



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Hawaii State Aha Moku Testimony
To the Board of Land and Natural Resources (Land Board)

April 14, 2023
Honolulu, Hawaii

Agenda Item D 1: Report to the Board of Land and Natural Resources the status of Revocable Permit Nos. 7407, 7444 and 7613 to Coco Palms Ventures LLC Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003.044 por., (4)4-1-003.014 and (4)4-1-005:017.

Aloha Chairperson Chang and Honorable Members of the Land Board,

We speak on behalf of the Aha Moku participants and members of Native Hawaiian generational families connected to Wailua and Kawaihau on Manokalanipo (Kauai). These ahupua'a are part of the Ko'olau Moku. We share our comments on this report and offer our mana'o. All Moku Representatives present today to orally give their mana'o are generational and lineal descendants of the lands where Coco Palms is located.

As we advise the Chairperson of BLNR and the Land Board members on issues that impact natural and cultural resources, we also bring the voices of the kanaka maoli forward. These voices are echoed in the oral testimonies of our Aha Moku representatives and reflect the concerns of the kanaka maoli of Manokalanipo.

Kapa'akai O Ka Aina¹ Analysis

The Kapa'akai Analysis may be used in determining whether traditional and customary practices would be impacted by the activities of the University of Hawaii, present and in the future.

Findings of Fact and Conclusions of Law of the Kapa'akai Case

- Identification and scope of "valued cultural, historical, or natural resources" in petition or impacted area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed actions;
- The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

The petition area in this case is the Coco Palms Hotel in the Wailua Ahupua'a.

¹ Ka Pa'akai O Ka'Aina v. Land Use Commission, State of Hawai'i, 2000, Supreme Court of Hawai'i

Aha Moku Concerns and Recommendations to the Land Board

While it is understood that this meeting is a non-action report briefing only, we ask that the following concerns be considered as conditions to be addressed in the Revocable Permits if granted in the future.

Concerns of the Kanaka Maoli of this ahupua'a will be orally given by the Moku Representatives present at this hearing:

1. Impact of development on coastal Native Hawaiian fisheries on nearshore coastal areas
 - a. Restoration of wetlands and ancient fishpond that was covered up on the property
 - b. Protection of endangered species – Nene, Koloa Ducks

2. Impact on native Hawaiian spiritual practices and protection of traditional religious practices on Wailua ahupua'a, particularly on the grounds of the current Coco Palms Hotel;
 - a. This concerns the restoration of the Ahu that marked burials, restoration of burials (40) now under the existing tennis court;

3. Protection on endemic and indigenous plants
 - a. The coconut trees on property are the original trees that were part of the ancient original range that started in the beginning of Wailua and extended two miles.

Thank you for the opportunity to express our concerns and hopefully our recommendations to be considered as conditions to be placed on any revocable permit applications for the Coco Palms Hotel

Respectfully and humbly yours,

Billy Kaohelaulii, Po'o, Manokalanipo
Aha Moku Advisory Committee
Hawaii State Aha Moku
808-742-9575
terrihayes@gmail.com

Kane Turalde, Moku O Waimea
Hawaii State Aha Moku
808-651-5984
kaneswahine@aol.com

Joseph Kamai, Moku O Koolau
Hawaii State Aha Moku
808-346-9028
Joekamai5759@gmail.com

Leimana DaMate, Luna Alaka'i/Executive Director
Hawaii State Aha Moku
88-640-1214
leimana.k.damate@hawaii.gov

From: [Stacey Alapai](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: Agenda Item D-1 - Opposing state land leases for hotel development
Date: Wednesday, April 12, 2023 2:36:31 PM

Aloha,

I am writing to OPPOSE the renewal of permits and/or transfer of parcels RP7613, RP7407, and RP7444 to the owners/developers RP21 Coco Palms LLC.

Wailuanuiaho`āno is considered one of the most significant political and religious places on Kaua`i, and throughout Hawai`i. In addition to the hugely significant history and cultural sites located on the adjacent parcels, there are traffic issues, climate change, mismanaged tourism concerns and the community does not want another hotel here! This land should instead be used to facilitate community stewardship that honors the history and culture while protecting the environment.

This site has been neglected and abused by its current permit holders and they should not be trusted to be good stewards of the land. Endangered birds are nesting on the site and disturbance without the proper plans and permits is a violation of the federal Endangered Species Act, but I am concerned to hear reports that the current leaseholders are digging and grading without monitoring or proper care.

Please consider this broken trust and do NOT allow for further hotel development on these State Lands.

Mahalo,
Stacey Alapai
Maui Resident

From: [Christyn Alcones](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Christyn Alcones testifying Agenda item D-1
Date: Wednesday, April 12, 2023 2:26:43 PM

I oppose the state land being leased to owners/developers RP 21 Coco Palms LLC for hotel development.

Kauai does not have the proper infrastructure to hold so much more tourists. And that location is already a big part of traffic congestion. There are better ways to utilize this space for the kauai people who live here, the visitors, and to keep the richness of the island that people come here for.

Mahalo for taking the time
Christyn Alcones

5905 Ahakea Street
Kapa'a HI 96746
laakea77@yahoo.com

13 April 2023

BLNR Testimony: blnr.testimony@hawaii.gov

To: BLNR Members

From: Mary Alexander, Kaua'i resident

RE: Testimony for the Friday, 4/14 meeting on Agenda Item D-1: Do not renew permits associated with three of the former Coco Palms parcels, RP7613, RP7407, and RP7444

I am writing to express my opinion against the renewal of the revocable permits associated with three of the former Coco Palms parcels, RP7613, RP7407, and RP7444.

As a resident of Wailua Homesteads, I have witnessed the decline of the dilapidated ruins of the former Coco Palms fronting Wailua beach for thirty-one years. As a Hawai'i taxpayer, I am left to ask, "What special privilege has our government continued to offer to the ongoing slate of potential developers that has allowed developers to leave these buildings in this decrepit state?" Over the years, the property has endured fires, houseless encampments, and graffiti-tagging. Enough is enough! Adding to this, the property is not suitable for development due to its protected wetland status, historic fishponds, Hawaiian burials and royal status, and due to the fact that global warming is threatening the Wailua coastline as well as Kūhīo Highway fronting the property. Our community neither wants nor needs another hotel; what we do need is to honor our island's cultural heritage and accept that the time has long passed for a hotel at this sacred site.

I agree with the the community group I Ola Wailuanui, who envisions this site as a center for cultural enrichment, historic preservation, land conservation, and indigenous Hawaiian education and interpretation. This area is sacred, and an important step is to deny the renewal and transfer of these permits. State lands are precious and should not be used for hotels.

Respectfully,
Mary Alexander

From: [Jo Amsterdam](#)
To: [DLNR.BLNR.Testimony](#); [Jo Amsterdam](#); [Puanani Rogers](#)
Subject: [EXTERNAL] D-1 Coco Palms Revocable Trust
Date: Wednesday, April 12, 2023 9:49:50 AM

Aloha e Chair Chang and Land Board Members

Please do not give any more permits to this project. The whole area is sacred and cherished by most everyone on this island. The insanity of another resort and the traffic, rubbish, and infrastructure pressure is obvious with this way too often “Grandfathered in” ruined resort. We really need to consider a park or other culturally sensitive scene created in this place. How could guests of this property safely get to the beach? Why is there no set back required when we know climate change is raising the ocean levels? Any and Everyone I speak with complains already about the traffic in this area. 350 more cars for the guests and at least that many for the workers there...really 700 more cars on our packed roads? Please let’s not allow this. Mahalo for your consideration, Jo Amsterdam of Kalaheo

TO: Members of the Board of Land & Natural Resources
FROM: Bronson Azama

Aloha mai kākou,

My name is Bronson Azama, I am testifying in regards to item D 1. on the agenda about the Revocable Permit (RP) for Coco Palms. I would request that the Board cancel the RP of Coco Palms Venture LLC.

The lands as acknowledged in its recent history from hurricane Iniki are a hazard, with Climate Change in mind the property is more a liability than an asset, something our ancestors recognized as well. This flood prone property should not have any hotel development.

In recognition of IOW's proposal I do support restoration of cultural sites such as the fishponds and others that may be identified. Converting the former Coco Palms facilities into a cultural center I would question due to the previously aforementioned reasons as well as the sensitivity to iwi kūpuna (ancestral remains) in the area.

Should developments be allowed, even regarding the sewage, what happens in the event of a storm if the facilities are damaged. What protections would be in place to prevent leakage into the water and sea? We should not even have to ask these questions when we clearly recognize the risks to developing these areas prone to natural disasters.

The State should not be bullied by the threat of lawsuits that seek to protect personal interests and personal gain. The State needs to prioritize protecting lives that would be endangered in the event of an emergency such as a flood, hurricane, and rising seas, something the derelict remains of the Coco Palms Hotel represent, changing times and conditions. These are developments that risk lives in the near future, and such risks should inform proper land use for properties across Hawai'i.

I do not support the leasing and/or permitting of these lands for developments that are not aligned to the interest of the community and the changing conditions of our reality, nor do I support a questionable easement to allow development, and disposition of Public Lands.

I do support the restoration of cultural sites such as the Loko I'a, the protection of burial grounds, mitigating disasters by not having people dwelling in flood prone areas, prioritizing developments that feed communities, restoring natural resources for future generations, and environmental stewardship aligned to kānaka maoli beliefs.

Mahalo,
Bronson Azama

From: [Bethany Freudenthal](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Coco Palms revocable permit public testimony
Date: Thursday, April 13, 2023 9:28:48 AM

Coco Palms

To Whom It May Concern:

My name is Bethany Brunelle. From 2017 to 2018 I was the crime, courts and breaking news reporter at The Garden Island Newspaper on Kauai.

During my time on Kauai, one of the cases I covered extensively was a civil proceeding between Noa Mau Espirito, Charles Hepa and two developers, Chad Waters and Tyler Greene, who wished to rebuild the infamous Coco Palms hotel.

While covering this case, I spent hours talking to both parties involved. One day Hepa called me to the property and gave me a tour. He told me that he wanted to care for his ancestral property and build infrastructure that would support Kanaka Maoli individuals on Kauai from keiki to kupuna. His dream was to house the houseless, feed the hungry and promote the Hawaiian culture with art, dance, music, song, food and education.

I also spoke often with Waters. He told me he and Greene also wanted to promote Hawaiian heritage, but their actions spoke louder than words and those words were the opposite of what they told me. Their actions were the opposite of Aloha.

During the court proceedings, Hepa and Mau- Espirito represented themselves and fought for the vision they had for their families and community, but ultimately lost.

After the case was decided, I stood on the sidelines and watched as members of the Kauai community and Kanaka from other islands gathered at Coco Palms to mourn for their ancestors and the Aina. I watched several weeks later as those remaining on the property were expelled by law enforcement and even more heartbreaking, I watched a few weeks after that as Waters ordered a hale to be taken down with heavy machinery.

I remember how gut wrenching it was to see belongings...letters, clothing, a child's toy, get destroyed by these men.

As an observer to these actions and as a highly sensitive person, I could feel deep sadness

from the community each time one of these assaults took place.

Coco Palms isn't just land. It's a sacred and living place. Seeing dreams, homes and belongings destroyed by grown men, was an absolute affront to human decency, Hawaiian culture and the spirit of Aloha.

To this day, I hold Mau-Espirito and Hepa in high regards. These two men did everything they could to fight for their ancestors and their community and they haven't yet given up the fight.

I tried as a reporter to ensure their voices were heard fairly and correctly, but it was a battle for me every day. I don't think this group has been given a fair chance. They've been laughed out of public spaces with public officials ignoring their pleas for justice and equality.

I am writing to urge BLNR to deny any permits that would position developers to rebuild the Coco Palms Hotel. I urge the Board of Natural Resources, the Department of Natural Resources, the State of Hawaii and the County of Kauai to no longer move forward with permitting the rebuilding of the Coco Palms Hotel. I urge any person wishing to develop this land to actually LISTEN to the community instead of trying to destroy it. Instead, I urge these public bodies to work directly with members of the Kanaka Maoli who live on Kauai to come up with a plan to develop the land in a way that would benefit the community. Most importantly, I urge anyone who thinks they have the clout to redevelop Coco Palms to actually listen to the people who live there and whom have suffered generations of trauma and houselessness before attempting reconstruction. Anyone with an ounce of human decency would not attempt to develop this land.

Thank you for your time and consideration of my testimony. Please call or email me with any questions or concerns regarding my testimony.

Mahalo nui loa,
Bethany Brunelle
443-420-2214
bethanyfreudenthal@gmail.com

Sent from my iPhone

From: [Nancymae Chandler](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Wailua Coco palms Kaua'i 2023
Date: Thursday, April 13, 2023 11:13:12 AM

April 13,2023 Thursday

Testimony: Wailua Coco Palms

Aloha blnr and to whom it may concern like to start with a mahalo for bringing this back to this sacred place a lot of history has happened in this aina it's a special place of longtime memories until it closed its doors Ewa 1992 and here we are back it's should be restored to its original glory it's time to put this place Wailua Coco Palms to a cultural heritage center to put back what was once a cultural place in my heart I would gather all the memories for all the family of Kaua'i I know dozens of family that have longtime memories should be great let's give it life make the right decision it's about the people in the communities it's for our keikis our youth our Kupunas to tell the story's the place let's not push us out we are still here but sweep the memories of this place Wailua Coco Palms choose right and think about the Future Generations that will follow in our footsteps I write this in changes that's around these days and times we must come with solutions to repair the broken and come together to rebuild what once was grand I speak for all who have gone on their journey to heaven and all the tutus wahines and tutu kanes

That are still breathing Life and to the keiki the now are Makua wahine Makua Kane we must gather them and come together and hear all the memories I ask you blnr to please give it back what belongs for the people of Kaua'i and her future generations

Mahalo nui

Nancymae Chandler

Aloysius K. Chandler

From:

To:

12-Apr-23

Mason Chock

Dawn Chang

Kupu A'e

BLNR

Please accept my testimony to BLNR - April 14, 2023 regarding item:

1. Report to the Board of Land and Natural Resources the status of Revocable Permit Nos. 7407, 7444 and 7613 to Coco Palms Ventures LLC Wailua, Kawaihau, Kaua'i, Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017.

