



Clean Water And Natural Lands Advisory Commission

CITY AND COUNTY OF HONOLULU

530 South King Street, Room 208 • Honolulu, Hawaii 96813

COMMISSIONERS

Sherry P. Broder – Chairperson
Giorgio F. Caldarone – Vice Chairperson
William Reese Liggett
Elliott “Kai” Raymond Markell
William Kamana’olana Mills
Jason Kekahi “Kahi” Pacarro
Jamie Tanimoto

Meeting Minutes Friday, July 10, 2020 9:00 a.m.

CALL TO ORDER – Chairperson Sherry Broder called the meeting to order at 9:08 a.m.

Commissioners Present – Vice-Chairperson Caldarone, William Reese Liggett, Elliot “Kai” Raymond Markell, Jason Kekahi “Kahi” Pacarro, Jamie Tanimoto and William Kamana’olana Mills.

Staff Resources Personnel Present

Dawn Spurlin, Deputy Corporation Counsel
Tammy Namihira, Budget and Fiscal Services (BFS)
Aaron Honda, BFS

Guests

Sandra Pfund, Director, Department of Land Management (DLM)
Laura H. E. Kaakua, Hawaiian Island Land Trust (HILT)
Herb Lee, Pacific American Foundation (PAF)

APPROVAL OF THE FEBRUARY 14, 2020 MEETING MINUTES

Without any objections, the minutes of the February 14, 2020 meeting were approved, 7-0 (AYE: Broder, Caldarone, Liggett, Markell, Pacarro, Tanimoto and Mills; Nay: None; Abstain: None).

PRESENTATION BY THE DEPARTMENT OF BUDGET AND FISCAL SERVICES

Aaron Honda, BFS staff personnel, informed the Commission that one new application was received for the Waikalua Fishpond Complex. Depending on the complexity and the completion of the application, it may be ready to be submitted to the Commission in time for the August meeting.

Honda went over the durational terms of the commissioners and stated that Vice-Chair Caldarone and Commissioner Markell’s terms are expiring on January 14, 2021. Honda also explained that due to the timing of Commissioner Tanimoto’s appointment, the CWNL letterhead was not updated in time. Changes and updates will be made before the next meeting.

Chair Broder asked for more details on the recent application that was submitted for the Waikalua Fishpond. Honda replied that the application is for a conservation easement. BFS received the application the night before and once a more thorough review is conducted, more information will be provided to the Commission.

Chair Broder asked whether there were any other pending applications. Honda replied that there were no other applications pending.

Chair Broder inquired about the application that was submitted by Mark Woodfield of Landmark Builders. Honda responded that after further review, it was determined that the application did not meet any of the 7 purposes of the Clean Water and Natural Lands Fund ("Fund").

Commissioner Markell asked for clarification of the name of the fishpond regarding the recent application that was submitted. Honda replied that the fishpond complex is called the Waikalua Fishpond.

PRESENTATION AND OR ACTION SEEKING THE COMMISSIONER'S APPROVAL TO ADOPT A RESOLUTION HONORING COMMISSIONER KIM FALINSKI FOR HER INVALUABLE SERVICE AS A COMMISSIONER ON THE CLEAN WATER AND NATURAL LANDS ADVISORY COMMISSION

Commissioner Mills moved and Commissioner Liggett seconded the motion.

APPROVAL OF THE RESOLUTION HONORING COMMISSIONER KIM FALINSKI

Without any objections, the resolution were approved, 7-0 (AYE: Broder, Caldarone, Liggett, Markell, Pacarro, Tanimoto and Mills; Nay: None; Abstain: None).

Commissioner Pacarro expressed concerns that there needs to be better communication notifying the current commissioners when the term for each commissioner is coming up.

PRESENTATION AND OR ACTION DEVELOPING PLANS AND PROCEDURES TO INCREASE PROJECT APPLICATION SUBMITTALS THAT THE COMMISSION RECOMMENDS TO THE COUNCIL

Chair Broder asked if the Fund could be used to repair facilities such as the Stairway to Heaven in Ha`ikū.

