

Minutes of the May 12, 2010, Legacy Land Conservation Commission Meeting of the Subcommittee on Rules and Management Funds

DATE: May 12, 2010

TIME: 1:30 p.m. to 4:00 p.m.

PLACE: Videoconference locations:

Oahu: Kalanimoku Videoconference Center, Kalanimoku Building
1151 Punchbowl Street, Room B10, Honolulu, Hawaii

Big Island: Hilo Videoconference Center, Hilo State Office Building
75 Aupuni Street, Basement, Hilo, Hawaii

Maui: Wailuku Videoconference Center, Wailuku Judiciary Building
Wailuku Judiciary Bldg., 2145 Main St., 1st Floor, Wailuku, Hawaii

SUBCOMMITTEE MEMBERS PRESENT:

Dr. Dale Bonar

Dr. Joan E. Canfield

Dr. Robert J. Shallenberger

COMMISSION MEMBERS ABSENT:

Ms. Lori Buchanan

STAFF:

Molly Schmidt, DLNR, DOFAW

PUBLIC:

Ms. Laura Kaakua, The Trust for Public Land

MINTUES:

ITEM 1. Call to order and introduction of subcommittee members and staff.

Members of the Subcommittee and staff introduced themselves.

ITEM 2. Approval of March 29, 2010, Legacy Land Conservation Commission Subcommittee meeting minutes.

Chair Shallenberger pointed out a minor revision to the March 29, 2010, meeting minutes. The Subcommittee approved the minutes with Chair Shallenberger's revision (Chair Shallenberger moved, Member Canfield seconded, all were in favor).

ITEM 3. Review of March 29, 2010, Legacy Land Conservation Commission Subcommittee meeting outcomes and briefing by staff and/or members on any follow-up.

Chair Shallenberger asked Ms. Schmidt to give the Subcommittee an overview of the last meeting and progress that has been made since.

Ms. Schmidt stated that, at the last meeting, the Subcommittee had discussed draft program rules and discussed the unresolved issues related to the drafting of management funds grants criteria and rules. The outcome had been that Chair Shallenberger would draft criteria. After that meeting Chair Shallenberger had sent in draft management fund criteria, plus some revisions to the existing land acquisition criteria. Ms. Schmidt had put the management funds criteria into rules format and added her own comments in track editing, and had added Chair Shallenberger's comments to the existing draft of land acquisition criteria in track editing. There had also been revisions to the Program rules, they had been sent to Division of Forestry and Wildlife (DOFAW) and Land Division staff for comment. Changes had been listed for the Subcommittee.

ITEM 4. Discussion and possible advisory recommendations to the Legacy Land Conservation Commission for the process for the disbursal of management funds and land acquisition funds through the Legacy Land Conservation Program.

Ms. Schmidt stated that the goal for this meeting was to get the Subcommittee's draft rules set for Commission review. Drafts included: the Commission procedural rules, the land acquisition criteria, and the management funds criteria. The Subcommittee had already covered the Commission procedures, which left the criteria drafts to finalize. Also, the Subcommittee could get a list of comments together on the Program rules so that the Commission could more easily make recommendations on these rules to DOFAW.

Chair Shallenberger asked where the changes to Program rules were listed. Ms. Schmidt stated that the revisions to the rules had been added, and that she could summarize the major changes.

Chair Shallenberger stated that he had sent in changes to the acquisition criteria along with the draft management funds criteria. He stated that the presence of the "priorities" sections in both sets of criteria were inconsistent with the nine resource types listed in the statute, and asked why they had been inserted.

Ms. Schmidt stated that the priorities were from the statute, and were supposed to be what the criteria were derived from, which is why they were there in the drafts. She added that the priorities may not need to be in the rules, however, early on, the Commission had suggested that she begin drafting by copying from the statute, so she had included them.

