

Dear Members of the Board,

I'm Micah Bukoski, born and raised Kaua'i resident and sitting board member of I Ola Wailuanui. This letter serves as my formal testimony opposing the proposed granting of the Coco Palms parcels (TMK (4) 4-1-003:044, (4) 4-1-005:por. 017, and (4) 4-1-003:017) to RP21. My concerns encompass the broader implications for sustainable employment, the exacerbation of the housing crisis, and the cumulative impact of current development trends on Kaua'i's community.

The proposed development by RP21, while initially appearing as a boon in terms of job creation, requires deeper scrutiny. Kaua'i continues to face a significant staffing shortage, particularly in sectors such as hospitality and construction. This issue goes hand in hand with our housing crisis, which development of this area and the inevitable import of labor would further exasperate. As showcased through other large developments on Kaua'i, these jobs are typically contracted off island due to local labor shortages. This reality undermines the sales pitch that the proposed development will pose as a benefit for local communities as contributes little to the employment challenges on the island and statistically harm the long-term economic stability of our residents.

As we know, Kaua'i is experiencing an acute housing crisis, with a significant shortage of affordable homes for its residents. The introduction of external labor forces for staffing the proposed resort will place additional pressure on our already limited housing resources. It is crucial for any development plan in this area to consider its impact on the local housing market. This consideration includes ensuring that the development does not contribute to escalating housing prices or exacerbate the current unavailability of affordable housing options for local families.

The southern part of Kaua'i is currently witnessing a surge in development projects. While these projects contribute to the economic activity on the island, they have created an imbalance in resource allocation. Many local residents are facing difficulties in securing workers for personal, smaller-scale residential projects as the construction workforce is increasingly absorbed by these larger developments. This situation highlights a broader issue of development priorities, where large-scale commercial projects overshadow the needs and priorities of the local community.

In the conversation around what is "pono" (right or balanced), it's vital to consider that the hotel has repeatedly stated that the use of these state parcels does not impact the development of their hotel. Therefore, the contractors and the jobs mentioned in this context should not be a primary consideration in determining who should have kuleana (responsibility) for the adjacent state parcels. Our focus must instead shift to determining the best use of these public lands for the public good. This perspective steers us away from narrowly focusing on short-term employment gains and directs our attention to the long-term benefits and impacts on our community.

In light of the aforementioned issues, it is imperative that the Board considers a more balanced and community-centric approach to development in the Coco Palms area. This approach should prioritize the creation of sustainable, well-paying jobs that offer career advancement opportunities and are accessible to the local population. Additionally, any development should include comprehensive plans to address the housing needs of the community, ensuring that the projects contribute positively to resolving the housing crisis rather than exacerbating it.

I propose that the Board explore alternative development strategies that align with the long-term economic, social, and environmental health of Kaua'i and Hawai'i. These strategies could include development projects that focus on sustainable tourism, cultural preservation, environmental stewardship, and education. Such projects can create diverse employment opportunities, contribute to the local economy, and enhance the cultural and natural heritage of our island.

In conclusion, while the prospect of new development and job creation is often viewed positively, it is essential to evaluate these prospects within the broader context of their long-term impact on the community. The decisions made here will shape the future of Kaua'i for generations to come. I strongly urge the Board to reconsider the proposal from RP21 and to evaluate alternative development models that prioritize the needs, well-being, and prosperity of Kaua'i and its residents.

Thank you for your time and consideration of these critical issues.

Sincerely,
Micah Bukoski

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

January 9, 2024

**TESTIMONY OF FELICIA COWDEN,
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
AGENDA ITEM D.1., RELATING TO RP21 COCO PALMS LLC
Board of Land and Natural Resources
Friday, January 12, 2024 at 9:00 a.m.
DLNR Boardroom**

Dear Chairperson Chang and Members of the Board:

Thank you for this opportunity to provide testimony in opposition to the issuance of easements, revocable permits, leases, and right-of-entry agreements to RP21 Coco Palms LLC. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council.

Although I see that the purpose of the amendment to prior board action involves a timing issue, I would also like to resubmit my prior testimony dated December 5, 2023 and December 14, 2023 for your continued reference as you consider the appropriate disposition of the subject lands.

Thank you again for this opportunity to provide testimony. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,


FELICIA COWDEN
Councilmember, Kaua'i County Council

JA:lc
Enclosures

COUNTY COUNCIL

Mel Rapozo, Chair
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December 14, 2023

**TESTIMONY OF FELICIA COWDEN,
COUNCILMEMBER, KAUA'I COUNTY COUNCIL
ON
AGENDA ITEM D.6., RELATING TO RP21 COCO PALMS LLC
Board of Land and Natural Resources
Continued Meeting on Friday, December 15, 2023 at 9:00 a.m.
DLNR Boardroom**

Dear Chairperson Chang and Members of the Board:

Thank you for considering my further comments and the enclosed supporting documentation in opposition to the issuance of easements, revocable permits, leases, and right-of-entry agreements of Parcels A, B, and C (RP 7407, RP 7444, RP 7613) to RP21 Coco Palms LLC. My testimony is submitted in my individual capacity as a Member of the Kauai County Council.

The "de minimus" "usage" these parcels have experienced continuously for over thirty-one (31) years is as abandoned properties—there has been no usage as needed support parcels to a functioning resort. This profound change in use should trigger a new Traffic Impact Analysis Report. At minimum, any consideration of long-term, thirty-year use of these public lands should wait until completion of the Phase 1 Environmental Site Assessment that the Applicants agreed to perform.

Although somewhat lengthy and quite detailed, I would greatly appreciate your careful review of the enclosed supporting documentation.

Enclosure 1 demonstrates the following:

- The dangerous close proximity of sequential entrance locations to congested intersections (measured in feet).
- The next two diagrams show three entrances on the south Kuamo'o Road.
- The new proposed entrance is too close to the fishpond.
- Internal roads will be paved, widened, and expanded on the State parcel with the coconut grove. Use of this entrance was not included in the 2015 TIAR.
- The September 2023 Site Plan shows roadways in the Coconut Grove, but does not detail Kuamo'o Road access or include the newly constructed roads and fire lanes.

AN EQUAL OPPORTUNITY EMPLOYER

Dawn N.S. Chang, Chairperson, and Members of the Board
Re: Testimony Relating To Agenda Item D.6., Relating To RP21 Coco Palms LLC
December 14, 2023
Page 2

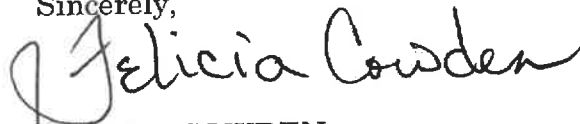
- The parking lot and event center towards the back of the resort property along the drainage canal will obstruct a potential evacuation route from Haleʻilio Road to the north and Kuamoʻo Road to the south, which is valuable if Kūhiō Highway were ever obstructed along the front of the property.
- All Coco Palms entrance roadways are in culturally and environmentally sensitive areas. They have been considered without any scientific or cultural scrutiny or any consideration of real traffic impacts to current conditions. The new Main Entrance is proposed to be constructed within the protective twenty-foot buffer zone to the historic fishpond.

Enclosure 2 provides site details on Parcel C along the shoreline adjacent to Wailua Beach Park highlighting the historic trail to Ala Kakukui and the County's Ke Ala Hele Makalae coastal multi-use path.

Enclosure 3 provides background on the Parcel A County easement and sewage Lift Station. Both parcels have an existing public purpose.

Thank you again for this opportunity to provide testimony. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,



FELICIA COWDEN

Councilmember, Kauaʻi County Council

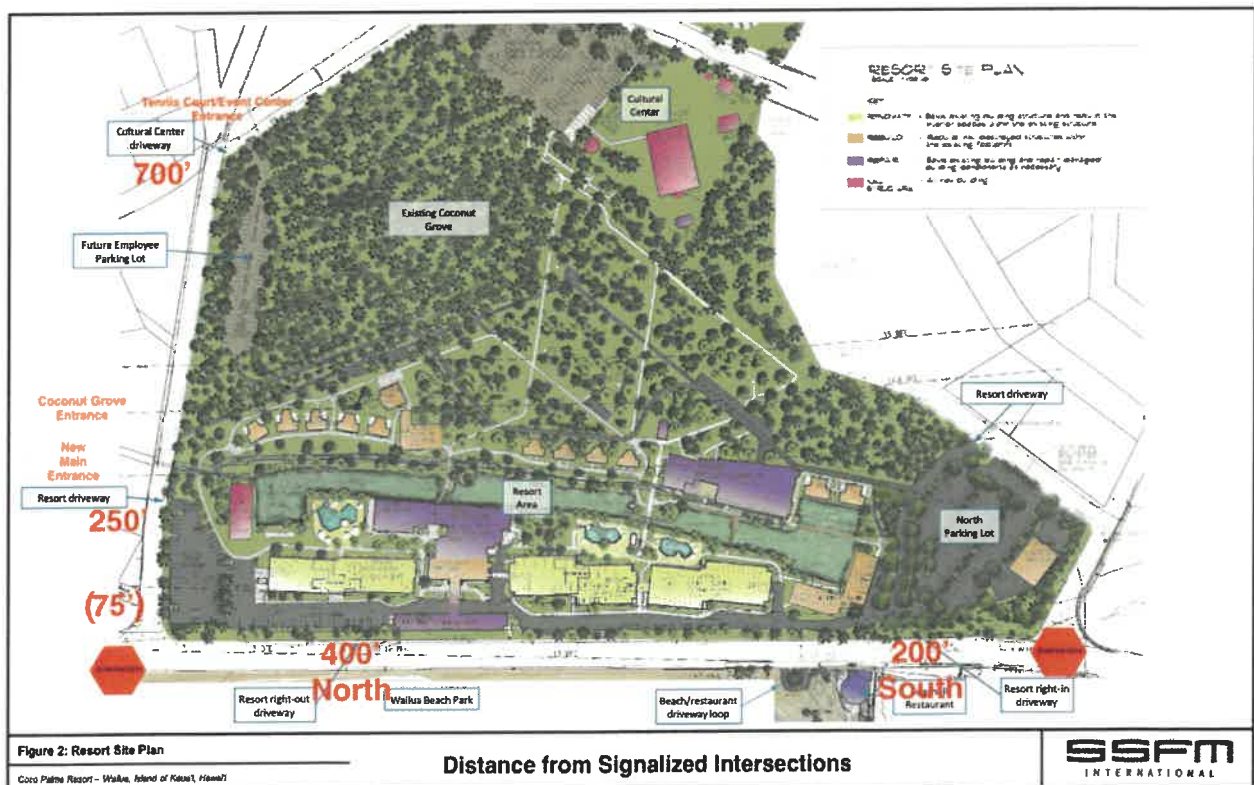
JA:ss

Enclosures

cc: George Abcede, Highways Administrator, State of Hawaiʻi Department of Transportation
(Via Email Only: george.abcede@hawaii.gov)
Lawrence J. Dill, P.E., District Engineer, State of Hawaiʻi Department of Transportation, Highways Division, Kauaʻi District
(Via Email Only: lawrence.j.dill@hawaii.gov)

