

From: [Dasha](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Wednesday, April 24, 2024 10:09:26 PM

Dasha Allyn

Regarding the meeting of the board of Land and Natural Resources on April 26th at 9:00 AM, agenda item D-1.

Hello,

My name is Dasha Allyn. I am a resident of Wailua. I am in full support of item B3 and C4, without being subject to easement by RP21.

I am deeply concerned for the preservation of the culturally significant sites located within the hotels former parcels. This area is home to multiple heiau, inland fishpond systems, and encompasses Crown Lands. I, and many others, believe that this area is far from suitable for the building of hotels or resorts.

I Ola Wailuanui encompasses a beautiful, productive vision for the future of this property that involves an educational community space that honors the important history and environmental values of this space. This project is something that would benefit Hawaiians and local people from all backgrounds by providing a place to reconnect with this significant site. This is a project that propels inspiration, education, empowerment. Kaua'i needs this.

I am one of many who ask that all agencies and government officials, both county and state, ensure that this property is protected from harmful development that erases the importance of this sacred space, and honor our community's future by leasing Wailuanui to I Ola Wailuanui.

Subjecting this space to easement can end up in the land being utilized for hotel operations, which I do not support.

I stand with the future of Wailuanui, one where we can uplift the significance of Hawaiian culture and history as well as the importance of the environmental values of this sacred space. I stand with I Ola Wailuanui's vision. Thank you in advance for your careful consideration to this matter and your attention to this testimony.

Sincerely,
Dasha Allyn

From: [Amelia Lucero](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D1 Support of Coco Palms
Date: Wednesday, April 24, 2024 4:47:49 PM

Aloha Chair Chang and members of the Board of Land and Natural Resources,

My name is Jared and I am testifying on agenda item D1 in support of the restoration of Coco Palms Resort.

The owners are making substantial headway in doing what has been needed for 30 years and are doing it in a responsible manner. I believe it is critical that we support them in bringing something special back to the land.

I strongly urge the board to approve Option B4 to allow a public auction for the lease of Parcel B and approve Option C2 for a non-exclusive easement on Parcel C to RP21 the owners of Coco Palms. Both of these allow for the most fair and beneficial access and lease process.

Mahalo, Amelia

From: [De Austin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: item D-1 , as it affects I Ola Wailuanui
Date: Wednesday, April 24, 2024 7:31:24 PM

Honorable members of the Department of Land and Natural Resources,

I am in favor of option B3, "Re: item D-1 "Option B3: Issuance of Direct Lease to I Ola Wailuanui, Inc. for Parking, Landscaping and Beautification Purposes, Subject to Access Easement(s) in Favor of RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1- 003:017 (Parcel B); " and without being subject to access easement by RP21, as well as expressing support for option C4.

It is vital for our island chain's ecosystems to revoke the possibility that more hotels and buildings will occur anywhere, and especially not over Kauai's natural wetland areas.

As far as even considering any type of construction, it is important for the Department to remember our primary goal should always have been to protect the land and natural resources for the people of Hawaii, kanaka and kamaaina alike.

With respect,

D. Austin
Kihei, Maui

From: [Brianna Blackburn](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda D-1 Testimony
Date: Wednesday, April 24, 2024 6:03:28 PM

Aloha mai kākou,

I am writing to urge the board to support option B3, that is without being subject to access easement by RP21, and also in support for option C4.

How do we preserve Hawai'i if Native Hawaiians cannot connect culturally to their 'āina? I Ola Wailuanui will do far more than just beautify the land, by issuing them the responsibility of these parcels of land they will be preserving our delicate and threatened coastline, increasing access to a culturally and spiritually significant place to kānaka, and creating a space for community. This is in the best interest of the community and the lāhui.

How do we keep Hawaiians in Hawaii and how do we create a sustainable and equitable future? Waikīkī serves as a warning and an example of putting the interests of the tourism sector, the wealthy developers, and in this case the wealthy tourists before the well being of residents and Native Hawaiians. The strain that the demand of the tourism sector has created on our natural resources is a fear of our near future (which may be closer than we believe).

As we near the season of kau, we can predict drought. And when this occurs more frequently and drastically among the islands, who bears the burden of conservation? Our locals and residents. It's predictable to say that the development of a luxury hotel will take its toll on our wai and resources. Our communities ultimately pay that price (and quite literally).

One question I have for you all is, where will we draw the line? How much over development and loss of sacred and natural sites will we lose before we draw that line. How many more Native Hawaiians will we displace from of the rising cost of living that newcomers create. Many key tourist destinations are feeling that strain. Bali has been experiencing an influx of tourism and notably a loss of their culture due to the commodification of their land, their people, and their history.

Me ka mahalo,
Brianna Blackburn
Resident of Maunalani

From: [Sarah Britt](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui
Date: Wednesday, April 24, 2024 8:23:48 PM

Hello,

As someone born and raised on Kauai, I firmly believe that the kapu land deserves to be respected. There's a reason why development has failed and it's because it's not meant to be developed. Leave the land to those who will take care of it and respect it. If you continue to erode bastions of Hawaiian history from these lands there will be no more Hawai'i, just a tourists playground. ***Ua Mau ke Ea o ka 'Āina i ka Pono.***

- Sarah Britt

From: [Kerrie Burrows](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 7:45:21 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject

to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to

RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access

easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's

ability and commitment to care for these spaces.

Mahalo for your time and consideration,

Kerrie Burrows L25 1ps

From: [Mauliola Cook](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 8:33:13 PM

Aloha BLNR

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanui's management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,
Mauliola Cook
96754

From: [Shannon Corbeil](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui Testimony
Date: Wednesday, April 24, 2024 5:34:48 PM

To whom it may concern:

REGARDING:

I Ola Wailuanui has submitted applications requesting to be granted annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017. I Ola Wailuanui is asking supporters to submit testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

I HEREBY TESTIFY my support for agenda item D-1 option B3 without being subject to access easement by RP21, as well as option C4. Wailua Nui is an area with deep cultural significance to Native Hawaiians — as such, it deserves protection, respect, and the custodianship of Native community leaders.

I Ola Wailuanui members are the appropriate and rightful keepers of their lands, including the cultural sites and natural resources. The commodification of Hawaii has gone too far, to the detriment of Native Hawaiians and the preservation of Hawaii's resources. This small measure can help mitigate more harm.

Sincerely,
Shannon Corbeil
2446 Norwalk Ave
Eagle Rock, CA 90041
805-368-0700

From: [Tristen Daniel](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda D-1
Date: Wednesday, April 24, 2024 9:32:11 PM

Aloha Board of Land and Natural Resources,

My name is Tristen and I lived on Kaua'i before moving to O'ahu to help with my Mo'opuna Wahine. I am very familiar with the history of Coco Palms.

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

We all know this area is already congested with traffic and to allow this development will only compound the problems.

We do not need more accommodations for visitors . . . we need to preserve, protect, and provide for our own.

Mahalo nui for your time and consideration.

E mālama pono
Me ke aloha pumehana
Tristen Daniel
(808) 652-0782

--

Warmest Aloha,

Tristen Daniel

Mobile: (808) 652-1020

kauaitristen1020@gmail.com

From: [Morgan Dobbins](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 4-26-24 Agenda D1 Option 3 Testimonial
Date: Wednesday, April 24, 2024 6:44:15 PM

Aloha BLNR,

I support the direct lease of the current Coco Palms location to I Ola Wailuanui, for so many reasons. I believe having this area revitalized to its cultural and environmental prevalence by people with ancestral ties to the land is the best way that we can respect this significant space. Not only will it be a space for the community, but a place to educate visitors about the rich history of this beautiful island. Please listen to the community! We do not want the coco palms rebuilt, we want the land restored, the mana renewed and balance brought back. Thank you for your service and consideration.

With all respect and aloha,
Morgan Dobbins
Current Wailua Resident

Ava Dodhi
Honolulu, HI

Testimony Regarding Agenda Item D-1
In Partial Support of Option B3 and Full Support of Option C4

Board of Land and Natural Resources, my name is Ava Dodhi, I am a Honolulu resident, and in regards to the agenda item D-1, I support option B3 without being subject to access easement, as well as option C4.

I support the recommendation to allow I Ola Wailuanui, Inc. to manage this property and provide public use. I Ola Wailuanui Inc. has planned to create a space for parking in order to facilitate community usage and accessibility to the Wailua beach area. They have also planned to implement interactive maps and informational platforms in the area to educate the public on the history and culture of the land. The parcel being subject to an easement might lead to the land being used for hotel operations, therefore I do not support that. Kaua'i will benefit from preserving this sacred land and educating the public on its cultural significance. I am also submitting this testimony in full support of option C4.

Please protect this important site, and grant stewardship to I Ola Wailuanui, Inc.

Mahalo for your time and consideration.

From: [Rocky Gillis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Rockwell Gillis - Testimony on agenda item D1
Date: Wednesday, April 24, 2024 10:42:26 PM

Aloha Board of Land and Natural Resources, My name is Rockwell Gillis and I am from Wailua Homesteads.

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

It concerns me that sacred land continues to be abused for the sake of capitalistic goals. There are numerous resorts across the island and in the areas surrounding Kapaa. There is no reason to build more, especially on top of burial grounds and religious sites. This land should be conserved and utilized for the sake of the community and the native people of Kaua'i, not for tourists who benefit the island in only monetary ways.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo, Rockwell Gillis.

From: [Bridget Hammerquist](#)
To: [Chang, Dawn](#); [Cain, Michael](#)
Cc: [DLNR, BLNR, Testimony](#)
Subject: [EXTERNAL] Ongoing Violations Coco Palms
Date: Wednesday, April 24, 2024 6:20:34 PM
Attachments: [20231220. FC Coco Palms LLC Inspection HIU010708_12024ERT.23.pdf](#)

Aloha Dawn N. S. Chang,
Director Department of Land and Natural Resources and
Michael Cain,
Administrator Office of Conservation and Coastal Lands

When we last appeared before the Land Board there were questions asked of representatives for RP21 Coco Palms, LLC, the current "would be" developer of a 350 room resort hotel on the site of the former Coco Palms resort, destroyed by hurricane Iniki on September 11, 1992. RP21 representative/owner John Day told the Land Board that the use of state lands was not essential to their "restoration of the historic site". When asked if the coconut palms were an important historic feature of the site, the developer's answer was equivocal, claiming to not even realize the site was both a recognized property with features of historic significance, fish pond and numerous burials/iwi kupuna. The property is also included on the National Historic Registry. The developer's responses December 15, 2023 suggested that the removal of the coconut palm trees was something done in the recent past as Mr Day suggested that the developer now intends to be a good steward and do things right to preserve this significant historic site.

In sharp contrast to that assertion, I invite you to review the attached report from the Department of Health, released just 5 days after the Land Board last met to consider the Coco Palms development. In its report, you will see numerous photos taken by the DOH site inspection team. There are also development maps offered by RP21 Coco Palms, LLC that identify intended development on state land despite their claim that the state lands were not "essential" to the restoration plans. Of great concern, however, were the developer's submittals marking numerous coconut palms with a red X to indicate more coconut palms intended for removal as of November 2023. See pages 9-11 in the attached DOH report. This is well described as well as other violations which I believe you will find of interest since the report was prepared after an unannounced inspection by a sister State Agency. There are also photographs of areas that have been cleared of any trees earlier with pictures of root balls and stumps. DOH photographs also document the heavy ground disturbing equipment on site and the trailers and structures that were not admitted to when responding to Land Board Member question on December 15, 2023. Nearly one acre of vegetation remains on conservation land off Koki Road. It is not obvious that you would otherwise receive the attached report. Since it contains evidence of multiple environmental violations ongoing at the end of November 2023, during the DOB inspection, which you also addressed in your letter of April

19, 2023, we share the attached Hawaii Department of Health Clean Water Branch Complaint Inspection Report in the event you have not previously received this report.

Mahalo nui,

Bridget Hammerquist, President
Friends of Maha`ulepu, a 501(c)(3)
Kia`i Wai o Wai`ale`ale, Co-founder
PO Box 1654
Koloa, HI 96756
friendsofmahaulepu.org
friendsofmahaulepu@hawaiiantel.net
(808) 742-1037 home
(808) 346-1973 cell



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Hawaii Department of Health
Clean Water Branch
Complaint Inspection Report

On November 27, 2023, the Department of Health (DOH), Clean Water Branch (CWB) (hereinafter, DOH-CWB), conducted a construction storm water inspection at 4-241 Kuhio Hwy, TMKs: (4) 4-1-003:007 and (4) 4-1-003:011 located in Kapaa, Hawaii (Site). TMK: (4) 4-1-003:007 (Parcel 7) is a property owned by RP21 Coco Palms LLC. The inspection was conducted to determine whether the activities conducted at the site require a National Pollutant Discharge Elimination System (NPDES) permit for storm water associated with construction activities. The DOH-CWB inspectors observed construction activities and construction support activities in excess of one acre that require NPDES permit coverage for the discharge of storm water associated with construction activity. Inspectors did not observe any signs of discharge to state waters during the inspection. To date, the property owners have not received NPDES permit coverage to discharge storm water associated with construction and construction support activities. This inspection report identifies observations and findings noted by the inspector. An annotated photograph log is included as part of this report and referenced as applicable.

Property Information

Property Name: Coco Palms Resort

Property Address: 4-241 Kuhio Highway, Kapaa, HI 96746

Owners: RP21 Coco Palms LLC

TMK(s): (4) 4-1-003:007, (4) 4-1-003:011

File Number: HIU010708

Island: Kauai

Receiving Water(s): Wailua River

Watershed: Wailua



Inspection Information

Inspector Type/ Inspection Type: State (DOH- Clean Water Branch)

Inspection Date: November 27, 2023

Weather: Overcast with evidence of recent precipitation.

Inspection Report Number: KA0499

Announced: No

Time In: 8:05 am

Time Out: 11:51 am

Contact Information

Inspection Team:	Ms. Brooke Gottmeier	DOH-CWB	(808) 241-3323
	Ms. Bobbie Teixeira	DOH-CWB	(808) 586-4309
	Ms. Randee Tubal	DOH-CWB	(808) 586- 4309

Site Representatives and Titles: Kent Amshoff, Project Manager, Layton Construction Company
 Sean Rampton, Superintendent Layton Construction Company

Responsible Official and Title: Mr. Chad DeCoursey, Director of Risk Management, Reef Capital Partners

Responsible Official

Mailing Address: 2600 N. Ashton Blvd. Suite 200, Lehi, UT 84043

SECTION I - BACKGROUND

RP 21 Coco Palms LLC owns the Coco Palms Resort , located at 4-241 Kuhio Hwy, Kapaa, Kauai (Photograph 1). The resort is located on Parcel 7, a 12.57-acre parcel of land that is situated north of Wailua River, a Class 1 inland State water. Wailua Bay, a Class A Marine State water lies approximately 50 yards east of the Site (Image 1). Parcel 7 is partially bisected by a state-owned drainage ditch (Kawaiiki Auwai) (TMK: (4) 4-1-003:011 (Parcel 11)) (Image 2) and contains a fishpond identified as the Weuweu-Kawai iki fishpond by the Historic Hawaii Foundation (Image



3). The drainage ditch and fishpond converge at the southern end of Parcel 7 prior to exiting the Site at Kuamoo Road (Image 3, Photographs 2-5) and connecting with Wailua River (Image 3).

A previous site inspection conducted on May 11, 2023, jointly by staff from the DOH-CWB and the DOH Clean Air Branch (DOH-CAB) documented that vegetation clearing at or near 1 acre in size had occurred on Parcel 7 (Inspection Report No. KA0494). As a result, two (2) Notices of Apparent Violation-Requests for Information (NAV-RFI) were sent to the Property owners to gather more information and to determine whether a NPDES permit was required for the clearing and other construction related activities conducted at the Site. In RP21's response to the NAV-RFI, Mr. Mauna Kea Trask (legal representative for RP21) stated that RP21 did not grade or grub Parcel 7. The response also asserted that the area in which the coconut trees were removed was 0.97 acres (Images 4-6). Based on the information provided, DOH determined that a follow-up site inspection was warranted.

This inspection focused on determining whether the activities that have occurred on Parcel 7 required NPDES permit coverage for the discharge of storm water runoff associated with construction activities.

SECTION II - INSPECTION FINDINGS

The following findings were made either before, during, or after the inspection of the Site on November 27, 2023. The findings are not a comprehensive list of all possible areas of non-compliance with Hawaii Water Pollution laws.

Evidence of Discharge

At 8:05 am, the DOH-CWB inspection team arrived at the Site and were met by Kent Amshoff, Project Manager, and Sean Rampton, Superintendent, of the Layton Construction Company. The site representatives stated that they were the general contractors for the Site's project. After a brief meeting to explain the purpose of our inspection, the site representatives escorted us through Site. We inspected the Site to determine the location of state waters, and to determine if recent discharges from the Site had occurred.

1. Hawaii Revised Statutes (HRS) Chapter 342D-1 defines state waters as all waters, fresh, brackish, or salt, around and within the State, including but not limited to, coastal waters, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds and reservoirs required as part of a water pollution control system are excluded.

- a. *Observation:* The fishpond identified as the Weuweu-Kawai iki fishpond by the Historic Hawaii Foundation, located on Parcel 7 (Photograph 4), and the drainage



ditch located on Parcel 11 (Photographs 5-6) are both consistent with the definition of state waters as it is defined in Hawaii's Water Pollution regulations. Further, Mr. Rampton stated that the water levels in the fishpond and ditch system are influenced by the tide. As such, the DOH determines the fishpond and ditch to be State waters.

2. HRS Chapter 342D-50 prohibits the discharge of any water pollutant into state waters, or cause or allow any pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director.
 - a. *Observation:* No discharge of pollutants from the Site was observed during the inspection. Although vegetation and debris were present within the fishpond and ditch, its source is not attributed to construction activity occurring at the Site (Photograph 6).
 - b. *Observation:* Standing water was observed in the parking structures located under existing Buildings 1, 2, and 3 (refer to Image 3, Photographs 7-8). The source of the water is believed to be seepage of ground water. The standing water contained live fish, vegetation and sediment. The Site representatives were informed that standing water within the underground parking structures must be directed to either vegetated areas to allow for infiltration or to the sanitary sewer for treatment. Standing water is not an allowable discharge unless a permit or variance is issued by the director.
 - c. *Observation:* Inspectors observed three (3) previously existing swimming pools on Site that was partially filled with stagnant green water and coconuts (Photographs 9-10). As with the standing water present in the underground parking structures, the water located in the pools is not an allowable discharge unless a permit or variance is issued by the director.

Construction and Construction Support Activities

The perimeter of Parcel 7 was inspected to determine whether discharges from storm water runoff related to construction and construction support activities in excess of one acre had occurred without NPDES permit coverage.

3. Hawaii Administrative Rules (HAR), Chapter 11-55, Appendix C, Section 1.1 defines coverage under the general permit for discharges composed entirely of storm water



runoff associated with construction activities , including but not limited to clearing, grading, grubbing, excavation, and construction support activities that result in the disturbance of one acre or more of total land area. The general permit also covers activities that disturb one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb one acre or more of total land area.

Appendix C further defines construction support activities as areas that “include, but are not limited to, ...equipment staging yards/ areas, material storage areas, excavated material disposal areas, borrow areas, etc.”