Member Bonar stated that the new bill, House Bill 979, had enabled the use of funds for invasive species control on State lands. He stated that including the priorities would provide additional guidance and indicate that the funds were to be used for Legacy Lands. Member Canfield agreed. Member Shallenberger added that he did not object, however, he had thought it confusing to readers to have multiple sets of priorities. Ms. Schmidt stated that the statute might be the source of confusion; her read of it was that the nine resources listed in statute were "eligible" lands, whereas the priorities listed in statute were to help the Commission choose among projects on eligible lands.

Member Bonar asked whether the priorities were numerically significant in the way they were listed. Ms. Schmidt stated that the priorities were all to be considered equally, according to an earlier informal opinion from a Deputy Attorney General.

Chair Shallenberger stated that he could live with the presence of the priorities in the rules and suggested that the Subcommittee go through the draft changes to the land acquisition criteria.

Ms. Schmidt explained that Chair Shallenberger's changes had been added to the original draft in track editing. Chair Shallenberger pointed out that numbers one and twelve are the same, the latter needed to be omitted. Ms. Schmidt stated that "capacity for long-term management" had been added at the last meeting. Member Bonar encouraged that this criterion be put in. Chair Shallenberger asked about deleted text and Ms. Schmidt stated that any of the criteria that were not present in Chair Shallenberger's draft had been deleted. She stated that "capacity for long-term management" and "connection to local and regional planning efforts" had been deleted this way. Chair Shallenberger stated that he had not intended that these criteria be deleted; Ms. Schmidt stated she would put them back in. Members Canfield and Bonar agreed.

Member Bonar asked about the text added concerning threatened and endangered species. Chair Shallenberger stated that he had added this text to compensate for the fact that the priorities were to be deleted, however, the Subcommittee was not deleting the priorities, so the text did not need to be there. Member Bonar stated that the text did not hurt, if the priorities indicated that threatened and endangered species be considered. Ms. Schmidt stated that it was good, style-wise, to be brief and omit unnecessary text and parentheses. Member Bonar agreed. Chair Shallenberger stated that it should be taken out.

Ms. Schmidt asked why "expansion" had been deleted from the third criterion. Chair Shallenberger stated that the term "linkage" was sufficient.

Member Bonar asked if the "and enjoyment" text was necessary in the fourth criterion. Chair Shallenberger stated that this had been from the statute.

The Subcommittee agreed that the current draft of land acquisition criteria, along with the changes discussed, would be sufficient. Chair Shallenberger suggested that the Subcommittee move to discussion of the management funds criteria. He asked Ms. Schmidt if the staff comments had been highlighted in this version. Ms. Schmidt confirmed. Member Bonar asked what was being struck in the first changed item. Ms. Schmidt stated that "acquisition" in the phrase "acquisition application" had been nixed because there was no need to specify the type of application. Chair Shallenberger asked if readers might be confused by the two sections mentioning "application." Ms. Schmidt agreed and stated it should probably be left in. Ms. Schmidt added that all references to "O, M, and M" had been changed to "management grants" because "management grants" had been defined in the chapter to mean "operations, maintenance, and management grants." Chair Shallenberger agreed with this approach. Ms. Schmidt added that, where the actual activities of operation, maintenance, or management were referred to, the full terms would be used.

Ms. Schmidt stated that she had suggested striking the second criteria because it was a list of eligible lands, not necessarily a criterion. Chair Shallenberger stated that it narrowed the scope of what the Commission was looking at, so it was fitting to leave it in. Member Canfield agreed. Ms. Schmidt agreed.

Ms. Schmidt stated that in number two, part c, regarding material in parentheses, it was the same thing that had been discussed in the land acquisition grant criteria. Chair Shallenberger and Member Canfield confirmed that this text should also be eliminated.

Ms. Schmidt stated that her comment in number four had been to spell out the activities of operations, maintenance and management.

Ms. Schmidt stated that, in number six, “urgency of need” might be better wording. The Subcommittee members agreed.