Arguments for a New Traffic Impact Analysis Report On Coco Palms Resort

Wailua, Kauai
December 2023



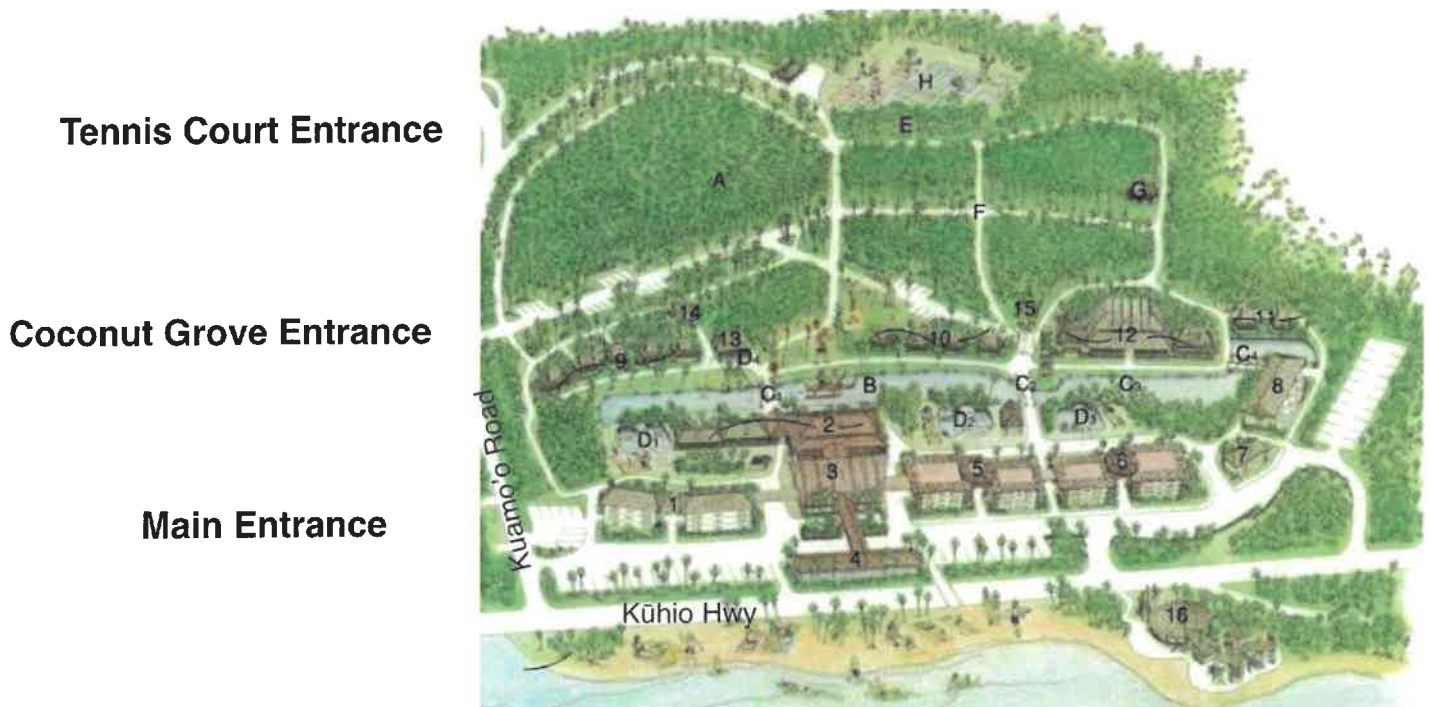
During the resort era, there were 3 entrances to the Coco Palms resort from Kuamo'o Road as detailed in the 2020 Coco Palms Resort National Register of Historic Places¹, page 9:(and one off Kūhiō Highway)

The property was entered via four primary routes. The Kūhiō Highway entrance is at the northern end of the property, near the junction of Ali'i Kai I [2] and Ali'i Kai II [2].

There were three drives off Kuamoo Road along the southern property boundary.

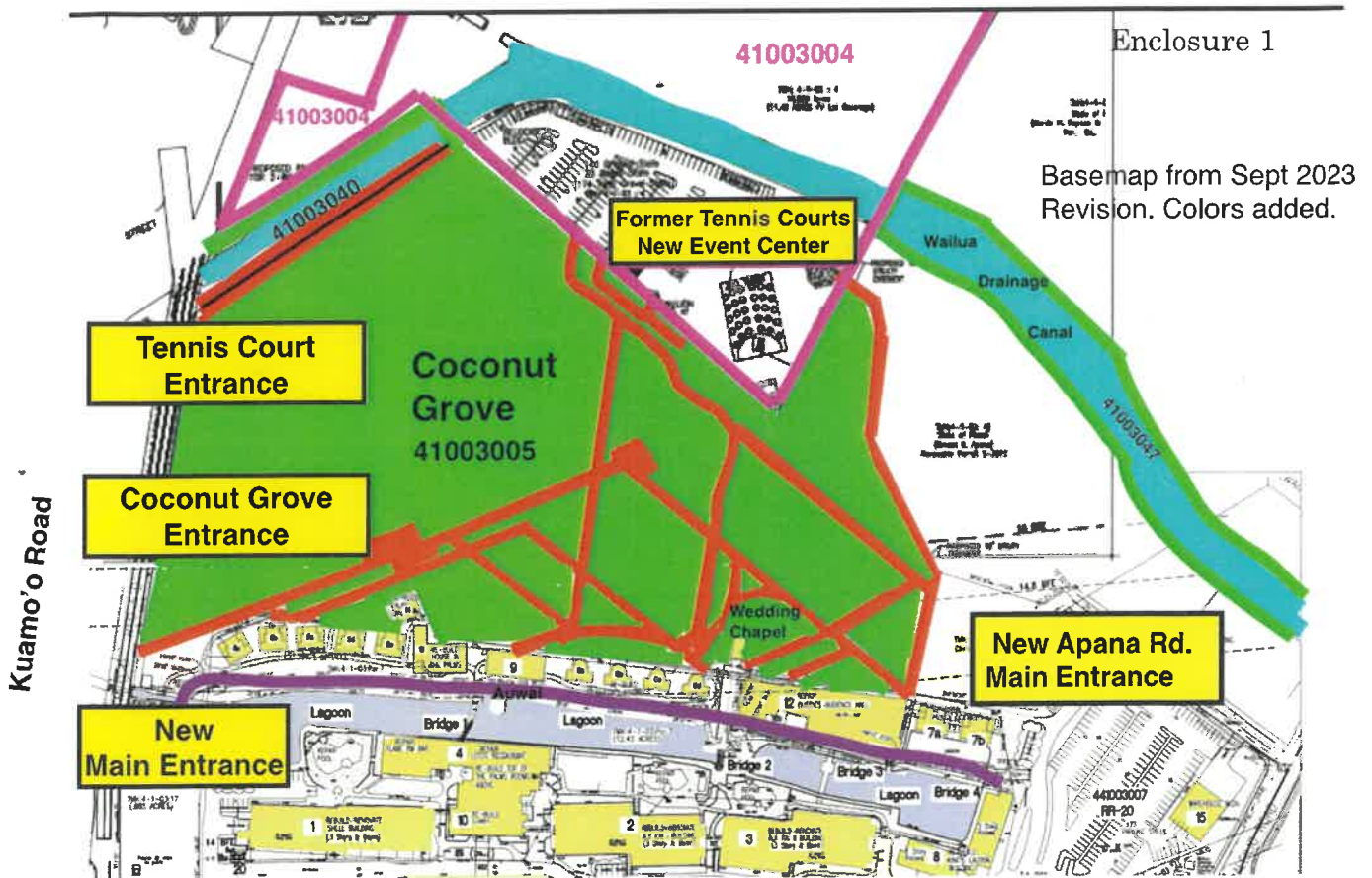
- The **primary Kuamo'o entrance** skirts Kūhiō Highway and runs along the eastern side of the multi-story hotel buildings (the Shell Building [1], and Ali'i Kai I and II) and behind the retail Shopping and Travel Center [11]. It terminates at the entry to the Ali'i Kai II parking garage drive. At one time the entry to this drive was flanked by large battered stone plinths, one of which held the iconic Coco Palms sign and each featured a sculptural metal Hawaiian sail on top. The walls and the Coco Palms sign remain but the artwork has been removed.
- The **second Kuamo'o entrance** is a narrow paved road leading through the **Coconut Grove** behind the King's Cottages.
- The **third Kuamo'o entrance** leads to the 1970s-era **tennis center**.

Page 42 of the Coco Palms National Register nomination form includes a 1980's era map, entrance names added to left:



Historic map of Coco Palms property (c.1980s) with key added.

¹<https://historichawaii.org/download/nomination-form-54/>



There was an additional historic entrance off the highway, near the lift station.

The entrance properties are 3 separate TMK's held by the State of Hawaii:

- 41003017 **Main Entrance** on corner of Kūhio Highway and Kuamo'o Road
- 41003005 **Coconut Grove Entrance** to Bungalows and Wedding Chapel
- 41003040 **Tennis Court Entrance**

The **Main Entrance** was a 25' wide easement on makai side of Parcel C of the Wailua Coconut Grove which is probably part of the new Kuhio Highway right lane expansion as mapped in Land Court Application 1667,² excerpted below

Together with an Easement twenty-five (25.00) feet wide for a road right-of-way over and across Parcel "C" of the Wailua Coconut Grove at Wailua, Puna, Kauai, T. H.

This **Main Entrance** easement is Land Office Document 12850, a Perpetual Access Easement to Phillip Ross, Coco Palms Ventures, LLC, now a defunct

²https://dags.hawaii.gov/maps/search/files/lca/App_1600-1699/App1667Map0001.pdf

In 1991, a tourist, Claire Rosenberg filmed portions of her vacation at Coco Palms, available on YouTube:

<https://www.youtube.com/watch?v=UnYF2j8zSgc&t=903s>

At about 14:48, they turn on to Kuamo'o Road and drive past the **Main Entrance**:



Main Entrance signs changed over time.



The second entrance, **Coconut Grove Entrance**, when driving mauka on Kuamo'o Road, is right after where the 'auwai is carried under the road in a culvert. There is a pump house right before the right turn into the Coconut Grove.



Parking Places for King's and Queen's Cottages.



This road system through the Coconut Grove had parking places by Kings and Queen’s Cottages and access to the Wedding Chapel.

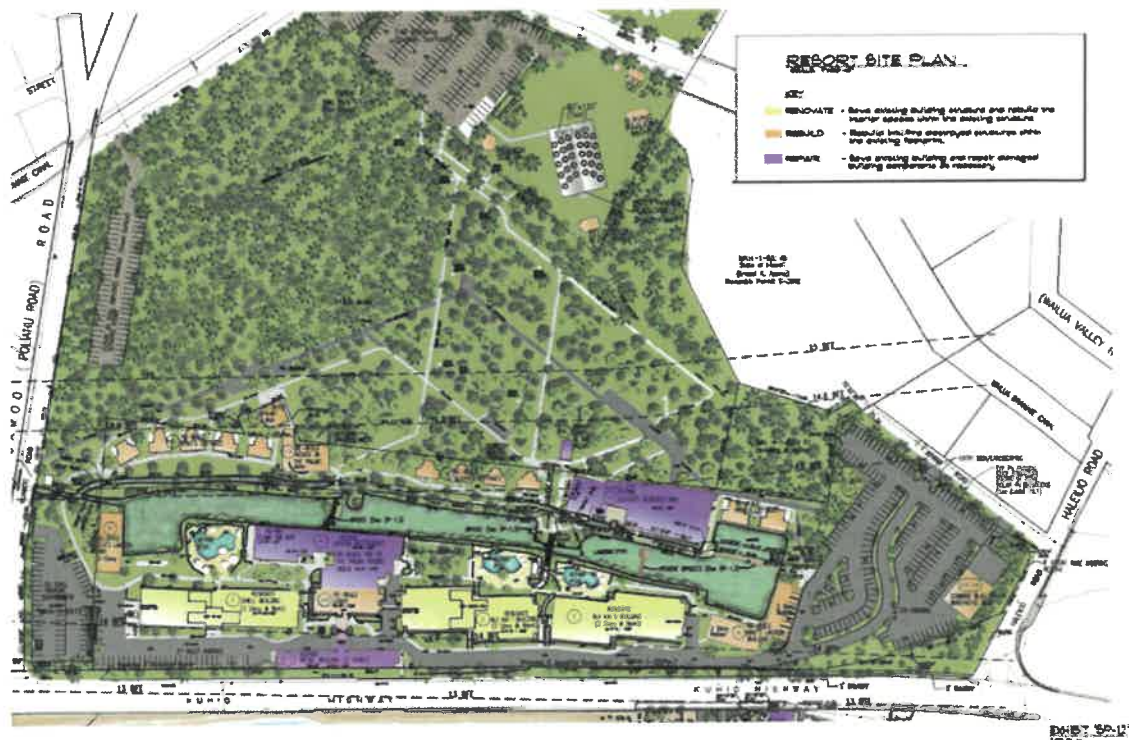
During the building permitting process in 2014, developers stated there were 43,870 square feet of (unapproved) paved roadways in the state Coconut Grove, leased for landscaping the “park like” conditions. Current developers have added to this roadway system and plan to remove and repave existing roads and construct fireroads.

Use of this entrance was not considered in the 2015 TIAR, even though at that time a 60 stall Employee Parking Lot was planned to be constructed in the Coconut Grove.