- a. *Potential Violation:* At the time of inspection, the Site contained three construction entrances. Two of the entrances were located off Kuamoo Road, and one entrance was located at Apana Road (Photographs 1, 11, 12). The three construction entrances are considered part of the construction support activities and must be included in the area calculation for NPDES coverage for storm water runoff associated with construction activities.
- b. *Potential Violation:* Construction support equipment was positioned in multiple areas located within Parcel 7, including office trailers, portable toilets, heavy equipment, roll off bins, and stockpiles of construction debris (Photographs 13-17). Staging areas must be included in the area calculation for NPDES coverage for storm water runoff associated with construction activities.
- c. *Potential Violation:* At the time of inspection, a dust fence was erected around the perimeter of Parcel 7, and filter socks were placed throughout the parcel. I also observed two layers of filter socks placed around the southern perimeter of the fishpond (Photograph 18). Best management practices are considered part of the construction support activities and must be included in the area calculation for NPDES coverage for storm water runoff associated with construction activities.
- d. *Potential Violation:* I observed an asphalt road, located between the existing buildings and the dust fence erected adjacent to Kuhio Highway, being used to transport heavy equipment (Photographs 13-14). Layers of dirt, gravel and sand were present on top of the asphalt road in many areas. Further, the road is used by vehicles and heavy equipment to traverse the Site. Therefore, the asphalt road is considered part of the construction support activities and must be



included in the area calculation for NPDES coverage for storm water associated with construction activities.

- e. *Potential Violation:* I observed several coconut root balls and bare soil located in the northern end of Parcel 7 where previous coconut tree clearing had occurred (Photographs 19-20). In the response to the NAV-RFI, Mr. Trask provided the definition of “grubbing” as it is defined in HAR§13-5-2 because RP21 believed it was instructive: “ “Grubbing” means the removal of vegetation by scraping, dislodging, or uprooting vegetation that breaks the topsoil.” The presence of several uprooted coconut trees and disturbed soil shows that grubbing, according to the definition provided by Mr. Trask, had occurred on Parcel 7. Image 5 reveals coconut root balls and trunks piled at the Site.
- f. *Potential Violation:* Site representatives escorted us to a structure near Kuhio Hwy that consisted of two (2) free standing walls and a concrete foundation. The site representatives informed us of their plan to demolish the two (2) free standing walls that week. CWB inspectors informed the site representatives that demolition may be considered as construction activity requiring an NPDES permit, as it is a part of a total common plan of development for the project (Photograph 21).
- g. *Observation:* Inspectors observed that buildings slated for construction are located immediately adjacent to the fishpond or state-owned ditch (Photographs 4-5).



Hawaii Department of Health
Clean Water Branch
 2827 Waimano Home Road, Room 225
 Pearl City, HI 96782

Construction Storm Water Inspection
Image Log
 Property Name: Coco Palms Resort
 File No.: HIU010708

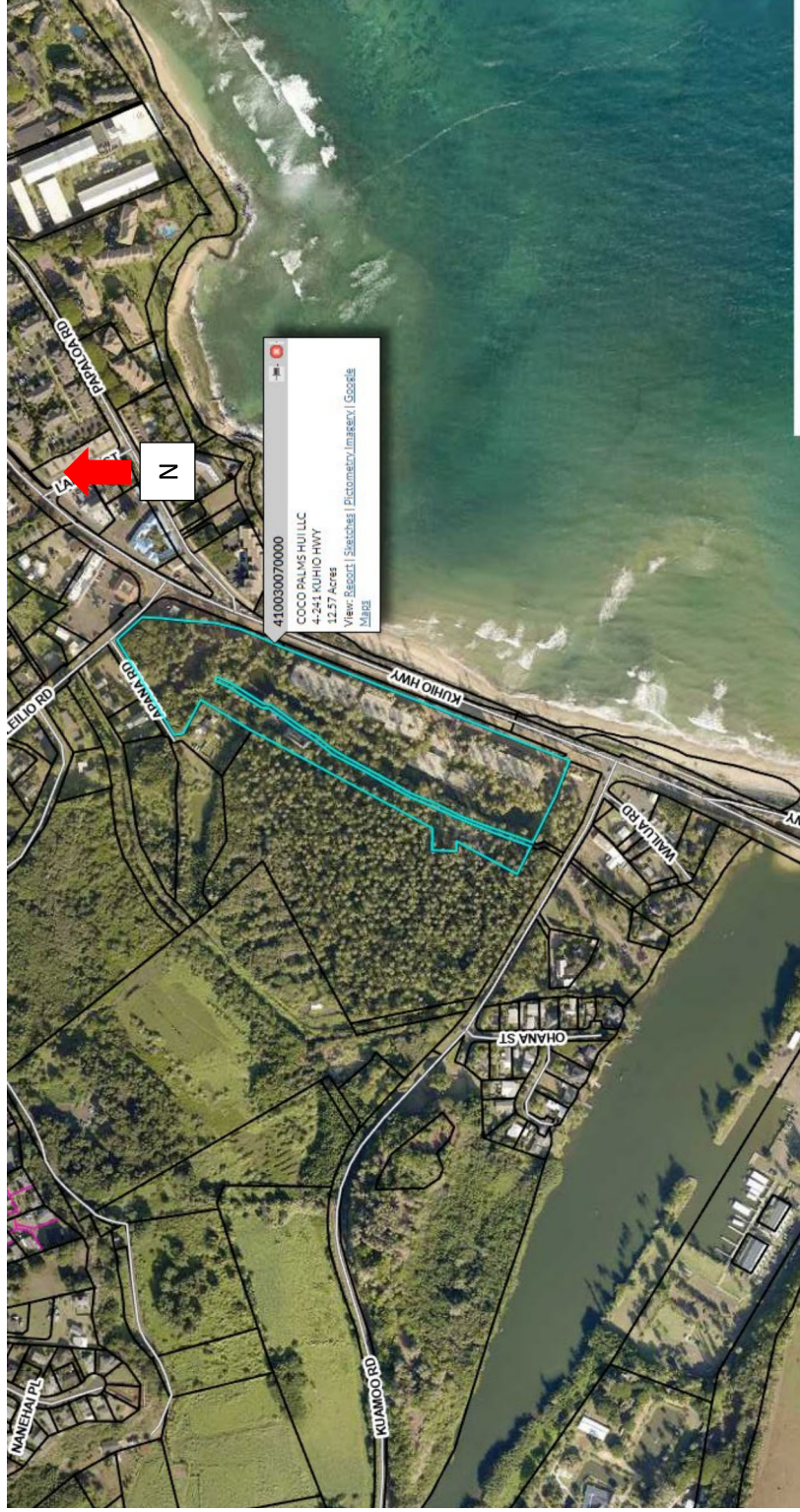


Image 1: Image of TMK (4) 4-1-003:007 (Parcel 7). Image taken from the qPublic.net website for Kauai County.



Hawaii Department of Health
Clean Water Branch
 2827 Waimano Home Road, Room 225
 Pearl City, HI 96782

Construction Storm Water Inspection
Image Log
 Property Name: Coco Palms Resort
 File No.: HIU010708



Image 2: Image of TMK (4) 4-1-003:011 (Parcel 11). Image taken from the qPublic.net website for Kauai County

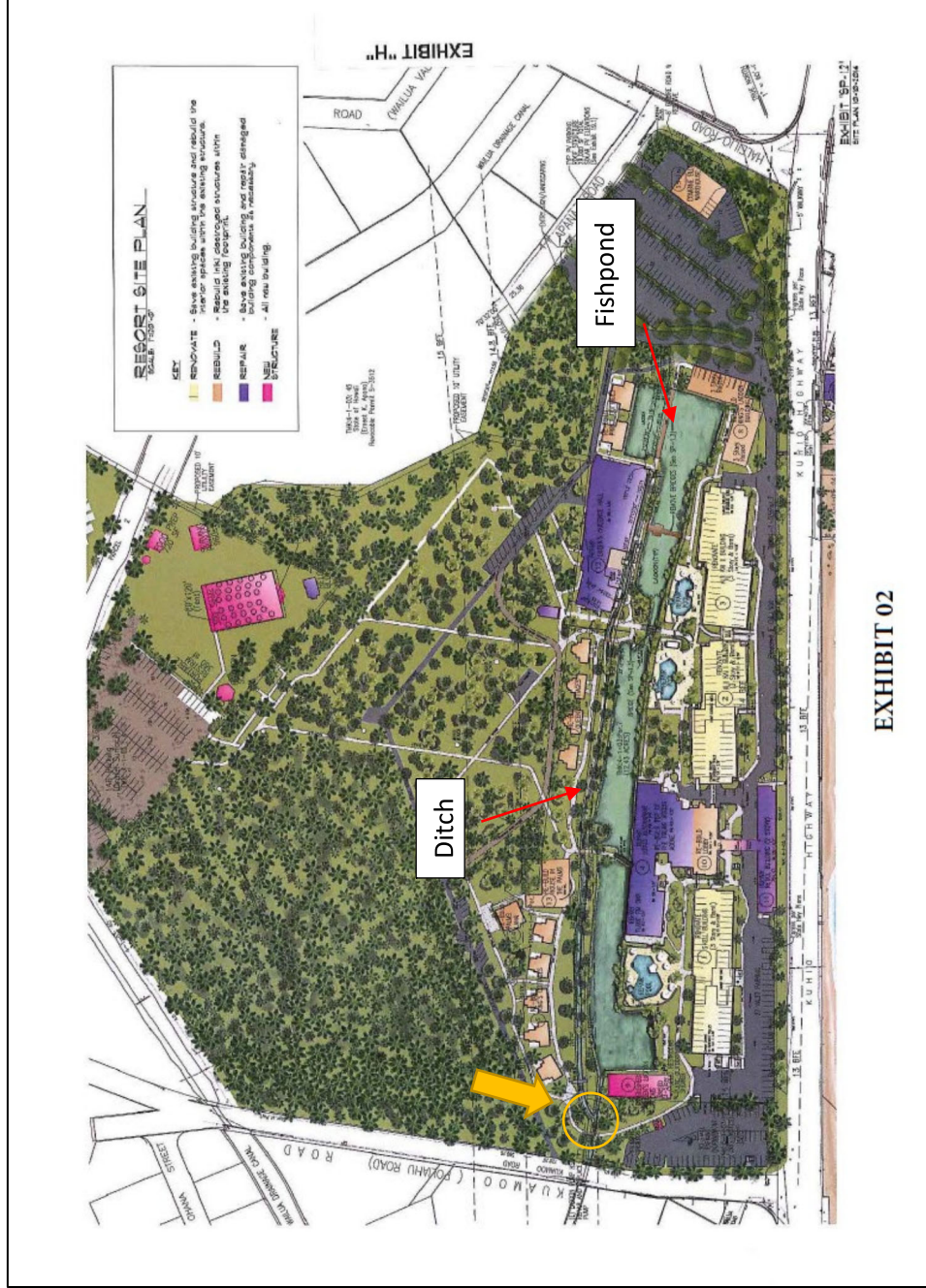


Image 3: Copy of the site plan for the Coco Palms Resort located at 4-241 Kuhio Highway, Kapaa, Hawaii 96746. Note that the state-owned drainage ditch connects to the fishpond before leaving the Site (yellow arrow and circle). Image provided by RP21 Coco Palms.



Hawaii Department of Health
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Pearl City, HI 96782

Construction Storm Water Inspection
Image Log
Property Name: Coco Palms Resort
File No.: HIU010708



Image 4: Copy of "Exhibit 9" provided in RP21 Coco Palms' response to the NAV-RFI. This image depicts the coconut trees intended for removal (red X) from the Coco Palms site. Note in the following images that the whole northern portion of the site was cleared of all trees.



Hawaii Department of Health
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Pearl City, HI 96782

Construction Storm Water Inspection
Image Log
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File No.: HIU010708



Image 5: Copy of "Exhibit 10" provided in RP21 Coco Palms' response to the NAV-RFI. This image depicts an aerial view of the cleared area and construction debris at the Site. Note that the actual area cleared of vegetation is greater than the area depicted in the Image 4 showing the trees intended for removal. Also note the piles of root balls (red circle), stockpiles of construction debris, exposed soils, and heavy equipment present at the site.



Hawaii Department of Health
Clean Water Branch
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 Pearl City, HI 96782

Construction Storm Water Inspection
Image Log
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 File No.: HIU010708

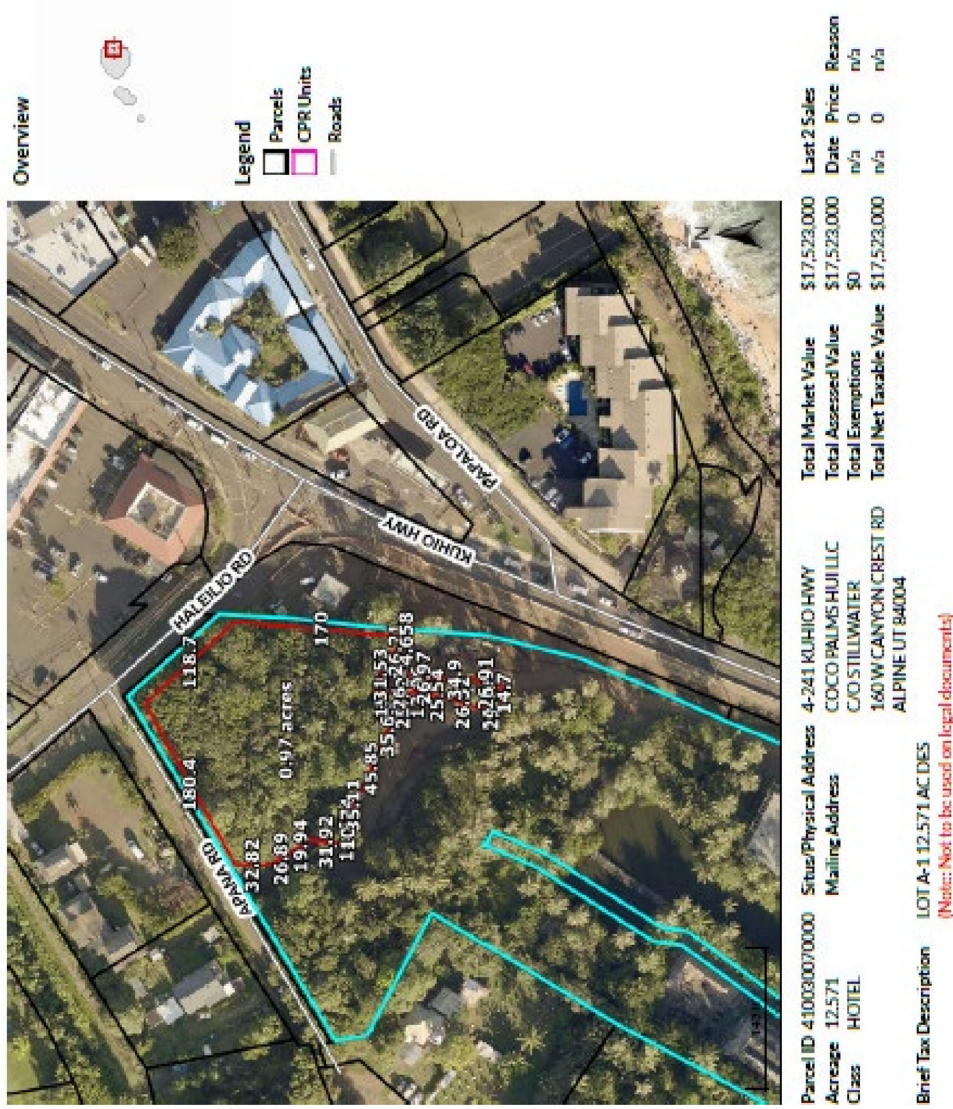


Image 6: Copy of "Exhibit 23" provided in RP21 Coco Palms' response to the NAV-RFI. The calculated area of tree removal is identified at 0.97 acres and does not include the additional construction support areas identified in this inspection report.



Photograph 1: View of the front entrance of the Coco Palms Resort Construction Site. This entrance is located off Kuamoo Road. Photograph taken by Randee Tubal on November 27, 2023.



Photograph 2: View, facing west, of the convergence of the fishpond and ditch located on the southern end of the Site. Photograph taken by Randee Tubal on November 27, 2023.



Photograph 3: View, facing south, of the point at which the drainage ditch exits the Site and connects further down to Wailua River. Photograph taken by Randee Tubal on November 27, 2023.



Photograph 4: View, facing south, of the Weuweu kawai iki fishpond. Note that the building pictured on the left is one of the buildings that will be undergoing construction. Photograph taken by Randee Tubal on November 27, 2023.



Photograph 5: View, facing south, of the State-owned Kawai iki ditch that bisects much of Parcel 7. Note that the ditch is located immediately adjacent to a building that will undergo construction activities. Photograph taken by Randee Tubal on November 27, 2023.



Photograph 6: View, facing north, of the State-owned Kawai iki ditch. Note the vegetation and debris present in the ditch. Photograph taken by Randee Tubal on November 27, 2023.



Photograph 7: View, facing north, of Building 1. Note the standing water located in the underground parking structure. Photograph taken by Randee Tubal on November 27, 2023.



Photograph 8: Close up view of the standing water located in the underground parking structure beneath Building 1 (see Image 3). Photograph taken by Bobbie Teixeira on November 27, 2023.



Photograph 9: View, facing north, of one of the three swimming pools on Site. Note that the pool is situated between the resort and the fishpond (refer to Image 3). Photograph taken by Bobbie Teixeira on November 27, 2023.



Photograph 10: View, facing north, of a reflection pool on Site. Note that the pool is situated west of the resort and the fishpond (refer to Image 3). Photograph taken by Randee Tubal on November 27, 2023.



Photograph 11: View, facing south, of the second construction entrance located off Kuamoo Road. This entrance is approximately 20 m east of the entrance pictured in Photograph 1. Kuhio Highway is located on the other side of the dust screen. Photograph taken by Rande Tubal on November 27, 2023.



Photograph 12: View, facing northwest, of the third construction entrance located off Apana Road. Photograph taken by Rande Tubal on November 27, 2023.



Photograph 13: Wide view, facing north, of Building 1. Note the construction trailer located to the right of the photograph. Photograph taken by Rande Tubal on November 27, 2023.



Photograph 14: View, facing north, of the road located between Building 1 and Kuhio Highway. Note the dust fence, heavy equipment, portable toilets, and handwashing station located in the enclosed area. Also, the road is covered with a layer of dirt, gravel and sand. The road is being used for vehicle and equipment to traverse the Site (see photograph 15). Photograph taken by Rande Tubal on November 27, 2023.



Photograph 15: View, facing northwest, of heavy equipment being trucked onto the Site. Photograph taken by Randee Tubal on November 27, 2023.



Photograph 16: View, facing northeast, of the asphalt road covered with dirt and sand, located between Building 1 and Kuhio Highway. Note, portable toilets, storage containers, and waste bins located in the enclosed area. Photograph taken by Bobbie Teixeira on November 27, 2023.



Photograph 17: Wide view, facing southwest, of northern portion of Parcel 7. Note the heavy equipment and piles of construction debris placed throughout the parcel. Also note that this portion of the parcel was cleared of numerous coconut trees (refer to Image 5, Photographs 19-20). Photograph taken by Bobbie Teixeira on November 27, 2023.