Aloha Honorable Chair Chang and Board Members,

I am writing to express my support for the BLNR to consider the community stewards of I Ola Wailua for the 3 "Revokable Permits" that are now in the name of Coco Palms Ventures LLC, an entity that no longer legally exists.

As a reminder, The Board of Land and Natural Resources (Board) has authority to issue the leases at a nominal consideration and by direct negotiation to eleemosynary (charitable) organizations pursuant to the following authority:

§171-43.1 Lease to eleemosynary organizations. The Board may lease, at a nominal consideration, by direct negotiation and without recourse to public auction, public lands to an eleemosynary organization which has been certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended. The lands shall be used by such eleemosynary organizations for the purposes for which their charter was issued and for which they were certified by the Internal Revenue Service. [L1970, c 83, §5; am L 1971, c 100, §1; am L 1982, c202, §1; am 11991, c 212, §3]

It is a disgrace that the recent BLNR staff report references the "history of the area" starting with the hotel. The report makes no mention of the deep history and cultural significance of these lands. Is the state in the business of whitewashing the history of our ali'i and the iwi that are scattered throughout this property? This region, made up of much of the properties in question, is known as

Wailuanuiaho'āno, which is one of the most significant cultural complexes In the Hawaiian archipelago. It is the birth and burial site of our ali'i and home to Kauai's most sacred heiau from Hikinaakalā, 'A'A Kukui, Malae, Holoholokū and Poli'ahu including Queen Deborah Kapule's fishpond's Kawaiiki and Weuweu. The bias to turn over our most sacred lands to those entities with a fraudulent track record is disturbing. Our people deserve better stewards that support a regenerative future which honors our past and intends to give hope to our next generation.

Please do what you can to protect our kulāiwi.

E mahalo nui,

Mason Chock



President,

Kaua'i Team Challenge

DBA Kupu A'e Leadership

Development and board

member of I Ola Wailua nui

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Ross Kagawa



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

April 13, 2023

TESTIMONY OF FELICIA COWDEN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
ITEM D1, RELATING TO COCO PALMS
Board of Land and Natural Resources
Friday, April 14, 2023
9:15 a.m.
1151 Punchbowl Street, Room 132
Via Zoom

Dear Chair Chang and Members of the Board:

Thank you for this opportunity provide testimony relating to Item D1 as it pertains to Coco Palms on Kaua'i. My testimony is submitted in my individual capacity as a Councilmember of the Kaua'i County Council.

I have followed this topic for a minimum of ten years, and I request that strong caution and consideration be held as the status report is received on 4/14/23 for action next month on the continuation of the revocable permits..

The shell of the former Coco Palms Hotel has been a distressed asset for more than 30 years. The surrounding State lands of significant cultural interest and environmental sensitivity have been tied to the small parcel of private hotel lands continuing any level of economic viability it may hold. The special allowance for rebuilding to pre-Hurricane Iniki levels should be long passed. Furthermore, the 5/25/18 BLNR meeting giving a 50-year assignment of the public land to the private interest was short with inadequate consideration given to the testimonies as it was on the same day as the Hawai'i Democratic Convention.

There are a multitude of adverse changes to the viability of a resort property on the footprint of a hotel built in the 1940's including significant market changes, loss of the beach, four lanes of congested traffic directly abutting the buildings, applicable endangered species laws, saline intrusion on the base of the buildings, flood inundation zones, and cultural reclamation, among a number of concerns.

Chair Chang and Members of the Board
Relating to Coco Palms
April 13, 2023
Page 2

There is community desire for a cultural park and a need for parking lots. Please proceed with care and caution. The continuance of the 50-year lease of prime cultural State lands to assist yet another development effort is a pathway that primarily assists and protects investors from a known risky asset more than any real service to the people of Kaua'i.

Sincerely,

A handwritten signature in black ink that reads "Felicia Cowden". The signature is written in a cursive, flowing style.

FELICIA COWDEN
Councilmember, Kaua'i County Council

RM:dmc

From: [Iwalani Fowler](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Rejecting all Illegal Construction and Permits (Revised)
Date: Thursday, April 13, 2023 9:13:53 AM

Aloha,

As an heir to the lands left by my ancestors, Iwalani Fowler King Kamehameha III Heir by Lineal Descent, I want to make it clear that these lands hold a deep connection to me. My ancestors have lived on and cared for these lands for generations, and they hold cultural and spiritual significance to men and my community.

I was shocked to learn that permits had been obtained to build a hotel on this land without my knowledge or consent. I want to make it clear that I did NOT give any permission to buy, sell or develop the land in any way. I have never had any intention to sell the land or to allow any development that could potentially harm or desecrate this sacred space.

I am deeply saddened and frustrated that you did not contact me or any of the other heirs to discuss any potential sale or development of the land. It is disrespectful to make decisions about the land without first consulting with those who have direct connection and responsibility to it.

I am also questioning the legality of the permits that were obtained. I want to know who gave you the permits or permission to build on the land, as I did not provide any consent or authorization. Any attempt to develop or desecrate this sacred land without proper authorization is not only disrespectful, but also illegal.

I urge you to respect my wishes and the cultural and spiritual significance of this land. I will do everything in my power to protect it from any harm or desecration.

Yours Truly,
Iwalani Fowler (King Kamehameha III Heir by Lineal Descent)

From: [Torie Hoopii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] estimony in opposition to the transfer of these parcels to the owners/developers RP 21 Coco Palms LLC.
Date: Thursday, April 13, 2023 8:15:27 AM

BLNR To Whom it may concern

My name is Torie Ho‘opi‘i, I am with Kāko‘o Haleakalā, an activism organization on Maui. I am submitting testimony opposing the transfer of these parcels to the owners/developers RP 21 Coco Palms LLC.

I ask that the BLNR not renew the permits associated with three former coco palms parcels, RP7613, RP7407, and RP7444.

I Ola Wailuanui, are in the process of applying for these parcels to facilitate community stewardship that honors history and culture while protecting the environment.

Wailuanuiaho`āno is considered one of the most significant political and religious places on Kaua`i and throughout Hawai`i. However, besides the important historical and cultural sites on the adjacent parcels, there are traffic issues, climate change, and mismanaged tourism concerns. The community does not want another hotel here!

As a kia`i aloha `āina, I am concerned about the desecration and disturbance of known iwi kūpuna on this site. When will these things take precedence over another unwanted hotel by the community?

Currently, they appear to be digging and grading without monitoring. Also, known criminal activity and many police calls have been made over the last decade from this rear parcel. The site has been kept dangerously unmaintained for far too long.

Endangered birds nest on the site, and disturbance without the proper plans and permits violates the federal Endangered Species Act. These federally protected birds should take precedence.

Who better to manage and protect the site than us, kanaka? Please do the right thing.

Mahalo Nui,

Torie Hoopii
Kāko‘o Haleakalā

4/13/2023

Aloha Honorable Board of Land & Natural Resources,

Please accept my testimony relating to Agenda Item D-1 relating to the Revocable Permits, RP7613, RP7407 and RP 7444.

Please do not grant the Revocable Permits to RP 21 Coco Palms LLC, the new name for the developers who continue this cycle of disrespect for these very important lands for a use that the community clearly widely opposes.

The developers intend to use these State, public, lands as part of their new proposed 350 room hotel. The act of simply transferring it over into their name, despite all the many concerns and after years of gross neglect, is unacceptable.

Wailuanuiaho`āno is considered one of the most significant political and religious places on Kaua`i and throughout Hawai`i, yet the staff submittal report does not share with you the incredible importance and history of this place prior to 1940's. This is a horrible disservice and has possibly clouded considerations related to this place for years.

Wailuanuiaho`āno (which most of these parcels in consideration are overlaid onto parts of along with the road and surrounding parcels) is a foundational part of Hawaiian culture, history, dance, music and language and is special to Hawaiians everywhere. It is referred to in many mo`olelo and a place rich in Hawaiian history, agricultural innovation, spirituality and royal estates. This rich history is well documented and widely available and summarized in multiple literary forms and interviews with respected cultural practitioners.

In addition to the hugely significant history and cultural sites located on the adjacent parcels, there are traffic issues, flood, wetland and water concerns, climate change resiliency considerations, mismanaged tourism concerns and other reasons that the community has spoken out in recent years, loud and clear in multiple recent County Planning meetings, that we do not want another hotel here!

I Ola Wailuanui, Hawai`i non profit, is also in the process of applying for these parcels with the mission of facilitating community stewardship that honors the history and the culture while protecting the environment, in an effort we have been working on for over three years.

The developers have shown negligence and a failure to follow through, for so many years and through various LLC names. More recently, despite promises of public outreach none have occurred.

The management of the entire site has been horrible historically and through to the present. Currently they appear to be digging and grading without monitoring, and dumping in violation of a county waste plan. There are known burial sites that we can not even confirm the existing protection of, while major clearing and demolition works occur in the very places of concern. The hotel was expanded onto a mapped royal graveyard, *Mahunapu'uone*, in the 1970's requiring the removal and reinternment of many remains, and there are more that remain in place and surrounding the structure. This is blatant disrespect, and illegal.

For over 10 years the site has been one of known, and documented by KPD, criminal activity, drug activity, possibly even human trafficking. The site has been kept dangerously unmaintained for far too long and there have been small villages of houseless and in need communities cycling through different parts of the property over the last few decades.

Endangered birds are present and on site, yet a significant amount of work has been conducted on the property over the last month in what seems to be an absence of any archeological and cultural monitoring. This work has involved disturbance and possibly direct clearing of known habitat for endangered native birds, in violation of state and federal laws and absolutely best practice relating to how areas we disturb and treat known habitat for native wetland birds. As an ecologist, and local girl born on the east side of Kaua'i, I am deeply concerned about these activities, the approval of these RPs and the future of Wailuanuiaho`āno.

Please take action to protect Wailua.

Mahalo for your consideration,

Fern Holland

Fern Ānuehue Holland BSc.
I Ola Wailua Board Member
Community Organizer & Advocate
Environmental Scientist

From: [Torie Hoopii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony in opposition to the transfer of these parcels to the owners/developers RP 21 Coco Palms LLC.
Date: Thursday, April 13, 2023 8:16:34 AM

BLNR To Whom it may concern

My name is Torie Ho‘opi‘i, I am with Kāko‘o Haleakalā, an activism organization on Maui. I am submitting testimony opposing the transfer of these parcels to the owners/developers RP 21 Coco Palms LLC.

I ask that the BLNR not renew the permits associated with three former coco palms parcels, RP7613, RP7407, and RP7444.

I Ola Wailuanui, are in the process of applying for these parcels to facilitate community stewardship that honors history and culture while protecting the environment.

Wailuanuiaho`āno is considered one of the most significant political and religious places on Kaua`i and throughout Hawai`i. However, besides the important historical and cultural sites on the adjacent parcels, there are traffic issues, climate change, and mismanaged tourism concerns. The community does not want another hotel here!

As a kia`i aloha `āina, I am concerned about the desecration and disturbance of known iwi kūpuna on this site. When will these things take precedence over another unwanted hotel by the community?

Currently, they appear to be digging and grading without monitoring. Also, known criminal activity and many police calls have been made over the last decade from this rear parcel. The site has been kept dangerously unmaintained for far too long.

Endangered birds nest on the site, and disturbance without the proper plans and permits violates the federal Endangered Species Act. These federally protected birds should take precedence.

Who better to manage and protect the site than us, kanaka? Please do the right thing.

Mahalo Nui,

Torie Hoopii
Kāko‘o Haleakalā

From: [G Hooser](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR meeting of April 14, 2023 Item D-1 Coco Palms Rp"s
Date: Thursday, April 13, 2023 6:29:06 AM

April 14, 2023

Testimony to BLNR, from Gary Hooser - Former Kaua‘i State Senator, member of the Kaua‘i County Council, Director of the Office of Environmental Quality Control. Presently retired and volunteer Board Member of I Ola Wailuanui 501c3.

1. Report to the Board of Land and Natural Resources the status of Revocable Permit Nos. 7407, 7444 and 7613 to Coco Palms Ventures LLC Wailua, Kawaihau, Kaua‘i , Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017.

Aloha Chair Chang and Board Members,

Thank you for the opportunity to offer you my thoughts and testimony on this important topic. While a Board member of I Ola Wailuanui, I testify today on my own behalf.

I'd like to first address the staff report and offer a few corrections to the information presented.

Under BACKGROUND:

The report stated, "Also at the October 28, 2022, Board meeting, Gary Hoosier (sic), a working member of the non-profit organization I Ola Wailuanui ("IOW") speaking on their behalf, expressed an interest in leasing the properties under the current Coco Palms RPs"

Please note that per the recording on file of this meeting I state: "I'm speaking on my own behalf (2.40 mark)".

I was not speaking on the behalf of I Ola Wailuanui. In fact I don't believe I mentioned the name I Ola Wailuanui at this meeting.

In addition, I did not initiate or express an interest in leasing the properties during my testimony. I simply responded to a question from BLNR Kaiwi Youn who asked (at 3.08 mark), "What is the sense of the community assisting, maintaining or helping ..."

My response was that I was sure the community would step up to help...

Under "Brief history of the Coco Palms Area"

I was surprised and a shocked that the BLNR "history of the area" starts with the hotel. The report makes no mention at all of the deep history and cultural significance of these lands.

Under footnote "1 According to Parker Enloe" and then goes on to provide a mortgage and financial history of the Coco Palms hotel.

The BLNR should be aware that our research indicates Parker Enloe is a convicted felon. He committed mortgage fraud on victims in Nevada, Montana, and Hawai'i. He was convicted of Conspiracy to Commit Mail, Wire and Bank Fraud in the Nevada District Court on 4/30/13. Legal research and other supporting documents are available upon request.

When confronted with this information, Mr. Enloe claimed that he is not the same Parker Enloe that was convicted of fraud. He claims there must be another Parker Enloe from the same town, in the same line of work, and with the same friends and business associates who wrote letters to the judge on his behalf.