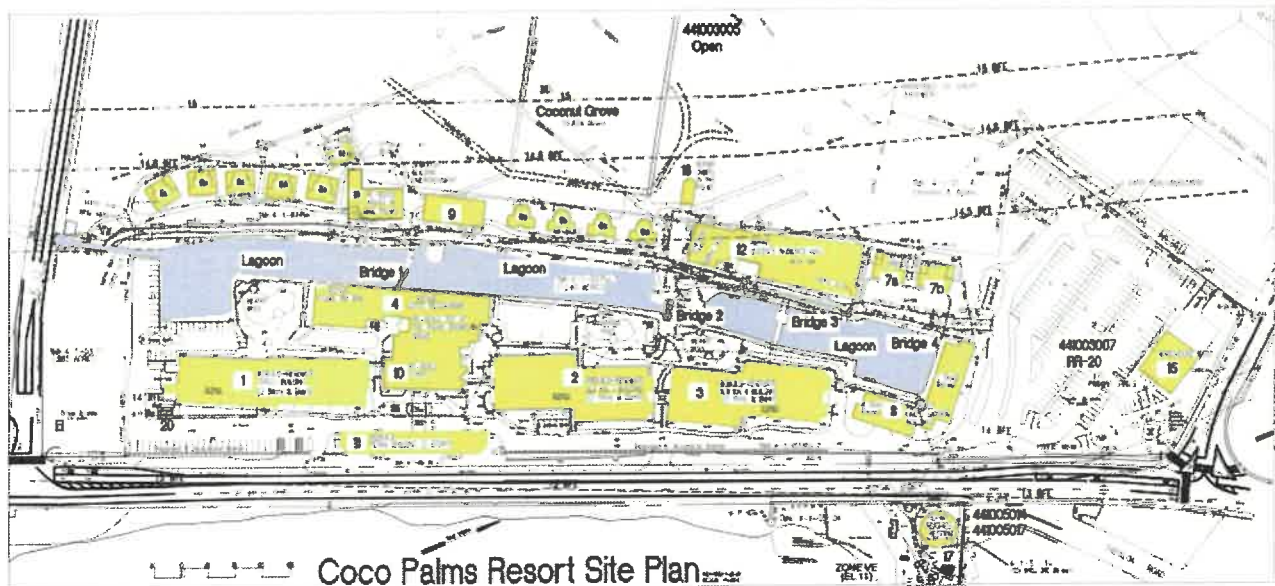
The **Coconut Grove Entrance** will provide access to the new Queen’s Spa Building, an approximately 12,000 square feet, 4 story building to be constructed on the ‘auwai and provide access to Emergency Vehicles.

The Claire Rosenberg YouTube video opens with a drive on the **Coconut Grove Entrance**, over speed bumps, to the parking places mauka of Queen’s Cottages, This clip only lasts for about a minute, but clearly shows vehicle roads with speed bumps, and parking places.

Development site plans have included tis roadway system for years, but the use of the **Coconut Grove Entrance** was not included in the 2015 TIAR and must be. 2015 TIAR considered building 65 parking places in the coconut grove.



The Sept., 2023 Site Plan shows roadways in the Coconut Grove, but does not detail Kuamo'o Rd. access or include the newly constructed roads and firelanes.



At 15 minutes on Clair's Youtube video, the driver reaches the **Coconut Grove Entrance** by pump house, and turns in to the grove.

Future vehicular access in the Coconut Grove needs to be determined as well as turning strategy exiting onto Kuamo'o Road. The **Coconut Grove Entrance** must be included in a new TIAR or removed.



Enclosure 1

Coco Palms has added a new 4 story 12,000 sq ft spa building to the historic footprint, that will feature full spa and beauty parlor treatments and massage areas. Access to this building will be from the **Coconut Grove Entrance** driveways.

Developers have stated they have received all necessary building permits, including the commercial wedding chapel to be rebuilt in the coconut grove. but these permits are not listed in the county's building permit data base for this parcel, only for the wedding chapel 1986 rebuild³. The BLNR has not granted permission for the rebuild of the commercial wedding chapel in the historic coconut grove.



Permit ID	Address	Permit Number
00000281	0 KUAANOO RD	4-1-001-009
00000271	0 KUAANOO RD	4-1-002-006
00000261	0 KUAANOO RD	4-1-003-003
00000251	0 KUAANOO RD	4-1-003-006
00000241	0 KUAANOO RD	4-1-003-003
00000236	5034 HALEKIO RD	4-1-013-006
00000236	5034 HALEKIO RD	4-1-013-006

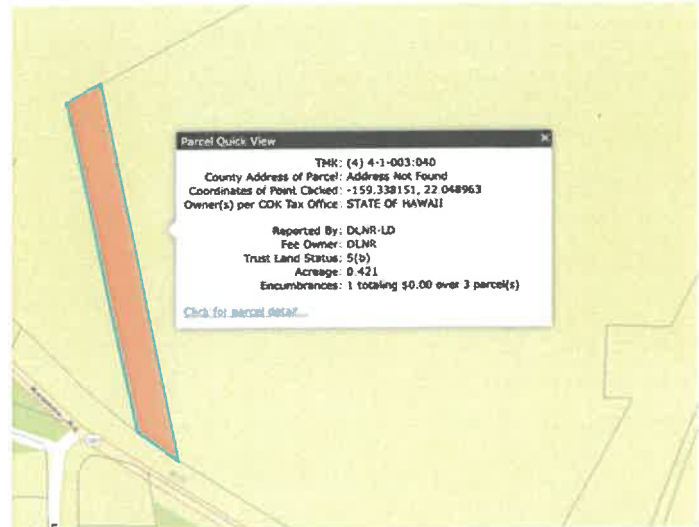
The former single lane, dirt road, **Tennis Court Entrance** shown below, is planned to be expanded into a 2 lane paved accessway for the Event Center, Employee Parking Lot and Shuttle Bus Stop, requiring killing and clearing more coconut trees from the historic Coconut Grove planting. This has not been authorized by the BLNR and the County of Kauai holds a perpetual easement.



³<https://egov.kauai.gov/Click2GovBP/selectpermit.html>

This property, 41003040, is the state Wailua Canal Drainageway, Conservation District land in the Protective Subzone.

The County of Kauai holds a perpetual easement over this property, Land Office Document 26124, according to the Public Land Trust Information system⁴.



Access over this property has not been requested by the developer to the State of Hawaii as landowner or to the County of Kauai as easement holder.

Parcel Detail

Parcel Acreage: 0.4210
Updated: 5/19/2016

Data from Kauai County sources
Owner(s): STATE OF HAWAII
County Zoning: Unknown

Trust Land Status

Trust Land Status	Status Acreage	Determination Method
5(b)	0.4210	

Encumbrances reported by DLNR-LD

The following grid contains information regarding the encumbrances that DLNR-LD has issued over this parcel. These encumbrances may have been issued over multiple parcels, so it is important to note that the data within the grid, including the acreage and annual rent, pertain specifically to the encumbrances themselves, and not exclusively to this parcel which may be one of many parcels over which the encumbrances have been issued. Please review the encumbrance details for more information including a list of all parcels over which the encumbrance has been issued.

Identifier	Lessor Agency	Lessee	Area (ac)	Subtype	Character of Use	Annual Rent	Rent Notes
lod26124	DLNR-LD	COK	2.5108	Perpetual Easement	Drainage	\$0.00	

Encumbrance Detail

[Printer Friendly](#)

Encumbrance Detail for lod26124

Reported by DLNR-LD

Lessor Agency: DLNR-LD
Lessee: COK
Type: Long Term
Subtype: Perpetual Easement
Acreage: 2.5108
Updated: 5/19/2016

Character of Use: Drainage
Annual Rent: \$0.00

Encumbered Parcels

Zoom to Parcel	Parcel Detail	Fee Owner	TMK	Relation to TMK	Trust Land Status	Parcel Acreage
Zoom	Parcel Detail	DLNR	(4) 4-1-003:040		5(b)	0.4210

⁴<https://pltis.hawaii.gov/HomeAuthenticated/Map>

The District Land Agent included in the December 2023 D-6 Board Submittal as a continued footnote on page 9:

Board does not generally issue leases over lands set aside to other agencies; easements may be permitted with the consent of the holder of the executive order. The only logical applicant for an access easement over the parcel is the abutting private landowner, RP21CP.

The Coco Palms development project is dependent upon access through these properties belonging to the State of Hawaii, covered by County of Kauai easements, yet the developers have failed to secure access rights over these 3 properties for access to their development.

All Coco Palms entrance roadways are in culturally and enviromentally sensitive areas. They have been considered without any scientific or cultural scrutiny or any consideration of real traffic impacts to current conditions. The new Main Entrance is proposed to be constructed within the protective 20' bufferzone to the historic fishpond.

Purple areas on this map detail State Historic Site 50-3008-1711 which has been agedated to 1400-1500 BCE and should be avoided. Red show the proposed business entrances to Coco Palms Resort from Kuamo'o Road.

A new TIAR must be performed to consider current highway conditions and planned resort flow patterns and businesses.



**TMK 41005017 Parcel C Former Revocable Permit 7613
SeaShell Restaurant encroachments**

From BLNR Submittal December 7, 2023 D-6 5,244 square feet, more or less

Parcel C: For encroaching structures on State land (including portion of restaurant structure, sidewalks, hardstands for outdoor dining tables) and landscaping purposes.

Parcel C (TMK: (4) 4-1-005:017): Encumbered by EO 4317 to the Department of Transportation for bike and pedestrian path purposes as well as Revocable Permit No. S-7613, Coco Palms Ventures LLC, Permittee, for restaurant, landscaping, and related purposes. The restaurant is currently vacant, but the rock wall, stairs and cement pads are existing. RP S-7613 expires December 31, 2023.

Parcel C: \$308.15 per month

Parcel C:

The unusual shape and small size of Parcel C may make it difficult to utilize as a standalone parcel. The Board, at its meeting of September 13, 1968, under agenda Item F-1-e, authorized the issuance of a revocable permit to Island Holidays, Ltd., for non-exclusive easement for building and landscaping purposes. Island Holidays, Ltd. completed construction of a restaurant (Sea Shell Restaurant) on its adjoining private property (Lot 13-A) and, in addition to grading and landscaping, constructed sidewalks and five circular 'hardstands' for outdoor tables on Parcel C. On the basis of objections voiced by the County's Department of Planning & Economic Development, the easement application was held in abeyance. Pending further disposition of the matter, it was recommended that the subject area be placed under a revocable permit to Island Holidays, Ltd. An initial RP was issued to Island Holidays, Ltd., effective July 1, 1966 to maintain the encroachments and later RPs were authorized for similar uses to subsequent owners as follows:

- RP S-4250 – Island Holidays, Ltd.³
- RP S-6234 – Wailua Associates
- RP S-7408– Coco Palms Ventures LLC
- RP S-7613– Coco Palms Ventures LLC

LD staff now recommend approving a term easement to the current owner of the hotel property RP21CP, in order to resolve any encroachments and allow for a long-term disposition on a parcel that has little to no use by the State.

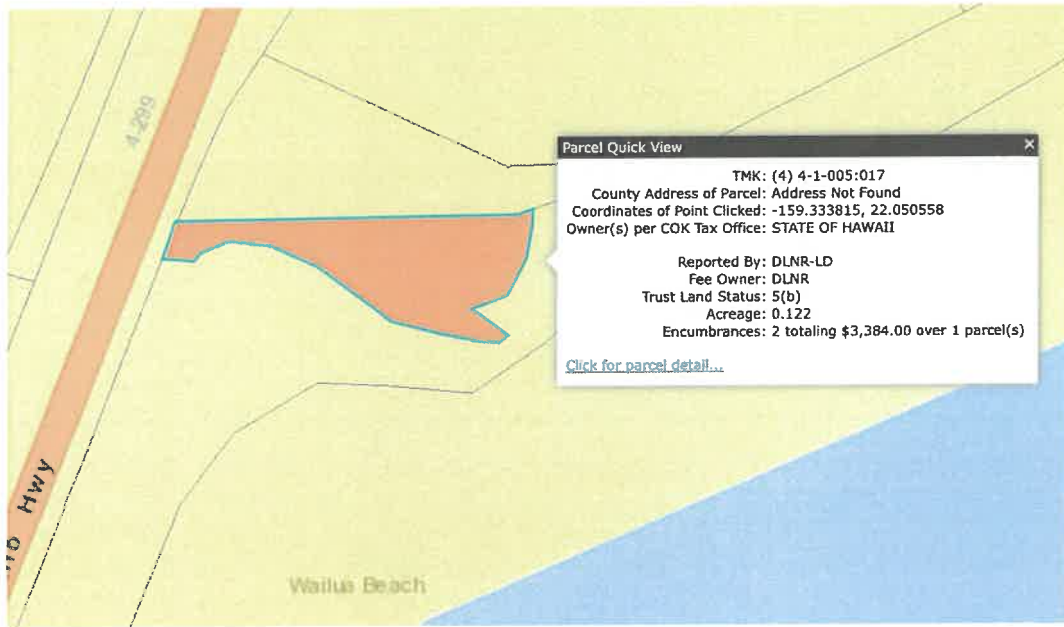
BLNR was told that this state RP property was landlocked, and that only RP21 Coco Palms Hui has access to it.

It is bordered by the County of Kauai Wailua Beach Park and the Government Beach Reserve along the shoreline, both public lands.