Photograph 18: View, facing northwest, of the southern end of the fishpond (yellow arrow). Note the double layer of filter socks placed around the fishpond (red arrow). Photograph taken by Bobbie Teixeira on November 27, 2023.



Photograph 19: View, facing west, of coconut tree roots and stumps stored on the northern end of Parcel 7. Photograph taken by Rande Tubal on November 27, 2023.



Photograph 20: View, facing north, of more coconut tree roots (stored on the northern end of Parcel 7). Note the Apana Street construction entrance in the background. Photograph taken by Rande Tubal on November 27, 2023.



Photograph 21: View of the walls on Parcel 7, slated for demolition. Photograph taken by Rande Tubal on November 27, 2023.



Inspection Report Certification

I certify that the statements made in this inspection report are, to the best of my knowledge, a true and accurate representation of what was observed on November 27, 2023 at 4-241 Kuhio Highway, Kapaa, HI 96746.

I certify that Photographs 1-7, 10-15, 19-21 described above were taken by the undersigned and are a true and accurate representation of what was observed on November 27, 2023 at 4-241 Kuhio Highway, Kapaa, HI 96746.

Randee Tubal December 18, 2023

Randee Tubal Date
Environmental Health Specialist

I certify that Photographs 8, 9, 16-18 described above were taken by the undersigned and are a true and accurate representation of what was observed on November 27, 2023 at 4-241 Kuhio Highway, Kapaa, HI 96746.

BL December 18, 2023

Bobbie Teixeira Date
Environmental Health Specialist

From: [Keahi Harper](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Resort Hearing
Date: Wednesday, April 24, 2024 7:53:17 PM

Aloha board of Land and Natural Resources,

my name is Keahi Harper and I am from Wailua, Kauai. I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do NOT support the use of these state parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

I

beg you to protect this important site and hand over stewardship to I Ola Wailuanui. It is cultural, significant, and can be something beautiful for Hawaiian people. It can create food sources to benefit our economy, and teach Hawaiian culture. Please listen to natives, I beg you.

That area cannot sustain an influx of tourism. The traffic, decaying of the beach, will all be heavily affected by this resort.

I am only 17. I wish for my generation and the youth below me to have a cultural place to grow who we are. We do not need the resort, we need to have a place to cultivate who we are as a people.

THERE ARE OVER 80 RESORTS ON OUR ISLAND ALREADY. PLEASE.

Mahalo for listening.

From: [Lana Hunter](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 6:40:38 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,

Lana Bilbo, 96746

April 24, 2024

VIA EMAIL

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

Subject: Testimony in support, and in opposition to, portions of Item-D1 on the April 26, 2024 agenda of the Board of Land and Natural Resources, "Approve One or More Dispositions to Applicants RP21 Coco Palms LLC and/or I Ola Wailuanui, Inc. and/or Sale of Lease at Public Auction, or No Action for Parcel B, Wailua, Kawaihau, Kauai, TMK: (4) 4-1-003:017".

Aloha Chair and Board members,

I am writing as counsel for Friends of Māhā'ulepū, a nonprofit organized to protect the cultural and natural resources valued by Kaua'i communities. I write in support of:

- (1) a modified Option B3: Issuance of Direct Lease to I Ola Wailuanui, Inc. ("IOW") for Parking, Landscaping and Beautification Purposes, but without Access Easement(s) in Favor of RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-003:017 (Parcel B); and,
- (2) Option C4: Issuance of Direct Lease to IOW. for Public Access and Shoreline Preservation Initiatives (Not Subject to Any Easement in Favor of RP21 Coco Palms LLC), Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-005:017 (Parcel C);

Additionally, it is unclear why the staff submittal would require IOW to pay for appraisals, surveys, and a title report for entitlements to Parcels B and C. Submittal at 9. As staff recognize, the appraisal is unnecessary if the Board approves nominal rent under HRS §171-43.1. The Board should:

- **approve nominal rent**, particularly in light of benefits from IOW's stewardship work. The Board gives breaks to consumptive users for beneficial work and you've used the nonprofit rent provision for entities like the O'ahu Special School Association¹ and the Kaiaola Canoe club for equipment storage.²
- **Require only a Department of Accounting and General Services (DAGS) Copy of Survey Furnished** for the parcels instead of requiring IOW to pay for survey maps and descriptions. I contacted DAGS State Surveyor and the Department of Transportation (DOT) in regard to surveys of Parcel A and was informed that DLNR Land Division should have the surveys and if not, to use the ones online. For instance, CSF No. 18262 has a map and a description of Parcel B.

¹ dlnr.hawaii.gov/wp-content/uploads/2018/06/D-6-1.pdf

² dlnr.hawaii.gov/wp-content/uploads/2023/02/D-1.pdf (determining nominal rent to be \$480/ year)

- **Not require a title report** for State lands. Other lessees have not been required to pay for title reports. Hilo Products just had to pay off taxes and mortgage to get consent to lease.³ Other lessees in Maui have not been burdened with a title report requirement.⁴

The submittal repeatedly raises the potential need for an environmental assessment/ environmental impact statement under HRS chapter 343. Many of the Board's dispositions grant HRS chapter 343 exemptions. **It would be remarkable to determine IOW's beneficial uses trigger environmental document preparation** requirements when, for instance, the Board has granted exemptions to Syngenta for pesticide-intensive uses of public trust lands, as well as multiple exemptions to the Coco Palms resort for its proposed commercial use of lands.

The submittal harps on IOW's supposed lack of plans for the parcels. HRS §171-42, "Hotel and resort uses" provides:

Public land may be leased for hotel or resort development, if the department of business, economic development, and tourism finds that the land possesses the amenities for a successful hotel and resort development and that the advantages of its placement for such use outweigh those inherent in free public use in its natural state... Where public land disposed of for hotel or resort use is adjacent to any beach, waterway, or historic monument or landmark, the disposition shall be subject to reservations of public right-of-way or public access at all times to such beach, waterway, historic monument, or landmark.

Id. (Emphasis added). This means **free public use - land in its natural state - is presumptively better than RP21's proposed resort uses.** IOW proposes one better, which is stewardship in favor of public use and preservation.

The submittal nowhere addresses **how public trust lands became inserted into a decades-old plan to build a resort hotel without a long-term disposition of these State lands.** County laws required, at the time of application, the Coco Palms Hui (CPH) applicant to establish they were "holders of at least seventy-five percent (75%) of the equitable and legal title of a lot, and shall include lessees of real property that hold a recorded lease for a state term of not less than five (5) years and that present certification of approval from the legal owner." Kaua'i SMA Rules §1.4(A) & (K). CPH did not comply with this rule because it did not own any of the State lands and held only month-to-month revocable permits. The County did not enforce this rule, with the result that new entities are now trying to drive the public lands leasing process. The Board should not allow this to occur.

Very truly yours,



LAW OFFICE OF BIANCA ISAKI

cc: Bridget Hammerquist, President FOM

³ dlnr.hawaii.gov/wp-content/uploads/2024/04/D-1.pdf

⁴ dlnr.hawaii.gov/wp-content/uploads/2024/03/D-1-1.pdf

From: [Jared Lucero](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D1 Support of Coco Palms
Date: Wednesday, April 24, 2024 4:47:13 PM

Aloha Chair Chang and members of the Board of Land and Natural Resources,

My name is Jared and I am testifying on agenda item D1 in support of the restoration of Coco Palms Resort.

The owners are making substantial headway in doing what has been needed for 30 years and are doing it in a responsible manner. I believe it is critical that we support them in bringing something special back to the land.

I strongly urge the board to approve Option B4 to allow a public auction for the lease of Parcel B and approve Option C2 for a non-exclusive easement on Parcel C to RP21 the owners of Coco Palms. Both of these allow for the most fair and beneficial access and lease process.

Mahalo, Jared

From: [Tyler Jazo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Kokua do not build a new resort at Wailuanuiaho'ano
Date: Wednesday, April 24, 2024 5:45:56 PM

Wailuā, or specifically Wailuanuiaho'ano, [holds] deep importance to not just Kaua'i but to all of Hawai'i," Rossi said. "It is a uniquely special and sacred area that represents an extremely important part of Kaua'i's history and sustainability.

"This area is noted for its social, religious and political importance, much of which is tied to the ocean and the water resources of the river, truly making this ... a fat and wealthy land that provided abundant food resources."

I Ola Wailuanui members Pua Rossi, a professor of Hawaiian studies at Kaua'i Community College, and Fern Holland, an environmental consultant, spoke at the latest Kaua'i Climate Action Forum, a monthly online series sponsored by local environmental groups.

Please keep Hawaiian lands in Hawaiian hands

From: [Karen Lalau-Hitchcock](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Topic Testimony
Date: Wednesday, April 24, 2024 5:27:39 PM

Aloha mai kua,

I am writing to submit testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21. I would also like to express support for option C4.

I fully support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. However, i do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

This land has been in foreigners control long enough. It is time for our ‘Aina to be back in the hands of native care takers to mālama and aloha so that our keiki and future generations can live to see the bountifulness of our home. Kū kanaka. Imua.

Aloha nō,
K Selina

From: [Akoni Kashima](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Wednesday, April 24, 2024 7:33:27 PM

Aloha Board of Land and Natural Resources,

My name is Akoni Kashima, I was born and raised in Lihu'e on the island of Kaua'i, and I am part Native Hawaiian.

I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui.

I do not support the use of these State parcels for resort development and use.

I am testifying **in support of Option B3**, without being subject to access easement by RP21.

I am also submitting this testimony **in support of Option C4**.

Please *protect* this important site and hand over stewardship to I Ola Wailuanui.

Please *listen* to the people of Hawai'i!

Mahalo,
Akoni Kashima
Sent from my iPhone

From: [Meraf Ketema](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 8:20:49 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,

Meraf, 48840

From: [Sharon Kim](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D1
Date: Wednesday, April 24, 2024 7:56:23 PM

Aloha,

As a generational resident of Hawaii, I strongly oppose the public auction of the former Coco Palms Resort. As you are well aware, the cultural significance of this property is important to the people of Hawaii. As guardians of our land and natural resources, I urge you to remember your charge. We do not need or want any more resorts, wave pools, or Vegas-type attractions. I favor options C4 and B3 without being subject to access easement by RP21. As stewards of our land, it is your sacred duty to protect our precious and finite resources. Let us rise to the challenge and stand up for what is right for the sake of our island's future and the generations to come.

Mahalo,
Sharon Kim

From: [Eleonore Koury](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on agenda item D-1
Date: Wednesday, April 24, 2024 6:27:50 PM

Aloha

I am writing testimony today supporting

D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

I am supporting Ola Wailuanui applications requesting to be granted annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area.

I emphatically fully support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

West maui is filled with ocean front resorts!!!!

It is essential to preserve these lands for generations to come

Not to mention that tourism depends on the vibrant ecosystems of maui to attract all the visitors

Please see beyond the quick dollar/profi into the heart of our island and her people

Mahalo for being pono

Eleonore Koury
Haliimaile, Maui resident

From: tiga42017@aol.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 7:44:34 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,

Michele Lassel, 83001

[Sent from AOL on Android](#)

From: [Darya Light](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 9:57:31 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces.

Preserving and nurturing the natural and responsible use of land is our collective kuleana.

Mahalo for your time and consideration,

darya light , 92647

From: [malia locey](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 10:09:56 PM

Aloha BLNR

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanui's management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,
Malia Locey
95703

From: [Lohelani Hicks](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Wednesday, April 24, 2024 5:36:13 PM

Aloha! I am writing regarding agenda item D-1. I am in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

Mahalo, Lohelani

From: [Hiilani Makahanaloa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony - Agenda item D1
Date: Wednesday, April 24, 2024 7:32:31 PM

Aloha Board of Land and Natural Resources,

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to | Ola Wailuanui.

Me ka ha'aha'a,

Hi'ilani Makahanaloa

From: [Jane Manchon](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1 (Scheduled 4/26)
Date: Wednesday, April 24, 2024 11:09:00 PM

Dear Board Members,

I am writing today to ask that you rule in favor of land being in the hands of the people for cultural education and restoration and not give permits to hotel development.

I am in favor of option B3, without being subject to access easement by RP21.

I also support option C4.

Thank you,
"Hawah" Jane Manchon
Resident of Hawai'i

From: [Afasawaya Maujood](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui Preservation
Date: Wednesday, April 24, 2024 10:43:30 PM

I Ola Wailuanui needs to remain persevered as it is NOW. It is sacred land, burial land and it ABSOLUTELY NEEDS to remain untouched and LEFT ALONE. It should not be destroyed by building a new \$400million hotel on it. You people are so greedy, so money hungry, youve become sickly and have lost touch with Life. You've lost touch with your mana and what it means to be pono in this life. Do the next right thing and protect this 'āina. Keep I Ola Wailuanui as it is now, protect this land.

From: [Marion McHenry](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Wednesday, April 24, 2024 9:11:17 PM

We are writing in support of the applications submitted by I Ola Wailuanui requesting to be granted annual leases of three Revocable Permit parcels located within the Wailua Kai area. In regards to item D-1, we are in support of option B3, without being subject to access easement by RP21. We fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, we do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement may eventually lead to. We also strongly support option C4.

Thank you so much for your careful consideration of these sensitive properties.

Sincerely,
Robert and Marion McHenry
Princeville, Kauai

From: mckillop.kim@gmail.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 8:38:26 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanui's management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,
Kimberly McKillop
5335 Kapaka Street
Princeville

Sent from my iPhone

From: [anjelica dinorscio](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Wednesday, April 24, 2024 9:33:10 PM

Aloha board of land and natural resources,
My name is Anjelica Metzger I am from Kalaheo, Kauai. I am submitting testimony on agenda item D1 in support of the RP's being given to Iola Wailuanui. I do NOT support the use of these state parcels for resort development and use.

I am testifying in support of option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.
Please protect this important site and hand over stewardship to Iola Wailuanui.

More resorts and tourism is not what we need. The locals (even visitors) can benefit from a historical site that is preserved where we can come together and teach and learn. Please think about the damage and exploitation this will cause our small island community.

Mahalo,
Anjelica Metzger

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From: [Sariah](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1
Date: Wednesday, April 24, 2024 8:45:19 PM

Aloha Board of Land and Natural Resources,

My name is Sariah Mokuahi and I was born and raised in Wailua, Kaua'i. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

Our island does not need another resort, especially on sacred burial grounds that are in a flood zone. We do not need more outsiders flown in to staff this resort. What our people and visitors could benefit from is a cultural site where we can reconnect with our culture and the history of this sacred space.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Sariah Mokuahi

From: [Tylenn Morita](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Malama Wailua
Date: Wednesday, April 24, 2024 8:58:03 PM

Aloha Board of Land and Natural Resources,

My name is Tylenn Morita and I am from Kapa'a, Kaua'i. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please do what is pono to protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Tylenn Morita

From: [naomi mokuahi](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony of Revocable Permits
Date: Wednesday, April 24, 2024 8:56:35 PM

Aloha Board of Land and Natural Resources,

My name is Naomi Mokuahi and I am from Wailua Homesteads. I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

I don't support this because I am currently 14 years old and have lived in Wailua my whole life. As I grow up I learn more and more about my home, Wailua. I can see this land being used to benefit sharing our culture instead of developing it. This land could be used to be a cultural site to share Hawaiian culture with others. Wailua holds many Hawaiian stories and legends that we could share with others. I want to be able to learn more about my home that I have grown up in and continue to grow up in.

Please protect this site and hand over stewardship to I Ola Wailuanui.

Mahalo

From: [Dolores O'Rourke](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony for prevention of use in public lands for hotels operations (Kaua'i)
Date: Wednesday, April 24, 2024 10:42:39 PM

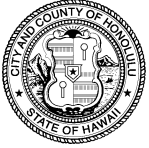
My name is Dolores O'Rourke. I am 17 years old, born and raised on Kaua'i, and I live in Wailua. I am concerned about the redevelopment plans at the Coco Palms Resort property. Growing up on Kaua'i, I've seen so much development over the years, I've seen many resources taken away from the community to be redirected to tourism. I am currently in highschool and I am slowly getting closer to my adult years. With so much development in tourism and not enough giving back to our community it's scary and it is impacting Hawai'i in a negative way. I want to be able to live in Hawai'i and I don't think I'm going to be able to live here if all of our resources are being used to provide for tourism and not for our community. Soon no one will be able to live in the place they are from because all our resources are being taken away. Community is what preserves Hawai'i, and that's why so many tourists want to visit Hawai'i. There is so much aloha here and so much culture, it's what makes Hawai'i beautiful. If we have so many hotel operations moving into Hawai'i then none of that will be here, and Hawai'i wouldn't be as special.

There are so many reasons I can think of how the redevelopment plans at Coco Palms Resort property would be negative. The redevelopment of Coco Palms would take away a lot of our resources. There is barely enough resources to sustain the residents and to direct it toward a new hotel would impact that problem even more. Just like in Lahaina, all of their resources were directed to the hotels, which resulted in a negative impact on the environment and the community. Not just in Lahaina but all across Hawai'i it's happening. Just across the street from Coco Palms there are three hotels located, it's not even a 5 minute walk to get there from Coco Palms. There would be ten times more traffic in front of Coco Palms than there already is. The roads on the eastside of Kaua'i already can barely sustain all of the traffic, though the newly installed second road helped the problem. But for even more cars to drive on the road would recreate the problem all over again. Besides traffic and impact on resources, the environmental problem is even worse. Coco Palms Resort Property is less than a minute walk to the beach. On average a hotel produces 300,000 tonnes of waste per year, a quarter of it would go into the ocean next door. The east side of Kaua'i is already experiencing devastating impacts in the ocean from the many hotels located right on the beach. Kaua'i is so beautiful and with even more anthropogenic activities moving into the area it would slowly devastate everything. There is not enough giving back to the land and preservation of culture to keep Kaua'i beautiful. Every island is experiencing negative impacts from anthropogenic activities. There is barely enough being done to keep Hawai'i beautiful, and the voices stepping up to say something are getting rejected.

At the Coco Palms Resort Property there are so many possibilities to preserve the culture

and Hawai'i. It can be given back to the community for sustainability, and would not need as much resources provided. A cultural center could be built or a taro farm could be built as well. All of it could be directed for the community but also towards tourism. A cultural center or a taro farm can demonstrate a solution that benefits both locals and tourists alike. It could provide visitors with a source of knowledge, while still being a tourist attraction.

Being a paddler and surfer I care so deeply for what is around me, I am so grateful for what Kaua'i has provided me with and being able to live here is amazing. I am very concerned about what is happening with the development at Coco Palms Resort's property. Thank you for taking the time to read and consider my testimony.



NORTH SHORE NEIGHBORHOOD BOARD NO. 27

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD SUITE 106 • HONOLULU, HAWAII, 96817
TELEPHONE: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

April 24, 2024

Dawn N. S. Chang
Chairperson
Department of Land and Natural Resource
Kalanimoku Bldg
1151 Punchbowl St.
Honolulu, HI 96813

RE: BLNR Agenda, Item L. Engineering, 1. Approval of Dole Food Company Inc.'s Schedule for the Removal of Wahiawa Dam

Aloha Chair Chang –

I am writing on behalf of the North Shore Neighborhood Board #27 and our community including all the farmers in our area on this very important issue – the state MUST complete the transaction of transferring the dam from Dole Food Inc to the state of Hawaii.