Ms. Schmidt stated that her comment on number seven had been an effort to shorten the text. She added that number fifteen, which she had added, was related to this criterion. Chair Shallenberger stated that number fifteen was mixing apples and oranges, that is, objectives and activities. He preferred keeping it simple. Member Bonar recommended shortening it to “feasibility and efficacy of proposed activities.” Ms. Schmidt stated that the efficacy/feasibility of the objectives and the efficacy/feasibility of the activities were two different things. Member Canfield replied that “objectives” would cover both. Ms. Schmidt agreed. Member Bonar stated that “efficacy” would only relate to an activity being done. Ms. Schmidt asked if the criterion could be separated into two criteria, one on the feasibility of objectives and another on the efficacy of the actions. All members agreed.

Ms. Schmidt stated that her suggested revision to number nine had just been a matter of word choice. Chair Shallenberger added that “management” should be included. Ms. Schmidt stated that the term “management grants” had been defined to refer to all three eligible activities; however the term “management” had not been defined, and would not include operations and management activities. Member Bonar asked whether activities qualifying as “operations” or “maintenance” or “management” would be listed. Ms. Schmidt stated that this sort of thing would fit better under the program rules, in terms of eligibility, not criteria. Chair Shallenberger and Member Canfield asked if the existing definition could be modified. Ms. Schmidt stated that it might be alright to shorten the way that the grants are referred to as “management grants,” however, if the actual activities of “operations, maintenance, and management” were being omitted Member Bonar asked Ms. Schmidt what the difference between the three terms was, and if they would not all be covered by “management.” Ms. Schmidt stated that she did not know the definition of each term, but would not want to veer away from what was stated in the statute. Chair Shallenberger stated that managing a game animal population might be management; however, fixing a broken fence might be something else. Ms. Schmidt stated that agricultural operations could be different from “management.” Chair Shallenberger stated that land management professionals do distinguish between the terms. Member Bonar stated that his concern was that people reading these rules would not have enough guidance on what the terms meant in this context. Ms. Schmidt stated that number nine could be fixed by stating “community support for proposed activities,” and, when it comes time to start operating under the new rules, she could create user-friendly guides in formats that would help people interpret and understand the rules. Member Bonar stated that he was opposed to vagueness in administrative rules, but could live with this particular issue.

Chair Shallenberger stated that the statute was providing the guidance in this situation. Member Bonar stated that the statute did not define the terms. Chair Shallenberger replied that the statute listed all three activities, so all activities must be listed in the rules. The term “management grants” had been defined; however, the term “management” had not been defined to include all activities. Member Canfield had suggested adding a definition.

Member Bonar asked if the proposal was to define all three terms, or was it to shorten the reference for all three activities to one term. Chair Shallenberger stated the idea was to shorten the reference. Member Bonar stated that he was interested in clarifying the activities.

Member Canfield asked if a definition referring to all three terms should be added. Ms. Schmidt stated that it could be done, however, there was a point where adding more definitions became more cumbersome than just using the original wording, and this seemed to be in that direction. Chair Shallenberger agreed. Ms. Schmidt asked Member Bonar if he would be alright with phrasing criterion nine as “proposed activities” instead of including the actual activities or a definition. Member Bonar consented; the remaining members agreed.

Ms. Schmidt stated that she had commented on the tenth criterion because she did not understand it – if the land had been acquired, what consideration should be given to potential hazards? Chair Shallenberger stated that the criterion allowed for consideration of whether existing hazards were addressed by the proposed activities. Member Bonar agreed, stating that management actions sometimes included pesticide usage, etc. Member Canfield stated that the criterion should be included. Ms. Schmidt agreed.