Shortly after the above information was made public on Kaua'i, we were informed that Parker Enloe no longer represented the Coco Palms owners/developers, and he is no longer appearing at Planning Commission hearings.

However it is clear as evidenced by the staff report that Mr. Enloe is still actively involved with the development.

Under DISCUSSION

“Prior to February 2023, IOW had not submitted an application to the DLNR for use of the State lands nor did IOW reach out to the KDLO to inquire about them.”

IOW did submit a letter expressing interest in securing the RP's on February 28, 2023 to Russell Y. Tsuji, Land Division Administrator Ian C. Hirokawa, Deputy administrator Department of Land and Natural Resources.

Also it is important to note that according to the Staff Report:

“As to the new owner, RP2 ICP, the KDLO has not received an application for issuance of RPs, a request for new RPs under its name, or assignment of the other leases to RP2ICP yet.”

Then later in the report “It was not until March 22, 2023, that KDLO had received any completed applications.”

So...it is not clear whether or not the current developers of the Hotel have in fact submitted an application to secure the RP's or not.

On page 6:

“GL4878 (coconut grove) does not expire until August 17, 2048 and cannot be arbitrarily cancelled. IOW's plan assumes the use of GL4878, but the Board cannot terminate nor compel the assignment of GL4878. The current character of use for GL4878 is "solely for landscaping and maintenance of premises for aesthetic, park and recreation." IOW's "broader vision" and proposed use does not align with the parcel's current designated use. KDLO staff feels that the RPs on their own are not suited for IOW's suggested use due to size and location. Therefore, the IOW's proposed project is not feasible with just the Coco Palms RP areas only.”

The above paragraph contains numerous inaccuracies and incorrect assumptions.

“GL4878 (coconut grove) does not expire until August 17, 2048 and cannot be arbitrarily cancelled. IOW's plan assumes the use of GL4878, but the Board cannot terminate nor compel

the assignment of GL4878.”

“IOW’s plan assumes the use of GL4878.”

IOW has not discussed it’s plans with KDLO nor has KDLO asked to meet with IOW. IOW’s plans are flexible and we are willing to adapt to whatever parcels are available and placed under our care and stewardship.

“...the Board cannot terminate nor compel the assignment of GL4878.”

The above is not a true statement.

According to the Original Lease terms on file:

2. That the Lessee shall pay or cause to be paid...all taxes, rates, assessments...of every description.

Note: County tax records as of April 11, 2023 appear to show that the property tax due on this property has not been paid for several years.

4. The Lessor shall have the right to withdraw the demised land...at any time...by giving notice...without compensation...for public uses or purposes...

6. ...nor, without prior written consent of the Lessor, cut down, remove or destroy, or suffer to be cut down, removed or destroyed, any trees now growing on said premises.

Note: Many trees have been cut down over the past 60 days. Was written consent from the State requested and granted?

13. That the Lessee shall not transfer, assign or permit any other person to occupy or use the said premises...prior to written approval of the Board.

Note: It is clear that the current Lessee of record is not the entity that now occupies, maintains, and uses this property - and the Board has not approved any transfer.

17. Lessee must provide a certificate of liability insurance.

Note: Is this on file?

18. Lessee must provide a surety bond to be paid in case of default.

Note: Has the Lessee complied with this provision?

21. Breach. if Lessee shall fail to pay rent within 30 days of written notice, or if the Lessee... shall abandon the premises, or ...**fail to observe and perform any of the covenants, terms, and conditions**...such failure shall continue after 60 days of notice to the Lessee at its last known address...**the Lessor...terminate the lease...**

Note: **Clearly the current Lessee has violated numerous terms and conditions** - tax payments, removal of trees, allowing others to take over the property, abandonment etc. - **thus**

the Lessor may terminate the lease.

Note2: The lease specifies notice must be sent to the Lessee at its last known address...and not to the entity who occupies the property at the current point in time and who is not the Lessee.

26. Acceptance of rent by the Lessor shall not be deemed a waiver of any breach by the Lessee...

35. Annual Report: Lessee shall provide an annual report of activities to the Board.

Note: Has this report actually been filed annually?

Important and not mentioned in KDLO report: The Board of Land and Natural Resources (Board) has authority to issue the leases at a nominal consideration and by direct negotiation to eleemosynary (charitable) organizations pursuant to the following authority:

§171-43.1 Lease to eleemosynary organizations. The Board may lease, at a nominal consideration, by direct negotiation and without recourse to public auction, public lands to an eleemosynary organization which has been certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended. The lands shall be used by such eleemosynary organizations for the purposes for which their charter was issued and for which they were certified by the Internal Revenue Service. [L1970, c 83, §5; am L 1971, c 100, §1; am L 1982, c202, §1; am 11991, c 212, §3]

In conclusion and summary:

All three of the above RP's and the Coconut Grove lease are now in the name of Coco Palms Ventures LLC (past owners/developers of the Coco Palms). The present owners/developers RP 21 Coco Palms, LLC (RP2 ICP) are apparently now seeking to have the three RP's transferred into their name.

There has been no environmental review as is required by law HRS343. There also has been no shoreline impact related permitting as is required by law.

The BLNR staff report on page 7 states: "the KDLO DA contacted the Office of the County of Kaua'i's attorney and specifically asked if the County-issued permits would be affected if the DLNR were to cancel the Coco Palms RP's and her response was "No, **the resort parcel entitlements are not affected if DLNR cancels the RP/leases**".

I Ola Wailuanui, a community based 501c3 nonprofit is submitting an application to the BLNR and is requesting that the three RP's be transferred to them for a community use appropriate to the history and culture.

I Ola Wailuanui is also requesting the BLNR cancel their existing lease to the "Coconut Grove" and transfer that lease to I Ola Wailuanui.

Why is this in the best interest of the State and Kaua'i community?

It comes down to the fact that community stewardship of public lands deserves a chance. The private developers have had theirs, and failed us over and over again.

For over 30 years they've failed to properly malama and respect these public sacred lands.

In the past month they've cut down hundreds of coconut trees and dumped them on nearby state lands in violation of their agreement with the county, and apparently without permission from the state. We have eyewitness accounts, video, and written complaints from neighbors.

They've failed to pay their property taxes. Only when threatened recently by RP revocation have they paid years of back tax owed, and even then only on some of the parcels.

They've failed to keep their promises to hold community meetings. Parker Enloe made this promise on the public record to the Planning Commission. They've held not one.

They are actively digging on both private and state lands, with heavy machinery, without archeological observers - in violation of their County permits. We have eyewitness accounts and video.

These lands hold tremendous environmental, historical and cultural value.

The existing owner/developer is not from here, and they have hired a contractor who is not from here. They have no understanding of the true value and sacredness of these lands.

I Ola Wailuanui is a 501c3 nonprofit community based organization led by individuals who are direct lineal descendants of the first indigenous people to live on these lands. The Board consists of community leaders with solid track records of community support and accomplishments.

I Ola Wailuanui seeks the transfer and responsibility for these leases and RP's governing the use and access of these public lands. I Ola Wailuanui's goal is to foster genuine community stewardship that identifies and implements a community vision to restore these lands and honor those who walked them in the past.

Our ask today is that the BLNR honor this request and honor the people in our community by voting to transfer those RP's and Coconut Grove lease to I Ola Wailuanui.

Today's developers and a long chain of mysterious LLC's from Utah have had their chance, please give the people of Kaua'i with roots in this land, their's.

Sincerely,

Gary Hooser

LAW OFFICE OF BIANCA ISAKI, A LAW CORPORATION

1720 Huna St. 401B, Honolulu, Hawai'i 96817

(t): 808.927.5606 (e): bianca.isaki@gmail.com

April 13, 2023

Testimony to the Board of Land and Natural Resources for its April 14, 2023 regular meeting regarding Item D-1: "Report to the Board of Land and Natural Resources the status of Revocable Permit Nos. 7407, 7444 and 7613 to Coco Palms Ventures LLC Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017

Aloha Chair Chang and Board Members,

I am writing to oppose the staff recommendation under Item D-1 in my personal capacity although I also represent I Ola Wailuanui, a Kaua'i-based nonprofit devoted to restoration of Wailuanuiaho'āno, in a pending case against the Board before the First Circuit court.

DLNR staff are recommending the Land Board ignore offers from I Ola Wailuanui and to instead transfer revocable permits (RPs) for (un)ceded public trust lands from Coco Palms Ventures, LLC to RP21 Coco Palms, LLC, a subsidiary of the investment fund, Stillwater Equity Partners, for the latter to use for luxury resort purposes.

In its recommendation, DLNR staff credit resort developers with keeping the area "clear[ed] of any homeless camps." At the Board's October 22, 2022 meeting, the former chair asked staff what the developer was doing to maintain the property. Staff responded:

They just keep the homeless off. They keep it you know, there's they're very small areas, the one by the shell is actually fenced off that portion of lands. And that has been a known site for homeless and they're responsible for keeping them out of there and keeping that property clean, which is right by the beach and off the highway. The other is just like their parking lot, which they keep clean. And all I could say is, is our surrounding lands in the area have been inundated with homeless in the past and their private lands have had homeless on it, but they've maintained these three permitted areas and there's not been homeless and even on my way into work today, they... they're clear and clean. There's no homeless on them. There's no rubbish they're not overgrown, they're insured.

BLNR meeting recording at 03:02:04 (Oct. 22, 2022) *available at*:
<https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-221028.m4>.

The problem is not just the staff's use of the term. Rather, it indicates the larger problem of a short-sighted response that will only exacerbate the issue of improper, exploitative uses of our public trust lands. The term "homeless" describes an economic situation, developed through economic systems including one in which foreign investment firms extract wealth from local communities and public resources, including by shutting off alternatives for economic growth such as subsistence farming and other non-extractive industry. Beyond shoring up a destructive, unjust economic system, staff's recommendation ignores the mandate of public safety for every person, carried on from King Kamehameha I's 1797 Kānāwai Māmalahoe

Staff's recommendation allows DLNR to merely shuffle papers between Coco Palms Ventures, RP21 Coco Palms, and the Coco Palms Hui, and to shirk the required work of ensuring

Wailuanuiaho‘āno lands are truly managed “in the best interests of the state.” Staff’s recitation of “best interests of the state” in their recommendation does not make it so. They are utilizing (un)ceded public trust to build a luxury resort over iwi kūpuna and in a traffic jammed area threatened by sea level rise inundation, taking up the last capacity in the wastewater treatment plant while down the street DHHL has problems building homes due to lack of infrastructure. Aiding the resort developers through reissuances of the RPs and leases is *not* in the best interests of the state.

Very truly yours,

A handwritten signature in black ink that reads "Bianca Isaki". The signature is written in a cursive, flowing style.

LAW OFFICE OF BIANCA ISAKI

Chair Dawn Chang
Board of Land and Natural Resources
blnr.testimony@hawaii.gov

D-1: Revoke Coco Palms Revocable Permits

Aloha Madame Chair and Land Board:

My name is Leilani Josselin and I was a baby in 1987 when my Dad became the Chef of Coco Palms and we lived there from 1978-1988. I am very interested in traditional voyaging and deep water pelagic fishing. I have a Masters in Political Science, and Business and I have been involved with Hokulea since the late 1990's. I do traditional canoe paddling and stand up paddle board and have done many regattas in Wailua. I am a water girl

There is an immediate need for safe beach parking in Wailua. There is a rock wall along the highway at Wailua. There is no place to park or pull off. Makai Wailua business complain of beachgoers parking in their parking lots because there is no where else to park and there already is a stoplight and crosswalk. As these photos from April 12, 2023 show.



The empty parking lot should be opened up right now for public parking. Revoke this permit from Coco Palms resort now. The resort should not be allowed to hoard this land any longer. 30 years is long enough.

Make these public lands available to the public as soon as possible as a state beach parking lot, not for the private resort. There is no reason to lock up that empty parking lot when there is no other parking available.

Sincerely,

Leilani Josselin





From: [Noelani JOSSELIN](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D1 Revoke Coco Palms revocable permits
Date: Thursday, April 13, 2023 9:01:32 AM

Aloha Chair Dawn Chang and Land Board,

When I first moved to Kauai in 1987 I lived on the Coco Palms property during 1987 and 1988 as my children's father was hired by Parklane Hotels to be the executive chef. During the first month, which was at the end of October we experienced flooding that swamped the parking garage located under grade with 4 ft of water, lagoons and dining kitchen areas

The entire area of this proposed new development is in a wetland area and after 30 years of inactivity the wildlife has reclaimed these wetlands! History indicates that the families who lived here used to farm fish and Kalo in and around these wetlands. I believe it should remain as a wetland and all state permits be revoked.

Many throughout Hawai'i have been struggling through hard financial times with raising inflation and mortgage rates, escalating property taxes and difficult rental markets. Kauai homeowners have been hit with rollback taxes and many long time residents have lost properties recently because of property tax situations.

Not so for these Coco Palms developers. They quit paying property taxes on state land covered by revocable permits from 2016 until just recently, 2023. The County could not put a lien on state land for back taxes, so nobody did anything. The State continued to rent RP's to Coco Palms and continued lease #4878 even though the taxes on the state coconut grove were not paid as required by lease #4878,

Property tax considerations need to be included in state leases and rentals, as with most leases and mortgages - property tax included, so non-payment issues cannot arise. Especially with these developers. They have shown a capricious disregard for our state laws and practices. Property taxes should be included in the base rents for these lands, and this Board must be advised annually of arrears before making renewal decisions.

When this Board is presented spreadsheet entries of the failure to complete the permit for "lack of tax clearances" for years, but the permit was utilized without a glitch (or threat of anything for lack of payment of taxes), it is an unfair financial advantage to these developers not offered to struggling local businesses. Perhaps the Board would not approve the permits if the spreadsheet stated "**RP cannot be completed due to failure to pay property tax**".

In 2016, the BLNR told the developers that a current fair market appraisal was needed for these RP lands.