This is Act 218 - passed by the legislature, signed by the governor and supported by the community. The purpose of Act 218 was to ensure that Dole did not dismantle the dam and that the state would take it over and fix it.

The fact that a year later this has not been done and DLNR is now, again, trying to get Dole to make the repairs when it is clear they will not, is very disheartening. We believe the state and specifically DLNR is abdicating their responsibility to take on the dam and fix it.

Dismantling the dam would endanger the community as heavy rains would no longer have anywhere to go and collect. Our streams are woefully under-maintained and would not be able to handle a significant storm, such as we have seen in the recent past. It would irreparably harm the farmers who depend on this water for their crops. Our food security will be nil and instead of crops we will have McMansions growing on our land.

Please just do the right thing, follow Act 218, take on the dam and work with the communities of Wahiawa and North Shore to fix the dam and turn the area into a space we can all be proud of.

Mālama 'āina,

Kathleen M. Pahinui

Kathleen M. Pahinui

Chair, North Shore NB #27

From: [Lauren Kang](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support Agenda Item D-1
Date: Wednesday, April 24, 2024 7:29:26 PM

Aloha kākou,

I am writing in support of agenda item D-1 to prevent the public lands of Wailua Kai from being developed as a hotel operation.

I am from Lāhainā, where in my lifetime we have gone from a sleepy town such as Wailua to an absolute madhouse of tourism - this is not a good thing! Resources and quality of life will quickly diminish if you allow this to set precedence for more developers to come in and change Kauaʻi.

Also, this land is a wahi pana, sacred due to the burial grounds, heiau, crown lands, and other culturally significant sites such as loko iʻa.

You must prove via the Ka Paʻakai Analysis that there will be no harm imposed on ANY of these treasures before allowing further development.

So, I humbly ask that you consider these facts when making your decision, and please support the people of Kauaʻi in asking to deny this hotel development.

Me ka haʻahaʻa,
Lauren Palakiko

From: [Scott Poland](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D-1
Date: Wednesday, April 24, 2024 6:43:18 PM

I would like to submit testimony for item D-1 in favor of option B-3 without being subject to access easement by RP21 and in support of option C4, furthermore not only was the original coco palms resort a mistake that should never have been built BLNR is repeating that same mistake by allowing this land to be openly stolen and misused for yet another hotel to which Wailua infrastructure cannot handle another 300 plus room hotel.

Not to mention the effects of climate change in the area just as proof look at the flooding that happened this last week.

NO HOTEL IN THIS CURRENT SITE!

Thank you

Scott Poland

[Eportfolio](#)

From: [Bianca Rajan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No Coco Palms Hotel Wailua
Date: Wednesday, April 24, 2024 9:06:53 PM

Aloha

I do not support the Coco Palms Hotel development.

--

Mahalo,

Bianca Rajan
(808) 280-2406

From: [Bianca Rajan](#)
To: [Royce Ramos](#)
Cc: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No Hotel in Wailua - Coco Palms
Date: Wednesday, April 24, 2024 9:03:33 PM

Aloha

My family and I do not support the Coco Palms Hotel development. I am born and raised 33 years in Wailua house lots, and of native Hawaiian descent with ancestry from this island. Our family is in strong support of I Ola Wailuanui community organization. Returning the land to local hands to be utilized by the community is the utmost important to us.

--

Mahalo,
Royce Kamuela Ramos

From: [Dianna Rodriguez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No resort on sacred land
Date: Wednesday, April 24, 2024 8:17:09 PM

I am a resident of Wailua Kauai and I am writing this to testify against building yet another resort on a historical and sacred Native Hawaiian site. The land that Coco Palms sits on is a well documented historical and sacred area. Please understand that this is an area that should not be built over. It is also an area prone to flooding and next to a highway that is heavily used. Putting a resort here will not benefit the community in anyway and will only cause problems. Respect the native Hawaiians rights to this area, respect the community, and respect the land.

-Dianna Rodriguez

From: [Douglas Ross](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Wailua river development on Kauai
Date: Wednesday, April 24, 2024 6:53:51 PM

I support agenda item D-1 in favor of option B3, without being subject to access easement by RP21, supporting option C4.
item D-1 in favor of option B3, without being subject to access easement by RP21, as supporting for option C4.

Doug Ross
17 year Kauai resident

April 24, 2024

Honorable Dawn Chang, Chair
State Board of Land & Natural Resources
P.O. Box 621
Honolulu, HI 96809

(via email: blnr.testimony@hawaii.gov)

SUBJECT: April 26, 2024 Agenda Item D-1 re: Coco Palms and Disposition of State Land Leases

Aloha BLNR Chair and Members:

The Sierra Club Kaua'i Group resolutely opposes an action by the Land Board that would place the burden of a hotel (located at Kuhio Highway and Kuamo'o Road) on the people of Kaua'i. The assignment of permits or leases to developer RP21 Coco Palms, LLC would be a disservice to both environmental and cultural preservation.

We are in strong support of the application submitted by I Ola Wailuanui requesting to be granted annual leases of three Revocable Permit (RP) parcels located within Wailua Kai. We support **Option B3** (TMK 4-1-003:017) for parking, landscaping, and beautification purposes, but NOT subject to access easement(s) in favor of RP21 Coco Palms, LLC. Also, we support **Option C4** (TMK 4-1-005:017) for public access and shoreline preservation initiatives, but NOT subject to any easement in favor of RP21 Coco Palms, LLC.

Unfortunately, key elements such as roadways, parking, and other structures necessary to the profitability of a hotel, are located on State owned parcels. We believe such uses, benefiting the hotel, are not the highest and best use of this public land.

Furthermore, consider the drone video of the April 12, 2024 flood that inundated the hotel site: <https://www.instagram.com/p/C5rYkNUyDcM/> and forced Emergency responders to evacuate nearby residents from their homes.

Kaua'i residents acknowledge that the island's carrying capacity has been exceeded and ecosystems are suffering. Thus, these small State parcels have outsized importance in realizing not only the future of this unique place, but residents' quality of life on the island. We urge you to deny assignment of lease or permit to the RP21 Coco Palms developer. Mahalo for your consideration,



Kip Goodwin
On behalf of the Executive Committee

From: [Susan Harper](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Wailua Resort Testimony
Date: Wednesday, April 24, 2024 8:22:53 PM

As a wife, mother, and daughter-in-law to Kanaka Maoli, building a cultural center that honors their generational contributions to Kaua'i would help preserve the love and care for this sacred island - more than another resort. Locals and tourists alike would benefit more from a place to celebrate and learn about the culture, than a resort whose builders and investors only intentions are tourists and money. Thank you! Susan Harper

Sent from my iPhone

From: [Jessica Rappold](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re coco palms rebuild
Date: Wednesday, April 24, 2024 6:58:07 PM

Hello,

As a resident of Kapaa, I am writing to you strongly disagreeing with the potential build out of a hotel at the old cocopalms. There are many reasons why this build out will hurt the local community. We do not have the infrastructure for all the newly added cars and traffic that will happen. Its home to many Heiau, and deserves to be treated with respect. There are many more ways to utilize the space with respect to the land and to the culture.

Thank you for your consideration.

Jessica Schmitz

From: [Juliana Sebben](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 7:40:41 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,

Juliana Sebben, 96746

From: [Selina L](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Agenda Item
Date: Wednesday, April 24, 2024 5:26:40 PM

Aloha mai kua,

I am writing to submit testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21. I would also like to express support for option C4.

I fully support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. However, i do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

This land has been in foreigners control long enough. It is time for our ‘Aina to be back in the hands of native care takers to mālama and aloha so that our keiki and future generations can live to see the bountifulness of our home. Kū kanaka. Imua.

Aloha nō,
K Selina

From: [Keri Silva](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 6:13:47 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,

Keri Silva, 96746

From: [Stephanie Stewart](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1 testimony
Date: Wednesday, April 24, 2024 10:22:48 PM

Aloha Board of Land and Natural Resources.

My name is Stephanie Stewart and I am from Hanalei. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui.

I DO NOT support the use of these state parcels for resort development and use.

I am testifying IN SUPPORT of OPTION B3, without being subject to access easement by RP21.

I am also submitting this testimony in support of OPTION C4.

Please protect this sacred place so our keiki and people can benefit positively from this land and perpetuate sustainable practice.

Mahalo for your time,

Stephanie Stewart

From: [Susan Strom](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Wailua Proposal
Date: Wednesday, April 24, 2024 7:42:51 PM

Aloha,

My 'ohana and I have witnessed over the years the repeated land grab attempts by developers salivating over profiting from exploiting sacred Hawaiian lands.

Agencies such as yours should be focusing on what's best for the health and welfare for the local inhabitants of the island, and preservation of sacred historical lands, and wetlands for the use and benefit of the People, only.

Development of Wailua area for commercial use, such as hotels, condos, etc., is not only a bad idea; it completely decimates that which is sacred and representative of the Kanaka culture, and should be returned to the People for such enrichment and preservation.

The idea of any kind of resort or condo development here would have adverse effects, such as further destruction of the historical palm forest, natural wetlands and floodplain, and create perpetual traffic hazards.

The fact that these development proposals are even considered is an insult to the local population of Kaua'i and Wailua area, amidst the People's cry for restraint and moratoriums on any further commercial development of an already strained infrastructure and limited landmass.

My 'ohana and I strongly urge you cease any further consideration of any development of the Wailua/Coco Palms area, and for once take the conscientious step, and deliver this parcel of land to the People for restoration and cultural practices.

Any other option would be considered a complete slight against the very constituents whose taxes pay your salaries, and a complete failure to alleviate another potential development burden which pillages a fragile ecosystem.

These lands should be earmarked only for Public Good; not sold off to the highest bidder.

One more important point: Discussing the fate of Wailua should take place in Wailua, or nearby on Kaua'i Island; not inconveniently on Oahu, where concerned citizens must go to tremendous cost and expense to attend to express their concerns; or was this your intention? Whatever the purpose, this Oahu meeting should be immediately Cancelled, and reconvened on the very island where locals are directly affected, in all fairness.

Please correct this oversight promptly.

Mahalo for your urgent attention to this matter.

Sincerely,

Susan Strom & 'ohana
Lihue, Hi

From: [s Sa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Save Wailua!
Date: Wednesday, April 24, 2024 7:37:25 PM

Aloha Board of Land and Natural Resources,

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to IOla Wailuanui.

I do not support the use of these State parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21.

I am also submitting this testimony in support of Option C4.

Use the money to fix the traffic problem and other local problems in this area!

Please protect this important site and hand over stewardship to IOla Wailuanui.

Please honor that the grounds are home to multiple Hei'u & sacred religious sites.

Please respect the cultural significance of this area and preserve it as a cultural landmark & natural botanic garden & beautify waterways.

Mahalo, Sue King
Former Kauai resident & Hawaii state employee

From: [Tina Billy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony D-1
Date: Wednesday, April 24, 2024 9:19:45 PM

Aloha, I am writing on agenda item D-1. I would like to say that I do not think this land should be used for another resort, especially after seeing once again what that land looks like flooded. I am in favor of option B3 because it is in the best favor of the people and the land there. I favor option B3 without being subject to access easement by RP21. I am also in support of option C4 and I support what I Ola Wailuanui. This whole areas needs better stewardship and I feel this is the way forward. Mahalo Tina Taniguchi

From: [Lei'ohu Turley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Objection to hotel in Wailuanui
Date: Wednesday, April 24, 2024 5:57:25 PM

Aloha,

My name is Lei'ohu Turley and I am a senior in high school looking to pursue a career in government and law in Hawai'i. I am writing to express my objection to the hotel proposition on the public lands of Wailuanui, Kaua'i, agenda item D-1 for the hearing on April 26. As a native Hawaiian interested in our local government, I believe that this hotel does the exact opposite of what the government of Hawai'i has been promising our residents. By rejecting this hotel proposition, I support environmental protection in the area that benefits both the local community and the state of Hawai'i, leaving an area of Hawai'i to remain natural and educational.

I hope that this is considered when making the decision,

Mahalo,

Lei'ohu Turley

From: [Melia V.](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D1
Date: Wednesday, April 24, 2024 7:54:18 PM

Aloha Board of Land and Natural Resources, My name is Melia Velez and I am from Ewa Beach.

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo.

From: [Asia Vito](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1
Date: Wednesday, April 24, 2024 7:27:42 PM

Aloha Board of Land and Natural Resources,

My name is Asia Vito and I was born and raised in Kapa'a on the island of Kaua'i.
I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui.

I do not support the use of these State parcels for resort development and use.

I am testifying **in support of Option B3**, without being subject to access easement by RP21.

I am also submitting this testimony **in support of Option C4**.

Please *protect* this important site and hand over stewardship to I Ola Wailuanui.

Please *listen* to the people of Hawai'i!

Mahalo,
Asia Vito

From: willowvolkert@gmail.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Wednesday, April 24, 2024 9:05:28 PM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces. As a community we need to prioritize community stewardship rather than extractive tourism, and I hope that is mutually understood.

Mahalo for your time and consideration,

Willow Volkert, 96746

From: [Sarah Luke](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Coco Palms Testimony
Date: Wednesday, April 24, 2024 8:49:30 PM

Hello,

I am from Kilauea. I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do NOT support the use of these state parcels for resort development and use.

I am testifying in support of Option B3, without being subject to an access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important heritage site and hand stewardship to I Ola Wailuanui.

Best,

Yoshimi

From: [Alexandria Young](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Wednesday, April 24, 2024 7:24:15 PM

Aloha Board of Land and Natural Resources,

My name is Alexandria Young and I am from Maui. I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Alexandria Young

5905 Ahakea Street
Kapa'a HI 96746
laakea77@yahoo.com
25 April 2024

To: BLNR Testimony: blnr.testimony@hawaii.gov
From: Mary Alexander--Wailua, Kaua'i resident
RE: Testimony for the 4/26/24 meeting: **Agenda Item D-1: Strongly Support Option B3 without being subject to access easement by RP21, and Option C4**

Thank you for reading my testimony on this issue that affects not only the community of Wailua, but the island of Kaua'i and State of Hawai'i.

For me, the choice is clear: the group I Ola Wailuanui should be the stewards of the parcels in question (TMKs 4-1-003:044, 4-1-003:017, 4-1-005:017), because their goals of cultural preservation and public access best serve the public interest. It should also be abundantly clear after the most recent April '24 flooding incident that swamped both the coconut grove and the proposed hotel site that in 2024, this is no longer a viable site for a hotel! Can you imagine if the 350 proposed rooms for this hotel with their 700+ guests had been flushing their toilets and pumping even more raw sewage into Wailua Bay?

Wailua Kai was the royal seat and center of chiefly power of this island, as evidenced by the complex of important heiau all walking distance from these parcels: Hikinakala, Holoholoku and the birthing stone, Malae, and Poliahu right up the hill. That we would not protect and revere these places instead of allowing public lands to be exploited to line the pockets of a Utah-based developer is beyond my understanding. Even Grace Guslander, the former manager of the Coco Palms, in her retirement, asked the Bishop Estate and Kamehameha Schools if they might be interested in purchasing the Coco Palms site "to turn it into an educational and spiritual site for the Hawaiians on Kauai. Grace never lost the notion that the Wailua area was the most sacred spot for Hawaiians in all of Hawaii" (quoted from p. 346 of David Penhallow's *The Story of the Coco Palms Hotel*). I had the chance to interview David Penhallow on this issue, and he confirmed that this site should never be a hotel again. "Coco Palms WAS Grace Guslander. She is gone and so is it," he said.

Thank you for this opportunity to submit testimony. As you read through the other submitted testimonies today, please notice that the vast majority in favor of the developer include no return address and repeat the same points. That is because their writers are from out-of-state and are being told what to say in a boiler-plate way. Please help our community protect great sacred Wailua in perpetuity.

Sincerely,

Mary Alexander

From: [Joey Barrett](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support for option B3 on agenda item D-1
Date: Thursday, April 25, 2024 7:04:35 AM

Aloha,

I'm emailing in support of option B3 on agenda item D-1 in support of I Ola Wailuanui. This would be a great uplift to the community and could be a cultural gemstone of Kauai.

Mahalo for your time and consideration,
Joe Barrett

Faith Lehuanani Blalock
**Testimony in STRONG SUPPORT to Granting Revocable Permits to I Ola
Wailuanui through Agenda Item D-1**

4/24/24

Dear Board of Land and Natural Resources,

My name is Faith Lehuanani Blalock. I am a Native Hawaiian, born and raised in Kapa'a Kaua'i, currently living in Kīlauea Kaua'i. With a background in environmental engineering, I work as a Biocultural Resource Manager at Waipā Foundation, a North Shore organization dedicated to restoring the vibrant natural systems of Waipā Valley, and to inspiring healthy, thriving communities connected to their resources. I am also a member of the Hanalei Hawaiian Civic Club. I am writing this testimony in STRONG SUPPORT for I Ola Wailuanui in agenda item D-1, in favor of option B3, without being subject to access easement by RP21, as well as support for option C4.

The Wailua area is extremely sacred with multiple cultural sites that have historically been significant to Hawaiian commoners and royalty. Due to a recent history of development and in the face of climate change, extensive restoration and regenerative actions are needed for the wahi pana in Wailua, especially the Coco Palms area. Revocable permits for Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017 SHOULD be granted to any group whose work is not exclusively dedicated to community and cultural based restoration of this place. I Ola Wailuanui have worked extensively to understand the work required to be pono stewards, to raise awareness about the harm enacted or posed to Coco Palms, and to build culture, community-based futures for the Coco Palms Area.

As someone born and raised on Kaua'i, I deeply believe granting revocable permits of the aforementioned TMKs to I Ola Wailuanui is essential in ensuring long-term access and proper management of Coco Palms Area and would have a positive impact reaching far beyond the scope of this particular area. Your support would allow the creation of a cultural hub that would bring restorative and regenerative engagement from the community and tourists, ultimately contributing to the perpetuation of culture and improving the well-being for our Kaua'i residents.

I know I am one of many from the community, strongly urging the board to **grant revocable permits to I Ola Wailuanui**. We need to start thinking generationally and invest in regenerative futures. I ask that you be a part of building the right future for our community and support I Ola Wailuanui.

Mahalo for your time and consideration,
Faith Blalock
fblalock0808@gmail.com

From: [Alice Bourget](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Thursday, April 25, 2024 5:19:12 AM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,

ALICE BOURGET | Bourget Marketing LLC

95076

From: [Isabella Brandes](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Submitting Testimony: Agenda Item D1
Date: Thursday, April 25, 2024 8:00:00 AM

Aloha,

My name is Isabella Brandes and I'm a resident of Hawai'i, having been born and raised on O'ahu. I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do NOT support the use of these state parcels for resort development and use. Please do not let more sacred, culturally and ecologically important native Hawaiian land fall into the laps of more developers who will not support the economy and the people of Hawai'i like I Ola Wailuanui will.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this culturally important site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Isabella

From: [Meredith Buck](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1 Testimony
Date: Wednesday, April 24, 2024 11:25:41 PM

Aloha Mai Kākou,

I am writing to submit testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21.

I also support option C4.

As a cultural practitioner, I believe that supporting I Ola Wailuanui, Inc. to manage the former Coco Palms resort site and provide public use would be a greater enrichment to the local community than a resort would be. Additionally, it would provide any visitors seeking to learn about and connect with with Hawaiian culture, traditions, and history a place to do so. We need to create and support more of these cultural hubs so that those visiting the islands are able to access that ‘ike, no matter where they visit.