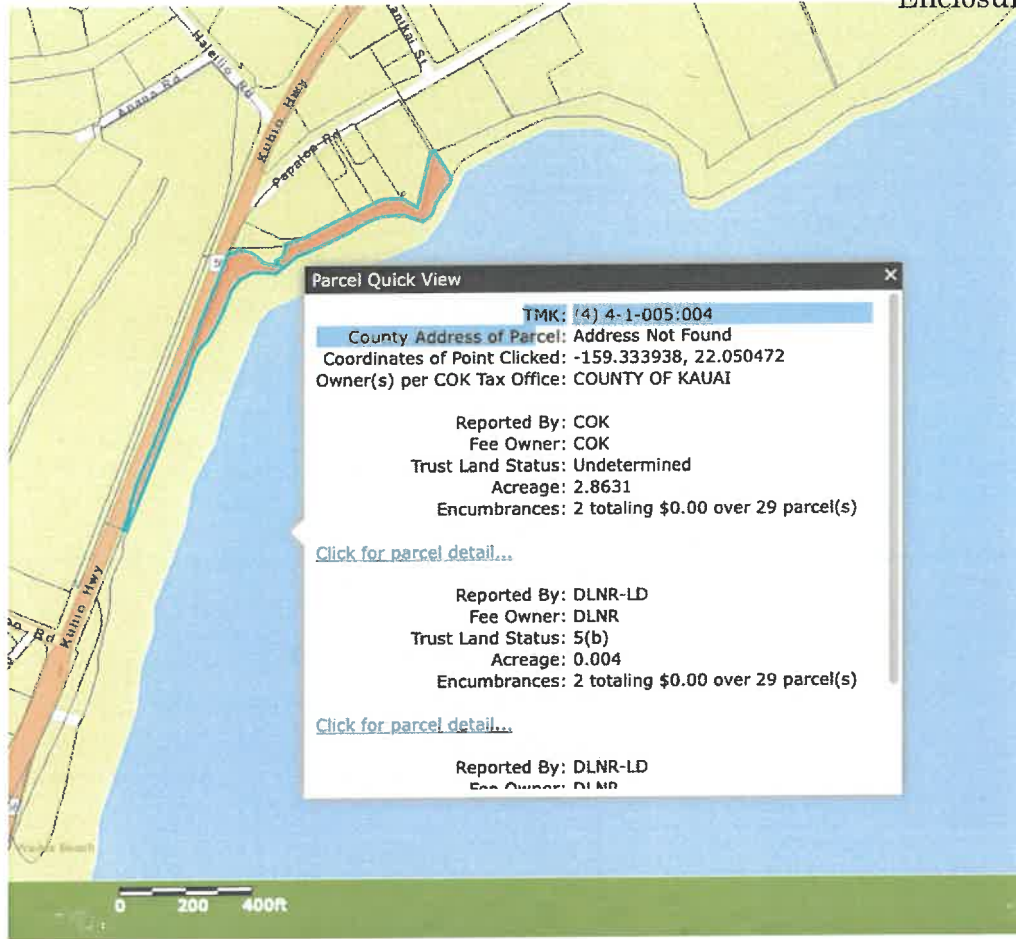
Abutting landowners County of Kauai and RP21 Coco Palms LLC





Land formerly considered by RP 7613 also has an easement for the public Bike Path through Executive Order 4317.

Parcel Detail							
Trust Land Status							
Trust Land Status	Status	Acreage	Determination Method				
5(b)		0.1220					
Encumbrances reported by DLNR-LD							
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Identifier	Lessor Agency	Lessee	Area (ac)	Subtype	Character of Use	Annual Rent	Rent Notes
eo4317	DLNR-LD	DOT	0.0020	Executive Order		\$0.00	
rp7613	DLNR-LD	Coco Palms Ventures Llc	0.1200	Permit (Land)	Commercial	\$3,384.00	
The content within the PLTIS, including maps and data, has been collected from multiple city, county, and state sources, and may not have been prepared for legal, engineering, or surveying purposes. Users of this content should consult the primary data sources to ascertain the accuracy and usability of the data. Data shall not be sent to third-parties without consulting with the source agency(s).							



Wailua Beach Park is part of the State of Hawaii's Wailua River State Park. The state issues permits for beach weddings makai of the county's beach park property 41005004.

Parcel Detail

Parcel Description: Wailua Beach.1: (4) 4-1-005:seaward of 004

Trust Land Status

Trust Land Status	Status Acreage	Determination Method
5(b)		

Encumbrances reported by DLNR-LD

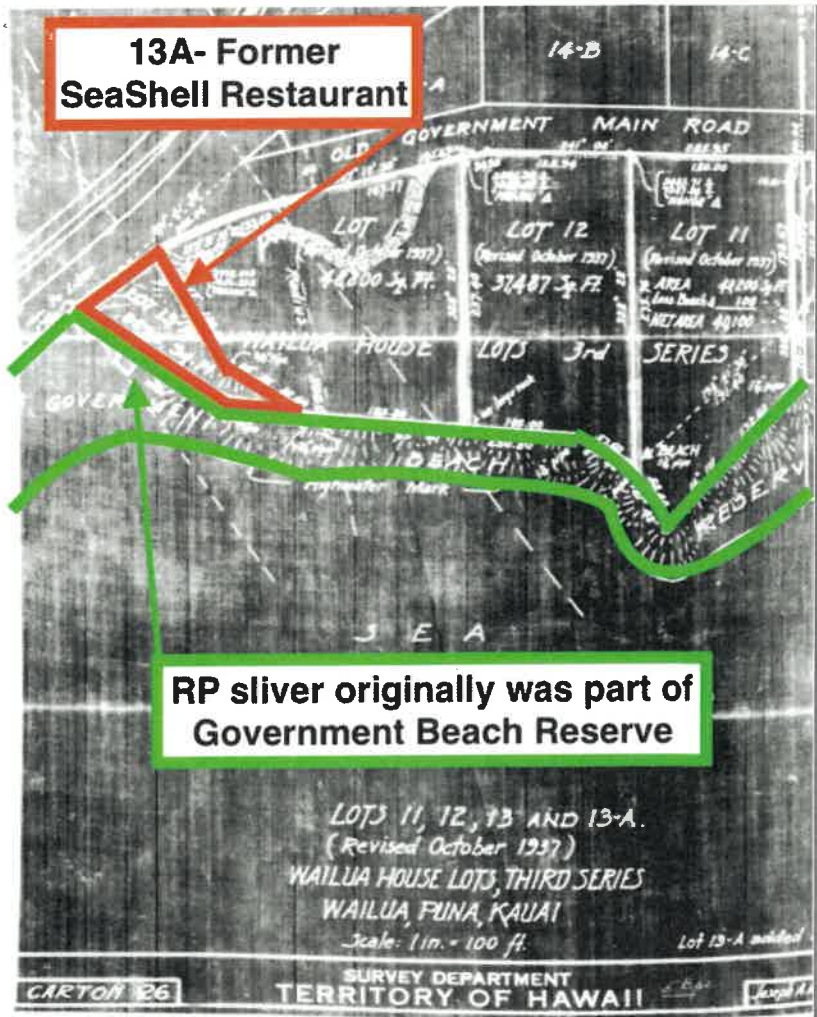
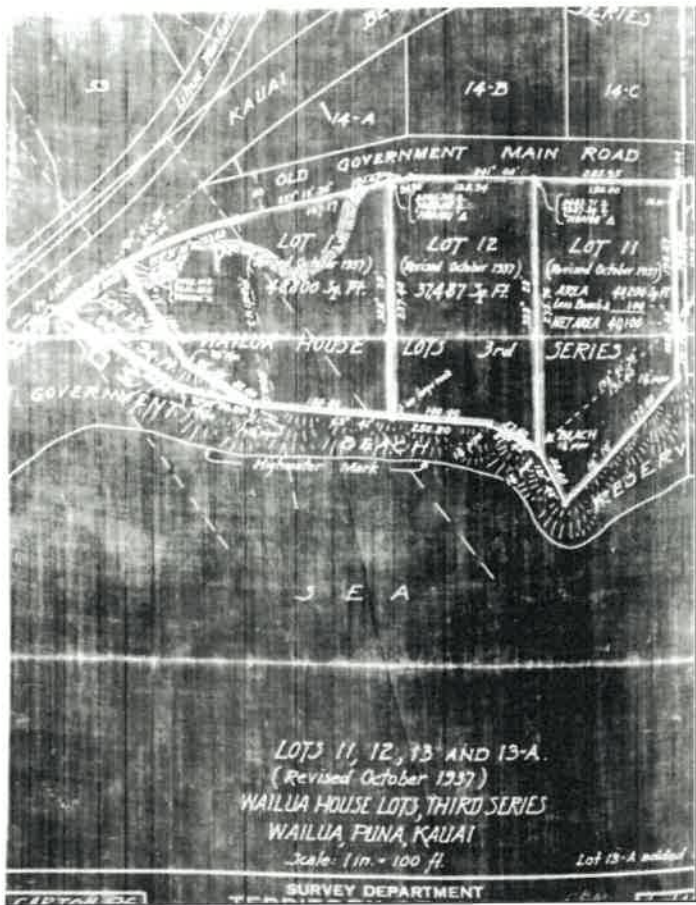
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Identifier	Lessor Agency	Lessee	Area (ac)	Subtype	Character of Use	Annual Rent	Rent Notes
wp-fy14-Wailua Beach.1	DLNR-LD	Various		Beach Weddings		\$120.00	A total of 6 Beach Weddings in FY14.

The content within the PLTIS, including maps and data, has been collected from multiple city, county, and state sources, and may not have been prepared for legal, engineering, or surveying purposes. Users of this content should consult the primary data sources to ascertain the accuracy and usability of the data. Data shall not be sent to third-parties without consulting with the source agency(s).

Close

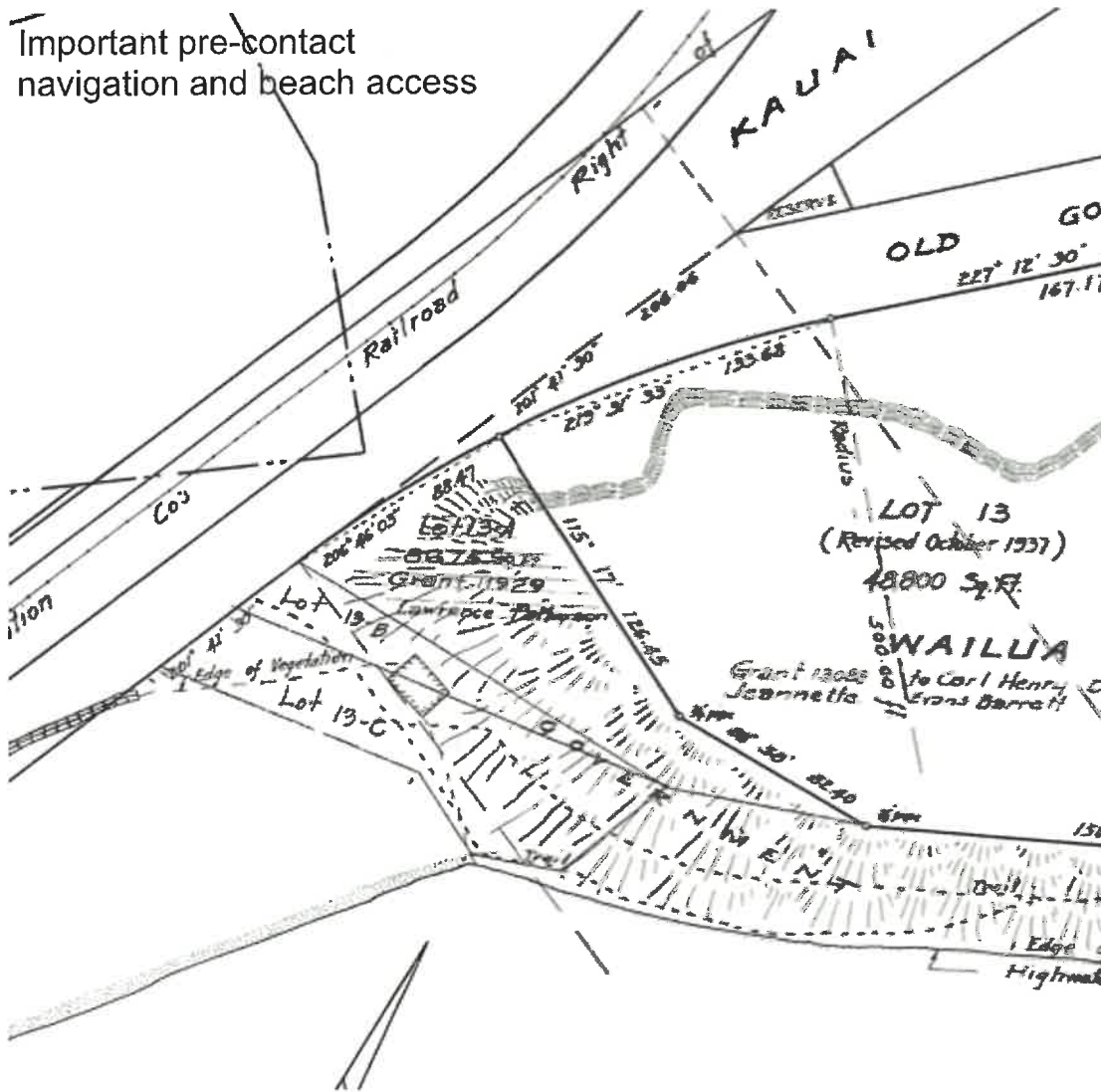
Property that became SeaShell Restaurant was created in the Wailua House Lot 3rd series as Lot 13A