Additionally, the Applicant will be required to pay for an independent appraisal to determine the fair market rent to charge for the parcels, subject to review and approval by the Chairperson. Rent will be adjusted retroactively to the date of permit issuance to account for any difference between the interim rent and the appraised rent, provided that the rent shall not be lower than \$40.00 per month per parcel.

The 14-acre konohiki lands now known as the "coconut grove" under state lease #4878 have not been appraised since the 1950's. A 70 year old appraisal is not current fair market value.

The 14 acre state historic property known as the Coconut Grove is only assessed at \$5,900 or \$400 per acre. It is the cheapest land on Kauai, but one of the most valuable historically. This

makes no sense.

Lease rents of only \$3,795 per year based on that value are not adequate or fair to the State or public. This new \$30 million resort is dependent upon the Coconut Grove which they lease for about 10 buck per day.

Property taxes based on 70 year old appraisal rates are incorrect to the State and not fair to local businesses paying current appraised values.

The 14-acre state lease #4878 contains state archaeological site 50-30-08-1711 which has been radiocarbon age dated to the 1500's yet there is no Archaeological Preservation Plan for these lands, This Coconut Grove and historic fishponds (that are now called Lagoons) are the major branding and marketing icons of this future development as their beach access is complicated by our major highway.

These state lands are a thousand year historical treasure, before some German guy planted cocos-in-rows in 1896 in an attempt to grow copra. The land is royal, not the coconut grove. Much of the coconut grove is out of the flood plain when the resort area floods.

Wailua is known as one of the primary royal centers for over a thousand years. Sometimes Wailua was too wet so the ali'i stayed in Waimea. Sometimes Waimea was too hot, so the ali'i moved back to Wailua, which continued as the major socio-political, religious and spiritual and cultural area on Kauai for 23 known generations of Ali'i Ai Moku o Kauai. The 14 acre lease contains the konohiki lands, lastly belonging to Queen Kapule as Hakū'Āina, and later her son Iosia Ka'umu'ali'i, valued at only \$400 per acre.

The great cultural and spiritual significance of Wailua is reflected in the high concentration of cultural features including heiau complex, pu'uhonua, ancient petroglyphs, birth stone, bell stone, navigation lights, mo'olelo, hula and chants. The later kuleana filings reflect cultural patterns and social influences of a tightly knit royal family with lesser ali'i and chiefs, warriors, kahuna and kilo and royal retinue who all filed together after moving together from Waimea, after Missionaries came in 1820.

Wailua is the best we have remaining of the royal centers and Coco Palms area is the best of Wailua.

The state lands known as the Coconut Grove are truly priceless, but a rent based on a \$400/acre appraisal is an insult and farce. This property has been covered by a 65-year state lease to Amfac issued in 1983 without any consideration for Archeology, Cultural Access or Endangered Species, yet there is deep archaeology, ancient cultural practices tied to this area and a residential population of critically endangered native birds.

This 65-year lease opens for rental review August, 2023 for the last remaining 25 years. There must be a current fair market appraisal of this property and a retroactive adjustment of the rent, as was ordered for the revocable permit lands in 2016.

There must be an Environmental Impact Statement prepared, with an adequate Cultural Impact Assessment and Burial Treatment Plan and inventory of all known burials with an operational action plan for dealing with future expected iwi encounters. Kupuna should not be stored in thatch hale for future reburial. Artifacts and moepu cannot be retained by developer. Iwi are to be expected to be found there, not inadvertent finds. There must be a better way than throwing them in a pile in dilapidated thatch hale so overgrown cannot find them anymore.

The state lands covered by lease #4878 have not been maintained since Hurricane Iniki in 1991, contrary to the state lease requiring maintenance to local landscape industry standards. The tall grass and vegetation of the past 3 decades is better habitat than manicured lawns for the endangered water birds, 'alae'ula and the population has re-bounded in the past 30 years in the wetland areas of Wailua Kai. There are less than 1200 'alae'ula in the world. There has been no consultation for the preservation of nesting area of these critically endangered species at Coco Palms.

There must be a Habitat Conservation Plan for 'alae'ula at Coco Palms, with an Incidental Take Permit in place for this 25 year lease period, before construction ruins their nesting period. Half the 65 year term of this lease, this property has been unmaintained jungle understory, with too-tall cocos as overstory. Radical changes are planned for construction and operations on contiguous private property which will greatly impact residential populations of endangered species. This must first be considered by an EIS. How many 'alae'ula can be allowed to be taken, killed, by this project? Will there be a species impact? What is the mitigation plan to avoid this take? Not beginning construction during nesting season would be a good start.

The Coco Palms Coconut Grove area was always available for Kauai residents, even if they were not hotel guests for the 30 year resort era. Many people worked at Coco Palms, or played music or danced there, from when they were kids through Kupuna age and everybody knew someone who could get you in to fish, or for a celebration. Or just to go to go see the monkey at the Coco Palms zoo.

The lockup and neglect for the past 30 years has caused troubles to some cultural lines with deep ties to the area with claims of trespassing and illegal occupation for their attempts to access what they considered family lands. There has never been any kind of discussion about the cultural impacts of this lease and how to avoid them. There has never been a discussion about making cultural practitioner access available to the land and fishponds sustainably occupied by Hawaiians for a thousand years. There has never been a discussion if the marketing of these cultural lands to tourists is the highest and best use of the lands.

The 1983 65-year State Lease #4878 for the Coconut Grove has an Right-of-Way exemption for a kuleana filer named Kelani, LCA 3568, given to him by his father-in-law, Ali'i Ha'upu, who was Queen Kapule's father and the ali'i sent in 1810 to negotiate the future of Kauai with Kamehameha. Ha'upu was on the beach in Waimea when Captain Cook landed and would tell travelers on the Alanui aupuni stories of first contact and of the Missionaries landing. This pa hale Apana was right on the royal fishpond, like a guard shack and surrounded by other royal family members. It is now known as the Wedding Chapel.

I believe heirs and assignees of Ha'upu and Kelani would now hold the 10' wide easement rights as both Kūpuna passed in the 1800's. I do not believe descendants were ever notified of this easement right, but they should have been.

Lineal descendent and cultural practitioner access should be available to these culturally significant state lands and should be considered in the lease open period for rental review. Will the BLNR, as successor of the Commissioner of Public Lands, cause this easement to be identified before the last 25 years of the 65 year lease term? Perhaps adequate cultural access could have prevented occupation and trespass allegations.

Many people, myself included, are upset about the royal fishponds being used for tiki torch lighting made up ceremonies, with boats in the ponds and would like to see the ponds productive again. It is very hard to see one of the most famous, productive royal fishponds on Kauai turned into a Hollywood-type paddle pond. It is wrong. It was wrong of the state to sell this historic fishpond to resort developers; I pray this cannot happen today.

Cultural access must be considered as part of Lease #4878 opening this August.

For the past 6 or more years, there have been great inconsistencies with the ownership and paperwork concerning these properties. With unpaid property taxes and the lack of tax clearances, the RP's could not be issued. Why was the public kept off these public lands if there were no revocable permits held by the developer? Why were permits offered to these developers the next year, without tax clearances and unable to be completed? Why is the public being kept off public land by developers without permits?

Please add me to zoom testimony, Mahalo Noelani Josselin

8 April 2023

Hope Hamilton Kallai
POB 655
Kilauea, HI 96754
lokahipath2@live.com

Dawn Chang, Chair
Board of ILand and Natural Resources
P.O. Box 621
Honolulu, Hawai`i 96809
808.587.0404
blnr.testimony@hawaii.gov

RE: D-1 Coco Palms Revocable Permits 7407, 7444 & 7613

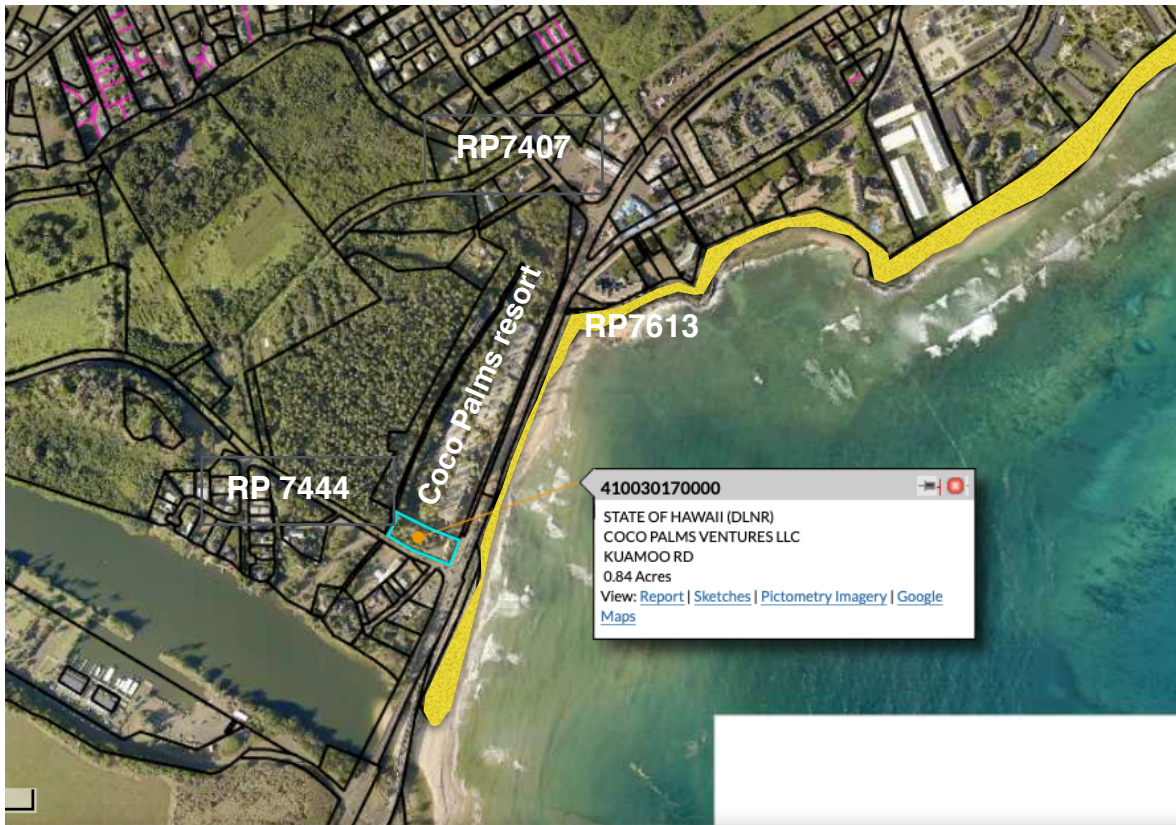
Aloha e Chair Chang and Honorable Land Board Members:

Mahalo for taking a hard look at Coco Palms revocable permits. I ask that this Board considers greater public needs when renewal of these RP's happens in October of this year. While all these RP's are seemingly small in size, there are many negative secondary and cumulative impacts that have never been considered by these decades long month-to-month permits, issued without science or cultural concerns, privatizing most of Wailua Kai.

Wailua has been the main royal center for 23 generations of Ali'i A'i Moku of Kauai being the last, as evidenced by the concentration of heiau, royal fishponds, birthstones, royal graves, wahi pana, pu'uhonua, holua slide, bell stones and many mo'olelo including Pele and Hi'iaka, Kawelo and Hina, giants and kupua . The surf at Maka'iwa has been famous since the time of Moikeha, 1300 BCE. Ka'umu'ali'i was the 23rd and last Ali'i A'i Moku of Kauai, born on the Pokahu Ho'ohanau or Birthstone Heiau at Wailua. His fleet of war canoes was hidden upriver by what was known as Kamokila Village during the decades he was worried about Kamehameha invading. Wailua was strategic, culturally and socially very significant. And still is and forever will be.

Kalehuawehe Bay, the ancient name for Wailua, is still popular for surf breaks, fishing and foil boarding and for a family day at the beach. There is a thin strip of County of Kauai Beach Park land makai of the highway, from the Wailua Bridge north past Lae Ala Kukui, in 3 separate Beach Reserve lots -TMK 410040010000

(1.58 acres), 410050040000 (2.86 acres) and 430020010000 (6.36 acres) - a 10.8 beachfront park zone at makai Wailua and Olohena, shown in yellow. State RP 7444 (Parking Lot) in blue.



In 2013, there were 2 small county Wailua Beach Park parking areas - one on south and one on north side of beach.



Two years ago we lost the Wailua Beach Park Parking Lot to the ocean. There is no more safe parking there and the bikepath is in jeopardy.





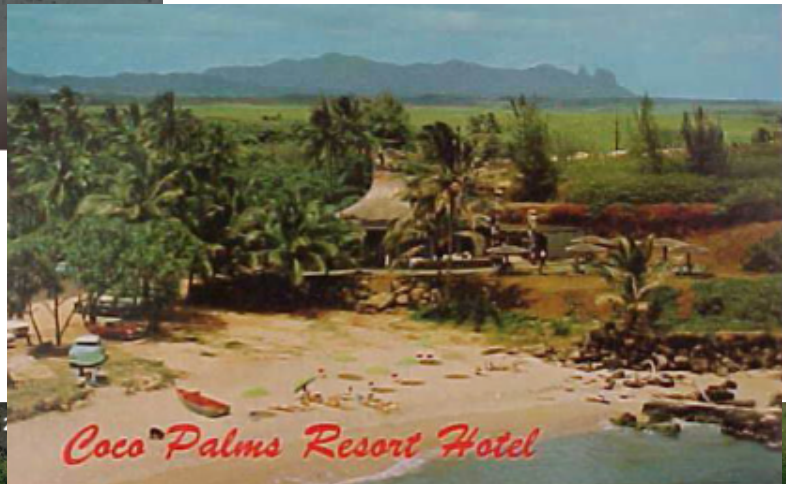
Wailua Beach Park
Parking Lot -South End

2023

There is no safe parking at this south end Wailua Beach Park Parking Lot as this recent April, 2023 photo shows.

Wailua Bay needs public parking, now. Lack of public parking at Wailua Bay privatizes this whole beach.