Ms. Schmidt stated that she had suggested replacing number 11 with number 13 because number 11 was not phrased to include all potential activities. Members Bonar and Canfield agreed. Chair Shallenberger explained that there had been a direct reference in the legislation to public access. Ms. Schmidt asked if it had been in the Committee Report – she added that, in cases where the statute was clear on a given matter, Committee Reports did not need to be referenced. Member Bonar stated that, in some cases, public access would not be desired. Chair Shallenberger asked Ms. Schmidt to read the language, Ms. Schmidt read text from Standing Committee Report 2426. Member Bonar pointed out that the criterion was still only pointing out one use. Ms. Schmidt stated that the criterion was a good start and that number thirteen included all of the uses.

Ms. Schmidt stated that she had suggested omitting number 12 as redundant. The members agreed.

Ms. Schmidt stated that number 14 also helped take care of the issue. The members decided to drop number 11. Ms. Schmidt asked whether the Subcommittee wanted to keep 13 and 14. The Subcommittee agreed.

Ms. Schmidt stated that number 15 had been suggested as a method to consider the presence of the proposed activity in existing planning documents; however, since management planning was a potentially-fundable activity, a second part had been added to consider whether funded plans could be implemented. Chair Shallenberger pointed out that, in number 15 and the other criterion relating to management, there were three or four separate ideas that needed to be clarified. Member Bonar stated that the criteria ought to be clear: whether there is a plan, the ability of an organization to implement, the likelihood of long-term sustainability of the activity.

Member Canfield stated that the next item, number 16, was related to long-term management. Member Bonar said that number 16 sort of addressed the issue. Chair Shallenberger pointed out that long-term continuity and long-term efficacy are two different ideas. Member Bonar stated that he was referring to the long-term, perpetual, ability of an organization to continue maintenance and asked if number 16 addressed this. Chair Shallenberger thought so. Member Canfield stated that the different criteria relating to management had addressed all of the bases. Chair Shallenberger agreed. The

members agreed. Ms. Schmidt asked whether, in number eight, the phrase ought to be “adequacy of planning” rather than “adequacy of management planning” to avoid preferring one activity over another. The members agreed that it was okay the way it is and proposed moving some of the items for better ordering (move number eight to immediately precede number 15).

Member Bonar asked whether number 15 should read “proposed activity” instead of “activity.” All members and Ms. Schmidt agreed.

Ms. Schmidt asked about number 17. She stated that the item was referring to the activity in the context of the region. Member Canfield pointed out that number three already pointed out linkage. Chair Shallenberger suggested leaving it in; despite the wording, it was helpful. Members Bonar and Canfield agreed.

Ms. Schmidt asked about number 18, stating that it had been added as an attempt to incorporate the priorities, however, upon second reading, she did not find it helpful. Chair Shallenberger stated that the item was not critical. Ms. Schmidt stated that it did not apply to all priorities and uses equally. Chair Shallenberger suggested dropping it, Members Bonar and Canfield agreed.

Ms. Schmidt stated that the additional notes and suggestions listed at the bottom of the draft had all been covered in the course of discussing the criteria. The only remaining point not covered was her previous suggestion to re-order the management criteria to follow the same order as the land acquisition criteria in cases where the criteria were the same; however, she no longer liked this suggestion because it would just create confusion.

ITEM 5. Discussion and recommendations to the Legacy Land Conservation Commission on draft rules for the Legacy Land Conservation Commission and the Legacy Land Conservation Program.

Chair Shallenberger asked if there was anything that needed to be covered from the sheet of changes to the draft rules that Ms. Schmidt had provided. Ms. Schmidt stated that there was a typo on the sheet --- the last head should state “4/14 changes to draft rules.” She added that, other than that, she did not think anything needed to be covered. She stated that the rules under DOFAW authority would be up for comment at the next Commission meeting; if the Subcommittee wanted to come up with some comments to the Commission, it could. She had a list of comments from the previous meeting, with notes on what was or was not incorporated. She stated that the only comment from the Subcommittee that was not added was one relating to repeating the language on conservation easements under the “grant agreement” provision. She did not add it because it would be repetitive, but not useful. The Subcommittee could pass the comment on to the Commission for further discussion. Chair Shallenberger asked for clarification. Ms. Schmidt stated that, at the last meeting, the Subcommittee was concerned about the BLNR’s ability to put conservation easements on properties acquired in fee at the time of acquisition. To address this concern, the Subcommittee had proposed repeating the language regarding conservation easements under the “grant agreement” provision. Ms. Schmidt stated that, regardless of the proposal, the BLNR can still put conservation easements on properties at the time of acquisition. The language on conservation easements, deed restrictions, and covenants, the third provision on page 8, had been moved up since the last meeting. Putting it under the grant agreement provision would not add anything.

