

HAWAI'I COUNTY PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES
PRESERVATION COMMISSION

MINUTES-REGULAR SESSION

August 10, 2009

Department of Liquor Control Conference Room
101 Aupuni Street, Suite 230
Hilo, Hawai'i 96720

Present: Chair Kim Garcia
Vice-Chair Hannah Springer
Commissioner Steven Hiramami
Commissioner E. Kalani Flores
Commissioner Larry Komata
Commissioner Terri Markovich (*arrived at 10:29 a.m.*)

Absent: Commissioner Bill Gilmartin
Commissioner Sarah Moon

Others Present: Amy Self, Deputy Corporation Counsel
Nancy Crawford, Director, Finance
Ken Van Bergen, Property Manager, Finance
Daryl Inaba, Property Management Specialist, Finance
Alexandra Kelepolo, Clerk III, Finance

CALL TO ORDER

The meeting was called to order by Chair Kim Garcia at 10:00 a.m.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

NANCY CRAWFORD

Ms. Nancy Crawford, Director of Finance introduced herself to the Commission and thanked them for all their hard work. She introduced Mr. Ken Van Bergen who will be the Property Manager for the County Finance Department and thanked Mr. Inaba for his work and effort.

WRITTEN COMMUNICATION

Communication No. 09-018: News release dated July 27, 2009 from the Department of Land and Natural Resources' Legacy Land Conservation Program, re: Seeking applicants for land acquisition funding for 2009-2010

Ms. Springer asked if there's anything forthcoming at this time for this County. Mr. Inaba replied not at this time, and mentioned that the only other discussion with The Trust for Public Lands (TPL) besides Kāwā and Pa'ō'o was for the Kaiholena property.

DEPARTMENT OF FINANCE REPORT

Mr. Inaba reported to the Commission on the update of Pa‘o‘o. He noted that the appraisal was completed and forwarded to the owner for review. In addition the grant monies, or total amount available has increased, however the decision on who will obtain the funding has been pushed back to October/November.

Mr. Flores asked which federal grant is this. Mr. Inaba replied that it’s a NOAA grant that TPL applied for both Pa‘o‘o and the Reish property. The anticipated grant amount should be 2.5 million of which the County would match 1.25 million for Pa‘o‘o and the State would match 1.25 million for the Reish property.

Mr. Inaba noted that the reason Tax Map Key 9-5-17:05 for the Kāwā property was not included in the 2008 Annual Report were due to error.

He clarified with the Commission that the open space fund does not lose any money in any way even though the interest deposits are not consistent when it’s deposited into the fund.

Mr. Inaba read an excerpt prepared by Ms. Deanna Sako, Deputy Director of Finance which stated that Ordinance 06-150 appropriated 2 million for the Honoli‘i Gulch property acquisition with the funding source being General Obligation Bonds, Capital Projects Fund – fund balance and/or other sources. Therefore, funding for the project is not guaranteed and while all ordinances are considered law, in this case the ordinance is just to amend the capital project budget for fiscal year 2007. The appropriation for this project has since lapsed on June 30, 2009.

Ms. Crawford clarified that every year the County does an Operating Budget and a Capital Improvements Budget (CIP). The CIP entails a list of projects that the County hopes to do, whether it’s construction or acquisition of a property, however there were never any funds so no money is lost.

Ms. Self noted that this bill was sponsored by then Council Member Stacy Higa and it was to purchase the property at Honoli‘i with any County funds available. It didn’t restrict the purchase to the open space fund.

Mr. Komata suggested that since the County already purchased the Johnson property in Kāwā and the trail easement goes from the highway to the shoreline, the County should just approach Mr. Olson to get a conservation easement instead.

Mr. Flores noted that the purchase of Kāwā was for more than just access, it was also for protection of open space, cultural resources and protection of natural resources.

Ms. Garcia told Mr. Komata and Mr. Flores to continue their discussion later in the meeting.

APPROVAL OF MINUTES

Motion: Vice-Chair Springer moved to defer approval of the minutes of July 13, 2009 to the next meeting. Seconded by Commissioner Komata; all members voted aye, motion carried.

OFFICE OF THE CORPORATION COUNSEL'S REPORT

Ms. Self had nothing to report.

CHAIRPERSON'S REPORT

Ms. Garcia had nothing to report.

UNFINISHED BUSINESS

- **Commission to discuss creating new form for assessing public access suggestion forms**

(Mr. Flores circulated to the Commission a draft form for their review).

(the commissioners went into discussion)

Ms. Self mentioned that the federal government has selected this island and the Ala Kahakai trail as a designated historic trail system which resulted in a Memorandum of Understanding between the County Planning Department (County), Na Ala Hele Trails (State) and National Park Service (Federal). Together, they have contracted with two different universities to put together a geo database which will include detailed information about every segment of a shoreline trail along with public access information for the County, State and Federal.

In regards to the Commission's involvement, if you talk about purchasing easements instead of entire properties this could help them since anytime someone comes to the County for an easement it will go through all three government agencies.

She asked the Commission if Larry Brown (County), Aric Arakaki (Federal) and Clement Chang (State) could come to the next meeting to do a presentation on this project.

Mr. Hirakami asked that since maintenance would be provided by the Federal government, would it be for the entire trail or just a portion. Ms. Self replied that when they take it over they're planning on getting support from the 501(c)(3) community groups in the area.