SeaShell Restaurant was built in 1964, encroaching on state land with commercial restaurant features:

- Lanai Paving
- Hardstands for Umbrella tables
- Stairway

Important pre-contact navigation and beach access



Alanui Aupuni

Alaloa & Ala Kukui Heiau

Executive Order for Bike Path

Parcel Detail

Trust Land Status

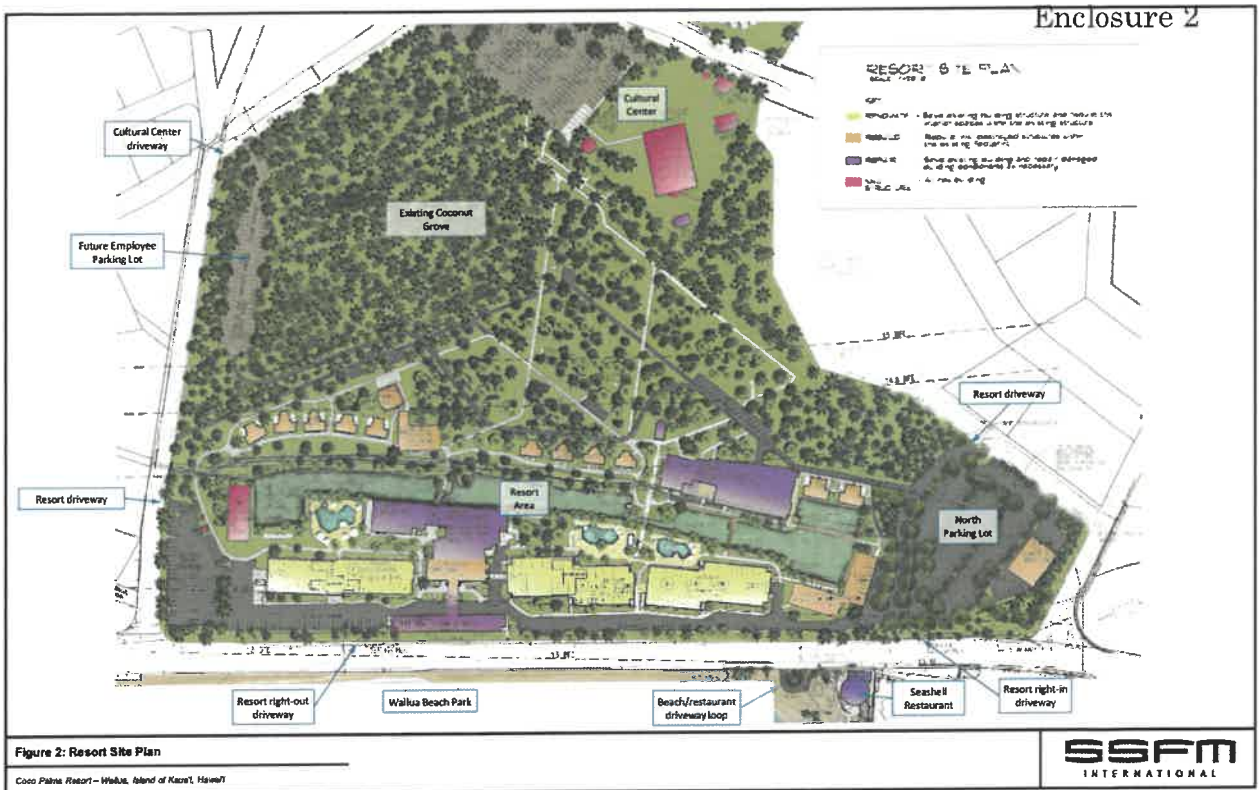
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5(b)	0.1220	

Encumbrances reported by DLNR-LD

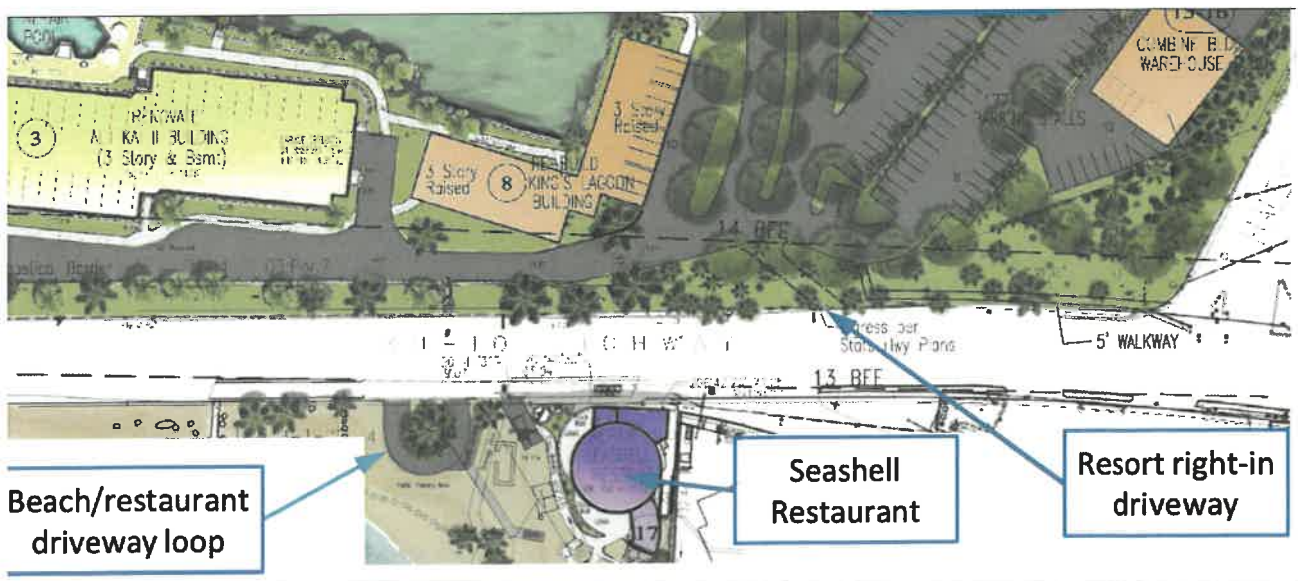
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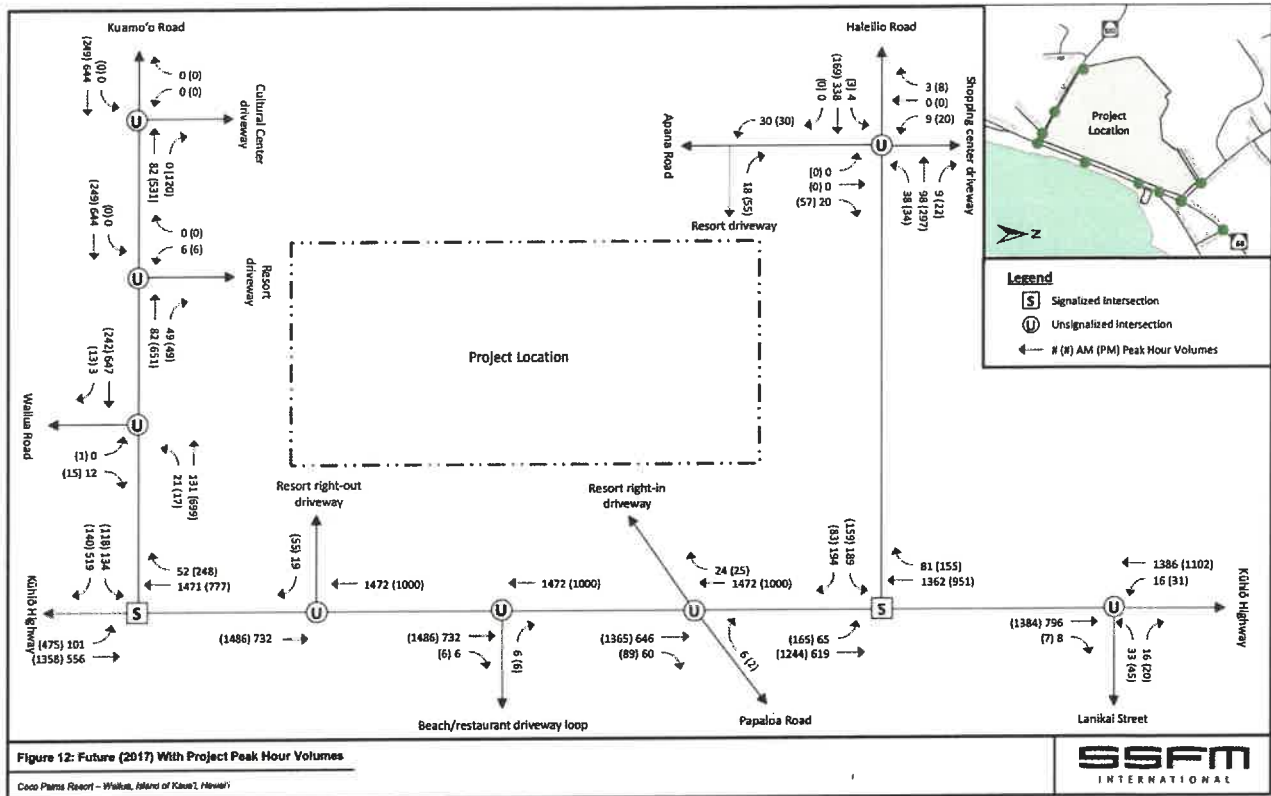
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eo4317	DLNR-LD	DOT	0.0020	Executive Order		\$0.00	
rp7613	DLNR-LD	Coco Palms Ventures Llc	0.1200	Permit (Land)	Commercial	\$3,384.00	

The content within the PLTIS, including maps and data, has been collected from multiple city, county, and state sources, and may not have been prepared for legal, engineering, or surveying purposes. Users of this content should consult the primary data sources to ascertain the accuracy and usability of the data. Data shall not be sent to third-parties without consulting with the source agency(s).

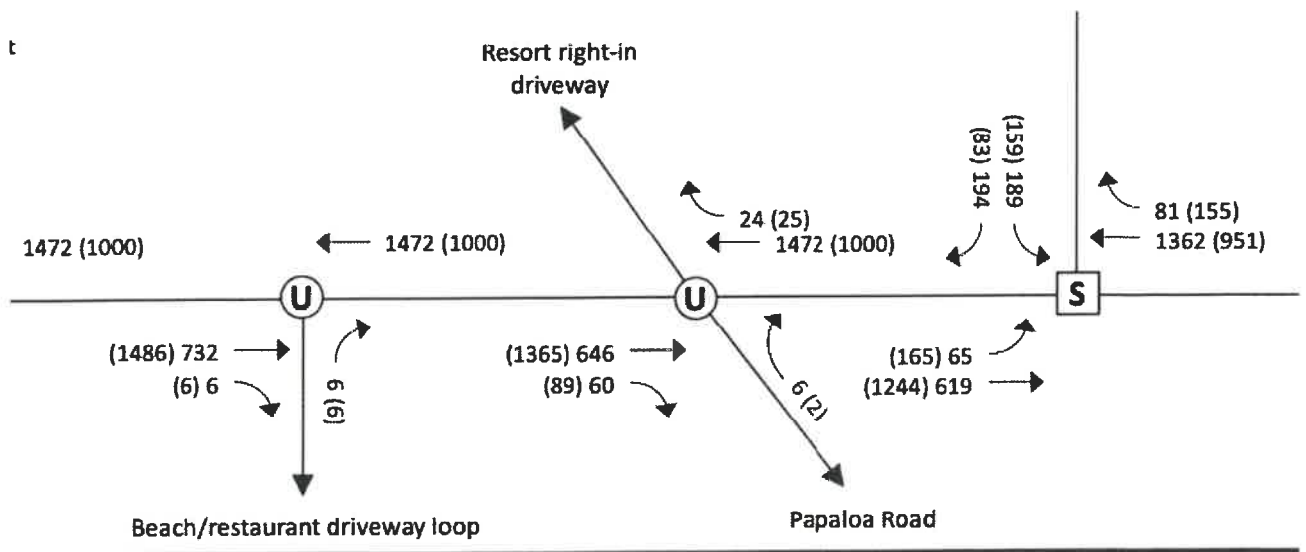


The Shuttle Bus Turnaround in Wailua Beach Parking Lot was presented in the 2015 TIAR. There has been no Shoreline Certification of the County Beach Park parking lot to determine if there is adequate setback to build on this public land. Plans include construction of a Comfort Station on the beach, in the sand, makai of parking area, where waves often break:





2015 TIAR considers 6 Shuttle Bus trips per hour from the Event Center, to the parking lot on corner of Kuamo'o Road (formerly covered by RP 7444), turning left onto Kuamo'o and Kuhio Highway, then turning right into Wailua Beach Park where they have planned for a Shuttle Bus turnaround being built in the public's only available beach parking in Wailua. This would require the Shuttle Bus crossing the Bike Path 12 times per hour.