1960's SeaShell Restaurant



2013

Wailua Beach Park
Parking Lot -North End

RP 7613

The Wailua Beach Park Parking Lot on the north end of the bay has suffered also, having lost the shower and picnic tables and is still inadequate and eroding each big storm.



The shoreline trail to the Heiau at Lae Kukui begins over the red car. This has become a popular area for staging of foil boarding.

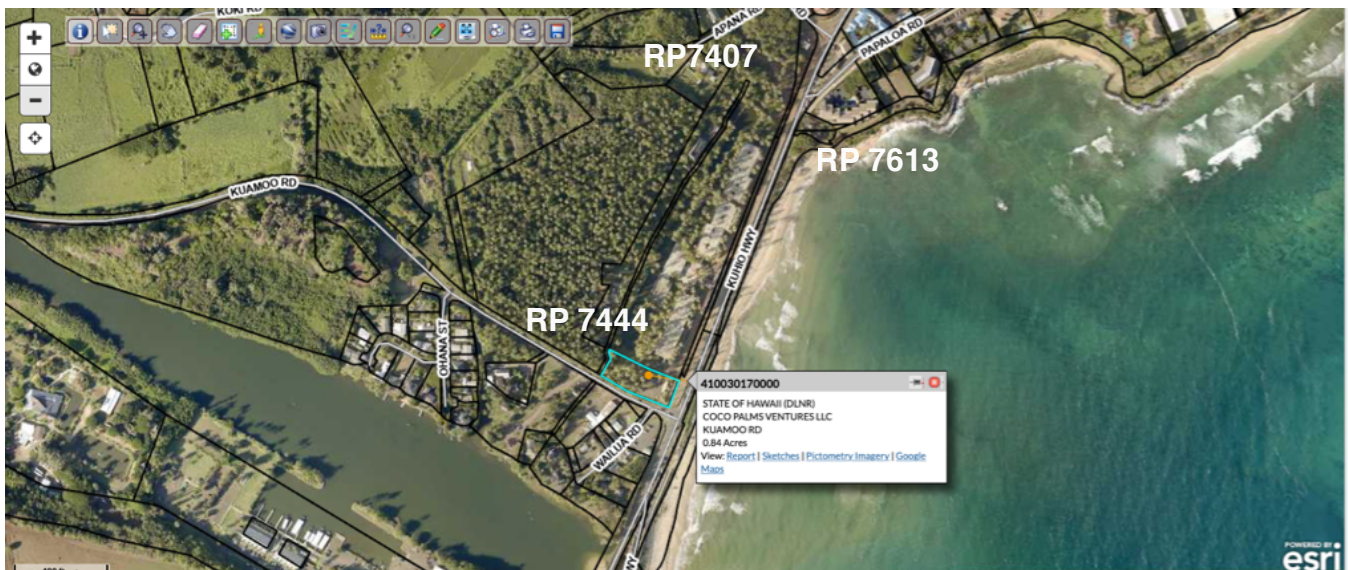


SeaShell Restaurant never had legal setback and shouldn't ever have been built there. Nothing can be built there now.

Revoke RP 7613 t and increase contiguous park land.

There is an ever-increasing need for public beach access ways to be secured due to global climate change and the effects on coastal communities, not giving more land to developers who have never been to this beach.

RP 7444 is a state held parking lot, used primarily lately as staging area for highway construction. CocoPalms developers have over 30 acres of privately held land they can use for parking. They should not be entitled to lease valuable public parking area, further privatizing and commercializing Wailua Kai. From the past decade of planning commission meeting, I do not believe this resort development can be allowed to have primary access through this state land in this busy highway intersection to their proposed 350 unit hotel project.



The County of Kauai has taken 29 Pictometry images of this area since 2008. It is not necessary for parking. There is only one photo that shows that parking lot with the tour guide's vehicle driving through, one that shows 2 busses parked, and an un-strapped job site work trailer. It has not been used much for the past dozen years, but the public has been kept out, even during the years when the permits were not valid due to "lack of tax clearances." The land being banked for future development, is critically important for beach access in Wailua. There already are stop lights on the highway and crosswalks from parking lot to safely access the ocean and park area, the only place to cross.

The public has lost the parking lot at Wailua Beach Park to climate change and different storm patterns. We should not lose the ability to park at the only parking lot that can be public at Wailua Bay. Please consider the needs of the public for parking when this revocable permit comes before this Board for renewal over the needs of a developer to dominate all available state land.

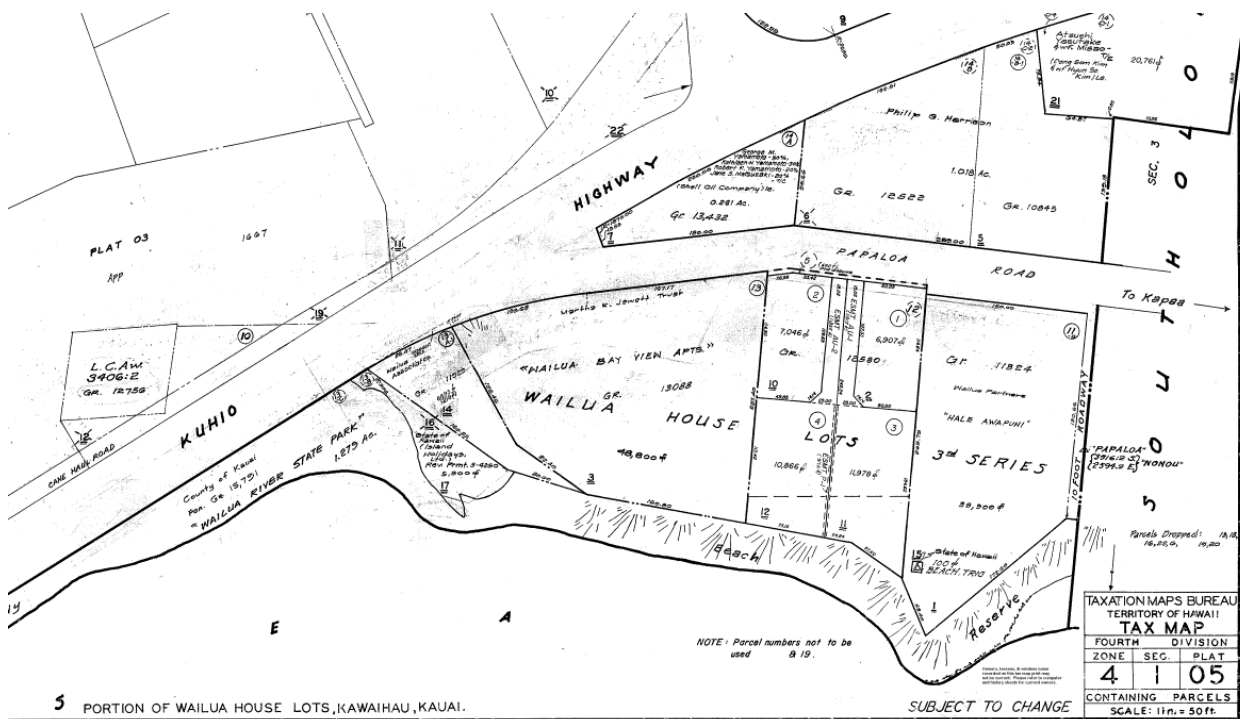


I also believe there is a higher public need for the land covered by RP 7613, the ruins of the SeaShell Restaurant. It is a weird shape, small property that should never be considered for commercial redevelopment. It is continuous with County of Kauai Wailua Beach Park lands and would make a very welcome addition to the park lands and trail to the heiau. This RP should be used to expand the public



beach area, not used to commercialize culturally important access ways. PR 7613 would be an easy and logical addition to the public park lands (yellow) at Wailua and really couldn't have a higher purpose than public access.

This area has great navigational importance since the time of the Great Voyagers, with kukui nut lamps for nighttime navigation and a trail hub of the ancient *alanui aupuni*, and the mauka trail from *Kuamo'o a Kāne* to Hanalei in the area of Powerline Trail. It has been the site of many canoe regattas, ceremonies and family beach days. There will never be too much beach access or public parks near the shoreline. There is too much commercial shoreline development already with wall to wall resorts. We need this tiny corner of public land, contiguous to County of Kauai "Wailua River Beach Park" and "Beach Reserve" public lands on this map.



Please, will this board consider the public's need for parking and safe beach access for Traditional Cultural Practitioners, water sport folk and the public at this culturally valuable part of Wailua's royal history when these 3 Wailua RP's come for renewal this October? Revoke RP's 7407, 7444 and 7613.

Also, in August, 2023, the 65-year State Lease #4878 of the 14-acre Coconut Grove opens for 40-year review. There must be some consideration about the cultural and environmental impacts of this lease by an EIS process, especially since the use and impacts are rapidly changing with imminent construction possibilities (Or Not, as we've been through this a few times). The coconut grove is a culturally and historically significant site, belonging to 23 generations of royalty, contiguous to royal fishponds. It was always accessible to Kauai residents (everybody knew somebody who worked at CocoPalms), and folks

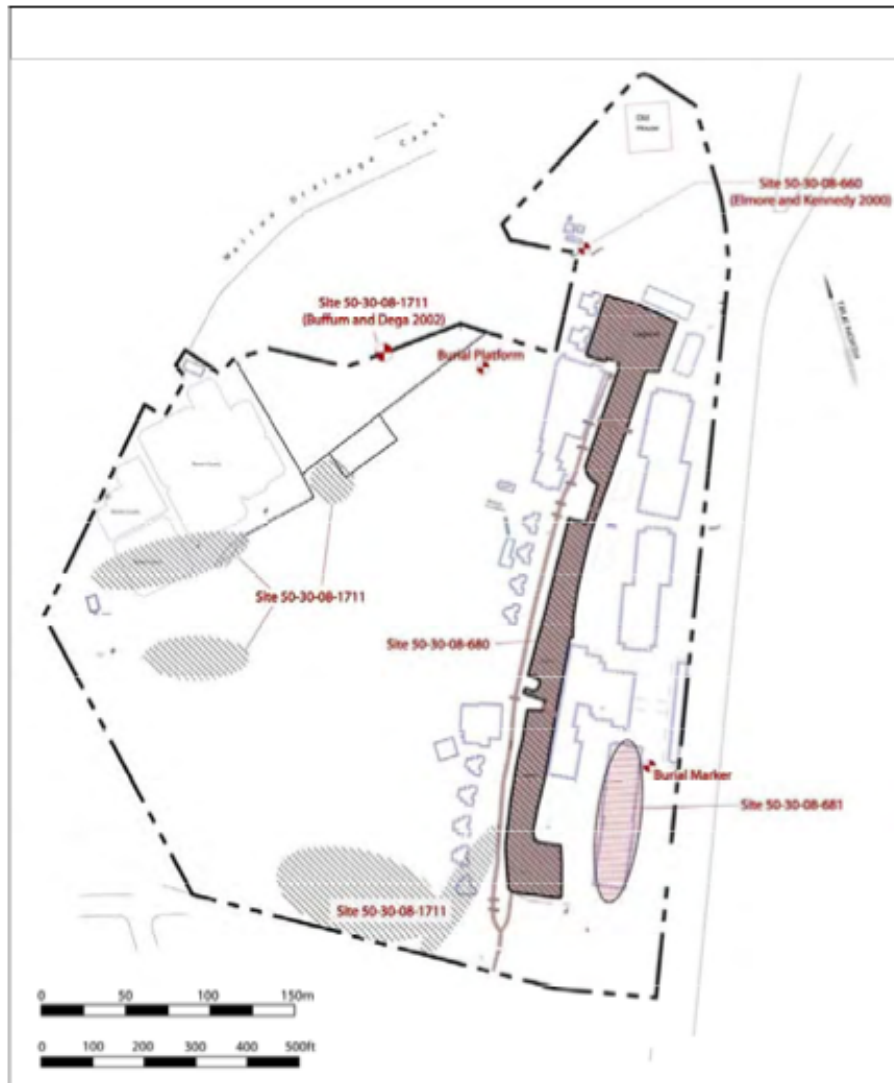


Figure 22. Coco Palms Resort, showing location of four SIHP Sites: 50-80-08-660, historic burial; -680, two fishponds; -681, burial ground; and, -1711, an intermittent cultural layer

could fish and gather lei materials. Especially the past dozen years, the public has been kept out during the commercial speculation and development schemes. Access to the grounds is important to certain lines and Ohana and generated occupation, but this has never been considered in the lease process. There are many known grave sites, and re-interment areas of significant and unique Kūpuna, but I do not believe there is a Burial Treatment Plan (BTP) for the site or any Archaeological

Preservation Plan (APP) or the status of previous re-interment sites of over 150 Kūpuna, some under concrete. Many do not feel it appropriate that there is a tennis court on a mass re-interment site and iwi mixed up in a reburial site - State Historic Site #50-30-08-681. Nearby carbon dating reach back to the 1500's. Why doesn't the "Reburial Platform" above have a state historic site number? Why is the meter-high Reburial site -681 now flat?

There has never been any sort of analysis of the impacts to cultural practitioners or lineal descendants of this royal area being removed from access and used as major marketing by the development dependent on this lease.