Chair Shallenberger asked whether all rules needed to be approved by the Commission. Ms. Schmidt stated that some of the rules were under Commission purview and some were under DOFAW. She referred to Chapter 173A, HRS, and read the provisions relating to the Commission's and BLNR's rulemaking authorization. Chair Shallenberger asked if, despite the different authorities, the rules would not all go to the Commission together. Ms. Schmidt stated that they would, however, the distinction was in the levels of authority with which the Commission would be able to revise the rules. The Commission procedure and criteria would be under the Commission's authority, not DOFAW. DOFAW would draft administrative rules for the program under BLNR authority. Chair Shallenberger stated that the Commission would go through the entire thing in the form of recommendations, regardless of authority. Ms. Schmidt stated that the Subcommittee drafts the Commission's rules with or without DOFAW assistance, under the BLNR. For the Program rules, staff drafts them, the Commission comments, and the DOFAW Administrator decides whether or not to adopt and incorporate those comments or just pass them on in the BLNR submittal. Ms. Schmidt explained the process by which the Program rules had been revised and updated. Chair Shallenberger specified that he was interested in the process by which the rules would be reviewed by the Commission. Member Bonar suggested a final draft plus a markup of what had changed. Ms. Schmidt stated that all final drafts would be consolidated; however, she would specify the correct statutory authorities over the different subject matters at the meeting.

Chair Shallenberger stated that they should be able to point out the major substantive issues and how they were addressed.

Member Bonar stated that there were substantive issues that had not been addressed that he would like to cover at the present meeting. Ms. Schmidt asked to make some remarks first, so that they could be sure to be covered before time ran out. Member Bonar consented. Ms. Schmidt stated that she had thought the Subcommittee would finalize the drafts under Commission purview, which they had done, however, she had also thought that the Subcommittee would want to keep a list of comments for the Commission on the Program rules. She had started to point out the things that needed to come to their attention, as Chair Shallenberger had asked, but had gotten sidetracked. She wanted to summarize them.

Ms. Schmidt stated that the following changes had been made to Program rules: all drafts had been consolidated, minor non-substantive changes had been made, in-kind services had been defined, text was added on eligible expenditures and match for management grants, and language on matching funds had been added for both land acquisition and management grants. Also, specific time constraints had replaced previous references to "a reasonable time."

Chair Shallenberger asked about the language relating to resource land acquisition planning and asked whether it was referring to planning to be done by the Program. Ms. Schmidt stated that the Commission had discussed this item long ago at a meeting and decided that it had a conflict of interest in working on the plan with DLNR. Member Bonar added that his impression had been that DLNR would use the plan to direct the Commission on which lands were priority. Chair Shallenberger asked if "in-kind" had been defined as "donated." Ms. Schmidt confirmed. Member Bonar said that he had suggested looking around to see what definitions of "in-kind" were available, but he assumed that the Hawaii Revised Statutes (HRS) had no definition. Ms. Schmidt confirmed, and stated that there were plenty of references to in-kind services in HRS, and they all seem to simply refer to services or items that are donated. Ms. Schmidt stated that she had also used the federal Office of Management and Budget (OMB) circulars in drafting the rules related to in-kind services and match.

Member Bonar stated that the list of matching funds that had been added had addressed most of his concerns, and that questions may still arise and would have to be taken on a case by case basis.