The 2009 FINAL ENVIRONMENTAL ASSESSMENT Kūhiō Highway Short-Term Improvements: Kuamo'o Road to Temporary Bypass Road Project District of Kawaihau, Island of Kaua'i includes consideration for traditional, cultural and recreational practices in Wailua. Because of commercialization and urbanization of the Wailua area, the only areas with continuing cultural practices are Wailua Beach Park and Wailua River State Park due to lack of public access and parking elsewhere.

Kūhiō Highway Short-Term Improvements: Kuamo'o Road To Temporary Bypass Road Project Final Environmental Assessment	Chapter 4 Description of the Existing Environment, Project Impacts and Mitigation Measures
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The property owned by the State Department of Hawaiian Home Lands (DHHL) between North Leho Drive and South Leho Drive along the makai side of the highway is undeveloped. The corridor planned for the utilities relocation (15-foot-wide easement) along the highway functions as an open drainage ditch. There are no known traditional cultural practices occurring within this portion of the property. This site has also been designated for future commercial use by the State DHHL.

The Wailua Beach Park property is owned by the County and is situated on the makai side of the highway extending from the mouth of the Wailua River north up to an existing resort. This beach park is used for several types of recreational activities by the public. Community input indicated that Wailua Bay was traditionally heavily used by fishermen (shoreline and boat), surfers, canoe traditions, and family gatherings. These activities are currently occurring at this beach park.

Community input indicated that several cultural practices do occur within Wailua River, the Wailua River Valley, and within the State park. Such activities include paddling in the river, boating, crabbing, and other cultural activities such as wood carving, and hula. Other cultural practices involve spiritual and religious worship and enjoying the peace and beauty of the river valley and Wailua Complex of Heiau.

Community input has also indicated that the Wailua area is viewed as having a historical, cultural, and spiritual value being the location for several historic sites such as the Wailua Complex of Heiau, and features such as the Wailua River and valley. It is believed that Wailua Beach is an important cultural place, is considered sacred serving as the entrance to Wailua River, and has an important place in Hawaiian history.

Public vehicular access should not be restricted at Wailua Beach Park. DOT was worried about the impact of highway widening on cultural access. The cultural impact of closing parking on Wailua Bay has never been considered.

The predominantly recreational oriented cultural activities occurring at Wailua Beach Park should not be significantly impacted by the highway widening improvements and relocation of utilities. These improvements would occur on the mauka side of the highway opposite of the beach park, and therefore not affect access to that beach or use of that beach park. Activities such as fishing either by boat or shoreline, surfing, canoe activities, and family gatherings would generally occur in the water or be conducted closer to the shoreline than near the highway.

State parcel 41003044 is a 0.4 acre corner triangular shaped property on the corner of Kuhio Highway and Hale'Ilio Road occupied by many underground utilities, like water, sewer, phone. and cable and the Lift Station.



The County of Kauai has an easement EO 2744 over this property from the State for:

EOs issued for Wailua Sewage Pumping Station and Emergency Power Generator: 2744

Data reported by DLNR-LD		Data from Statewide GIS Program	
County:	Kauai	State Land Use	Urban
Island:	Kauai	District:	
Fee Owner:	DLNR	Data from Kauai County sources	
Parcel Acreage:	0.0110	Owner(s):	STATE OF HAWAII
Updated:	5/19/2016	County Zoning:	Unknown

Trust Land Status

Trust Land Status	Status Acreage	Determination Method
5(b)	0.0110	
5(b)	0.4020	

Encumbrances reported by DLNR-LD

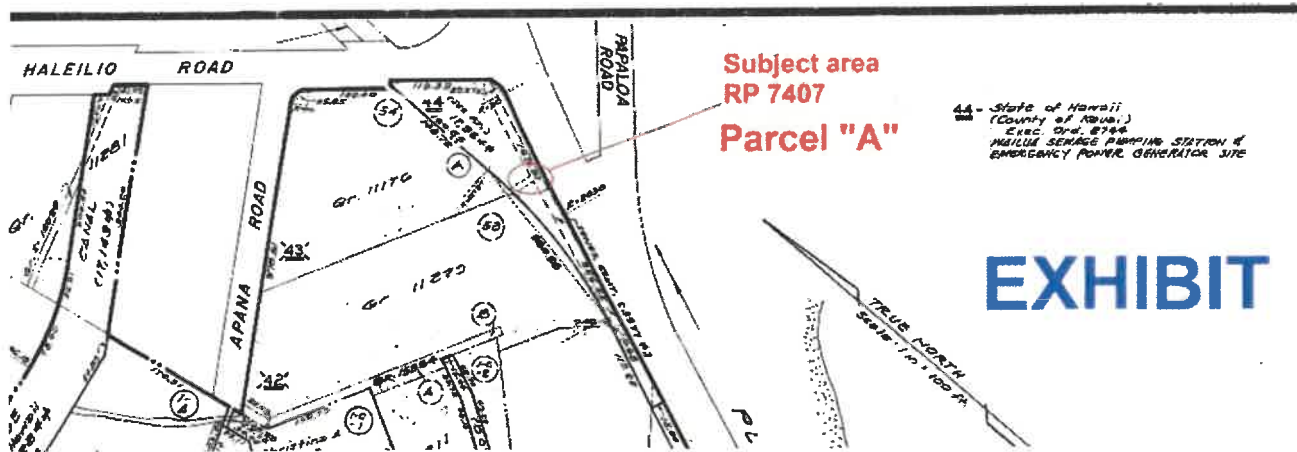
The following grid contains information regarding the encumbrances that DLNR-LD has issued over this parcel. These encumbrances may have been issued over multiple parcels, so it is important to note that the data within the grid, including the acreage and annual rent, pertain specifically to the encumbrances themselves, and not exclusively to this parcel which may be one of many parcels over which the encumbrances have been issued. Please review the encumbrance details for more information including a list of all parcels over which the encumbrance has been issued.

Identifier	Lessor Agency	Lessee	Area (ac)	Subtype	Character of Use	Annual Rent	Rent Notes
eo2744	DLNR-LD	COK	0.4120	Executive Order		\$0.00	
gl4244	DLNR-LD	Coco Palms Ventures Llc	0.0913	Term Easement	Sewer	\$0.00	
rp7407	DLNR-LD	Coco Palms Ventures, Llc.	0.0106	Permit (Land)	Access	\$156.00	

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RP 7407 was a 460 square foot permit to Coco Palms Ventures for resort access. Development plans now include this proposed accessway as the only entrance to Coco Palms from Kuhio Highway, requiring driveway construction and paving, entranceway installation and landscaping, all in a culturally and environmentally sensitive area with known human remains.

Board Submittal D-g from Dec. 7, 2023 included a detail of this permit on top of the Stat of Hawaii easement to the County of Kauai.



The underground hub of utilities was purposefully located off the highway and roadways because of the need for frequent underground repairs. This area floods often, causing more repair needs. The proposed 30 year easement would complicate underground repair work at this critical infrastructure hub for 30 years.

In the December 7, 2023 D-6 submittal, page 8 and 9 include a footnote addressing issuing an easement over an easement to another agency:

2 In any event, the entirety of Parcel A is set aside to the County of Hawaii under Governor's Executive Order No. 2744 to the County of Kauai for Wailua sewage pumping station and emergency power generator purposes. The

Board does not generally issue leases over lands set aside to other agencies; easements may be permitted with the consent of the holder of the executive order. The only logical applicant for an access easement over the parcel is the abutting private landowner, RP21CP.

There is no need to encumber these 460 square feet of underground utilities for the next 30 years as they are already encumbered by lease to the County of Kauai. There is no need to do anything from these lands except keep them safe from development subsurface disturbance.

This should be addressed in the "forthcoming Phase 1 Environmental Site Assessment as should recent inadvertent finds of human remains in this area.

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
Lihue, Kauai, Hawaii 96766

December 5, 2023

**TESTIMONY OF FELICIA COWDEN,
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

**AGENDA ITEM D.6., RELATING TO RP21 COCO PALMS LLC
Board of Land and Natural Resources
Thursday, December 7, 2023 at 9:00 a.m.
(anticipated continuation on December 8, 2023 at 9:00 a.m.)
DLNR Boardroom**

Dear Chairperson Chang and Members of the Board:

Thank you for this opportunity to provide testimony in opposition to the issuance of easements, revocable permits, leases, and right-of-entry agreements to RP21 Coco Palms LLC. My testimony is submitted in my individual capacity as a Member of the Kauai County Council.

To put it plainly, RP21 Coco Palms LLC or any like entity is not an appropriate steward of the State's or County of Kauai's irreplaceable and limited natural resources. If a sprawling hotel mere feet from a receding beach or a restaurant that is essentially sand-adjacent were ever acceptable structures, they arguably would have been outdated even in 1992 when they were decimated and are most certainly a vestige of the past now over thirty (30) years of failed attempts to string along the community with tales of reviving these distressed assets. A hotel and its many related functions is an irresponsible activity in this location, especially due to what we now know about climate change and the perils of emergency evacuations, and given the realities of East Kauai's population growth. This applies to all parcels—A, B, and C.

I must respectfully disagree with many of the Land Manager's recommendations in this matter, in particular the characterization of impacts as "de minimus."

The Kauai District Land Office states: "after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis action." Allowing State land to be used by this entity will not "have minimal or no significant effect on the environment"—the proposed use of these individual parcels should not be evaluated in isolation, but rather in light of the reality that these parcels are intended to serve the larger project. Furthermore and relatedly, the proposed lease amounts (nearly free) are wholly inadequate

Dawn N.S. Chang, Chairperson, and Members of the Board
Re: Testimony Relating To Agenda Item D.6., Relating To RP21 Coco Palms LLC
December 5, 2023
Page 2

considering their connection to the project as a whole, which proposes to operate a luxury hotel.

The recommendations further assert that each relevant parcel represents a de minimus action, stating: "The proposed uses have continued since 1968 and will continue. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing." These assertions are not accurate. A hotel existed from 1953 to 1992 (39 years). The Seashell Restaurant existed from 1964 to 1992 (24 years). These buildings and their operations have been in ruins for over 31 years—therefore, any use beyond the utter disuse that has prevailed for decades will be quite significant, not de minimus.

The population of Kaua'i has risen by forty-five percent (45%) between 1990 (50,947) and 2022 (73,810) (U.S. Census Bureau). Traffic patterns and population behavior have substantially changed. Four (4) lanes and two (2) bridges over the Wailua River have replaced two (2) lanes and one (1) bridge, yet we still experience more traffic congestion than prior to Hurricane 'Iniki. Significant flooding is routine and impacts all the parcels containing the former hotel site, as well as the adjacent homes and businesses (see enclosed photographs).

The State should not be providing public land to this private, for-profit entity to further their attempts to build this new hotel complex. At the very minimum, the Board should defer decision in this matter until the Applicant developer obtains and submits updated studies, including but not limited to hazard mitigation, evacuation routes, and an updated traffic impact analysis report (TIAR), which directly relate to the various parking and shuttle bus-related purposes to which the Applicant intends to subject these parcels. Even without the hotel, the northbound left turn lane from Kūhiō Highway onto Kuamo'o Road already backs up onto the single-lane Baptiste Bridge in peak traffic approaching at an angle that does not have a safe line-of-sight sharing the road with unfamiliar tourists. This is an existing known hazard.