Counsel Dawn Spurlin answered that under the current Charter, the Fund can only be used for the acquisition of property that the City will have an interest in. The Fund cannot be used for operational cost or maintenance of a facility. One solution is to propose an amendment to the Charter to expand the use of the Fund.

Chair Broder asked if it is too late to propose an amendment to be placed on the ballot for November. Counsel Spurlin replied that it may be too late, but, will check on the Charter deadline. Counsel Spurlin continued that the Council can submit Charter proposals during the years that the Charter Commission does not convene.

Chair Broder asked what exactly does the Charter say. Counsel Spurlin read the applicable Charter provision to the commission confirming that the Fund is to be used to *acquire* or *purchase* real estate therein.

Chair Broder asked if the word "therein" can be interpreted more broadly to include other uses of the Fund in the interest of the public. Counsel Spurlin stated that was not the intent of the Charter Commission when the current language was adopted. Chair Broder stated that the current language makes the accessibility of the Fund difficult and requested that Counsel Spurlin look into how it would be possible to change it. Counsel Spurlin replied that she will review the Charter language and minutes to ascertain the Charter Commission's intent for the Fund.

Chair Broder asked the Commission if there were any other ideas or suggestions to increase application submissions.

Commissioner Mills stated that he was approached by Malama Kuli`ou`ou who is interested in purchasing property in the Kuli`ou`ou area. Commissioner Mills stated that he directed them to the Clean Water and Natural Lands (CWNL) application process. Commissioner Mills explained that for grass-root organizations, the application process can be intimidating and that there is only a handful of organizations that are comfortable with filling out the current CWNL application. Commissioner Mills suggested that a short form application for these grass-root organizations be created. The purpose of the short form would be used to check for project viability. Once its viability is vetted and there is interest to move forward, the grass-root organizations can work with an organization, such as Trust for Public Land, to assist filling out the rest of the application.

Chair Broder asked if BFS can create a short form application. Honda stated that Commissioner Mill's suggestion will be discussed further within BFS. Chair Broder expressed interest in creating a two-step process where the short form application will be used to preliminarily qualify the applicant and then if it does qualify, the applicant can work on the longer application form with assistance from BFS or an experienced organization.

Commissioner Pacarro suggested that the current commission can increase collaboration with the City Council by contacting a council member to encourage a member of the council to reach out into the community to increase organization involvement.

Chair Broder suggested that the commissioners contact Honda to let him know who they would want to contact and Honda can draft a letter to include the brochure.

Commissioner Markell asked the Commission if someone would be willing to create a graphic that would include pictures of previous projects and simple wording that can be shared on social media that will be used to inform the public of the Fund.

Commissioner Pacarro stated that a brochure is not needed. 3-5 high resolution images of previous projects, wildlife, or lo'i along with a simple paragraph describing the Fund will be most effective. Commissioner Pacarro stated that the current application process is the reason for the lack of applications. In order to encourage more submissions, the application will need to be formatted in a way to make it easier and less stringent.

Commissioner Pacarro suggested a two-step process to tackle the current concerns discussed: 1) Honda to distribute a few high resolution images to the commissioners so that it can be used on social media and 2) review the current application to determine what needs to be removed to make the application process easier.

Chair Broder stated that it was decided that a one-page short form application will be created for the purpose to be used as a preliminary review. BFS will then direct the applicant to complete the longer application form once it has been determined that the request for the Fund meets the preliminary standards.

Commissioner Pacarro agreed that creating a one-page short form application to make it less cumbersome will allow for quicker feedback, which in turn, may motivate the applicant to invest more time and energy into submitting a quality application.

Vice-Chair Caldarone inquired that the City Council may just need to be notified that a short form of the application will be created and also agreed on establishing a social media presence.

Chair Broder suggested that a letter should be drafted to notify the City Council that the Commission created a short form of the application to encourage more submissions. Once the letter is sent to the City Council, individual commissioners can call their contacts to let others know of the changes. Commissioner Pacarro stated that he has no issue with reaching out and that each commissioner should be able to contact each council member.