Ms. Schmidt stated that there was a member of the public present at the Kalanimoku location, and asked for an introduction. Ms. Laura Kaakua introduced herself as the Native Lands Coordinator for The Trust for Public Land.

Chair Shallenberger asked Ms. Schmidt if the Subcommittee had missed anything. Ms. Schmidt stated that she did not think they had missed anything regarding the Program rules, however, they might want to get a list of comments together for the Commission meeting.

Member Bonar stated that some ideas had not been discussed fully. Could the applications for the management and land acquisition grants be funded at the same time? He had thought the outcome was that management funds could only be applied for after land acquisition funds. Ms. Schmidt confirmed. Member Bonar stated that another unresolved issue was whether the two grant types would be separated. He preferred that management grants be addressed after land acquisition grants with any remaining funds. He also stated that he did not know whether a rule would be needed for this issue. Ms. Schmidt replied that she had thought it important to let people know what funds were available in advance, and the basis for choosing between grants should not be arbitrary.

Member Bonar asked whether up to 5% could still be used for management grants. Ms. Schmidt confirmed. Member Bonar stated that he would like to stick with the main goal of acquisition, and use leftover funds, up to 5%, on management grants. Member Canfield stated that this issue should be discussed with the entire Commission. Chair Shallenberger agreed, and suggested adding it to the poster list on the side.

Ms. Schmidt asked whether the Subcommittee wanted to review any of the added language. She pointed out that “in-kind” had been defined as “donated.”

Chair Shallenberger stated that the definition did not make sense unless read in context. He added that it could be improved by referring to how value would be determined. Member Bonar explained that, for Hawaii nonprofits, there were standards for in-kind services and rates, for example, volunteer services for beach clean-up would be \$19.00 per hour. He added that “land value donation” may not be an appropriate type of match for management funds grants. He asked whether acquisition grants and management grants, if applied for simultaneously, would allow this type of match.

Ms. Schmidt stated that it had been decided that management grants could not be applied for at the same time as acquisition grants. Member Canfield stated that the rules stated this in the first provision under the management rules subchapter. She asked whether there would ever be a land value donation as part of a management application. Member Bonar stated that a higher level of protection through a conservation easement might be possible. Ms. Schmidt stated that it was conceivable that an adjacent piece of land would be donated as match for management funds granted. The reason the land value donation language was there, however, is because it is in the statute. At the last meeting, Paul Conry had stated that his read was that match requirements applied to management funds grants. She has not wanted to mess with the way the statute read. Member Bonar stated that a land value donation might create messy legal issues. The Subcommittee might want to cross that out. Ms.

Schmidt suggested adding this comment to a list for the Commission. She stated that she agreed with Member Bonar, however, she was not sure whether this statutory language could be taken out. Members Canfield and Bonar suggested asking a Deputy Attorney General, Ms. Schmidt agreed and stated that all of these questions could go to the AG at one time.

Member Bonar asked whether the process for applying for management funds would be clear for applicants; whether they would know that management funds would not be available until lands were acquired. Ms. Schmidt stated that this requirement was a part of the statute and a part of the administrative rules. Member Canfield asked whether it would be laid out in an understandable format for applicants. Ms. Schmidt replied that the rules were what would be legally enforceable; when it came to making things more understandable and reader-friendly, there was a lot that could be done with instructions and forms. Ms. Schmidt stated that, at the last meeting, the Subcommittee had decided it did not want to tie up management funds for two to three years while waiting for the acquisition to be closed. Member Bonar agreed.

Member Bonar asked whether the Commission, if it decided that it wanted to award land acquisition grants first and then use the leftovers for management, would need to put this policy into rule form. Member Canfield stated that the Subcommittee had previously stated that it would want to leave this policy flexible so as to not bind future Commissions. Member Bonar stated that they would need to give instruction to people applying, he wanted to know if it would need to be a rule. Ms. Schmidt read the Chapter 91, HRS, definition of “rule” and stated that the question seemed to depend on whether this matter affected the rights of the public. She stated that sufficient notice to the public of available funds might be necessary. Chair Shallenberger stated that it would be a significant burden to put together an application if there was no chance for funding.