Thank you again for this opportunity to provide testimony. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,



FELICIA COWDEN

Councilmember, Kaua'i County Council

JA:lc
Enclosures

Dawn N.S. Chang, Chairperson, and Members of the Board
Re: Testimony Relating To Agenda Item D.6., Relating To RP21 Coco Palms LLC
December 5, 2023
Page 3

Enclosure 1
Land fronting the site of the former Seashell Restaurant





Enclosure 2
Fallen albizia
limbs and
branches washed
down from the
mountains
during the rains
of March 2020,
which damaged
the Wailua
Bridge

Enclosure 3
Intersection of Kapa'a Bypass Road and Kūhiō Highway (one intersection from the
project area) during flooding (March 28, 2020)



January 10, 2024

Hawaii Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96814

RE: Land Division Agenda Item D-1 - BLNR Meeting 1.12.2024

Aloha Chair Chang and Board Members,

Washington County Utah has recently ranked as the fastest growing metro area in the U.S. Concurrently the county may run out of water. Local sources are tapped out and a 1200 year old mega draught continues over the Colorado River watershed. The County Water Manager says shortages may occur in as little as 8 years.

It's where land developer Reef Capital Partners (RCP) is underway with development of Black Desert Resort, with golf courses, up to 7000 rooms, 20 restaurants and convention center.

At a meeting last October 16 in the Wailua Houselots pavilion, RCP Partner John Day said, by way of promoting their proposed Coco Palms Resort development, that RCP specializes in projects "in environmentally sensitive areas."

What Mr Day means by that, and RCP's intentions when the environment is fragile, should be a concern of the Land Board when deliberating future control and use of State lands in Wailuanui. What if "environmental sensitivity" means vulnerable to exploitation? In Washington County, drilling deep wells (already proposed) could keep the golf course green but dry up local residents' shallower wells. As is universally the case. RCP has the resources to drill the wells, local residents lack the organization and resources to fight it.

We believe that RCP profit seeking in Washington County in a time of crisis, taken with its vandalizing the Wailuanui Coconut Grove, establishes RCP's modus operandi that is antithetical to the Land Board's mission to protect and conserve natural and cultural resources. Please act to discourage this environmental and cultural treasure, Wailuanuiaho`ano, from becoming an investment commodity for foreign profit.

Thank you,
Kip Goodwin
Wailua Homesteads, Kaua`i



RE: Land Division Agenda Item D.1 - January 12th 2024 Hearing Testimony

Aloha Honorable Board of Land and Natural Resources Chair and Board,

Overall, we support the amendment to allow the Land Division additional time to revise the recommendation for the disposition of these important parcels. We hope that this additional time allows for our plans and vision to be shared with the staff and Board and we can also be considered for these RPs and for the responsibility of being the future stewards of these parcels.

It's been apparent in previous hearings that there is a lack of clarity about the details of each of these parcels, how they are accessed and what is and isn't present and significant on each of these parcels. We would like to take this opportunity to share with the Board some more information about the parcels under consideration while we continue to humbly ask you to consider us for the responsibility and care taking of these significant parcels and their future.

Small Remaining Highway Fronting Parcel Near Haleʻilio Rd TMK (4) 4-1-003:044

The parcel is approximately 460 sq ft and accessible from the adjacent public road reserve. It is accessible via Haleʻilio Road and the Kuhio Highway. From what we can tell, without clear delineation of the parcel boundaries, the area is split between recently planted grass, invasive species and potentially a handful of old coconut trees. It is difficult to determine the bounds of the parcel currently. Spray paint and scattered stakes attempt to mark boundaries but are not clear and don't make sense about how much of the parcel is covered in grass compared to invasives. This parcel borders the construction fencing of the adjacent parcel. It may include significant coconut trees.

We are organizing an extensive community planning process that will detail a master plan for Wailua's future that best suits the community's interests and this parcel is part of that larger vision.

This parcel is in very close proximity to previous disturbed iwi and has a high likelihood of also having burials present, or partially present on it. The property has the potential to serve as a place for public access and education about the significance of this area and what remains. We will be working with Kamehameha Schools, Kanaeokana, the County of Kaua'i and others to provide a



I OLA WAILUANUI

cultural and historical reference to this area's significance on this parcel, not as a driveway or access for hotel but for education and connection to the larger significance of Wailuanuiaho'āno. In particular, the mysteries of our iwi kūpuna in this area is an important story to be told. We would like to utilize this property as a means to expand the protection of past reinterred iwi in this area, education about the previous disturbances that happened historically, as well as the many unearthed iwi yet to be discovered.

Improvements that we have planned are limited to weeding out invasive species, planting of native species and using the site for education and connection to the area, culture and history of Wailua.





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Images: Pictures show rough location of small parcel near Haleʻilio Rd and vegetation present.

Kuamoʻo & Kuhio Highway Corner Parcel (0.85 acres) TMK (4) 4-1-003:017

The Kuamoʻo Road corner parcel is close to an acre in size and is very significant. The parcel includes an area that encompasses the described Mahunapuʻuone Cemetery. This parcel includes both paved surfaces and unpaved surfaces (closer to the ʻauwai) and old coconut trees.

There is a high likelihood that this parcel has iwi kūpuna burials present and was clearly a part of the Mahunapuʻuone Cemetery boundaries which was described as extending from south of Kuamoʻo Road to the current day location of the hotel lobby (Flores, 2000).

This is a very important parcel providing space for the public to access significant surrounding features, including the former cemetery grounds and the adjacent coastal and river resources. Due to the retreating coastline this property's importance is exacerbated relating specifically to public beach access.

This parcel also plays an important role in accessing the abutting ʻauwai system (connected to the ancient fishponds, Weuweu and Kawaiiki). This parcel is critical for restoration and maintenance of the ʻauwai in the future. In addition to access, we intend to provide public cultural and historical education of Wailua and the history of this parcel and surrounding area.

It is important to note that the Kuamoʻo Rd parcel is completely fenced off and inaccessible. We are prevented from accessing this parcel as it is entirely fenced and locked by the adjacent hotel developers and has been illegally used for years to benefit their agenda rather than the community



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needs. In order to properly report back to the board and thoroughly and accurately describe our intentions on this parcel we would ask the board to consider granting us access as soon as feasible, and prior to the next BLNR meeting.



Images: View looking at one of the developer's entry points (second more mauka gate) to the Kuamo'o Rd Parcel from the southern side of Kuamo'o Rd (left) and peeking through the gate and looking mauka toward the unpaved section of this parcel with historic coconut trees (right).



Images: View peeking through second gated entry point developers have been utilizing (makai gate closer to Kuhio Highway) showing trailers and encroachments on the farthest makai section of this parcel.



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Images: View looking up Kuamo'o Rd from the corner (left) & View looking North along Kuhio Hwy

Seashell Restaurant Small Coastal Plateau Parcel TMK (4) 4- 1-005

This parcel is hugely significant, both for the general public and for our restoration initiatives. The vantage viewpoint this parcel provides was historically a ko'a and place to check fishing and ocean conditions, a place that overlooks all of Wailua Bay. Four Heiau are visible from this location and would have been important for observation of the stars, navigation as well as the coastal resources. This plateau is an important part of coastal management and restoration of the Wailua corridor.

The vicinity of this property in relation to the historic ala loa, ala Kukui trail and Kukui Heiau make it a prime location for access to these areas and offers the opportunity to tell the significance of its history. This parcel will be utilized for these historical purposes and for public access overlooking Wailua Beach for fisherman and beachgoers.

There is the potential to uncover additional interment sites for iwi kūpuna on this parcel and the protection and honoring of these sites remains part of our intention with protecting and caring for these important public lands.

Due to the proximity of this parcel to the shoreline, and the imminent dangers of sea-level rise,



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applicant will work with the State and County on current initiatives to mitigate shoreline erosion and provide a more elevated route to access the trail to Kukui Heiau. We will be working with our partners to ensure connectivity to the current bike path and the historic coastal trail which has been poorly maintained, overrun with weeds and neglected for decades. In addition, we are proposing partnership with the State and County to continue the beach nourishment initiative and attempt to save the shoreline from continued degradation due to sea level rise that has ravaged the coastline endangering the pathway and Kuhio highway.

Improvements include clearing any debris and planting native plants that reduce the impacts of shoreline erosion. We intend to manually weed the parcel of the infestation of invasive species, assist in removal of any encroachments, and immediately replant native coastal vegetation and bird nesting habitat.



Images: View of the State parcel plateau area overlooking Wailua, covered with invasive vines/weeds.



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Images: View looking back at encroachments of old restaurant structure. Left picture shows roughly the section of the former restaurant structure that is encroaching onto the State parcel.



Images: Showing existing used path for people accessing coastal trail to Kukui Heiau (left) and view back up from the coast looking at parcel plateau covered in weeds (right).



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Images: Stair access to the parcel from the beach (stairs are partially on State parcel and adjacent county land).



Images: Wailua Bay and Beach views from the plateau that makes up this State parcel.



**I OLA
WAILUANUI**

Opposition to Issuance to RP21 Coco Palms for Resort Use of State Parcels

We understand that the issuance of these RPs for use by RP21 Coco Palms Utah based developers will work against our efforts to restore this wetland system, flood plain and ancient infrastructure, where our vision for restoration will add magnitudes more benefits to community and environment.

The facilitation of a larger resort in this area, through the use of State public lands, will fortify impacts to the wetland, further pressure our waste water and road infrastructure, create a need to import additional hotel workers (whom we cannot accommodate) and it does so with gross exemptions and old outdated understandings of how and where hotels are appropriate to be built and how our public lands should be used. It also goes against widespread community sentiment that a hotel is not wanted in this area.

Our 501 C3 nonprofit, I Ola Wailuanui, has for nearly 4 years worked on a plan and vision for real restoration of this spring fed wetland system and the agricultural infrastructure in this area.

This plan to exempt modern requirements and allow the building of a new hotel (not a restoration as sold, but a completely new hotel, taller and bigger and different than any historic Coco Palms hotel due to variances given by our county) on this old footprint bases that approval on environmental and cultural standards from over a half a century ago. This is unacceptable and our public lands should never facilitate such development in 2024, when we know better. Building a hotel on this wetland, literally on the fishpond, which will still flood regularly, goes against the fundamental concepts of restoration for the betterment of community and the environment.

I ask you to please protect our natural resources and cultural features in Wailua and consider the above details as you move forward to determine the future of these important State parcels.

Mahalo!

Fern Holland BSc

I Ola Wailuanui Board Member

808-634-6242 fern@hapahi.org



BLNR Hearing Testimony
Agenda item D1
01/12/2024

Aloha Board of Land and Natural Resources,

It is our highest hopes that the BLNR takes the time needed to make an informed and holistically responsible decision for the disposition of these state parcels. Restoration includes being willing and able to identify burials that are within and connected to the Coco Palms development area and treating these ancestral remains with the standard of care defined by the community and descendants of this wahi pana.

RP21 plans to restore the Coco Palms area into a resort that does not honor and respect those whose bodies have been returned to this ‘āina. Instead, building a resort upon burials further displaces our iwi kūpuna and erases them from the rich history of Wailuanuiaho‘āno and Kaua‘i.

Although our recorded knowledge remains relatively sparse about the exact locations of many of the burials that exist in Coco Palms area, we do know that Wailuanuiaho‘āno is a place that houses amongst the largest number of heiau and iwi kūpuna in Hawai‘i.

