currently on the open market. The last purchase date was in 2017. There is no known estimate of how much the property could go for in today’s market. • The Department could work with the owners to see if they are willing to sell. • If the owners are unwilling to sell it, the pursuit of the acquisition would include litigation and condemnation. That process would be costly and take a long time, in excess of two years. • The public interest of the acquisition may not be commensurate with the costs of litigation, appraisals, time, etc. if the landowners are not willing to sell. • Ideally, the Department would want to have a steward should the Commission wish to acquire the property. Currently, no stewardship groups have come forward. • At this time, the Department recommends that acquisition of the subject-property not be considered. <p>Mr. Kinney expressed appreciation to the community member for her proposal and application. He commended her for bringing the proposal forward to the Commission and agreed with her that the parcel is of significance due to its use by the public. Unfortunately, Mr. Kinney felt that all</p>	

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	<p>the parcels in that area are significant and more than likely have iwi buried there. Mr. Kinney expressed his hope that the landowner would reconsider development of the parcel.</p> <p>Ms. Higuchi Sayegusa stated that if there was a proposal to develop the property, the landowner would need to undergo the permitting process, including a thorough review. It appears the property is in the Special Management Area (SMA), would need a Use Permit, and would need a referral to the SHPD to seek their guidance on whether an archaeological monitoring plan or survey would be required prior to any action or construction work. Currently, nothing has crossed the desk of the Planning Department staff.</p> <p>Mr. Ono asked Ms. Nelson to clarify her comments about an access point that was gated off. Ms. Nelson responded that there was an access point approximately 6-7 years ago until this new landowner purchased the property, and a wire gate and fence were put up to delineate the property lines. Though the property was private prior to this time, the public was not restricted from pulling up and using the access point.</p> <p>Vice Chair Pratt stated that she does not recall a gate on the riverside of the property which is under the State's ownership. Ms. Nelson confirmed that Vice Chair Pratt was correct. Ms. Nelson stated that there are a lot of mangroves on the State's side of the location. On the parcel's side, there are wooden posts and chicken wire that was erected.</p> <p>Ms. Koga stated that through her research, there were no legal accesses conveyed for public access. If a sale was recently made, the Real Property Tax website would be updated to reflect ownership change information, however, the site still lists Scarp Ridge as the current landowner.</p> <p>Ms. Ornellas stated that she does believe that that parcel was on the market and was recently sold. Ms. Koga stated that perhaps the property tax records were not updated properly.</p> <p>Ms. Higuchi Sayegusa stated that the Commission has the option to allow the process to take its next step, which is to allow the Department to do further research to develop a final report. That would not mean that the Commission would be adopting the Department's preliminary</p>	

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	<p>recommendation. Ms. Higuchi Sayegusa further noted that the options for the Commission’s consideration are provided in Ms. Koga’s report.</p> <p>Mr. Ono recommended that perhaps the Department could explore an easement, which might be less controversial and costly than acquisition of the entire lot. Ms. Higuchi Sayegusa provided the Commission with some cautions about pursuing an access easement and the potential implications it may have on devaluing the property.</p> <p>Mr. Saito clarified that that Commission’s options are to recommend that the County Council consider acquiring the parcel using Open Space funds, recommend that the County Council not consider acquiring the parcel, or to defer action on this matter.</p> <p>Mr. Kinney asked what deferring the matter would entail. Ms. Higuchi Sayegusa responded that deferring the matter would entail placing the Preliminary Director’s Report back on the Commission’s agenda. Ms. Higuchi Sayegusa stated that if the Commission decides to move forward with an action, Ms. Koga would then do further research to create a final report for the Commission’s consideration and ultimate recommendation to the Kaua’i County Council.</p> <p>Mr. Kinney stated that given that there are Commissioners absent from the meeting, he would like to see the matter deferred.</p>	<p>Mr. Kinney moved to defer action on this agenda item. Mr. Ono seconded the motion. Motion carried 5:0.</p>
J. Executive Session	An Executive Session was not needed for items J.1-5.	
K. Announcements	<p><u>K.1. Topics for Future Meetings.</u></p> <p>Ms. Higuchi Sayegusa stated that the following will appear on the next Commission agenda:</p> <ul style="list-style-type: none"> • An update on the Hanapēpē parcels acquisition. 	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> • An update on ‘Aliomanu accesses. • Creation of a Permitted Interaction Group related to the prioritization of coastal accesses information, including the scope of the PIG, and other related matters regarding the access inventory list. • Proposal to acquire a 0.5431 acres parcel located in Hanalei, Halele‘a Moku, further identified as Tax Map Key (4) 5-5-005:007 (Scarp Ridge Propco, LLC). • An update on the Kīlauea Subdivision access. <p>Ms. Ornellas asked when the Commission would convene monthly. Ms. Higuchi Sayegusa stated that with Ms. Koga now on-board and with the majority of the work completed relating to the Hanapēpē parcels, the Department could consider returning to monthly meetings of the Commission possibly starting in January 2025.</p> <p><u>K.2.</u> The next regularly scheduled meeting of the Public Access, Open Space, and Natural Resources Preservation Fund Commission will be scheduled for December 12, 2024, at 1:00 p.m.</p>	
<p>L. Adjournment</p>		<p>Mr. Ono moved for the adjournment of the meeting. Mr. Kinney seconded the motion. Motion carried 5:0.</p> <p>The meeting was adjourned at 2:15 p.m.</p>

Submitted by: Lisa Oyama
 Lisa Oyama, Commission Support Clerk

Reviewed and Approved by: _____
 Robin Pratt, Vice Chair

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