Mahalo for your consideration.

Meredith Buck
Kailua Kona, 96740

From: [Chloe Hannsz](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui Testimony
Date: Thursday, April 25, 2024 7:42:25 AM

Aloha, my name is Chloe Hannsz.

I am a currently a junior at Kapaa High School on Kauai, and I am writing in support of the Revocable Permits being given to I Ola Wailuanui. As someone who goes to school near this site, I recognize the historical and cultural significance of the land to native Hawaiians. Should the land be converted into a tourist attraction, Kauai will become even more overcrowded and disrespected. I do not support the use of these State parcels for resort and development use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also writing in support of Option C4.

I urge you to protect this special land by handing over stewardship to I Ola Wailuanui.

Mahalo.

From: [CARLA KELLER](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please do not continue with the Hotel at Coco Palms
Date: Thursday, April 25, 2024 8:09:09 AM

Aloha BLNR -

I am writing to express my opposition to the pending permits and a Hotel at Coco Palms. I have written many times before as well. Please consider my and so many others' opposition when making your decisions. Kauai residents have put up with the chaos at Coco Palms for far too long - its time to turn it into a community asset that honors and respects the History of Kauai, the sensitive environment there and the people of our island.

We don't need another hotel and this location is particularly poor for a hotel that will likely suffer catastrophic flooding at some point - that would that start the whole abandonment cycle all over again like what happened after Iniki? We just experienced major flooding again two weeks ago. We know this won't be the last time.

It would be wonderful if the property could be revised to serve the community as a cultural center that honors its sacred past and educates all about Hawaii history. Mahalo for your time and consideration.

Carla Keller
410 Papaloa Rd,
Kapaa, HI 96746

From: [Susan Chase](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony April 26 Meeting of the Board of Land and Natural Resources
Date: Thursday, April 25, 2024 1:05:01 AM

I am writing with respect to a Land Division matter on the agenda (Agenda item D-1). I am in support of the recommendation to allow I Ola Wailaunui to steward the three tax parcels of land and provide public use (Options B3 and C4). I do not support utilizing public lands for hotel operations.

Indigenous Hawaiians should have stewardship of this land due to the location of several sacred sites and burial grounds on the property. This is a unique opportunity to return land to its rightful stewardship and undo the years of harm from our nations' colonization practices. All of the public and visitors to Hawaii from around the world will be allowed to visit this land and finally understand its significance. That would not be possible if you choose to lease the land to an exclusive resort operation.

I urge you to act in the public interest.

Thank you!
Susan Chase
South Portland, Maine

Sent from my iPhone

From: [sj.chew](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 4/26 agenda item D-1: supporting I Ola Wailuanui
Date: Thursday, April 25, 2024 6:23:16 AM

Aloha kākou,

I am urging BLNR members to support I Ola Wailuanui in their request for the 3 parcels of land. Their intention to aloha 'āina is what the islands need more of.

requesting specific action relating to item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

Mahalo for your consideration,
Sally

From: [Amy Di Chiro](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support of I Ola Wailuanui
Date: Thursday, April 25, 2024 3:38:44 AM

Aloha,

I am writing in support of I Ola Wailuanui in the upcoming decisions on what to do with the cultural site and land that housed the former coco palms resort. I am in favor of option B3 on agenda D-1 without being subject to access easement by RP21 and I support option C4. It is my belief that these options are in the best interest of native Hawaiian culture as well as preserving Kauai's most precious resource, her beauty and her land.

So I am currently traveling through Mexico and Central America, where so many small villages have been developed into giant resort towns. It's is heartbreaking to watch the entre world being paved. The few spots left, where nature is protected, have become the draw for tourism. We are looking for places where the land is cared for, not the hotels. Kauai has always been a place for humans to be one with Mother Earth. I hope I Ola Wailuanui is able to enrich this form of tourism and local cultural heritage for us all.

Mahalo,
Amy Di Chiro

From: [Adreanna Clark](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Item D-1
Date: Thursday, April 25, 2024 7:26:40 AM

Aloha,

My name is Adreanna Clark. I am an elementary teacher and resident of Kaua'i. I am testifying on item D-1 in favor of Option B3 and in support of C4.

I fully support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. As a 4th grade teacher, with my haumana we discuss the importance of taking on roles as responsible stewards of their land here on Kaua'i. This means understanding the rich history and significance of these prized places. The site in question holds great cultural significance. It should be restored as such and respected as such, NOT subjected to any easement.

Your duty is to the people of Kaua'i, respect their ancestors and respect their wishes now. We are waiting and we are watching.

Mahalo,

Adreanna Clark

7990 Elepaio # 936

Kekaha, HI 96752

From: [Keriann Conroy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda item D 1
Date: Thursday, April 25, 2024 1:38:46 AM

To the Board of Land and Natural Resources,

Please grant I Ola Wailuanui annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area.

Selling public land for private use is a practice that severs public trust, livelihood and betterment. Green, public space is invaluable, and diminishing rapidly. Once sold for exclusively public use, it can never be brought back. Further, the cultural significance of the site makes it even more important to the community, and would make hotel development there a travesty. There are many circumstances where the health of the people who live and work in the county must take precedent to the visitors, and this is one of those times.

Please do what's best for YOUR constituents.
Thank you,
Keriann Conroy

From: [Rachel Craig](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR Hearing
Date: Thursday, April 25, 2024 5:52:34 AM

Hello,

I am writing testimony for agenda item B-1 in favor of option B-3 without being subject to access easement by RP21. I am also expressing support for option C4.

I do not support using public lands for hotel operations. These lands should be returned to the native Hawaiian people.

Thank you,
Rachel Craig

Sent from my iPhone

From: [David ORourke](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony for prevention of use in public lands for hotel operations coco palms
Date: Thursday, April 25, 2024 7:23:04 AM

I testify for the prevention of use in public lands for hotel operations moving into Coco Palms property. The land should be accessed to the public instead of hotel operations. Kauai already has so much hotels. Just across the street from coco palms there are hotels right on the beach. The amount of resources a hotel needs to sustain its self is a lot, Kauai has to sustain its community and to provide for another hotel would put a heavy impact on our resources.

If a hotel were to be built at Coco Palms it would cause lots of traffic than there already is, it would put stress on the environment around wailua. I think the Coco Palms property should be access to a museum to give back knowledge to the community and visitors.

Mahalo, and thank you for considering my testimony.

From: [Nani D-H](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony - Wailuanui Petition Opposing Hotel Development
Date: Thursday, April 25, 2024 7:44:50 AM

Aloha Board of Land and Natural Resources,

My name is Nani Dapitan-Haake and I am from Lahaina, Maui.

I want to offer my testimony regarding agenda item D1 at hand and express my support for the issuance of Revocable Permits (RPs) being given to I Ola Wailaunui. I oppose the utilization of these state parcels for the purpose of resort development.

My testimony favors option B3, which does not require an access easement by RP21. Furthermore, I endorse option C4.

I urge the board, as the custodians of this vital site, to safeguard it and entrust its care to those who live and work on this 'aina.

It is imperative that we advance toward sustainability and enhance the quality of life for the community.

--

mahalo,
nani dapitan-haake

From: [Talia Fermantez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Agenda Item D-1 (April 26, 2024)
Date: Thursday, April 25, 2024 6:59:01 AM

Aloha mai,

I am submitting a testimony for Agenda Item D-1 for the April 26th 2024 meeting in regards to Revocable permit parcels located in the Wailua Kai Area. I am reaching out in favor of OPTION B3, without being subject to access easement by RO21. I am also reaching out to express support for OPTION C4.

In the wake of the devastating fires in Lāhaina, it is more evident than ever that proper land and water stewardship is essential for the preservation of land, and that the sustainable use of that land is essential for the health and well-being of the community. This is not achieved by the use of lands for additional resorts and hotels.

As the home of many cultural and sacred sites (two loko'ia, a number of heiau, crown lands), it is pono to return land stewardship to the community so that they can determine the best use of the land. We have an opportunity to learn from the past, and not let Kaua'i follow the same path as law makers during the time of Lāhaina's reconstruction when multiple sacred sites were built over for resorts and hotels. Return the land to the people, who will steward in a pono way that will bring sustainable use to the community.

Mahalo nui,

Kau'i Fermantez

From: [Keala Fung](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR hearing 4/26 item D-1
Date: Thursday, April 25, 2024 6:50:30 AM

Aloha,

My name is Keala Fung and I am submitting testimony regarding agenda item D1, the Coco Palms area on Kaua'i.

I do NOT support those lands to be used to build a hotel or resort. Those lands with its cultural sites and iwi Kupuna should be preserved and managed by I Ola Wailuanui, and that organization should be granted leases for the tree parcels of land with TMK numbers 4-1-003:044, 4-1-003:017, 4-1-005:017.

I support Option B3 (regarding TMK 4-1-003:017) without being subject to access easement by RP21, and I support option C4 (regarding TMK 4-1-005:017) as well.

Mahalo for your consideration.

Keala Fung

From: [Liza Garcia](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, April 25, 2024 7:32:20 AM

Aloha Board of Land and Natural Resources,

My name is Eliza Garcia and I am from California with family on Oahu. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

Eliza Garcia

From: [Lily Gavagan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on agenda item D-1
Date: Thursday, April 25, 2024 6:22:32 AM

Aloha nui kākou,

My name is Lily Gavagan and I'm writing in support of I Ola Wailuanui who have submitted applications for granted annual leases of 3 RP parcels within the Wailua Kai area. Therefore, I'm writing on item D-1 in favor of option B3 without being subject to access easement by RP21, and I'm also expressing support for option C4.

Mahalo nui for your time,
Lily Gavagan

From: [Jenna Gerdson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Coco Palms
Date: Thursday, April 25, 2024 3:31:05 AM

Aloha Board of Land and Natural Resources,

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, with being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

In addition to using the land to honor Native Hawaiian history and culture, I would like to see the land used to honor the many Native Hawaiian and local tourism workers, one of which was my grandpa Richard Ihara, who worked at the Coco Palms Hotel. It is my hope that this land be transformed into a place of peace and rest for people who worked so hard to provide just that for an exploitative tourism industry and for people who lost so much of their culture and history and experienced great harm from the tourism industry. Please consider using the land to acknowledge the past and build a better, more sustainable future for Kauai.

Sincerely,
Jenna

From: [Zoe Gonzales](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, April 25, 2024 3:16:25 AM

Aloha Board of Land and Natural Resources,

My name is Zoë Gonzales and I am from Maui. I'm submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Zoë

From: [Cheayenne"Tagi Sales Gorg](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony Against Development
Date: Thursday, April 25, 2024 5:35:48 AM

To Whom it Concerns,

I am writing as a student, teacher, & indigenous person to to express my deep concerns regarding the ongoing development of land in Kaua'i. As someone deeply connected to the island and its ecological well-being, I feel compelled to share the insights and findings from ecological surveys and scientists, which unequivocally argue against further development of our island's delicate climates.

It is abundantly clear that the development of land in Kaua'i is not only unnecessary but also poses a grave threat to the island's unique ecosystem. Ecological surveys consistently demonstrate the fragility of our environment, highlighting the importance of preserving what remains of our natural landscapes. Attached are links to studies & articles that discuss this ongoing threat around the world in ecological destruction :

1. <https://www.un.org/en/chronicle/article/protecting-small-island-developing-states-pollution-and-effects-climate-change>
2. <https://www.nature.com/articles/s41893-023-01230-5>
3. <https://www.greenpeace.org/usa/stories/why-indigenous-environmentalism-is-more-important-than-ever/>
4. <https://www.unep.org/news-and-stories/story/indigenous-peoples-and-nature-they-protect>
5. <https://www.nature.org/en-us/what-we-do/our-insights/perspectives/indigenous-lands-development-risk-solutions-study/>

Moreover, there is a distressing history of cultural destruction in Kaua'i, perpetuated by outsiders who prioritize profit over preservation. The rampant development driven by those who prioritize financial gain has resulted in irreparable damage to our cultural heritage and natural resources. We cannot continue to support endeavors that disregard the sacredness of our land and the significance of our cultural heritage.

Instead, I urge us to seize this moment as an opportunity for cultural preservation and land conservation. By embracing eco-tourism initiatives that celebrate the unique biodiversity of Kaua'i, we can not only protect our environment but also foster a deeper appreciation for our cultural heritage among visitors and locals alike.

The sacredness of our space must be honored and protected at all costs. It is incumbent upon us to be stewards of this land, ensuring that future generations can experience the beauty and richness of Kaua'i as we have while understanding the

work their forefathers put in to provide them such space. Many could argue that “oh more green spaces still exist” but the same is perpetuates and allows developers to come in and continuously shrink what little is left. As the article by University of Hawai’i at Manoa urges, (<https://www.sciencedaily.com/releases/2024/04/240402192550.htm>) we must do our due-diligence is protecting land not only here, but as an example to the rest of the world. As they point “these crises are not isolated problems but are interwoven, exacerbate each other, and create amplifying feedbacks that pose a grave threat to both the environment and human well-being.” Let us think of the future & read the data on what short-term capital gains actually means: a less enriching future for children, for wildlife, for us.

I implore you to join me in advocating for the preservation of Kaua’i's natural landscapes and cultural heritage. It belongs to grass roots, KĀ naka led non-profits that ensure the island remains a sanctuary for all who call it home.

Warm regards,
Cheayenne’Tagi S. Gorg.

From: [Rain Hannsz](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Wailuanui testimony
Date: Thursday, April 25, 2024 7:15:59 AM

Good morning,

My name is Rain Hannsz and I am a junior at Kapaa High School. I care deeply about Kauai, for I've been surrounded by its beauty and culture for my entire life. I would like to say that another hotel is the last thing this island needs, especially one atop an important burial site. Not only would the already heavy traffic increase dramatically, but also, it would cause lots of pollution to enter the Wailua river. In the end, another hotel won't give future generations a chance to appreciate Kauai the way I do, or help to evolve away from tourism dependency.

Thank you for your consideration,
Rain Hannsz

From: [Emma Hardin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written testimony opposing Wailuanui commercial construction
Date: Thursday, April 25, 2024 4:26:57 AM

Aloha Board of Land and Natural Resources,

My name is Emma Hardin, and I am from Hawai'i Island. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui. The future of Hawaiian culture, knowledge and education depends on decisions such as this. Please consider doing what is right. These sacred grounds are no place for a resort.

Mahalo,
Emma

Sent from my iPhone

From: [Nathan Hartman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Ola Wailuanui
Date: Thursday, April 25, 2024 5:40:35 AM

Aloha Board of Land & Natural Resources,

I am Nathan Hartman. I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do not support the use of these Stare parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am submitting this testimony in support of Option C4.

Please protect not only this important site but also the detrimental impacts that a resort would have on local residents. Hand over stewardship to I Ola Wailuanui.

Thank you for your consideration,
Nathan Hartman

From: [Jordynn Haumea-Thronas](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D1
Date: Thursday, April 25, 2024 6:38:41 AM

Aloha,

My name is Kamāli'i Haumea-Thronas and I am submitting testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21, and in support of option C4.

These are the only options that are feasible for the local community and allows for preventative measures to take place in order to preserve the land. I do NOT support the use of these state parcels for resort development and use.

The group I Ola Wailuanui plans to utilize the parcel for shoreline preservation, this is not possible if there is a non-exclusive easement to RP21 Coco Palms as well.

As a native Hawaiian and resident of the ahupua'a of Wailua, the desecration of the area and unearthing of dozens of bones shows me that RP21 does not prioritize community, proper zoning (the area is a flood zone, which we witnessed firsthand about 2 weeks ago when it was 6 feet underwater), nor do they care about the history and importance of the area. It hurts my heart to see the improper utilization of land that could be rehabilitated, so the allocation of parcels to I Ola Wailuanui is the only way to see to the surrounding areas being restored.

You have a choice here to support rehabilitation of this land and to protect this sacred site so the community may see to its use as a cultural site once more.

Mahalo,

Kamāli'i Haumea-Thronas

April 25, 2024

To whom it may concern,

I am writing to express my support for I Ola Wailuanui's applications for annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017.

I believe that I Ola Wailuanui, a community organization led by Kaua'i residents, has the best interests of the community at heart and is committed to protecting the cultural and natural resources located on the land. This area, with its multiple heiaus and the bones of our ancestors still resting there, is not just a sacred cultural site, but a living testament to our shared history and responsibility.

I fully support Ola Wailuanui's efforts to acquire and restore this area, envisioning a future where it becomes a thriving cultural environment, a beacon of historic preservation, a model of land conservation, and a source of spiritual nourishment. This place should not only provide a space for Native Hawaiians, local residents, and outside guests of all backgrounds and ages to reconnect to this sacred land, but also serve as an educational hub, enlightening all about our cultural significance.

I also support Ola Wailuanui's request for option B3 without being subject to access easement by RP21 and option C4. I believe that these options will create a flourishing public space for food production and taking care of this land.

Thank you for your consideration.

Sincerely,

Millie Ho

From: [Jane Hoffman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on agenda item D1
Date: Thursday, April 25, 2024 8:02:56 AM

Good morning Board of Land and Natural Resources,

I am submitting a testimony on agenda item D1 in support of th Revocable Permits being given to I Ola Wailuanui. I do NOT support the use of these state parcels for resort development and use.

I am testifying IN support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony IN support of Option C4.

Please protect this important historical site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Jane Hoffman

From: [Amanda Holston](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Coco Palms Wailua Nui Testimony
Date: Thursday, April 25, 2024 12:53:22 AM

Hello to the Board of Land & Natural Resources,

Regarding agenda item D-1, I, Amanda Holston, am in favor of option B3, without being subject to access easement by RP21 and also support option C4. I fully support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to. Hawaii doesn't need another massive resort to siphon more resources away from its sacred land and people. Let the land be for the Hawaiian community and the residents of Kaua'i.

Best,
Amanda Holston

From: [Josiah Horner](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Thursday, April 25, 2024 3:50:04 AM

Aloha,

I wish to express my support for I Ola Wailuanui. We should be able to protect our land and provide true beauty to anyone who visits. We don't need more Hotels taking money and using the locals to support it. Let locals take care of the land and the state should support them.

Mahalo for your time,

Josiah Horner
Sent from my iPhone

From: [Nicole Hurdt](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1
Date: Thursday, April 25, 2024 2:07:03 AM

To Whom it May Concern:

I Ola Wailuanui has submitted applications requesting to be granted annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017.

In regard to agenda item D-1 I am in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

As a Hawai'i resident, I fully support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

Best Regards,
Nicole Hurdt
(303) 304-7121

From: [Kilty Inafuku](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D1
Date: Thursday, April 25, 2024 6:43:30 AM

Aloha Board of Land and Natural Resources,
My name is Kilty Inafuku, and I am from Hale'iwa, Hawai'i. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these state parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Kilty Inafuku

From: [Madisen Johnson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui
Date: Thursday, April 25, 2024 6:26:20 AM

Aloha! Board of Land and natural Resources ,

“I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to I Ola Wailuanui. “

My name is Madisen I am on big island. I have seen first hand how tourism has decimated Maui and Oahu. Please stop the destruction of environment and the dedication of Hawaiian cultures. We do not need another resort in Hawaii offering minimum wage jobs to locals keeping us completely dependent on tourism and stripping them of their agency to use the fish ponds and the land for taro. Overall I am arguing that improving ties to Hawaiian culture and sustainability should be the number one priority of Hawaii islands especially after how astronomically housing and food costs have skyrocketed since the pandemic. Protect the people and culture of Kauai.