He stated that the Commission would be able to better assess the issue after having dealt with it. He asked whether the Commission would allocate management monies up front or reserve judgment until projects had been reviewed. Member Bonar asked whether the flexibility existed to split funds between projects or if this issue also needed to be formalized in a rule.

Chair Shallenberger stated that he needed to feed his parking meter and asked for a recess. Member Bonar asked how much was left for the Subcommittee to accomplish. Ms. Schmidt stated that it depended on how much the Subcommittee wanted to discuss these remaining issues before the next Commission meeting. Member Bonar stated he was comfortable with the progress thus far, and could leave further discussion until the next meeting at the Commission level. Chair Shallenberger agreed; he stated that he did not feel the need to keep discussion going, however, anything not discussed would have to go before the Commission. Member Bonar stated that he would stay but was comfortable leaving. Chair Shallenberger asked whether the members had further thoughts. Member Bonar said no. Member Canfield did not. Chair Shallenberger stated that his remaining issue was on criteria relating to public access – potential applicants should have a better indication of what would be considered. If the statute reflected public use should be considered, so should the rules. Ms. Schmidt stated that one of the criterion referenced the statutory uses (including public access). While the rules did not state those uses outright, all uses were covered by the references. Member Bonar stated that his former objection to including “public access” had been due to the concern that it gave the impression that public access was a requirement for all projects, instead of a consideration for some. Chair Shallenberger stated that this concern could be addressed by changing the wording; he wanted to keep the statutory intent and wording present in the rules. Ms. Schmidt read the section under §173A-5 relating to management funds uses. Member Bonar did not want to leave out the other

statutory uses, Member Shallenberger did not want to neglect the weight intended to be given to public access. Ms. Schmidt stated that, under her reading, “maintenance, management, and operations” were the three activities authorized for funding under §173A-5, whereas “protect, maintain, or restore resources at risk” and “provide for greater public access and enjoyment” were the two groups of purposes that the funded activities may be directed towards. Chair Shallenberger agreed. Member Canfield asked if number 11 should be put back into the draft management funds criteria. Ms. Schmidt stated that the only reason it had been taken out was that it referred to only one purpose of the funds instead of both. Chair Shallenberger stated that his concern was that the public knew public access was a legitimate use of the money. Member Bonar agreed and stated that he wanted it to be phrased as a possibility rather than a requirement. Ms. Schmidt asked Chair Shallenberger if, in number 14, instead of referring to “section 173A-5,” it directly stated the two purposes of the management funds listed under that section. Chair Shallenberger stated that this rewording would help a lot. Member Canfield agreed.

Chair Shallenberger asked if anything else needed to be address. Ms. Schmidt offered to have the Subcommittee’s 3/29/2010 comments available for the Commission meeting. The members agreed.

ITEM 6. Announcements.

Ms. Schmidt stated that the next meeting was tentatively scheduled for June 29, 2010, from 9:00 a.m. to 3:00 p.m., at State Videoconference Centers (VCC). Member Bonar asked whether it would be possible to have an in-person meeting... six hours is too long for a VCC meeting. Ms. Schmidt stated that she was not sure that the meeting would actually take six hours; however, she would look into getting permission and arranging travel for this meeting. Chair Shallenberger and Member Canfield agreed that the meeting would be better in person.

Chair Shallenberger asked for additional announcements.

Ms. Schmidt announced that: a million dollars had been taken from the Land Conservation Fund during legislative session; the Department would be recommending a veto to the Governor for House Bill 979; the dedication ceremony for the Honouliuli acquisition would be June 2, 2010, she had sent an email; and, in regard to the Fiscal Year 2010 awards, the Department of Budget and Finance was still reviewing the request for the Governor’s approval as of May 11, 2010.

ITEM 7. Adjournment.