Commissioner Liggett agreed that a letter signed by the Chair should be submitted to the City Council. Commissioner Liggett also spoke about his outreach to the neighborhood boards in his community. Commissioner Liggett suggested that we look at what the City Council was doing during its oversight for the Fund because the Council received a lot of applications.

APPROVAL TO CREATE A LETTER TO THE CITY COUNCIL INFORMING THE COUNCIL OF A CREATION OF A SHORT FORM VERSION OF THE CWNL APPLICATION!

Commissioner Liggett moved and Commissioner Pacarro seconded the motion.

Without any objections, the resolution were approved, 7-0 (AYE: Broder, Caldarone, Liggett, Markell, Pacarro, Tanimoto and Mills; Nay: None; Abstain: None)

Commissioner Mills expressed concerns that by contacting the City Council, it may have a negative effect. If the

City Council is told applications are not being received, it may convey the wrong message that could dissolve the current Commission and create another conservation commission.

Chair Broder responded that the purpose of the letter is to encourage the City Council to get the word out and inform the community they represent about the Fund.

Counsel Spurlin commented that there should be no issues with informing the City Council about the Commission's current status with seeking the Council's assistance to get the information out to the community.

PRESENTATION BY DLM PROVIDING THE COMMISSION WITH UPDATES ON VARIOUS PROJECTS THAT USED THE FUND

Director Pfund briefly explained the role and process of DLM after the City Council approves the use of the Fund.

Pearl Harbor Historic Trail

Director Pfund described the location of the project and provided additional information about the applicant. Director Pfund also commented that when the application was submitted to DLM, the title to the property was not clean. DLM asked the seller if it could obtain title insurance on the property. The seller asked various title companies and all refused. Therefore, the only option for the seller is to do a quiet title action which will cost the seller approximately \$100,000. The other option is that the City clear the title through condemnation. DLM has decided that condemnation is the best option to acquire the property. The Department of Design and Construction has been tasked to start the condemnation process.

Director Pfund discussed the various issues concerning the property, such as, unauthorized use of added land by the current occupants, its landlocked status, a lower appraisal value of the property due to contamination, the cost to clean up the contamination, the Department of Planning and Permitting's ability to obtain a cleanup grant under the Ground Field Grants Program and the difference between the amount of the Fund that was approved by the City Council and what the appraised value will be due to the contamination on the property.

Director Pfund explained the condemnation process to the Commission.

Chair Broder expressed that due to the contamination on the property and the cost and time to do a quiet title, it will be better for the owner to have the City condemn the property.

Chair Broder inquired that should the property experience squatters in the area, would it pose a safety issue on the use of the nearby bike trail? Director Pfund briefly discussed the positive impact a passive park will have on the bike trail and the nearby Pearlridge rail station.

Chair Broder asked if the added land is federal land. Director Pfund believes that there are federal oversight in relation to the added land. But, it is not part of the current transaction that was sent over to DLM.

Hakipu`u Lo`i Kalo

Director Pfund was happy to report that the City's part in the transaction has been completed prior to June 30, 2020 and that the \$650,000 that was allocated for the conservation easement has been released by the City and is currently in escrow. Closing has been delayed because \$350,000 and documents to escrow from the State's Legacy Land Program has been delayed by 1-2 weeks. There are various other organizations involved with this transactions such as the Trust for Public Land (TPL), who is selling the property to Ho'ala `Aina Kupono, the organization that will oversee and work on the lo'i, and the Hawaiian Islands Land Trust, the organization who is the administrative co-holder.

Director Pfund explained the purpose and importance of an administrative co-holder. Director Pfund will update the Commission on when the City closes on the project. The closing date is estimated to be at the end of July.

Laura Kaakua shared her thanks to TPL, DLM and the current Commission for their assistance in protecting the land.