“We fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, we do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.”

From: [Nalani Kaio](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony 4/26/24 Agenda D-1
Date: Thursday, April 25, 2024 5:42:47 AM

Aloha mai,

My name is Hailee Nalani Kaio and I am writing on behalf of the approval to option B3 and C4, for I Ola Wailuanui, INC to access easement(s) in favor of RP21 Coco PalmS LLC, Wailua, Kawaihau, Kauai, Tax Map Key(4) 4-1-003:017 (Parcel B and Parcel C).

For too long, these lands have not been able to provide enough for the community of Wailua and by giving I Ola Wailuanui, INC the opportunity to steward and restore place through cultural and sustainable practices will benefit not only the community of Wailua but for us all throughout Hawai'i.

Hawai'i needs more land in the hands of people whose missions are to provide nourishment through food production, educational and cultural well-being. As a kanaka maoli and descendant of Kauai, I know how important and impactful approving this access will be to not only the Hawaiian community but to ensure those who live here are able to sustain themselves for years to come.

Mahalo nui a malama pono

From: [Jen Kane](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Upcoming Vote - Subject D1 -Ola Wailuanui
Date: Thursday, April 25, 2024 2:02:00 AM

Aloha,

I am writing to insist that you vote with Ola Wailuanui involving subject D1 in support of option B3 and option C4. Preserve and honor the history, beauty and sacredness of these lands.

Mahalo
Jennifer Kane

From: [John Kaohelaulii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] In support agenda item D-1
Date: Thursday, April 25, 2024 7:31:46 AM

Board of Land and Natural Resources

April 26, 2024

blnr.testimony@hawaii.gov

Aloha, Board of Land and Natural Resources,

My name is John Kaohelaulii, and I am a resident of Kaua'i.

As a member of the local community, I strongly support agenda item D-1 in support of the revocable permit given to I Ola Wailuanui and to prevent the use of public lands for hotel operations. The Coco Palms Hotel, built on a cultural site, should have never been constructed in the first place. The land where the hotel stands is a sacred place that holds significant cultural and historical value for our community.

Permitting hotels or any other commercial activities on these lands is a direct affront to our culture and history. Our focus should be on safeguarding and conserving these lands for the generations to come. It is our duty to ensure that our cultural heritage remains intact, not to allow it to be eroded for the sake of profit.

I urge the board to support this agenda item and take necessary steps to prevent any further commercial activities on public lands, especially those that hold cultural or historical significance for our community. It is time for us to prioritize the preservation of our cultural heritage over short-term profits.

It is time to return this site to the community rather than to a company that only wants to make money.

Aloha and Mahalo,

John W. Kaohelaulii
blnr.testimony@hawaii.gov

From: [Sage Keller](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written Testimony for Agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui.
Date: Thursday, April 25, 2024 7:56:55 AM

Aloha Board of Land and Natural Resources,

My name is Sage Keller and I am from Kilauea, Kaua'i. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21.

I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Sage Keller, Kapa'a High School Student

From: [Mary Lu Kelley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in support for agenda item D-1 in favor of option B3
Date: Wednesday, April 24, 2024 11:29:27 PM
Importance: High

Aloha Members of the BLNR.

I am writing today in strong support for agenda item D-1 in favor of option B3, without being subject to access easement by RP21. I am also expressing support for option C4.

-
Please approve annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area as requested by I Ola Wailuanui who has submitted applications requesting to be granted. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017.

Do the right thing.

Thank you,
Mary Lu Kelley
Koloa, Kauai

Lindsey Kimoto

Maui County

Testimony for I Ola Wailuanui and Protection of Hawai'i

The Board of Land and Natural Resources members, staff, and contenders, and more, my name is Lindsey Kimoto and I would like to testify on behalf of the agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

I believe this is the best action we shall take for the island of Kauai in efforts to protect the cultural and natural resources located on the lands in order to create a flourishing site that benefits the community and environment.

From: philipki@hawaii.edu
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR Meeting - April 26, 2024
Date: Thursday, April 25, 2024 7:57:39 AM

Aloha,

Aloha Board of Land and Natural Resources,

My name is Philip Kitamura and I am from Manana, O'ahu. I'm submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please consider the potential impact on the community and the habitat potential for water birds that can be co-managed if I Ola Wailuanui were stewards. It could be great potential for translocation and reintroduction of the alae ula.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

I am also submitting testimony on agenda item C5 & C6 relating to the administrative fines for the take of the mōlī and the nalo mele maoli. Please remind LKG HI Properties, LLC (Sushil Garg as managing agent), Yue-Sai Kan Trust (Yue-Sai Kan as Trustee), Sushil Garg, individually, Yue-Kan, individually, and Benjamin Lassary, individually, that their actions are not without consequences. Especially after they were given previous warnings for stewardship.

Mahalo,
Philip Kitamura

From: [Fred Kuch](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR April 26, 2024 Agenda DOFAW Item C-6
Date: Thursday, April 25, 2024 4:59:04 AM

Aloha Chair Chang and Members of the Board,

My name is Frederick Kuch, Ph.D. My family and I are frequent visitors to Hawai'i for both academic business and for personal enjoyment.

I write in strong support of Items C-5, C-6, and K1, the DOFAW and OCCL enforcement actions for the death and destruction of native Laysan Albatross and Yellow-Faced Bees and their coastal habitat at Marconi.

As the DOFAW and OCCL submittals explain in detail, the death of Ho'okipa and 300 Yellow-Faced Bees, 106 trees, and two acres of habitat is a tragic loss of our native species.

The alleged actions of the developers/owners and their agents indicates intentional, reckless, and careless actions that violate our state laws that protect these species and their habitat.

The alleged violations are very serious, numerous, and deserve the substantial fines and remedies as proposed by DOFAW and OCCL.

Mahalo for standing up for our native species and ecosystems and for supporting the proposed enforcement actions!

Frederick Kuch, Ph.D.

From: [Ginger Kwan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony, Item D-1: No Coco Palms resort in Wailuanui, Kaua'i
Date: Thursday, April 25, 2024 5:38:29 AM

Aloha iā kakou -

I am writing this email to urge you to not allow this area in Wailuanui, Kaua'i to be developed as a resort and to instead allow I Ola Wailuanui to acquire, restore and protect this land. As a Kanaka Maoli, I feel very strongly about protecting all of our lands, particularly those that are considered culturally significant lands. As you likely know, this land contains several culturally significant spaces including:

- two loko i'a
- burial site of numerous iwi kūpuna
- several heiau

There is no need for a resort in this area, particularly not on land with such cultural significance. I appreciate your time and consideration in this matter. Please vote to protect this land from resort development.

Mahalo,
Ginger Kwan

From: [Leilani Laranio](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] RE: AGENDA ITEM D-1
Date: Thursday, April 25, 2024 7:20:18 AM

To whom it SHOULD concern,

This is my written testimony that strongly supports the Petition to Revoke, and oppose any hotel development pertaining to Coco Palms Hotel. In response to agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

I grew up in the era right after iniki, my 2nd birthday that day, where coco palms was always boarded off from the public's access. And by public I MAINLY mean kānaka. I was, and still am, grateful to have grown up in Wailua. But as near and dear as this sacred location was, and still is, it feels as if I don't truly know my home at all. Most my life it was just a majestic scene in history that I got glimpses of on my daily drive by's.

Wow, and would you look at that, over thirty years later I am only still able to do this. The same thing. The drive by's. Wondering why. And enduring painful cries. I cry because one thing that did change is my understanding and my love and appreciation for my 'Āina. I am no longer blinded by your constant distractions in the media, on television, in re-written history, on the news, the "rewritten holy docs", etc, deterring our people from what is rightfully ours. You ban my kūpuna from living our Hawaiian ways and instill lies into our youth. If you were truly leading with your na'au, and not your humanistic egotistical ways you would have some moral knowledge to try and learn about the history and the sacred practices our kūpuna indulged here. Then maybe you could comprehend atleast a fraction of the capacity of the mana this 'Āina holds for itself and its people (kānaka maoli). And if you are a kānaka standing against your own people for money, greed, and/or fame...I truly feel bad for you because it shows how lost and misinterpreted your perspective of your "home" is. If you really felt the mana and connected with the 'Āina and kou Ke Akua then you would understand why we are here fighting for what we love. I say love because I know hurt, I know pain, I know trauma. Our kūpuna suffered. Our home has gone through so much. And our people have gone through enough.

If you claim that this will solve a lot of employment options. I can think of so much other community related employment opportunities that can be created to benefit the land and all the people, mainly the local community, for futures to come. I could continue trying to name and convince aaaalllll this creativeness with you to try and sway your intentions of the proposed development of Coco Palms but why waste my mana'o? You most likely don't have the capacity to truly see the vision because you are overrun with wrong moral meaning and probably running toxic mental behavioral patterns. Which tbh is totally okay, no shame. It is something that can be healed so you can prosper in all aspects of life in healthy ways.

HEWA actions are also needed to be addressed. Two look i'an are still present on the Cocopalms property, Loko Hakuone, and inland fishponds Weuweu Kaiwi'iki. The resort was also built over Mahunapu'uone burial grounds, unearthing 34 iwi kūpuna while doing construction. How would you feel if we dug up your ancestors for greed and money????! Also last but not least, THIS IS CROWN LANDS!!! Screw your overdevelopment and do what's PONO!

If y'all can't flat out give our illegally taken land back to give us the opportunity to properly choose via free will theennnn I would propose an integrative "community" that is geared towards historical education and spreading awareness through alternative medicine such as lā'au lapa'au, traditional Chinese medicine, Quantum healing, etc. Which could also have a facility that helps those looking for healing, find it whether it be mental, physical, behavioral, and/or spiritual. Or even a system that helps those coming out of the system get their lives back on track and not their foot back in the revolving door through integrative educational OJT's (on the job training) that serves themselves and the community. Oooo, maybe even locally grown and sustainability options for the community that can be for food, medicine, housing, clothing, etc. through fruits, herbs, hemp, etc. And I tell ya the list goes on. While that list goes on, employment opportunities also could go on and on. Even expand production sales out of state if so we please.

On the down side the currents NEEDED to mention...the continuous desecration, the constant flood areas, ALREADY high traffic problem areas, the minimal hotel property ratio-to road-to beach area, and so on and so forth. Heck! It would be better off being affordable housing for LOCAL COMMUNITY as well. If you did not catch my drift yet, the point I am getting at is that this location has the potential to be a multi-diversity for the greater good. So stop your bullshit haole mentality. As you can see time and time again, from the people and the land, we don't want it and it doesn't belong here!!!

With love yours truly,
A healing kānaka maoli
(Leilani Kamawailualani Laranio-Panui)
Eō!

From: [Leslie Larsen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] agenda item D-1 in favor of option B3 (without RP21) & option C4
Date: Thursday, April 25, 2024 2:33:32 AM

Aloha Board of Land and Natural Resources,

I submit testimony to you to ask that you please grant these sacred public lands for use and stewardship by I Ola Wailuanui to preserve the cultural heritage and open access for all people instead of further development by and benefit of Off Island Interests.

This land is a significant part of the heiau chain that tells Kaua'i history and ecologically significant flood and coastal erosion control nature designed to protect Kaua'i in the future. Hundreds of tons of construction material, cars and flushing toilets in this location is a horrible proposition that you alone can now stop by awarding granting it to I Ola Wailuanui.

I Ola Wailuanui has submitted applications requesting to be granted annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017.

Option B3 is regarding TMK 4-1-003:017, which is situated on the corner of Kūhiō Highway and Kuamo'o Rd. The option suggests "issuance of direct lease to I Ola Wailuanui, Inc. for parking, landscaping, and beautification purposes, subject to access easement(s) in favor of RP21 Coco Palms, LLC".

I fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, I do NOT support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

Option C4 is regarding TMK 4-1-005:017, which is situated makai of Kūhiō Highway. Option C4 suggests "issuance of direct lease to I Ola Wailuanui, Inc. for public access and shoreline preservation initiatives (not subject to any easement in favor of RP21 Coco Palms, LLC)".

Mahalo Nui Loa,

Leslie J Larsen, former resident Anahola

505/692-4688

From: [Crystal Ledesma](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Thursday, April 25, 2024 4:33:29 AM

I would like to submit my statement on agenda item D-1. These land should not be used for hotel operations. There are enough hotel options and more land needs to be dedicated for historic preservation and the protection of the natural beauty that makes Kauai so special. I stand behind I Ola Wailuanui application as it would accomplish, historic preservation, and protection of the natural beauty of the land.

Thank you.

From: [Danielle Elese](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Save this Sacred Land from Development
Date: Thursday, April 25, 2024 6:00:55 AM

To those in power,

I implore you to save this sacred land from further exploitation. I Ola Wailuanui has submitted applications requesting to be granted annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017. I fully support I Ola Wailuanui on agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as express support for option C4.

Option B3 is regarding TMK 4-1-003:017, which is situated on the corner of Kūhiō Highway and Kuamo‘o Rd. The option suggests “issuance of direct lease to I Ola Wailuanui, Inc. for parking, landscaping, and beautification purposes, subject to access easement(s) in favor of RP21 Coco Palms, LLC”. I fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

Option C4 is regarding TMK 4-1-005:017, which is situated makai of Kūhiō Highway. Option C4 suggests “issuance of direct lease to I Ola Wailuanui, Inc. for public access and shoreline preservation initiatives (not subject to any easement in favor of RP21 Coco Palms, LLC”.

In the spirit of ALOHA in the protection & PONO of this aina. I ask for this to be a small step towards the restoration of the island of Kauai.

Danielle Elese Leolani

From: [Jasmine Lua](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D1
Date: Thursday, April 25, 2024 5:44:19 AM

Aloha Board,

My name is Jasmine Lua and I am a student at Windward Community College with family ties to both O'ahu and Kaua'i. I'm submitting testimony on agenda item D1 in support of the RPs being given to the organization I Ola Wailuanui. I do not support the development of this land into a resort or the sale to developers with the intention to build.

Wailua is culturally significant. It contains the bones of our ancestors, six heiaus at which they worshipped, two loko i'a with which they sustained themselves. This is a place of rich culture and structural support for our Kingdom and people, not a place to make rich outsiders even richer while extracting further from the land and resources.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please allow true stewardship to occur with this land by allowing I Ola Wailuanui to restore and sustain it.

Mahalo,

Jasmine Lua

From: [Ari Makasiale](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Wailuanui
Date: Thursday, April 25, 2024 7:31:40 AM

Aloha,

Board of Land and Natural Resources, My name is Ariana Makasiale from Makaha, Oahu. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to | Ola Wailuanui.

Mahalo,
Ariana Makasiale

From: [Darrian Muraoka](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR Hearing 4/25/2024
Date: Thursday, April 25, 2024 7:35:18 AM

Aloha Board of Land and Natural Resources,

My name is Darrian and I am from Kekaha, Kaua'i. I am submitting testimony on agenda item D1 in support of the Revicable Permits being given to I Ola Wailuanui. I do not support the use of these state parcels for resort development and use. I am also testifying in support of option B3, without being subject to access easement by RP21. I am also submitting testimony in support of Option C4. Please, protect Wailua by giving them to the right stewardship members, I Ola Wailuanui. In the recent storm event Kaua'i had, it was an important learning lesson that resorts should NOT be built in this zone. We need to mālāma this zone for future generations to come.

Mahalo,

Darrian Muraoka
Kaua'i Resident

From: [Selina McManus](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui
Date: Thursday, April 25, 2024 3:07:17 AM

Aloha Board of Land and Natural Resources,

My name is Selina McManus and I am a Native American from the San Francisco Bay Area. I am writing in support of I Ola Wailuanui in regards to agenda item D1. The revocable permit should be given to I Ola Wailuanui. As a Native American I do not support the use of Native lands being used for resort development. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting support of option C4.

Keep Hawaiian land in Hawaiian hands. Mahalo nui!

In solidarity,

Selina McManus
(510) 816-0478

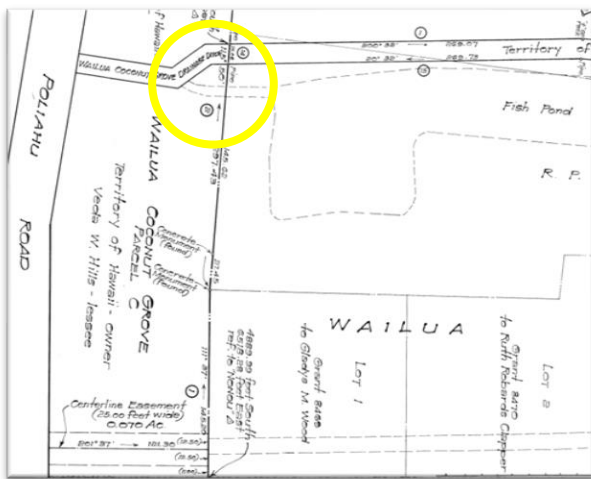
Aloha Chairperson Dawn Chang and Commissioners Kaiwi Yoon, Aimee Barnes, Karen Ono, Vernon Char, Doreen Canto, and Riley Smith,

I support I Ola Wailuanui’s vision and Options B3 and C4 for a direct lease of the two parcels.

As the former Chairperson for the State’s Legacy Land Conservation Commission, I am familiar with evaluating applicants to receive state funding from the Land Conservation Fund. I have also served the State by offering my expertise on the Hawaiian hoary bat task force of the Endangered Species Recovery Committee. I presently work as a Geographic Information Systems Specialist for an environmental non-profit. I offer this testimony as a private citizen who owns a home about 1/3 mile from Coco Palms.

I Ola Wailuanui’s vision for Parcel B (the Kuamoo corner parcel; TMK 4-4-1-3-17) includes landscaping and beautification. They are aware that the parcel borders the state-owned drainage canal and that a fishpond on the adjacent property connects to the drainage canal through Parcel B. Consequently, **the site provides habitat for endangered waterbirds. IOW’s vision includes protection of this habitat.**

The old map ([Map 1](#)) on the left shows the area where the fishpond drains into the canal as it runs through the said parcel. The image on the right shows how it appears in Google Earth (5/23/19).



“Photograph 2: View, facing west, of the convergence of the fishpond and ditch located on the southern end of the Site. Photograph taken by Rande Tubal on November 27, 2023.”

Note that the state-owned drainage ditch connects to the fishpond before leaving the Site.

Source: Hawaii Department of Health, Clean Water Branch, Complaint Inspection Report, Nov 27, 2023.



The presence of endangered moorhen ('ālae `ūla) in the lagoon/fishpond is well documented. In a YouTube video, "Gus The Duck Has Friends," posted April 2020 by Bob Jasper, one can see a young moorhen being fed by its parents. (Screenshots from video below.)



Gus The Duck Has Friends!



Gus The Duck Has Friends!

Notice lush vegetative cover along the lagoon in **Apr 2020**.



Gus The Duck Has Friends!



Gus The Duck Has Friends!

In comparison, look at the cleared vegetation along the lagoon in **Feb 2024** from screenshot of the YouTube video posted by Bob Jasper, called [Coco Palms Demolition Part 2](#).