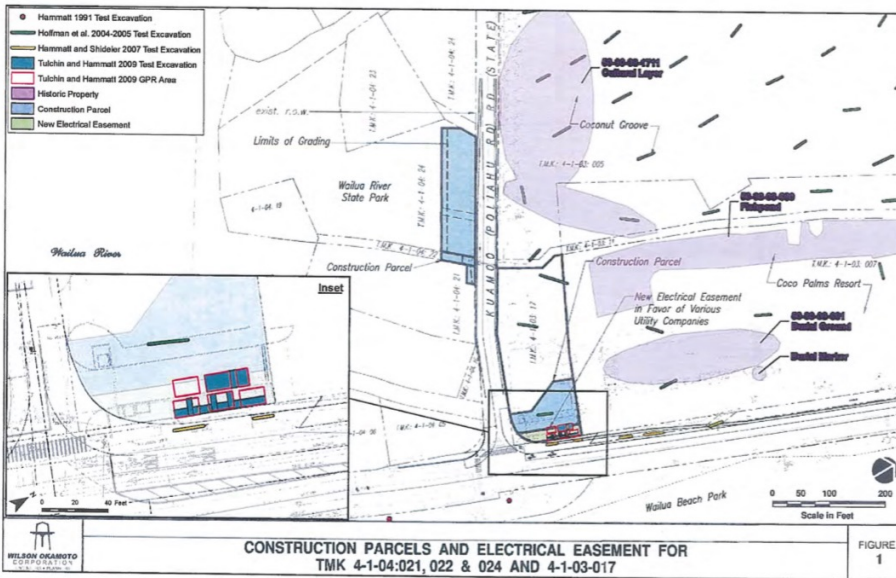


Figure 20. Plaque marking location of reburials associated with hotel construction at Coco Palms



Another burial was discovered in the Coco Palms resort area when contaminated soil near a diesel tank was being excavated in 2000 (Elmore and Kennedy 2000). The burial was designated State Inventory of Historic Places (SIHP) number 50-30-08-660. The burial was associated with several historic glass beads. Despite the historic date of the burial, the investigators concluded that the remains were Hawaiian based on the presence of a coral abrader and the nature of the burial in a sand matrix. The remains were disinterred and reburied in a boulder platform re-interment site, standing about a meter high, at the north central edge of the Coco Palms property.

Archaeological Assessment for the State DOT Kuhio Highway Project Waialua, Kaua'i TMK: [4] 4-1-003: 007 por. & 017 por.; [4] 3-9-006: 009 por. & 026 por.

Reburial Site 50-30-08-680 has been removed.

These recent pictures are from The Garden Island





I remember PMRF had to get permits to pump the Mana wetlands dry. Why don't the Coco Palms developers have to get SWUP diversion permits too?

During the 30 years since Hurricane Iniki, the coconut grove was not maintained and the vegetation got very overgrown. There were resident populations of endangered endemic water birds, 'alae'ula who have thrived and expanded during the decades of vegetative neglect. Their main nesting time, here, is now, March - October, right when construction has begun after 30 years. Their presence in Wailua has been documented in mo'olelo past down through many generations. Wailua is where 'alae'ula brought fire to Earth.

Now, there are also critically endangered Koloa ducks re-inhabiting these re-constructed coastal wetlands which have become suitable feeding habitat through vegetative management neglect. The Kauai population numbers for Koloa ducks are unknown, but believed to be between 500-1000, some nesting in mauka Wailua streams to Wai'ale'ale. Their biggest threats are habitat loss and hybridization with domestic ducks.

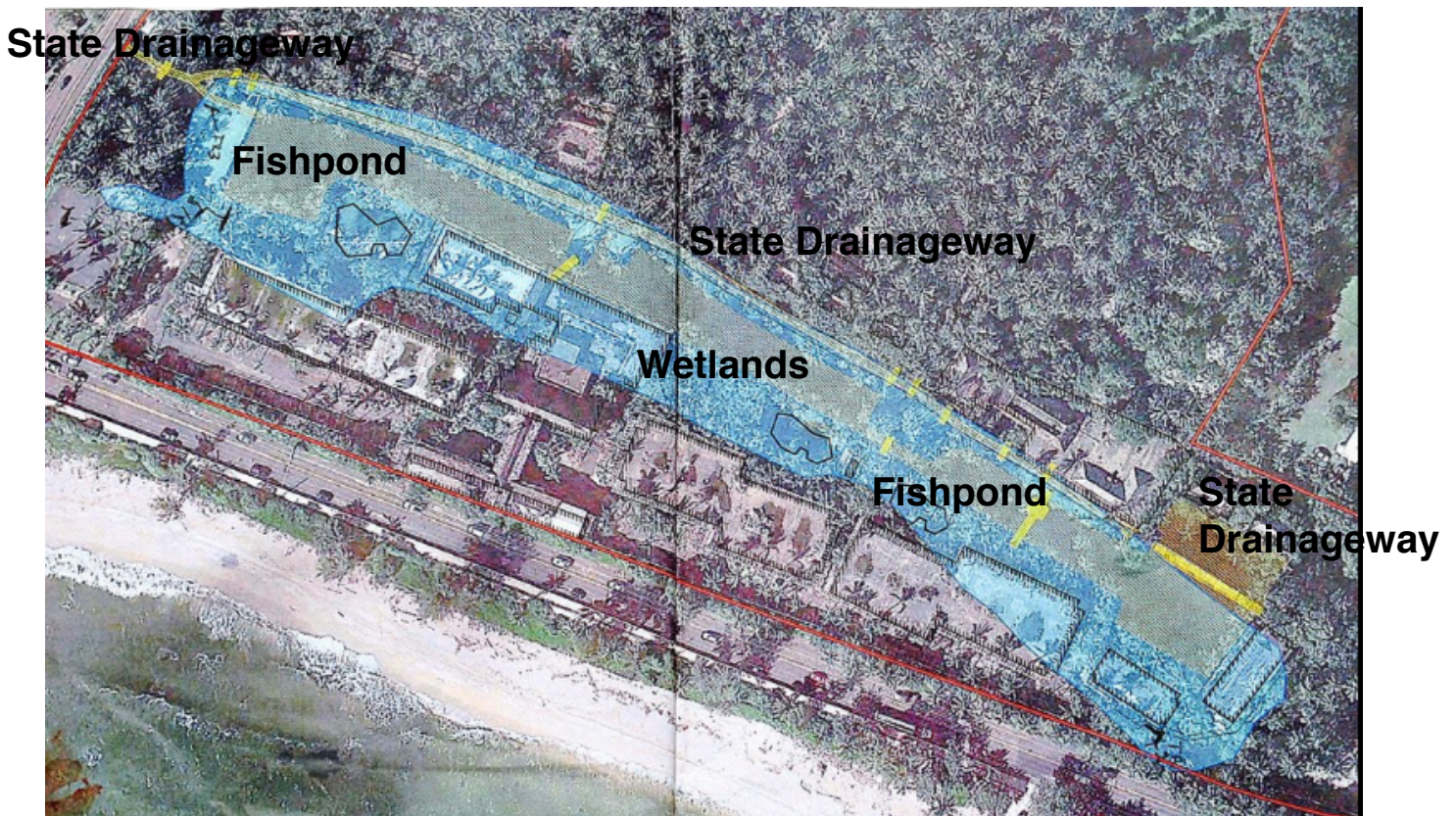
There is a resident population of hybrid Koloa/Pekin ducks that needs management on this property. People to stop supporting a hybrid population further threatening endangered genetics by encouraging tourists to feed them.

Feeding habitat will be eliminated when resort is maintained and groomed for tourists and the coastal wetlands, influenced by moons and tides, drained. Is a permit needed to drain these coastal wetlands, habitat to 2 known protected endangered, endemic species? How low are they allowed to drain them?

It appears there is no input from US Fish and Wildlife Service, the agency tasked with managing endangered species. There is no Habitat Conservation Plan or Incidental Take Permits for these 2 critically endangered species.

With only 1200 'alae'ula in the world, how many is it ok to kill or displace or bother at Coco Palms? How much nesting ground can be lost at Coco Palms without species impact? With less than 1,000 Koloa ducks in the world, how many more can be displaced from disappearing coastal wetlands?

The extent of the Coco Palms wetland habitat in the 1920's is shown in blue. The Weuweu and Kawai'iki fishponds are shown in gray. The state-held drainage way is in yellow.



This project dumps water from the pumps into the state-held drainage way

- Why is it ok to allow development where buildings have to be pumped dry?
- How much water are they allowed to pump?
- How much Coco Palms excess can these receiving waters take?
- What efforts will be taken to protect the historic fishponds and wetlands from construction debris and toxic runoff in this extremely flood prone area?
- Where are the stream water use diversion permits (SWUP)
- What kind of base water quality analysis has been performed?

This project is in a sea level constraint district of 15' elevation, with a 2' additional consideration. How can construction materials and demolition materials be kept at 17', out of the flood plain? How can the state allow these potential toxic and asbestos containing materials stored on state flood prone lands?

I'm glad this developer, whoever they are, has **finally** paid their property taxes, after 6 years of failure to pay and do not understand why these revocable permits were held for so many years because they could not be issued due to "tax clearances." They should have been revoked years ago. Why were they offered the permit the next years with unpaid property taxes? Why were they allowed to privatize state land they did not have permits for? Was trailer sales allowed under the parking revocable permit (unable to be issued due to tax clearances)??



State held parking lot RP 7444 should be for public beach parking.

There are way too many people on Kauai struggling with property tax to let these developers slide on state land property taxes for speculative future development. Or to get away with a \$400/acre appraisal of the coconut grove - \$5,900 for 14 acres Total Taxed Assessed Value with a \$10/day lease rent. Cheapest land on Kauai even though it was royal lands for couple of dozen generations.

In 2016, developers were told by the BLNR¹ under Chair Case to get a current appraisal for the month-to-month permit lands on Page 3 of the board submittal:

Additionally, the Applicant will be required to pay for an independent appraisal to determine the fair market rent to charge for the parcels, subject to review and approval by the Chairperson. Rent will be adjusted retroactively to the date of permit issuance to account for any difference

¹<https://dlnr.hawaii.gov/wp-content/uploads/2016/10/D-1-1.pdf>. BLNR Submittal D-1 October 28, 2016

between the interim rent and the appraised rent, provided that the rent shall not be lower than \$40.00 per month per parcel.

The lease rent (\$3,795/year or about \$10/day!), property tax, insurance liability and bonding are all based on this erroneous 1950's appraisal. The developers have chosen not to get a current appraisal of the RP properties since 2016.

Please cause developers to present a current appraisal and adjust retroactively as stated above as part of the 40 lease review this August. I believe this property is a treasure, irreplaceable and really priceless. \$10/day rent based on a \$400 per acre appraisal a cultural travesty.

Please ensure there will a proper consideration of current land values and base rents when this lease opens for review August 17, 2023. Please order a cease and desist of archaeological site destruction at Coco Palms and require proper care and respect of iwi kupuna disinterred and reinterred there. There need to be answers about what happened to the iwi from the burial platform and reinterment site.



Mahalo for taking the time to consider the impacts of these seemingly inconsequential revocable permits and to cause current appraisal, an EIS, CIA, AIS and APP, BTP, SWUP, HCP and Incidental Take Permit to be performed before the 14-acre coconut grove historic site is leased for the next 25 years.

Revoke RP's 7404 (not needed), 7444 (public needs parking more) and 7613 (never can be). Please take a hard look at the ridiculous lease rent (shouldn't be \$10/day).

Hope Hamilton Kallai

Aloha e Chair Chang and BLNR Island Representatives:

For the past six years, this Board has been faced with many tough decisions regarding Coco Palms, tough especially on the amount of information and time provided.

It has been very difficult for local residents to know who the project developers are, and just exactly what project they are attempting to build on our sacred sites - 300-400 unit hotel, 350 condominiums, Buy-a-Coco-Palms-condo-and-get-a-Green-Card for citizenship plan. Recently, the developers have placed Coco Palms on the National Register of Historic Places as a historic resort, honoring Elvis Presley and Grace and Gus Guslander. Not 23 generations of Kauai ali'i ai moku who resided there. That limits the rebuild of the ruins to former footprint, color and design scheme.

This project is in a culturally sensitive area, a designated wetland, and in the Sea Level Rise Constraint District of 15' MSL, then a 2' FEMA addition, making 17' the base elevation for development there. How can that be accomplished with a rebuild of buildings at ground level, some planned for basements? Has there been a liability consideration of the use of state lands in a sea level constraint district?

Coco Palms developers need to cease and desist development until scientific studies are performed before this project continues. Wailua Kai should be designated as a Historical Complex, not isolated archaeological sites. Traditional cultural, spiritual and religious practices must be considered and access ensured for these practices to be allowed, perpetuated and to flourish. There must be an Archaeological Preservation plan for the integrity of the whole complex of lo'i, loko ia, wahi pana, pa hale, heiau, pohaku kani, holua, and not just consider these sites as isolates. There are no non-cultural areas between them. There must be a Cultural Impact Assessment ensuring these areas are honored and respected and cultural access guaranteed.

The federal government has considered the whole of Wailua Kai, Makai of Kalepa and Nounou ridges, as Traditional Cultural Property, so dense with sites that a new bridge cannot be located anywhere in makai Wailua. The State of Hawaii needs to honor this area as a TCP also and require on-site

archaeological and cultural monitoring anytime working on these culturally sensitive areas. Designated archaeological sites, reinterment sites and known burial areas must be respected and avoided with heavy equipment, not used as a heavy equipment parking lot. And have cultural monitors for pule.

It is difficult to determine if there is a valid Revocable Permit for the 3 Coco Palms RP's. The past 6 years of Board submittal exhibits for RP's for the island of Kauai refer to lack of tax clearances and new owners. I believe that to mean un-paid property taxes. These RP's could not be issued because the developers did not pay property taxes for 6 years.

I do not understand why these permits were still considered by this Board, if they were not able to be issued and never valid. Better clarity should be included in the spreadsheet, like "Permit cannot be issued because of failure to pay required property tax." Perhaps then we would not be in this state of confusion. I believe we have the same owner/lenders as in 2016.

I cannot tell if RP's 7407, 7444 and 7613 are valid for 2023. They could not be issued when considered at the October, 2022 BLNR consideration of Kauai RP's. They appear to not have been issued since 2016. Under what authority are the developers currently these public wetlands and cultural sites? Do they automatically obtain permits after paying back taxes? What power does the state have to ensure these developers honor their permit conditions and pay property taxes like everybody else?

Is the consideration of this Board, now, today, to issue valid permits to these developers? When was the last time these permits were valid?

Since they have shown a 6 year history of non-compliance with permit conditions and failure to pay required property taxes, is there a way to add property taxes into the permit rent? How many years can a permit holder go without paying property taxes and still hold the permit? Is there a policy to help better understand this situation? Can you revoke permits that don't exist? Please stop the land banking of these public lands.