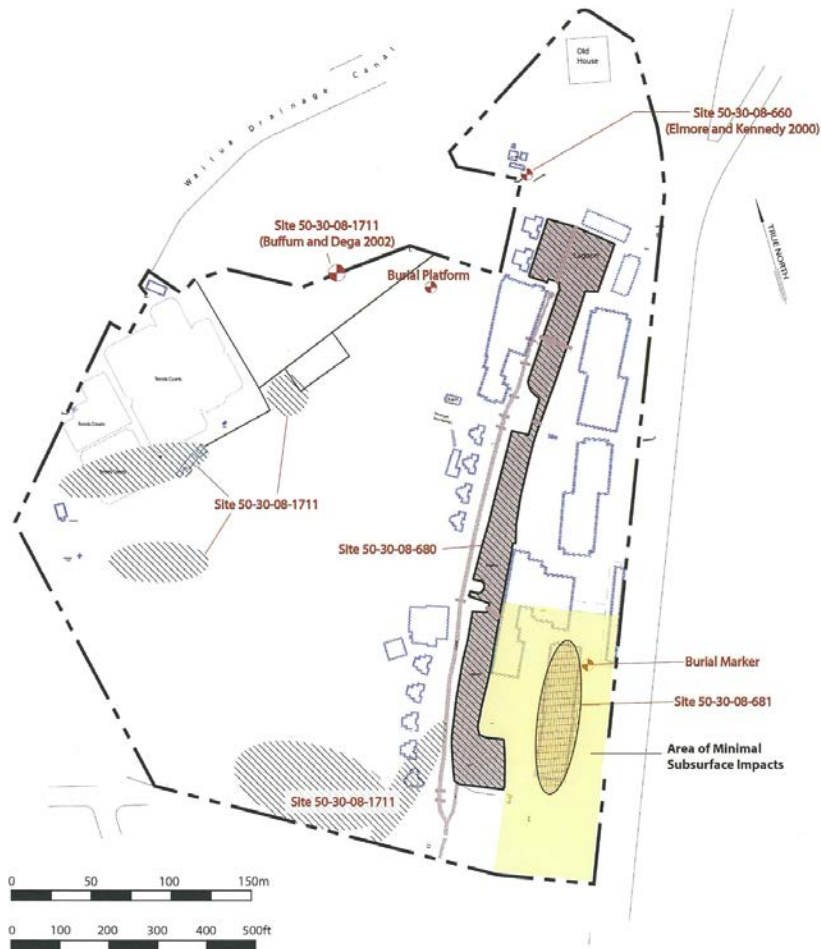
During construction at the original Coco Palms Resort in the 1970's, numerous individuals were exhumed (Flores, 2000). In an archeological study by Kikuchi (1973), 34 sets of human remains were found, yet the actual number of individuals disinterred is believed to be as high as 85. There are also over 41 archeological sites of cultural significance found on and directly surrounding the Coco Palms project area/ state parcels (O‘Hare et al., 2013). Additionally, as a result of a archaeological inventory survey by Cultural Surveys Hawai‘i in 2005, a historical burial ground (SIHP#50-30-08-681) was designated (Hoffman et al. 2005). These studies are decades old. Research studies generally are considered recent and valid between 5-10 years old. New archaeological and cultural impact studies are needed to identify burials and cultural layers that studies of the past did not have the resources or conditions to properly account for.

We believe based on the limited documented information provided regarding iwi kūpuna in Wailuanuiaho‘āno that the ***Kuamo‘o and Kūhiō Highway Corner Parcel (TMK (4) 4-1-003:017)*** is a site that contains human burials. According to a historical site study by Flores (2000) “there were a total of 87 individuals who were reinterred in the front of the main lobby of the Coco Palms Hotel (Ako 1995; Ako 2000; Kikuchi 1973; n.a. 1973)” (p. III-15). The ***Kuamo‘o and Kūhiō Highway Corner Parcel (TMK (4) 4-1-003:017)*** is located in front of the



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main lobby and it is unknown, yet highly suspected that there are iwi kūpuna that remain in this area.



The above map is from the Final Preservation Plan to SHPD from O'Hare et al. (2013) that overlaps with the *Kuamo'o and Kūhiō Highway Corner Parcel (TMK (4) 4-1-003:017)* and displays "...the area bounded by the lobby entrance overpass on the north, Kuhio Highway on the east, Kuamo'o Road on the south, and the water feature on the west- an area where it is highly probable that both intact burials in sand and isolated human remains in fill exist" (p. 7). It was also noted that "...additional human remains and associated funerary objects can be anticipated to



be encountered during subsurface disturbance within the Coco Palms Resort property and adjacent parcels” (O’Hare et al., 2013).

The *Kuamo‘o and Kūhiō Highway Parcel* is close to an acre in size and is significant, including an area that encompasses the described Mahunapu‘uone Cemetery. There is a high likelihood that this parcel has iwi kūpuna burials and was clearly a part of the described Mahunapu‘uone Cemetery boundaries, which was described as extending from south of the Kuamo‘o Road to the current day hotel lobby (Flores, 2000).

Further, O’Hare et al. (2013) stated in their Final Preservation Plan to SHPD:

Based on Mahele documents and on previous archaeological research, we expect additional human burials. Most of the previously identified burials have been found in an area that was formerly a sand dune in the makai portion of the project area (Kikuchi 1973). A historic era burial, however, was also found in a completely separate part of the project area, on the northern edge of the property (Elmore and Kennedy 2000) [...] This fact and the intensive use of this area by Kaua’i ruling class indicate that burials may be encountered outside of the known burial ground (p. 33).

Although there are marked burials within the Coco Palms site, there is reason to believe that there are more burials outside of those marked sites, including on state parcels. Mahele documents also show that the coastal portions of the Coco Palms Resort property encompasses the Mahunapu‘uone burial grounds (Flores, 2000). There is not enough research studies to show that the Mahunapu‘uone burial grounds and sand dunes located makai of the project area that Bennett (1931), Flores (2000), Kikuchi (1973), and O’Hare et al (2013) have identified in past archeological studies do not also include burials located within the *Seashell Restaurant Small Coastal Plateau Parcel TMK (4) 4- 1-005* and that the northern edge of the property that Elmore & Kennedy (2000) and many others cite does not include the *Hale‘ūlio Rd Parcel TMK (4) 4-1-003:044*.

The *Hale‘ūlio Rd Parcel* is in very close proximity to previous disturbed iwi and has a high likelihood of also having burials present. Our iwi kupuna in this area is an important mo‘olelo to be preserved. We would like to utilize this property as a means to expand the protection of past reinterred iwi in this site, education about the previous disturbances that happened in this area, as well protect the many unearthed iwi yet to be discovered.

Our public lands, especially those that have human remains and artifacts of cultural significance, should not be used for private development of resorts. We are asking you to please make the



respectful decisions that will lead our kūpuna's remains to forever remain within their rightful resting place. Reentering them or building a resort upon their remains is not the respectful thing to do and it is not what our kūpuna would have wanted.

We acknowledge that the final disposition of burials shall be determined through the SHPD Burials Council per HAR Chapter 13-300, which is currently defunct on Kaua'i. We urge the BLNR to take the time necessary to review information from different perspectives and allow us due process in protecting our iwi kūpuna.

Mahalo for your time, service, and consideration,

Nikki Cristobal, Ph.D.
I Ola Wailunau Board Member
nikkicristobal808@gmail.com

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From: [Mavis Oliveira-Medeiros](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Mavis I. Medeiros](#)
Subject: [EXTERNAL] Kipahulu Ohana CBFSA
Date: Wednesday, January 10, 2024 6:38:36 PM

Aloha Chair Chang & BLNR Board Members,

My name is Mavis Oliveira-Medeiros and I'm writing today in SUPPORT of the Kipahulu CBFSA and highly recommend you and your Board to adopt the Kipahulu Ohana CBFSA.

We have known the Lind family and their Board pretty much since "small kid time" and have faith in their knowledge, expertise and ability to manage this program.

If you have any questions, please feel free to contact me.

Much mahalo,

Mavis Oliveira-Medeiros & ohana
P.O. Box 215
Hana, HI. 96713
(808)866-7409

From: [Makana R.](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Agenda Item D1
Date: Thursday, January 11, 2024 8:15:55 AM

Aloha Chair Chang and Esteemed Members of the Board of Land and Natural Resources,

My name is Makana Reilly, and I come before you today as an advocate for the well-being of Wailuanuiaho‘āno. I bring with me a perspective deeply rooted in my lineal connection to west Kaua‘i and years of service to ‘āina through my involvement with I Ola Wailuanui and Hawai‘i Land Trust.

I Ola Wailuanui, in collaboration with our extensive network of community-based organizations, cultural practitioners, and environmental advocates, stands as a beacon of commitment to the re-empowering and stewardship of Wailuanuiaho‘āno. Our partnerships include esteemed organizations like Hawai‘i Land Trust, where I've actively contributed to land protection and stewardship initiatives across Hawai‘i. Through these collaborative efforts, we have witnessed the positive impact of community-driven initiatives that prioritize cultural preservation and environmental stewardship.

I implore the Board to recognize the significance of empowering organizations like I Ola Wailuanui to continue our invaluable work. The community-driven strategy and cultural preservation efforts I Ola Wailuanui partakes in reflect a vision that aligns with the principles of sustainable land use and community empowerment.

By supporting I Ola Wailuanui, we ensure that the guardianship of Wailuanuiaho‘āno remains in the hands of the community, the generational stewards who hold a deep sense of kuleana for this sacred place. The success of Wailuanuiaho‘āno's revitalization lies in fostering partnerships and empowering organizations like I Ola Wailuanui to continue our invaluable work for the benefit of present and future generations.

Mahalo for your time and consideration.

Aloha,

Makana Reilly

Puali'ili'imaikalani Rossi-Fukino
356 Likeke Place
Kapa'a, Kaua'i, HI 96746
January 10, 2023

To Whom This May Concern:

Aloha Honorable Board of Land and Natural Resources,

I am writing on behalf of my 'ohana and in my capacity as president of I Ola Wailuanui (IOW). We are asking that you please take the time and consideration to truly think about what is best for this 'āina and grant our organization the responsibility to care for TMK 4-1-003:044, TMK: 4-1-003:017 and TMK: 4-1-005:017. We have kuleana to honor and protect this 'āina momona for our community and for further generations.

As a cultural practitioner and lineal descendent of Wailua, I am very concerned with the iwi kūpuna of that area. We know that this 'āina, specifically the Kuamo'o Road corner parcel (TMK 4-1-003:017), was the location of a large burial site, which was given the name Māhunapu'uone. A specifically named site, especially with such a unique burial pattern, means that this place was intentionally designated as a burial ground by and for our kūpuna. It is believed that iwi "impart the mana of the deceased to that particular ground, to that specific ahupua'a, and to the island itself."¹ There should be measures in place to protect these iwi kūpuna to the best of our abilities.

The site has already been disturbed through previous hotel development and the chances of more iwi kūpuna disturbances in the area is highly likely. Hawai'i law states that we should treat our iwi with "dignity and freedom from unnecessary disturbance."² RP21 plans to develop a resort that will infringe on and continue to disturb the natural resources and further displace iwi kūpuna in the area. If development continues, what is the guarantee that there won't be any more desecration of our ancestors?

Our organization, IOW, recognizes the extreme importance of protecting our iwi from further harm and desecration. We want to ensure that, should we discover any more iwi, we approach it with respect, honor, and proper protocol. Based on how the current developer has treated this 'āina and disregarded previous pleas to protect our cultural sites (such as the Coconut Grove), I highly doubt that they would protect this iwi from further desecration.

There has been a clear history of abuse to this 'āina. Our group has a vision to work with the community to protect not only the iwi kūpuna, but also to restore the wetland system to its fullest potential. We do not need a hotel on top of a fishpond. We do not have the capacity to

¹ Baldauf, Natasha and Malia Akutagawa. *Ho'i Hou I Ka Iwikuamo'o, A Legal Primer for the Protection of Iwiw Kūpuna in Hawai'i Nei*. (2013) Honolulu: Ka Huli Ao.

² H.R. CONF. COMM. REP. NO. 51, 15th Leg., Reg. Sess. (1990), reprinted in 1990 HAW. SEN. J. 778.

accommodate more people, more cars, and more development. Now is the time for healing, for restoration, and for doing what is pono for this land.

Mahalo for your consideration.

Me ke aloha,

A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned below the text "Me ke aloha,".

Pua Rossi-Fukino (and my children - Kualau Rossi-Fukino and 'Ilikeha Rossi-Fukino)

From: [Danielle Valeria](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Agenda Item D1
Date: Wednesday, January 10, 2024 6:24:32 PM
Attachments: [image001.png](#)
[image002.png](#)

Aloha,

As a CDFI Credit Union on Kaua‘i, established in 1947, we work closely with several community partners on meaningful projects that build a more vibrant and thriving Kaua‘i for future generations. We've supported, and been involved in, the distribution of hundreds of millions of dollars of funds into Kaua‘i's economy, especially during recent years. In addition to our own lending, we focus on public/private sector partnerships as a viable avenue to leverage funds and help meaningful projects on Kaua‘i come to fruition.

I Ola Wailuanui is an exemplary organization with a mission and vision we fully support. Based on our experience with partner financing — USDA, SBA, federal and state grants, U.S. Dept of treasury, and public/private partnerships — we believe I Ola Wailuanui has the financial resources and leadership team to deliver on this historic and culturally important work; and the track record, acumen, partner and resource management required for success. I Ola Wailuanui is well positioned to navigate the challenges and opportunities that lie ahead, both financially and operationally.

We are committed to working alongside I Ola Wailuanui to support a successful outcome. If you have any questions, please contact me or my CFO directly. We are happy to further discuss this matter.

With aloha,
Monica Belz
CEO

Sent on behalf of, **Monica Belz | President/CEO | Kaua‘i Federal Credit Union**

by,

Danielle Valeria | Executive Assistant | Kaua‘i Federal Credit Union
p: (808) 400-2020 | danielle@kauaicreditunion.org | kauaicreditunion.org |  

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