Coco Palms Demolition Part 2

There has been a significant alteration of the breeding habitat of the endangered moorhen by RP21. Without vegetative cover the birds are exposed to predators; hence their survival is threatened.

As far as I am aware, RP21 had not consulted with the DLNR or USFWS. At the March 2024 meeting of the County of Kauai's Planning Commission, Mauna Kea Trask said that Coco Palms Hui LLC had consulted with USFWS and provided two emails and referred to an AECOS report. (The AECOS report noted the

presence of 1 coot, 7 ducks, and 7 moorhens. Unfortunately, it didn't say that bird habitat should not be modified.)

The problem is that RP21, the landowner of the lagoon parcels, and Coco Palms Hui LLC with whom the USFWS supposedly consulted are two different companies even though they have the same parent company. I argue that RP21 should apply for an incidental take permit (if eligible) because they are the landowner, not Coco Palms Hui. Any “take” (i.e., killing, harming, harassing) is their responsibility.

Whatever the case, the destruction of breeding habitat on RP21’s lands indicate that they are poor stewards of the endangered bird habitat that exists, or recently existed, on site.

Should you approve a permit or lease to them over Parcel B, you can look to their past actions for what will likely occur in the future.



Coco Palms Demolition Part 2

Sincerely,

Theresa Menard

Kapa'a Kauai

From: [Mariah Metzger](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written Testimony
Date: Thursday, April 25, 2024 7:51:26 AM

Please respect Hawaiian sacred grounds & culture. Do not build a resort on this land.

Mahalo nui,
Mariah Metzger

From: [Kealohi Minami](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony Agenda Item D-1 in BLNR Hearing 4/26/24
Date: Thursday, April 25, 2024 7:41:01 AM

Aloha,

I am submitting my opinion that fully supports I Ola Wailuanui Inc. to have the authority to influence the future impacts of Wailuanui lands. Option B3 is regarding TMK 4-1-003:017, which is situated on the corner of Kūhiō Highway and Kuamo‘o Rd. The option suggests “issuance of direct lease to I Ola Wailuanui, Inc. for parking, landscaping, and beautification purposes, subject to access easement(s) in favor of RP21 Coco Palms, LLC”. I fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

I also support them to be leased the land moving forward. Option C4 is regarding TMK 4-1-005:017, which is situated makai of Kūhiō Highway. Option C4 suggests “issuance of direct lease to I Ola Wailuanui, Inc. for public access and shoreline preservation initiatives (not subject to any easement in favor of RP21 Coco Palms, LLC”. The last thing Hawai‘i needs is more multi-million tourist ventures that have proven detrimental to the natural resources and wellbeing of the land and community. Please take this into consideration so we can move towards revitalizing the life of the land in the face of climate change, rather than trying to extract as much resources as possible.

Thank you,

Kealohilani Minami

From: [Micah Mokuahi](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] AGENDA ITEM D-1
Date: Thursday, April 25, 2024 7:54:17 AM

Amber Kalikolehua Mokuahi
6673 Pu'upilo Pl
Kapa'a, HI 96746
mokuahiohana@gmail.com

25 'Apelila 2024

Aloha kākou,

I strongly support I Wailuanui acquiring the revocable leases in Wailua Kai. Our 'āina is already facing the possibility of a huge resort. Our people need spaces to connect and learn the wonderful history and resources of this sacred place.

My name is Amber Kalikolehua Mokuahi. I was born and raised in the moku of Puna and the ahupua'a of Wailua. I am a wife, mother, educator and community advocate.

Wailua is a sacred space with many wahi kupuna. There are loko i'a: Loko Pu'uone, Weuweu, and Kaiwi'iiki. There is a significant burial ground, Mahunapu'one, which has been disturbed during the recent construction of the new resort. This is crown lands with the pohaku ho'ohānau where ali'i were born and raised. Wailua is home to many heiau stretching from the kai to the kuahiwi. It is also where we can find the Wailua river which the famed ali'i Kaweloleimakua paddled daily.

I have found that many, both residents and visitors, aren't aware of the cultural and historical significance of these spaces. The tourism industry and recent influx of residents from the continent has changed the landscape of our home. We need spaces where both residents and visitors can connect to 'āina, mo'olelo, 'ike kupuna and kuleana. Our keiki need opportunities to learn from 'ōiwi leaders who can help them to connect to the significance of these wahi while instilling in them a sense of belonging and kuleana to preserve and perpetuate the 'āina and 'ike. This is why I strongly support I Wailuanui acquiring the revocable permits (Option B) so that they can establish a place of cultural enrichment, historic preservation, land conservation and spiritual nourishment. This could also be a space that is returned to 'āina momona, a land of abundance. Our kupuna were brilliant and understood how to best utilize the resources of an area. Let's look to them to see how we might move forward for future generations.

As the Board of Land and Natural Resources you have the opportunity to support the

creation of a space that would benefit our community and 'āina greatly. We don't need any more spaces designed specifically for visitors. We need spaces that will help both our residents and visitors to reconnect and understand the kuleana we have to this sacred space. We have spaces such as these in different moku. The impacts have been significant for keiki, 'ohana and community. We need a space such as this in Wailua. As our revered ali'i once shared that has been confirmed in our state motto, ua mau ke ea o ka 'āina i ka pono. Let the life of the land be perpetuated in righteousness by returning these spaces to places that honor the wisdom of our kupuna.

Mahalo nui for your attention to this matter.

Me ka ha'aha'a,

Amber Kalikolehua Mokuahi
Kama'āina o Wailua

From: [Darrian Muraoka](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR Hearing 4/25/2024
Date: Thursday, April 25, 2024 7:35:18 AM

Aloha Board of Land and Natural Resources,

My name is Darrian and I am from Kekaha, Kaua'i. I am submitting testimony on agenda item D1 in support of the Revicable Permits being given to I Ola Wailuanui. I do not support the use of these state parcels for resort development and use. I am also testifying in support of option B3, without being subject to access easement by RP21. I am also submitting testimony in support of Option C4. Please, protect Wailua by giving them to the right stewardship members, I Ola Wailuanui. In the recent storm event Kaua'i had, it was an important learning lesson that resorts should NOT be built in this zone. We need to mālāma this zone for future generations to come.

Mahalo,

Darrian Muraoka
Kaua'i Resident

From: [Jesse Noone](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR Hearing
Date: Thursday, April 25, 2024 3:41:13 AM

Good morning,

As someone who was raised on the North Shore, I understand the cultural, historical, spiritual, and resource significance that this site provides. I also understand the bottleneck situation travelling in that area on Kuhio Hwy. Logistically speaking alone, the private development for a resort on that site under any scale - during construction and thereafter with thousands of tourists extracting their personal interests - will not only severely impact local but regional accessibility. Plainly speaking, there are enough resorts.

Yet, this is clearly not the most significant issue. The Kaua'i Planning Board has an opportunity to reparate the cultural destruction, burial upheavals, and centuries of loss to spiritual ties and local landmarks by centering locals and bringing its sovereign culture to the forefront, Choosing cultural education for future generations, mitigating impacts of tourist industry exploitation, climate change outcomes, and restoring cultural and spiritual sites in this choice has the opportunity to make a positive impact for thousands of Kanaka Maoli for decades and centuries to come.

Do something different. Do it for Lahaina. Do it for your past and your future. Don't succumb to capitalist venturism.

Thank you,

Jesse Noone
Regional Planner
Northeastern Vermont Development Association

From: [Dana Norman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for 4/26/24 BLNR Hearing
Date: Thursday, April 25, 2024 3:22:11 AM

Dear Aloha Board of Land and Natural Resources,

My name is Dana and I am reaching out to you from New York. I would like to submit testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and/or use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui. Keep public lands for public good, not for just for tourism.

Mahalo,
Dana N.

From: [Annika Nozaki](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, April 25, 2024 12:55:29 AM

I am submitting testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

I support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

-Annika Nozaki

From: [Karlie O'Rourke](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui
Date: Thursday, April 25, 2024 3:33:04 AM

Aloha Board of Land & Natural Resources,

I am Karlie O'Rourke and I am from the Wailua Homeateads of Kauai. I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do not support the use of these Stare parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am submitting this testimony in support of Option C4.

Please protect not only this important site but also the detrimental impacts that a resort would have on local residents. Hand over stewardship to I Ola Wailuanui.

Thank you for your consideration,
Karlie O'Rourke

From: [Melody Ozuna](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 4/26 MEETING OF THE BOARD OF LAND AND NATURAL RESOURCES
Date: Wednesday, April 24, 2024 11:17:03 PM

Aloha Board of Land and Natural Resources,

My name is Melody and I am a local from Maui. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui. We have many Mahalo,
Melody

From: [Patti Patel](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Thursday, April 25, 2024 12:52:00 AM

Please allow the people of Kauai to have their land in the Wailua Kai area back. It is culturally significant to them and it is flat out not right to grant that land to a developer.

Thank you,

Patti Patel

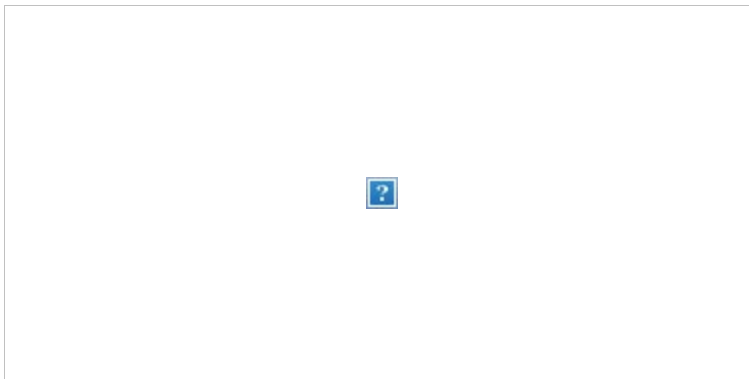
From: [Brittney Perez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Cocopalms auction
Date: Thursday, April 25, 2024 6:52:57 AM

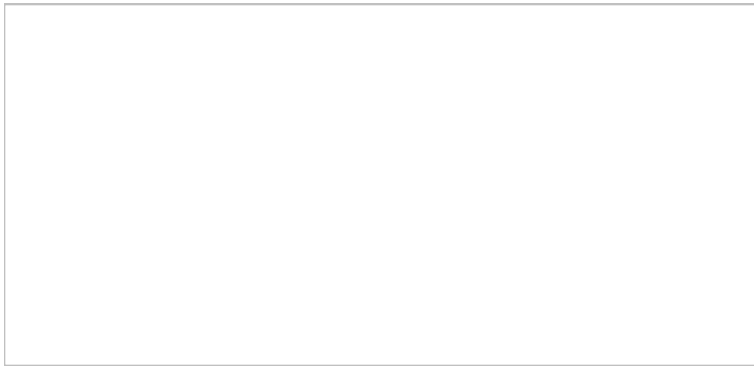
I Brittney (Kulanui) Perez oppose the auction and plans to build another resort we don't need nor can the infrastructure in Kapaa handle. Furthermore the current hotels and other establishments on island already have an incredibly difficult time being staffed as more people are priced out of affording to live here and are forced to move away as a result. Also, I Ola Wailuanui has submitted applications requesting to be granted annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017. I Ola Wailuanui is asking supporters to submit testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

Option B3 is regarding TMK 4-1-003:017, which is situated on the corner of Kūhiō Highway and Kuamo‘o Rd. The option suggests “issuance of direct lease to I Ola Wailuanui, Inc. for parking, landscaping, and beautification purposes, subject to access easement(s) in favor of RP21 Coco Palms, LLC”. We fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, we do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

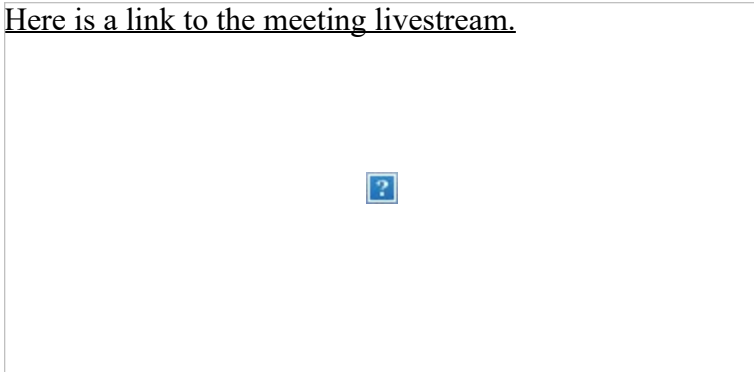
Option C4 is regarding TMK 4-1-005:017, which is situated makai of Kūhiō Highway. Option C4 suggests “issuance of direct lease to I Ola Wailuanui, Inc. for public access and shoreline preservation initiatives (not subject to any easement in favor of RP21 Coco Palms, LLC”.

The BLNR, Hawaii Tourism Authority and self acting State of Hawaii all need to stop pretending that the lands of Hawai'i are solely a playground for tourist, this is a lived in place for real people with real needs beyond a frivolous vacation once a year.





Here is a link to the meeting livestream.



From: [Anna Kolea Praywell](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui
Date: Thursday, April 25, 2024 6:20:01 AM

Aloha e BLNR,

I am writing to you to oppose the construction of the resort in Wailuanui. The cultural sacredness of this site is at risk of being desecrated by the construction of the resort. The heiau (temples), iwi kānaka (bones of Hawaiian people), and loko i‘a (fishponds) denote this location as one that is rich in mana (power) and require reverence. As Kānaka, we vocally demand that same respect that the land requires.

I understand that the opinions of the Kānaka Maoli, the land’s native occupants, are only considerations in the leasing and construction process. However, I plea that you involve us in this and future events in order to help us obtain justice and respect. I acknowledge that the profit of the resort will have economic benefits for quite a few individuals; however, the loss of this land will have repercussions on generations for lifetimes. The loss of this site would play an active role in the undermining of cultural identity existence for current and future Kānaka Maoli.

I ask that you yourselves consider what is sacred to you and what you would give to preserve the love those things deserve. Whether it be a child, a family member, a spouse, a home, a town, a church, a hiking spot, a car, a book, a graveyard, a beautiful view, or anything in between, I want you to protect the things that you love. I ask that you empathize and garner that same respect to us. We are not a little nation that is getting in the way of your project. We are your neighbors, your brothers, your sisters, and your friends pleading you to reciprocate the same love that we would show to your sites of sacredness.

Mahalo for your time.

A hiki i ka aloha ‘āina hope loa.

From: [Penina Kwock](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Item D-1
Date: Thursday, April 25, 2024 12:14:07 AM

Aloha,

I am submitting testimony for agenda item D-1 in support of I Ola Wailuanui Inc. and option B3 without being subject to access easement by RP21, as well as expressing my support for option C4.

Another reason why I support I Ola Wailuanui is because they want to preserve the land. I fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, we do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

As someone who grew up in Hawaii's and has seen my fair share of changes and buildings being built and tourism expanding, I am in favor of keeping that land away from development. That is already a congested area on the island and to add more congestion and more tourism does not make sense and directly impacts the local residents negatively. That land is meant for the people of Hawaii not for the tourism industry. That land is also rich with history and has meaning to the Hawaiian people.

Mahalo,

Penina Ramos

From: [Kiana Reeves](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written Testimony: Keep the Coco Palms for
Date: Thursday, April 25, 2024 4:54:06 AM

Aloha Board of Land and Natural Resources,

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

As a long time Kauai resident I have continually seen the use of sacred lands given to land developers. Our local government has continued to prioritize money over people, tourism and profit over community sustainability and stability. While this proposed development may provide jobs (which is always the response) it is not the true solution to the problems. You know the only people who truly benefit are the hotel developers.

This Land should be given to the people of Hawaii and used to enrich the local community.

Over the last decade real estate in Kauai has skyrocketed. People who grew up here can barely afford to live here. We need our politicians to make decisions based on the good of the people they govern, not the interest of business people and developers who want to make money off of the Hawaiian lands.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.
Mahalo,

Kiana Reeves

From: [Bianca](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Protect this natural environment and culturally important land
Date: Thursday, April 25, 2024 7:01:21 AM

Aloha Board of Land and Natural Resources,

My name is Bianca Reimers and I am from Colorado. I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do not support the use of these state parcels for resort development and use.

It is incredibly important that we protect our natural environments. I grew up in a place where I have repeatedly seen natural environments exploited for the purposes of tourism and greed. It is not only heartbreaking to see the destruction of the land that makes these places so special, but it is also devastating for the biodiversity and ecosystems that belong there. Moreover, this parcel has cultural significance and further desecration of this land that belongs to Native Hawaiians would be a gross injustice and show flagrant disregard for the sacred religious sites and burial grounds that are there.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo,
Bianca Reimers

From: [Juliana Rhee](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1, options B3 and C4
Date: Thursday, April 25, 2024 5:01:09 AM
Attachments: [Outlook-ki3d0mlb.png](#)

Aloha kakahiaka,

I'd like to submit testimony in support of I Ola Wailaunui, Inc.'s request for property stewardship through annual leases of three parcels in the Wailua Kai area, as well as shoreline preservation initiatives.

These lands not only rightfully belong to Native Hawaiians and should be kept in their hands, they have incredible cultural significance, encompassing Crown Lands, multiple sacred Heiau, and the burial sites for many iwi kūpuna, 34 of whom have already been unearthed and disturbed from their rest during construction. Kaua'i does not need another \$400 million resort that will no doubt negatively impact the land, the already vulnerable animals and plants who inhabit it, and the already pressing water shortage among the islands.

Let I Ola Wailuanui establish a place for community building, cultural enrichment, learning, conservation, native food production, and reconnection. Hawai'i has lost much of its land to harmful development and economic greed for so long. Be part of the change to keep these lands in the hands of those who truly care for them and preserve Indigenous culture, sovereignty, and life.

Mahalo nui,

Juliana



Juliana Rhee (c/o 2025)
College of Arts and Sciences
Environmental Studies
Cell: (808) 460-0385

From: [Racine Robinson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony Statement to support I Ola Wailunai's submitted application regarding item D-1 for option B3 and C4
Date: Thursday, April 25, 2024 7:55:13 AM
Attachments: [image001.png](#)

Aloha mai kakou,

I am writing this testimony statement to support I Ola Wailuanui's submitted application requesting to be granted the annual leases of three Revocable Permit (RP) parcels located in the Wailua Kai area ((TMK numbers: 4-1-003:044, 4-1-003:017, 4-1-005:017).

I am writing to support item D-1 in favor of option B3, however I do not support the parcels being subject to access easement by RP21. I support option C4 for public access and shoreline preservation initiatives.

I fully support to allow I Ola Wailuanui to steward these properties and provide public use, and I do not support utilizing public lands for hotel operations.

Option C4 is important as climate change and natural disasters will continue to uniquely affect the islands of Hawai'i and protecting shorelines is of the utmost importance, as these areas can be restored to create buffers from sea level rise and increasingly devastating storms.

Supporting item D-1 (option B3) is important as increased development in Hawai'i continues to displace Native Hawaiians, especially considering the cultural significance of Wailua Nui with two loko i'a still present on the resort property. These historic inland fish ponds need to be protected. Additionally, this area is home to multiple heiau. Having an organization led by Kaua'i residents striving to protect the cultural and natural resources located within this area to establish a place of cultural enrichment, historic preservation, land conservation, and spiritual nourishment is so important for the future of Hawai'i.