(the commissioners continued their discussion)

Ms. Garcia noted that discussion on this item will be continued at the next meeting.

- **Commission to discuss previously submitted suggestion forms regarding public access in the various districts**

(the commissioners went into discussion)

Ms. Self noted that another thing they're working on is to get all of the counties to push legislation through to make the County trail systems covered under HRS §198D. At this time only trails under Na Ala Hele is covered which was adopted back in 1987. Private landowners are covered under HRS §520 which is the recreational use statute so if they have an agreement to allow people access to the shoreline or the mountain they're covered.

(the commissioners continued their discussion)

Ms. Garcia noted that discussion on this item will be continued at the next meeting.

- **Commission to discuss creating form letter to respond to suggestion forms**

Ms. Garcia continued this item to the next meeting.

- **Commission to discuss "Questions & Answers" for Chair Kim Garcia's radio interview on LAVA 105**

(Ms. Garcia provided to the Commission a list of "Questions & Answers" for her upcoming radio interview)

Ms. Garcia noted that she will contact Ms. Bracken and once the date for the radio interview has been set she will let Ms. Kelepolo know so she can inform the commissioners.

(the commissioners went into discussion)

Motion: Vice-Chair Springer moved to authorize Kim Garcia to participate in Sherry Bracken's radio show. Seconded by Commissioner Komata; all members voted aye, motion carried.

- **Commissioner Sarah Moon and Commissioner Steven Hirakami to report on their site visit to Wai'e and Honolulu Landing**

(Mr. Hirakami provided maps and color photos to the commissioners and reported on his site visit to Cape Kumukahi)

(the commissioners went into discussion)

- **Commission to discuss drafting of the 2009 Annual Report to the Mayor including assessment of the 2009 suggestion forms**

(the commissioners went into discussion)

Ms. Garcia told the commissioners to work on their scores for assessment of the 2009 suggestion forms and send it to Ms. Kelepolo before the next meeting.

Mr. Flores suggested that they all start drafting by sections the 2009 Annual Report to the Mayor and bring to the next meeting. (*commissioners were assigned sections of the report to work on*)

Lunch: 12:33 p.m.

Reconvened: 1:10 p.m.

(*the commissioners continued their discussion*)

Motion: Commissioner Flores stated that for the purposes of the Prioritized List for 2009, the Commission will be looking at the 2009 suggestion forms that were assessed as well as the comprehensive list that's in the 2008 report, appendix 3. Seconded by Vice-Chair Springer; all members voted aye, motion carried.

Ms. Garcia suggested that they all draft a list of up to five properties to be placed on the prioritized list. Mr. Flores added that when you bring your list to include comments and recommendations of why the property was selected.

(*the commissioners continued their discussion*)

NEW BUSINESS

- **Commission to discuss the process of how to remove properties off of the prioritized lists**

Ms. Springer asked for clarification of why this agenda item was listed. Ms. Kelepolo noted that this item was listed by Ms. Moon.

Mr. Komata suggested that Kāwā be removed off the list. He suggested that instead of purchasing the property in fee, they should purchase a conservation easement instead makai of the trail. The cost will be cheaper and the landowner will still have his fee simple interest in the mauka lands since the County already has access through the Kāwā parcel purchased from Ms. Johnson.

Ms. Springer asked Ms. Self in this case where the Commission has done their work and submitted the property for merit, a commissioner now has new thoughts on this and should they take those things into consideration as a means to enter into discussion and analysis for this property.

Ms. Self noted that they need an update from the County on the purchase of Kāwā.

Mr. Inaba reported that both the State and Federal grant monies are still available for the purchase of Kāwā. The County recently received the scope of work back from the Federal office and is currently looking for an appraiser.

Ms. Garcia asked how much money would come out of the 2% fund to purchase these parcels. Mr. Inaba replied that the State grant monies would be 1.5 million and the Federal would be 1 million, however it depends on what amount is determined with this new appraisal and Mr. Olson's acceptance.

Mr. Inaba emphasized on all the work that was done by TPL, Mr. Harry Yada and the County administration to secure these grant monies and we shouldn't just walk away from these properties if there's any chance for acquisition. For the State grant we have until June 30, 2010 and for the Federal we have until 2011.

Ms. Self asked Mr. Inaba when they anticipate the appraisal being done. Mr. Inaba replied that Ms. Crawford still needs to make a decision between John Child & Company, Hallstrom Group or Medusky.

Ms. Self mentioned that for the sake of the on-going negotiations, the Commission should have no role and it's out of their hands. It is now in the hands of the County administration to handle the purchase of these properties.

Mr. Flores highlighted that in regards to a conservation easement there generally is an incentive for the owner or developer. If Mr. Olson is not looking at developing right now, there's generally no benefit to him at this time.

Ms. Springer commented that she doesn't think that it's their work to remove items off the list and suggested that this item doesn't need to be deferred to the next meeting.

ANNOUNCEMENTS

The next meeting is scheduled for Monday, September 14, 2009, 10:00 a.m., at the Department of Liquor Control Conference Room, 75-5722 Hanama Place, Suite 1107, Kailua-Kona, Hawai'i.

ADJOURNMENT

Chair Garcia adjourned the meeting at 2:16 p.m.

Respectfully submitted,



Alexandra Kelepolo, Clerk III