Lea Hong from TPL expressed her gratitude to the Commission and City staff on the project. Hong also provided a history of TPL's involvement in purchasing the property.

Director Pfund described the location of the property, being adjacent to Kualoa Ranch, on Johnston Road, mauka of the fishpond area.

Hong further described the location of the property and invited the Commission and the City staff to attend a community celebration for the property.

`Aina Haina Nature Preserve

Director Pfund explained that the `Aina Haina Nature Preserve Expansion area was purchased over a year ago as a fee simple acquisition by the City and that it was added to the land holding of the Department of Parks and Recreation. The property has closed and is under the care of the City. Councilmember Tommy Waters introduced a resolution to downzone the property in order to solidify that the property will remain a conservation property which is currently zone R-3.5.

Chair Broder asked Director Pfund to explain the location of the property and questioned if the public will have access to hike the expanded areas. Director Pfund described the location of the trailhead being at the end of Hao Street. Director Pfund also explained that there needs to be a balance between hiking activities and the impacts upon the surrounding neighborhood. There are concerns with regards to traffic and parked vehicles on the surrounding streets. Access to the hiking trail is accessible to the public. Director Pfund added that additional conservation activity by the State's Department of Land and Natural Resources is being conducted pass the City-owned property.

Hong notified to the Commission that TPL has a small amount of grant money and is working with HILT on a community guide on land conservation. When completed, the guide will be presented to the conservation community, legislators, council members and community organizations to heighten awareness for various conservation opportunities and the availability of the Fund. TPL will also post on social media, pictures of past CWNL funded projects. Hong also discussed her knowledge of the history of the CWNL Commission and gave her input on reasons why there may be a lack of applications.

HAWAIIAN ISLANDS LAND TRUST TO UPDATE THE COMMISSION ON PROJECT STATUS FOR HAKIPU`U LO`I KALO AND UPCOMING PROJECTS THAT IT WILL BE APPLYING FOR IN THE NEAR FUTURE

Laura Kaauka stated that due to previous discussions and updates made by DLM in regards to the Hakipu`u Lo`i Kalo project, she had nothing more to add.

Kaauka informed the Commission of an application that was just submitted for the Waikalua Fishpond Complex and introduced Herb Lee, CEO of PAF. Kaauka suggested a site visit to the property so that the Commission can tour the property and the fishpond.

Herb Lee stated that he is looking forward with working with the Commission to purchase a conservation easement over the Waikalua Fishpond Complex.

Kaauka stated that HILT is also looking forward to submitting one more application in the near future.

PUBLIC TESTIMONY

Chair Broder invited Kauai Lucas to speak. She did not respond.

Hong announced TPL's plan on submitting future applications for use of the Fund.

Commissioner Liggett suggested that future CWNL meetings be held on Zoom instead of Webex until the technical difficulties can be resolved.

Hong invited the Commission or anyone interested on a guided hike on the `Aina Haina property.

ANNOUNCEMENTS

The next meeting will be on August 14, 2020 at 9:00 a.m.

ADJOURNMENT – The meeting was adjourned at 10:32 a.m.

Respectfully Submitted,

Aaron Honda

APPROVED:

Chair Sherry P. Broder

Date

The minutes of the Commission Meeting on July 10, 2020 were approved at the August 14, 2020 Commission Meeting.

	<u>Aye</u>	<u>No</u>	<u>Comment</u>
Sherry P. Broder	<input type="checkbox"/>	<input type="checkbox"/>	
Giorgio F. Caldarone	<input type="checkbox"/>	<input type="checkbox"/>	
Jamie Tanimoto	<input type="checkbox"/>	<input type="checkbox"/>	
William Reese Liggett	<input type="checkbox"/>	<input type="checkbox"/>	
Elliott "Kai" Raymond Markell	<input type="checkbox"/>	<input type="checkbox"/>	
William Kamana'olana Mills	<input type="checkbox"/>	<input type="checkbox"/>	
Jason Kekahi "Kahi" Pacarro	<input type="checkbox"/>	<input type="checkbox"/>	