Please require a hard look with the eyes of Science at the use of the Coconut Grove state lease #4878 when it opens for review this August 17, 2023. Property taxes were in arrears for 6 years also on this state lease of public lands. Mahalo for your help in understanding the validity of these permit conditions,
Hope Hamilton Kallai

Excerpts from annual Board Submittals

2020-023

D-2 Exhibit 2 November 2020 Coco Palms Revocable Permits

<https://dlnr.hawaii.gov/wp-content/uploads/2020/11/D-2-Exhibit-2.pdf>

2020 RP 7407 rent was \$156.00. The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC.

However, the new RP has not been completed due to lack of tax clearances. • Dept. of Transportation has expressed interest in acquiring parcel for road widening project

rp7407	5	COCO PALMS VENTURE, LLC	(4) 4-1-003:044-0001 KAPAA		2/1/2006	Access	0.01	156.00	156.00		• 2020 rent was \$156.00. The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. However, the new RP has not been completed due to lack of tax clearances. • Dept. of Transportation has expressed interest in acquiring parcel for road widening project.
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2020 RP 7444 rent was \$4,464.00. The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC.

However, the new RP has not been completed due to lack of tax clearances. • Staff to explore possibility of selling lease at public auction.

REVOCABLE PERMIT MASTER LIST 2021

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of revenue, pr amount per event. Some 2020 and 2021 rent figures have been rounded for monthly billing purposes.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Area	2020 Annual Rent	Proposed 2021 Rent	Indicated Annual Market Rent 2018	Comments re rent amount and why no long-term disposition
rp7444	5	COCO PALMS VENTURE, LLC	(4) 4-1-003:017-0000 KAPAA		7/16/2006	Parking	0.855	4,464.00	4,464.00		• 2020 rent was \$4,464.00. The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. However, the new RP has not been completed due to lack of tax clearances. • Staff to explore possibility of selling lease at public auction.

2020 RP 7613 rent was \$3,384.00. The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. **However, the new RP has not been completed due to lack of tax clearances.** • Staff to explore possibility of selling long-term lease at auction.

rp7613	5	COCO PALMS VENTURE, LLC	(4) 4-1-005:017-0000 KAPAA	5(b)	6/1/2010	Commercial	0.12	3,384.00	3,384.00		Permittee. • 2020 rent was \$3,384.00. The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. However, the new RP has not been completed due to lack of tax clearances. • Staff to explore possibility of selling long-term lease at auction.
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Exhibit 2 October 2021 Coco Palms Revocable Permits
<https://dlnr.hawaii.gov/wp-content/uploads/2021/10/D-1-Exhibit-2.pdf>

2021 RP 7407: The Board approved the cancellation of the RP at its meeting of 10/28/16, Item 0-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. **However, the new RP has not been completed due to lack of tax clearances.** • Dept. of Transportation has expressed interest in acquiring parcel for road widening project.

KAUAI REVOCABLE PERMIT MASTER LIST 2021

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of revenue, or amount per event. Some rent figures have been rounded for monthly billing purposes.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Area	2021 Annual Rent	Proposed 2022 Rent	Indicated Annual Market Rent 2018	Comments re rent amount and why no long-term disposition
rp7407	4	COCO PALMS VENTURE, LLC	(4) 4-1-003:044-0001 KAPAA		2/1/2006	Access	0.01	156.00	160.68		• 2020 rent was \$156.00. 2021 rent remained the same. Staff recommends increasing 2022 rent 3% over 2021 rent. The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. However, the new RP has not been completed due to lack of tax clearances. • Dept. of Transportation has expressed interest in acquiring parcel for road widening project.
rp7444	4	COCO PALMS VENTURE, LLC	(4) 4-1-003:017-0000 KAPAA		7/16/2006	Parking	0.855	4,464.00	4,597.92		• 2020 rent was \$4,464.00. 2021 rent remained the same. Staff recommends increasing 2022 rent 3% over 2021 rent. The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. However, the new RP has not been completed due to lack of tax clearances. • Staff to continue to explore selling lease at public auction.

2021 RP 7444: The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. **However, the new RP has not been completed due to lack of tax clearances.** Staff to continue to explore selling lease at public auction. “

2021 RP 7613: Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. **However, the new RP has not been completed due to lack of tax clearances.** • Staff continues to explore possibility of selling long-term lease at auction.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Area	2022 Annual Rent	Proposed 2023 Rent	Indicated Annual Market Rent 2018	Comments re rent amount and why no long-term disposition
rp7613	4	COCO PALMS VENTURE, LLC	(4) 4-1-005:017-0000 KAPAA	5(b)	6/1/2010	Commercial	0.12	3,485.52	3,590.04		• 2022 rent was increased by 3% over 2021 rent. Staff recommends increasing rent 3% for 2023 over 2022 rent. • Coco Palms is in the process of changing ownership. Paperwork will be updated with new owner info. upon their closing on the sale. • Staff continues to explore possibility of selling long-term lease at auction.

D-1 October 28, 2022 Coco Palms Revocable Permits

<https://dlnr.hawaii.gov/wp-content/uploads/2022/10/D-1-Exhibit-2.pdf>

2022 RP 7407: •The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. **However, the new RP has not been completed due to lack of tax clearances.** •Dept. of Transportation has expressed interest in acquiring parcel for road widening project.

rp7407	4	COCO PALMS VENTURE, LLC	(4) 4-1-003:044-0001 KAPAA		2/1/2006	Access	0.01	160.68	165.48		•2022 rent was increased by 3% over 2021 rent. Staff recommends increasing rent 3% for 2023 over 2022 rent. •The Board approved the cancellation of the RP at its meeting of 10/28/16, Item D-1, as amended by its action of 12/8/17, Item D-3, and issuance of a new RP to Coco Palms Hui, LLC. However, the new RP has not been completed due to lack of tax clearances. •Dept. of Transportation has expressed interest in acquiring parcel for road widening project.
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2022 RP 7444: Coco Palms is in process of changing ownership. Paperwork will be updated with new owner info. upon their closing on the sale. • Staff to continue to explore selling lease at public auction.

REVOCABLE PERMIT MASTER LIST 2023

Note: Permits showing "0" annual rent may be gratis. Some rent figures have been rounded for monthly billing purposes.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Area	2022 Annual Rent	Proposed 2023 Rent	Indicated Annual Market Rent 2018	Comments re rent amount and why no long-term disposition
rp7444	4	COCO PALMS VENTURE, LLC	(4) 4-1-003:017-0000 KAPAA		7/16/2006	Parking	0.855	4,597.92	4,735.80		• 2022 rent was increased by 3% over 2021 rent. Staff recommends increasing 2023 rent 3% over 2022 rent. Coco Palms is in process of changing ownership. Paperwork will be updated with new owner info. upon their closing on the sale. • Staff to continue to explore selling lease at public auction.

2022 RP 7613 Coco Palms is in the process of changing ownership. **Paperwork will be updated with new owner info. upon their closing on the sale.** • Staff continues to explore possibility of selling long-term lease at auction.

REVOCABLE PERMIT MASTER LIST 2023

Note: Permits showing "0" annual rent may be gratis. Some rent figures have been rounded for monthly billing purposes.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Area	2022 Annual Rent	Proposed 2023 Rent	Indicated Annual Market Rent 2018	Comments re rent amount and why no long-term disposition
rp7613	4	COCO PALMS VENTURE, LLC	(4) 4-1-005:017-0000 KAPAA	5(b)	6/1/2010	Commercial	0.12	3,485.52	3,590.04		• 2022 rent was increased by 3% over 2021 rent. Staff recommends increasing rent 3% for 2023 over 2022 rent. • Coco Palms is in the process of changing ownership. Paperwork will be updated with new owner info. upon their closing on the sale. • Staff continues to explore possibility of selling long-term lease at auction.

From: [HEIURA](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Subject: testimony against Cocopalms revocable permits
Date: Wednesday, April 12, 2023 4:54:22 PM

April 12, 2023

Dear BLNR,

I am Kealii Kanahale and i am asking my nephew's wife to send this to you from her computer because i do not have a computer. I am a wa'a sailor, a shoreline fisherman and limu gatherer, and in my youth on Niihau, i was surfer as well. Hawaiian is my first language.

I am opposed to renewing these revokable permits to "coco palms" developers. In fact, i request the permits BE revoked, immediately. The "developers" of cocopalms have already shown themselves to be very irresponsible and unaccountable with the land they hold, and completely dismissive of the concerns of the residents of Kauai.

My deepest concern is that they have already violated kanaka burials, while hiding their heavy machinery activity behind a "dust fence". Has the state demanded yet to know what has become of our iwi? These burials were disturbed at the original building of this hewa hotel. This was appalling and disrespectful. The iwi were re-interred in a pile on site, and they have now been disturbed yet again just in this past month and nobody can explain what happened and where the iwi have been removed to? I am sick with outrage.

Of equal concern, these developers have repeatedly violated the endangered species act by knowingly operating very loud heavy equipment within fifty yards of alae ula who are nesting. This bird is sacred to our legends and our hearts and is stopped from breeding by this. Why hasn't DLNR demanded a cease and desist of their operations?

To continue to lease ANY state lands to these irresponsible operators is to spit in the faces of your kupuna.

Let the denial of these revocable permit renewals be a start to a new era... where BLNR shows it cares for the land and its people. Where state administrators no longer stand by coldly while we are abused and desecrated and while our last alae ula die off at the hands of the mighty dollar.

The two lots being discussed for renewal that are mauka of the highway should be getting designated as public parking areas for our fishermen, canoemen, and surfers. We and our future generations NEED safe access to kahakai here, and there is none.

The lot up for renewal which is makai of the highway, should ALL be part of our rightful cultural access-way to Kukui Heiau. Our keiki and opio need to see us caring for it and need to know we've fought to keep access for all future generations. This developer will soon try to put up more barriers and black fences to block us from watching their hewa and block us from visiting our wahi pana. Aole loa!

T. Kealii Kanahale
Hanapepe ahupuaa, Kauai
Sent from Proton Mail for iOS

From: [Alison Lewis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] April 14 hearing; opposition to cocopalms RPs
Date: Wednesday, April 12, 2023 6:57:06 PM

12 April 2023

Dear BLNR,

Aloha kakou. Thank you for your commitment to the safe and responsible use of our lands. My name is Alison Lewis. I am a resident of Kaua'i and live in the Kona moku. I oppose the continuance or renewal of the Wailua area RPs being considered today.

The revocable permits for which the "cocopalms" developer is asking renewals in six months should actually all be revoked now, and not renewed. Sea level rise and increased storms have taken away the parking areas that local residents count on to access the shoreline here for fishing, surfing and paddling. The lots in question should be conserved for beach access parking areas for locals. NOT sold off to private interests for just tourists and tourism businesses.

The entire area of cocopalms is a Wahi Pana. Considering allowing anything to be rebuilt in this area is 1960s-era thinking, and disregards ALL the lessons we are supposed to have learned about environmental protection and respect for native culture and Hawaii history. These revocable permits in action right now show the state's continuing support of such backwards thinking. Let's reverse that starting today!

There are hundreds of burials in the exact area of the permit-user's project area, and many of them are of Royals and of Warriors. This isn't speculation; even the state itself has done studies that show this. If you look at the study that the state did before the county tried to build the proposed bike path extension, all of the maps in that report show the burial areas clearly! It is absolutely ridiculous to be talking about building hotels or parking lots there again, or to be enabling this re-building in ANY way. It is colonialist and exploitative.

Second, the state has scientific evidence showing very clearly that sea level rise during the next 20 years is going to put all of these areas underwater that we are talking about. It is ludicrous for the state to be "permitting out" these lots to a developer who is building something that is only going to pollute and endanger everybody when it most of it is underwater in 20 years!

And in the more near term, if we just look at the next five to 10 years, this is a development that Kauai cannot even absorb safely. And it is the state's job (your job) to not encourage/support it. We are maxed out on the number of rental cars that our highway can handle. Nobody on the island can make it to work on time unless they get

on the road two hours before normal drive time should necessitate. Kapaa and Wailua are already among the WORST affected areas, with traffic back-ups lasting hours. If we have a tsunami, nobody will ever be able to get mauka quickly or safely. The BLNR can try to shrug off this responsibility and say that that is all part of the “county” planning responsibility... but our system here is broken! All of our county administrators who are in positions supposed to prevent overdevelopment and prioritize safety, are in the pockets of the developers (or are shushed/threatened into complicity by others who are in the developers’ pockets). It is the state’s responsibility to step in where the county has not.

The first step is to stop supporting/encouraging the developer. Disallow the developer’s use of state lands which adjoin the project area. Revoke the permits today, please.

Alison Lewis
Kona Moku, Kaua‘i

From: [rhoda libre](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [rhoda libre](#)
Subject: [EXTERNAL] Coco palms
Date: Thursday, April 13, 2023 7:10:49 AM

Aloha,

The kona moku can not support this plan when the issue of over capacity and environmental integrity are the topics. The region's Ahupuaa council are not in protocol so it's hard to see if this project is appropriate from a tmdl, ERP, cp, Maczac, cas, czm or cis vantage. There is a lot of communications that still needs attention in regards to pono n to avoid future pitfalls n unnecessary disparity. I'm sure the developers will address the community's concerns n physical evidence to make this sacred place appropriate. Anything less is unacceptable.

Mahalo,
Kauai westside watershed council
8086451210

From: underwater2web
To: DLNR.BLNR.Testimony
Cc: [Mayor](#); [Felicia Cowden](#); keith_swindle@fws.gov; Wampler.David@epamail.epa.gov
Subject: [EXTERNAL] Potential Endangered Species Act violations taking place at the Coco Palms property in Kauai
Date: Tuesday, April 11, 2023 5:32:36 AM

It appears that the developers of the Coco Palms hotel are actively working in and around the large pond that is located right behind the old hotel development. As a career marine biologist and Endangered Species Management consultant I can testify that I have video, pictures and drone footage showing endangered Koloa Ducks and Moorhens living, feeding and nesting in that pond.

In order for a developer to work in the area of known endangered species, the developer would need an Incidental Take Permit or clearance from the US Fish and Wildlife Service. Without the needed permits the developer would be in violation of Section 9 of the Endangered Species Act under the Harm and Harass sections.

The Supreme Court has established that any government agency issuing permits to a developer to work in the habitat of endangered species without the needed federal permits under the Endangered Species Act is also in violation of the ESA.

Does the developer or their contractors have the needed federal permits under the ESA to work on the Coco Palms property? Is there a full time accredited biologist on site to manage any endangered species activity? Please advise.

Aloha

Terry Lilley
Marine Biologist
Hanalei, Kauai
<http://underwater2web.com>

All Photographs © 2016 Terry Lilly



Date: 4/14/23

RE: Testimony for BLNR Agenda Item D-1. Report to the Board of Land and Natural Resources the status of Revocable Permit Nos. 7407, 7444 and 7613 to Coco Palms Ventures LLC Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017.

My name is Liko-o-Kalani Martin, a living person, original Inhabitant lineal descendant Kanaka Maoli, within the Polynesian Triangle, such as others so situated as a “Hawaiian National...”, a Tenant in (Hoa’aina) Occupancy (“November 25, 1892...”Hawaiian National usage.”, See Writ of Prohibition, In The Supreme Court of the Hawaiian Islands, SCPW - 20 - 000427, JUNE 18, 2020, NA’AU PONO [Liko-o-Kalani Martin] vs.Governor DAVID Y. IGE), within the area known as Wailuanuiahoano, currently a Complex of Heiau referred to in the United States Federal Register of Historic Places. I am the great grandson of Wailuanuimanokalanipo (W), providing a Constructive Notice to Members of the Board of Land and Natural Resources and Counsel, for Governor, Petitioner(s), et al.

I request that all permits to enter on, or within, the areas identified by Petitioner, by TMK, under the Charter of the County of Kauai, Real Property Division, Planning Department, be **revoked**, first and foremost due to: **a)** absence of qualified, consistent, effective and sufficient preservation, oversight and protection, which has led to widespread disruption, destruction, desecration and defiling of historic sites, cultural properties and interrupting practices of cultural practitioners, defacing sacred places and interfering with customary and traditional lifestyles; **b)** harassment and interference by municipal agencies and private landowners who blatantly disregard family honors, rights, the lives of persons, their private property, religious sites, burials, religious convictions and practice, by seizure, pillage, and destruction of forests, watersheds, historic irrigation systems, estuaries and agricultural estates, as well as sites dedicated to religion, charity, education, the arts and sciences, damage to which is forbidden by the regulations of Geneva IV, Respecting the Customs and Laws of War on Land and its Annex Regulations Concerning the Customs and Laws of War on Land, and can be made the subject of legal proceedings; **c)** major inconsistencies that exist in great part due to noncompliance by the U.S. subdivision State of Hawaii and its municipalities, with the requirement to maintain the “equal footing” of the U.S. Executive Proclamation 3309, Pres. Dwight D. Eisenhower (1959), by the absence of, lack of conformity with, or adherence to, the Hawaii Revised Laws of 1955, Volume I, Ch. 14, CERTAIN RIGHTS OF THE PEOPLE - HAWAIIANA, Sections 14-1 thru 14-11, as such being consistent with USC Title 16-CONSERVATION, Part A - Historic Preservation Programs, and the requirement of a Historic Preservation Review Commission to be present to oversee and qualify a “local certified government” for the administration of Historic Preservation Programs, per Sec. 470-1(b-A (b) -2 (B), in the Hawaiian Islands; **d)** “Breach of trust,” by failure to perform fiduciary duties to beneficiaries of the lands of the Royal Domain of the Hawaiian Kingdom, and other illegalities arising under the United States Constitution and laws of the U.S. political subdivision aka State of Hawaii (Revised Statutes), that will cause deprivations of civil liberties, civil rights, human rights, rights to due process and equal protection under the law, and vested rights in “usage” of land, as prescribed, and being a part of the “chief governing authority” (USC Title 16), so stipulated in the Hawaii Revised Laws of 1955, Vol. I, CH. 14 - Certain Rights of the People - HAWAIIANA, as adopted, Kauai County/Planning Department.

Mahalo for your attention to this matter.

Liko-O-Kalani Martin

From: [Helen Picca](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Wednesday, April 12, 2023 4:03:19 PM

Coco Palms hotel. As a resident of Kauai, I wish to protest the renewal of leases to the developers of the Coco Palms property. Their plan to develop a 350 room hotel on that property is unreasonable and will be extremely detrimental to the residents of this island. Traffic without the hotel is problematic. Current roadways cannot handle the added load. The developers seem very short sighted, not considering the labor shortage (due to lack of housing), access to the beach (crossing a highway) and the loss of beach due to rising sea level.

The land in question would be much better used for a cultural center or park for the people. I Ola Wailuanui would be a much better steward for this land, honoring the history and culture while protecting the environment.

Thank you.

Helen Picca
4775 Aliomanu Road
Anahola Hawaii 96703

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Helen Picca

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<https://www.facebook.com/HelenPiccaAuthor/>

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From: haunani@aloha.net
To: [DLNR.BLNR.Testimony](#); [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Coco Palms Parcels: RP7613, RP7404, RP7444
Date: Thursday, April 13, 2023 3:06:02 PM

Aloha BLNR,

Coco Palms Parcels: RP7613, RP7404, RP7444

I oppose the the transfer of the above parcels of land to RP 1 Coco Palms LLC and any surrounding properties that they maybe asking for.

I am a property owner of which 2 of these parcels I must pass daily to get to my property.

Homelessness, Drug Exchanges, Dumping of vehicles, Dumping of green waste, Fights, Vandalism are what I've had to witness over the years. Their were times in which the Kauai Police Department was contacted due to our concerns and safety as property owners/tax payers.

RP 1 Coco Palms should not be granted any transfer of parcels due to such gross neglect.

I humbly ask that you OPPOSE the transfer of any parcel of land to this developer/ RP 1 Coco Palms.

Sincerely,

Haunani Rossi, property owner

Puali'ili'imaikalani Rossi-Fukino
356 Likeke Place
Kapa'a, Kaua'i, HI 96746

April 13, 2023

To Whom This May Concern:

Aloha mai kākou,

My name is Puali'ili'imaikalani Rossi-Fukino. I am here speaking on behalf of my 'ohana and I am bringing a voice to the 'āina of Wailuanuiaho'āno. I was raised in the moku of Puna, in the ahupua'a of Wailua. I am a lineal descendent of this 'āina through my makuakāne's (father's) side of the family. I am also an Assistant Professor of Hawaiian Studies at Kaua'i Community College.

I am asking that you please do not grant the Revocable Permits to RP 21 Coco Palms LLC, the current name for the developers who have shown nothing but disrespect for the lands that once sustained our Wailua Ali'i and kama'āina. These developers have intended to use these lands for their proposed 350-room hotel and have shown little to no progress in moving forward is blatant disrespect to the 'āina and the community. There have been multiple voiced concerns from the people of Kaua'i, Hawai'i, and beyond, in regards to the development, or lack thereof, of these very important parcels of land.

With that being said, the small progress that has been made recently has been disturbing. We hold a kuleana parcel near to the current construction site. From what I've observed, there is no monitoring of the activities happening on these parcels. They are uprooting trees, dumping them in areas where water once flowed, and having no regard for the community that lives in the neighborhood. There are cultural and burial sites, but I have not witnessed any onsite archaeologists, nor have I seen proper monitoring of their activity.

It's disrespectful to state that the history of this site is based on and starts with the Coco Palms Hotel. The hotel is but a small period in the expansive and rich history of Wailuanuiaho'āno. This is a place where Ali'i lived and thrived. It was the birthplace of our sacred chiefs. It was a place where numerous heiau, or places of worship, were constructed and extensively used. It was the burial site of our kūpuna. It deserves more respect and recognition than simply being another revenue to support the visitor industry.

Puali'ili'imaikalani Rossi-Fukino

356 Likeke Place

Kapa'a, Kaua'i, HI 96746

As an educator and a mother, I question why we would want to rebuild a hotel when our island is saturated with enough places that cater to tourists. Why not turn this site into something that celebrates Hawaiian culture? Why not honor the Kaua'i community by creating a space for us to come together, a place for education and training, and a place where the legacy of kūpuna may continue? I know many people on Kaua'i who would be excited to see this site turned into something that benefits our people and celebrates the history of our island. Let's put community and culture before all else and treat this place with the respect it deserves. This is our opportunity to show aloha for this 'Āina.

Mahalo nui for your time and consideration.

me ka ha'aha'a (humbly),

Pua Rossi-Fukino

From: [Michelle Rundbaken](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D-1 Against State Land Use for Hotel Development
Date: Thursday, April 13, 2023 4:43:01 AM

Hi,

I am writing to voice my view against using state land for Hotel Development - specifically for Coco Palms parcels, RP7613, RP7407 and RP7444.

I live in Wailua Homesteads and the developers have allowed this land to be neglected for decades. This is land that should become a park to preserve culture instead of letting a hotel capitalize on a place of cultural importance. They have shown that they are not good caretakers of the land.

On a selfish note, I am upset that Coco Palms has been allowed to continue plans for development. It is at a bad location for Kapaa traffic (one of the worst spots on island for traffic) and honestly, Kauai doesn't need more hotels and tourists. We are beyond capacity! Locals can't find parking spaces and favorite spots, traffic is worse than ever and tensions between tourists and locals continue to rise.

Please consider turning the land into a cultural park or leasing to an organization who will.

Thank you,
Michelle Rundbaken

From: [teresa tico](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1. Land Division Item 1. Annual Renewal of RPs for Kaua'i - RP7613, RP7407 and RP7444.
Date: Wednesday, April 12, 2023 7:58:31 PM

To the Land Board Commissioners:

I am submitting this written testimony in regard to the above renewal of RPs for Kauai RP7613, RP7407 and RP7444. I am writing on my own behalf, as a resident of the County of Kauai. I have been a licensed attorney in Hawaii since 1977, practiced law in the County of Kauai since May 1977, and have served as President of the Kauai Bar Association, Grand Jury Counsel, Per Diem Judge, and as a member of numerous boards of non-profit organizations on our island and State-wide.

First, I have reviewed the staff report. I find it appalling that staff would whitewash the history of Wailuanui. Not one mention was made of the rich, historic, cultural significance of Wailuanui before the Coco Palms Resort was constructed in the 1940s.

I note that staff is a licensed realtor on Oahu. Is that an inherent conflict of interest? She interacted with and relied on representations of Parker Enloe, who is a convicted felon even though he denies it. I have researched him, spoken with the Deputy Attorney General who prosecuted him and secured a conviction, and read the letter in support of lenient sentencing, from his "friend since childhood," Jared Lucero, CEO of Reef Capital Partners, the developer behind this project. Enloe went to jail. I don't know how she could find any credibility in his representations.

All of the above aside, the current developer has been allowed by our County to proceed with the development under a decades old "Iniki Ordinance" that disregards today's impacts of climate change, rising sea levels, population increase, traffic increase, and other socio-economic impacts that would not withstand scrutiny in today's world. How our County can live in a world thirty years ago is beyond me, but so be it. However, our County cannot waive State and Federal laws, and this is what I want to address.

There is a pending lawsuit against the development in the First Circuit Court over the State requirement for an EIS. Maybe the County can uphold their permits, but they cannot tell the State that an EIS is not required. Our lawsuit will be heard in May and you should withhold any decision making regarding the RPs until the First Circuit Court rules on whether an environmental impact statement, as mandated by State law, should be made before the development can proceed.

Also, you should be aware that the federal government has permitting requirements, as well, that the County cannot waive. Army Corps requires NPDES permits for wetlands and any discharge into US waters. The developers' architect represented to Army Corps that the development is not in a wetland and based on his representation, Army Corps waived the requirement of a federal permit. Based on historical data, the entire Wailuanui area is a wetland. The Army Corps jurisdictional determination (JD) and that no federal permit is required EXPIRED and has not been renewed. On behalf of I Ola Wailuanui, Inc., a non profit organization, we are challenging their determination that the development is not in a wetland. The JD is in limbo inasmuch as it is EXPIRED and we have historical data that the entire area is a wetland, requiring Army Corps permitting. We are requesting Army Corps issue a Cease and Desist Order until a determination is made.

Finally, the RPs are currently in the name of a defunct LLC, Coco Palms Ventures. It is absurd that the BLNR would "renew" the lease to a non-existent LLC. Please, we are more intelligent than that. You cannot give a non-existent LLC a lease.

I Ola Wailuanui, Inc., a Hawaii non profit organization, is submitting an application to lease the three parcels up for renewal. You cannot simply make a unilateral decision to give the

leases to some foreign LLC that is not invested in our community, that promised to hold community meetings about their "vision," and has not held one meeting whatsoever, who is so out of touch with the aina that they, in the last few weeks, have cut down dozens of historic coconut trees on the property, no archeologist monitors onsite to our knowledge. Is this what we want? Do we want to give away our history, culture, aina, to some foreign LLC that only cares about getting a return on its investors' money? That's what Chad DeCoursey, the developer's attorney, told all of us at a public hearing before the Kauai Planning Commission. Is that's all it's about? Profit? Forsaking culture and aina for some foreigner's profit? Maybe you don't know, but the Coco Palms development project is about 50% fee simple property and 50% state leased land. They cannot build this resort without your blessing. They do not deserve your blessing. They have already proven they do not have Kauai's best interests at heart. It's all about profiting off the aina for themselves, foreign investors, not Kauai people.

We have laws for a reason. Follow them. Do not allow these developers to bamboozle you as so many developers before them have done. How long will you refuse to stand up for your people? Do what's right and give the RPs back to the people of our community.

Aloha,

Teresa Tico

PO Box 220

Hanalei, HI 96714

(808) 639-9080

[email:haenagirl@gmail.com](mailto:haenagirl@gmail.com)

www.teresatico.com

From: [Robert Zelkovsky](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Coco Palms
Date: Wednesday, April 12, 2023 2:22:36 PM

aloha - mahalo for receiving my testimony.

Please no hotel on State lands. Those lands for the PEOPLE, and NOT corporations.
Thank you,
Robert A Zelkovsky, DC
48 year Kaua'i resident