In addition to the importance of protecting culturally important areas and natural resources from development, this area on-island is already one of the worst areas for traffic, and I do not believe there are appropriate resources to sustain such increased tourism in the area, resulting in increased negative impacts to local commutes.

As a wetland scientist, I have seen first hand why the conservation and protection of natural resources has never been more important than it is right now. It is integral to recognize previous economic support from tourism is not sustainable long-term, and creating culturally rich protected areas will ensure longevity for the people in these communities.

Mahalo,

Racine Cachola
Wetland Scientist



Environmental Science & Assessment, LLC

From: haunani@aloha.net
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1 Coco Palms Hotel, Kauai island
Date: Wednesday, April 24, 2024 11:31:43 PM

Aloha Board of Land & Natural Resources,

My name is Haunani Rossi and I am a Native Hawaiian and land owner with property on Koki Road close to the Coco Palms Hotel.

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I DO NOT SUPPORT the use of these State parcels for resort development and use.

I am testifying in support of Option B3 without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

In March 2023, I witnessed the dumping of coconut trees and green waste from the Coco Palms Hotel in un-marked dump trucks and have photos of the area where the dumping took place on Koki Road. All coconut trees and green waste that was removed from the Coco Palms Hotel was to be transported to Heart and Soul Organics in Moloaa, Kauai and not dumped on Koki Road. As I drive pass this area where the dumping took place, it still has not been cleared and is now completely overgrown with more weeds and guinea grass.

Do we want to award parcels of state land to bad stewards of the aina? What message will this send to our local farmers, children, and grandchildren about caring for the aina?

I humbly ask that we protect the aina and hand over stewardship to I Ola Wailuanui.

Mahalo,

Haunani Rossi

From: [Rachael Rovniak](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR HEARING
Date: Thursday, April 25, 2024 3:02:23 AM

I am sending a written testimony in support of grass roots, kānaka led non-profit focused on aloha 'āina.

There are not appropriate resources to sustain such increased tourism activity in the area. It will severely negatively affect the wellbeing of local residents.

Give Hawaii back to the native Hawaiians!

Kindest regards,

Rachael Rovniak

From: [angie.rutan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] PRESERVING, PROTECTING AND RESTORING WAILUANUIAHO
Date: Thursday, April 25, 2024 12:00:42 AM

Hawaii is in serious danger of losing its sacred beauty, and cultural heritage that makes it so special Who is willing to, and why would they, be willing to sell ancestral land to the highest bidder? To knowingly allow exploitation of a cherished landmark for corporate greed?

Please support option B3, without being subject to access easement by RP21, as well as support for option C4.

Keep Hawaii Hawaiian

From: [Joel Schwartz](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D1
Date: Thursday, April 25, 2024 6:46:44 AM

Aloha Board,

My name is Joel Schwartz. My wife has native family ties to both O'ahu and Kaua'i. I'm submitting testimony on agenda item D1 in support of the RPs being given to the organization I Ola Wailuanui. I do not support the development of this land into a resort or the sale to developers with the intention to build.

Wailua is culturally significant. It contains the bones of ancestors, six heiaus at which they worshipped, two loko i'a with which they sustained themselves. This is a place of rich culture and structural support for the Kingdom and people, not a place to make rich outsiders even richer while extracting further from the land and resources.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please allow true stewardship to occur with this land by allowing I Ola Wailuanui to restore and sustain it.

Thank you,
Joel Schwartz

From: [Noel Shaw](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Agenda Item: D-1
Date: Thursday, April 25, 2024 6:53:46 AM

Aloha,

I am writing in support of I Ola Wailunani's request for leases in Wailua Kai. I am in favor of the option B3 without being subject to easements by RP21 as well as expressing support for option C4.

Please move to have the sacred lands of the Wailua river be used for public good and not for resort development. As someone who grew up going to Kapaa all my life to visit my grandparents who lived there, the area needs to be something that honors the heritage and history of the space and does not further congest the limited road way.

Also in a time of increased rainfall and climate change, we need to make decisions with our land base and resources that are more in alignment with reciprocity and the ability to adapt if a natural disaster strikes. Like recently how the area flooded and a large crane crashed into the over pass bridge.

The lease to I Ola Wailunani is in alignment with a better future for Wailua and for Kauai as a whole. We are collectively moving toward serving public interest of Hawai'i's people and away from outside interest of temporal visitors or outside investors. Be in alignment with these movements and act as requested by I Ola Wailunani.

Mahalo,
Noel

Noel Kaleikalaunuoka'oia'i'o Shaw

619-261-5894

From: [Irelynn Simington](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, April 25, 2024 12:04:41 AM

Hello, I'm writing today expressing support of option C4 and B3, without being subject to access easement by RP21, on agenda item D-1. I support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

Irelynn Simington
iresiming@gmail.com

From: [Rachel Smith](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Coco Palms, Wailuanui Kaua'i
Date: Thursday, April 25, 2024 7:12:49 AM

Please. I was raised and still living on Kaua'i now growing my own family in Anahola. Passing through Wailua on the only road to get there, we drive by Coco Palms on a weekly basis. This is no place to build a resort, or rebuild for that matter.

Wailua beach is not safe, not even locals go there to lounge. We go to a surf spot on the north side of the bay, and that's about it. But as for the rest of the beach, it is always empty and you know how we love our kahakai. There are reasons we don't gather at Wailua beach. Think about the safety of the visitors if even local people don't flock there.

The traffic fronting the old Coco Palms is already and has been TERRIBLE for the past two decades. Not only because the infrastructure prevents easier flow of traffic, but also because there are too many people here now. Please! Think about our local community here who commute necessarily and essentially on a daily basis! Building another resort here will cause more car and foot traffic in this area and will eventually become a public safety hazard, as well as a nuisance for local people.

Please just give us this already. We don't need another hotel/resort on our beautiful Garden Isle. There are so many! And with empty rooms! Just because a developing company wants to come here to make money doesn't mean that it will work, for our state or for them. We have seen this time and time again. And more importantly it will heavily affect our community on the east side. We have already been forced to deal with more and more development and destruction of areas around us. The realization that our politicians seem to have no consideration for our quality of life really hurts honestly. Can we just have this one?

My family and I support and are in favor of Option B3 of agenda item D-1, without being subject to access easement by RP21. We support and are in favor of Option C4 regarding TMK 4-1-005:017. We support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. We support shoreline preservation initiatives.

My family and I do not support utilizing public lands for hotel operations, or any more development on land that does not uplift the local people.

Mahalo for your time to read this and your consideration to approve these requests.

Much Aloha,

R. Ku'u lei Smith :)

From: [Michal Stover](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support for Options B3 and C4 under agenda item D-1
Date: Thursday, April 25, 2024 6:44:38 AM

Aloha DNLR Board members,

Regarding the agenda for your April 26, 2024 meeting, I support option B3 (without it being subject to an access easement by RP21, and I support option C4. I respectfully request that you vote in favor of these options. The community is behind I Ola Wailuanui and its plans.

Mahalo,

Michal Stover
Kīlauea, Kaua‘i, Hawai‘i

From: [Molly Street](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] In support of I Ola Wailuanui
Date: Thursday, April 25, 2024 1:30:58 AM

Hello,

I am reaching out to testify in favor of I Ola Wailuanui.

I support Option B3 TMK 4-1-003:017, which is situated on the corner of Kūhiō Highway and Kuamo‘o Rd. I support the issuance of direct lease to I Ola Wailuanui, Inc. for parking, landscaping, and beautification purposes, subject to access easement(s) in favor of RP21 Coco Palms, LLC”. I fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations.

I support Option C4 TMK 4-1-005:017, which is situated makai of Kūhiō Highway. I support issuance of direct lease to I Ola Wailuanui, Inc. for public access and shoreline preservation initiatives (not subject to any easement in favor of RP21 Coco Palms, LLC).

I do not support these parcels being used for hotel development and operations. These sacred spaces should be returned to the local community to be preserved and restored.

Thank you for your consideration,

Molly Street

From: [Melissa Tomlinson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1
Date: Thursday, April 25, 2024 5:33:13 AM

Aloha Board,

I'm aware this Friday, April 26, 2024, you are meeting to discuss the land use of the old Coco Palms hote parcels. I've been following this for at least three years. I think it's absurd if it's still being considered for rebuilding a hotel in the area. The recent flooding is but one example of that being a poor determination of its land use. Over the years many have come together to provide testimony for the land to be given an opportunity for cultural stewardship. I'm aware Ola Wailuanui has submitted applications requesting to be granted annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017. I support Ola Wailuanui. At this time the most favorable decision to be made on agenda item D-1 is in favor of option B3, without being subject to access easement by RP21, as well as option C4.

We fully support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. However, we do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

Now is the time to do right by Kauai. Catering to the interests of investors from the continent to prosper off the life of the island is not the direction that is best for anyone, I'd argue not even for said investors. It's time those in leadership take bold moves to protect the islands and her people from being prostituted out as some fantasy paradise vacation place that literally is causing harm globally. How many flights come and go per day, bringing how many people with their consumption and waste? No dollar in profits should ever be considered worth all the harm it causes. The fate of today's children are in your hands and I hope you do right by them.

Sincerely,

Melissa Tomlinson

3160 Old Tunnel Rd.

Lafayette, CA 94549

From: [Christian Torres](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui
Date: Thursday, April 25, 2024 5:51:35 AM

To the Board of Land and Natural Resources,

My name is Christian Torres and I am from San Jose, California. I would like to submit a testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort developments and use.

I am testifying in support of Option B3, without being subject to easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

Thank you,
Christian Torres

From: [Jenalyn Vintayen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D-1
Date: Thursday, April 25, 2024 6:08:49 AM

To whom it may concern:

item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

we do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

Please take this as my written testimony.

Jenalyn Vintayen
Sent from my iPhone

From: [brittany walker](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR HEARING - NO MORE HOTELS
Date: Thursday, April 25, 2024 2:58:32 AM

Aloha!

I am submitting my testimony today to say that the site is not meant for hotels and consumer usage. It is a sacred place that was once a burial site. The entire site is kapu and sacred. Please do the right thing and make the land a cultural site for generations to come.

NO TO NEW RESORTS ON KAUAI
THEY HAVE ENOUGH.

Let's do the right thing here and choose the option the Hawaiian people deserve.

Mahalo for your time! Have a good day.

Aloha!

From: [Kardeen Wong](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony regarding Coco Palms
Date: Thursday, April 25, 2024 5:51:44 AM

Aloha e Board of Land and Natural Resources.

I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui.

I believe that the natural flow of water lends to abundance on the 'āina, resulting in a healthy lāhui which is good for all people of this 'āina.

In my eyes, development means digging up ancestral lands to lay pipes, wiring and a foundation consisting of layers of rebar and cement which is not good for the 'āina and highly disrespectful to the people of this 'āina and our ancestors. Just look at what development on O'ahu has done! It's overpopulated, homelessness is out of control, there are areas that flood with every heavy rainstorm. It's bad.

It's just a matter of time when one day a big storm will hit Waikīkī and all the shoreline hotels will end up like Coco Palms Hotel. Don't make the same mistake twice.

Mahalo,
Kardeen Wong

From: [Hana Yamamoto](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for 4/25 BLNR Meeting
Date: Thursday, April 25, 2024 7:06:25 AM

Good morning, my name is Hana Yamamoto and I am writing to submit testimony on agenda item D-1 of today's BLNR meeting. **I am writing in favor of option B3 (without being subject to access easement by RP21) as I believe I Ola Wailuanui should steward this property. However I do not support the parcel being subject to access easement by RP21,** as the possibility of hotel operations on the public lands would interfere with I Ola Wailuanui's efforts for land conservation and preservation of the cultural significance of the site. These public lands in Wailua Nui are home to multiple sacred religious sites, loko i'a (Hawaiian fishponds), and the Mahunapu'uone burial grounds. **On this same note, I support option C4.** It is imperative that these public lands are taken care of and their cultural significance be preserved!

Thank you to the board members for their time.

Take care,
Hana Yamamoto

From: [alix.cortez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda D-1 testimony to support I Ola Wailuanai Permit
Date: Thursday, April 25, 2024 8:59:21 AM

Aloha,

My name is Alix and I am born and raised on the island of O'ahu. I am writing to support giving the Revocable Permits to I Ola Wailuanai on the agenda item D-1. It breaks my heart to hear about the plans for Wailua Nui, Kaua'i. Our islands are losing more and more land that holds deep cultural significance and being sold for a meaningless profit. Not only is this hurting the local people and erasing history but the damage this will bring are irreversible. No one in the community wants more of these developments that only hurt the community and the environment.

Thank you for your time and I pray you give this thoughtful consideration as the future of our Kaua'i depends on it.

Mahalo,
Alix

From: [Wailea Abraham](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Wailuanui Testimony
Date: Thursday, April 25, 2024 8:41:02 AM

Aloha,

I am in support of agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

Option B3 is regarding TMK 4-1-003:017, which is situated on the corner of Kūhiō Highway and Kuamo‘o Rd. The option suggests “issuance of direct lease to I Ola Wailuanui, Inc. for parking, landscaping, and beautification purposes, subject to access easement(s) in favor of RP21 Coco Palms, LLC”. I fully support the recommendation to allow I Ola Wailuanui to steward this property and provide public use. However, I do not support utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to.

I am in support of Option C4, regarding TMK 4-1-005:017, which is situated makai of Kūhiō Highway. Option C4 suggests “issuance of direct lease to I Ola Wailuanui, Inc. for public access and shoreline preservation initiatives (not subject to any easement in favor of RP21 Coco Palms, LLC”.

I am in support of I Ola Wailuanui, Inc. to steward these lands and keep them for the public. I trust they will use these lands for cultural, environmental, and spiritual preservation.

Mahalo,
Waile'a

From: [K. Aitken](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony on agenda item D-1 Wailua
Date: Thursday, April 25, 2024 8:11:42 AM

Aloha, I would like to submit testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as express support for option C4.

Please grant I Ola Wailuanui annual leases of three Revocable Permit (RP) parcels located within the Wailua Kai area. The Tax Map Key (TMK) numbers are 4-1-003:044, 4-1-003:017, 4-1-005:017.

It is my testimony that NO Development should be done on these lands and fully kāko‘o (support) I Ola Wailuanui in their efforts to stop the illegal use of these lands for development.

Water is Life! We don't need more developed areas, we need less. The islands already have too many people and pollution and this development would further damage our ecosystem. We can't eat money.

Mahalo,
Kahualani Aitken

From: [Devyn Bervid](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR Hearing
Date: Thursday, April 25, 2024 8:10:46 AM

To who it may concern,

I am writing today because I strongly feel that the land that once resided the Coco Palms hotel should be returned to the native people of Kauai in order to help protect their culture and to help prosper the native community. On agenda item D-1, I am in favor of option B3, without being subject to access easement by RP21, and expressing support for option 4.

Best,
Devyn Bervid

From: [Kimo Chun](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written Testimony BLNR Meeting 4/26/24- Agenda Item D1
Date: Thursday, April 25, 2024 8:15:57 AM

Aloha Board of Land and Natural Resources,

My name is Kimo Chun, and I come before you today representing the voices of many on Kaua'i who share my concerns regarding agenda item D1. I am submitting this testimony in firm support of the Revocable Permits (RPs) being granted to I Ola Wailuanui. However, I must express my vehement opposition to the potential utilization of these State parcels for resort development and commercial use.

I stand in solidarity with Option B3, advocating for the exclusion of an access easement by RP21, and I also lend my support to Option C4. It is my earnest plea that the Board considers the gravity of the decisions being made today and chooses to protect the sacred land of Wailua nui by entrusting its stewardship to I Ola Wailuanui.

Wailua nui holds profound significance in the historical, cultural, and spiritual fabric of Kaua'i. It served as the seat of government for countless generations until the time of Kaumuali'i. These State parcels, which I Ola Wailuanui seeks to steward, encompass the ancient burial site of Mahapuone, where our 'iwi kūpuna rest in eternal repose. As a custodian of our community's knowledge and values through education, I wholeheartedly endorse I Ola Wailuanui's vision to utilize these public land spaces for educational purposes.

Furthermore, I am adamantly against an outside developer holding the responsibility to forward this cause. This responsibility belongs to the people of Kaua'i. It is our duty to protect and preserve our cultural heritage, and we must ensure that decisions regarding the stewardship of our sacred lands are made with the utmost consideration for the well-being of our community and future generations.

I implore the Board to recognize the sacredness of these lands and to honor the wishes of the community by safeguarding them against further desecration. Let us not allow commercial interests to overshadow our duty to protect and preserve the cultural heritage of Kaua'i for future generations.

Mahalo nui loa for considering my testimony and for your commitment to upholding the principles of stewardship and conservation in our beloved state.

Me ka `oia`i`o, Kimo Chun Kaua'i, Hawai'i

From: [Rochelle Cortez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, April 25, 2024 8:16:29 AM

After my visit to Kauai last year, I thought it was one of the most beautiful islands of Hawaii, but to imagine a resort or hotel taking away a part of this precious island would be a devastation. The reason why I believe this island is so special is because it is not saturated with hotels and tourists. Funds/resources should be towards maintaining and enhancing the beauty of Kauai. Hotel operations would strip away what the public would be able to experience within this island. In short, this island belongs to the people of Kauai and I would hope that it would remain that way. I, too, fully support the recommendation to allow I Ola Wailaunui to steward this property and provide public use. And I do not support utilizing public lands for hotel operations.

From: [Alapaki Diamond](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D1; option B3 + C4. Wailua Nui.
Date: Thursday, April 25, 2024 8:48:54 AM

Aloha Board of Land and Natural Resources,

My name is Alapaki Diamond, and I am from Lahaina, Maui. I am submitting written testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui. I Ola Wailuanui is an organization led by Kaua'i residents, and plans to restore the area to protect the cultural and natural resources on the land. This will create a place of cultural enrichment, food production, reconnection, and education for younger generations to come.

As a Kānaka Maoli, I believe there is mana in this 'āina and it should be passed to someone who will protect its sacredness. There are multiple heiau in that area, two loko i'a, Crown Lands, and possibly still very many iwi kūpuna.

Any chance of further developments to be made for the purpose of bringing in more resorts/tourists, especially in Wailua Nui, I pray will be decided with the highest consideration and care for our culture as the natives to this 'āina. Please let the land thrive.

Mahalo nui,
Alapaki Diamond

From: [Kaimakana Flanagan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Ola Wailuanui
Date: Thursday, April 25, 2024 8:59:44 AM

Aloha Board of Natural Resources, my name is Kaimakana Flanagan and I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I DO NOT support the use of these state parcels for resort development and use.

I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please please protect this important site and hand over stewardship to I Ola Wailuanui.

Mahalo,

Kaimakana Flanagan

Kaua`i Group of Hawaii Chapter of Sierra Club again resolutely opposes an action by the Land Board that would place the burden of another hotel, at the intersection of Kuhio Highway and Kuamo`o Road, on the people of Kaua`i.

The timing, the location, the disservice to living cultural preservation, the environmental injustice of it all, speak against the wrong use of this land, the assignation of permits or leases to the would be developer Reef Capital Partners.

The Land Board has no jurisdiction inside the confines of the private property where central hotel structures would be built. But developers plan key elements- roadways, parking, other structures that are essential to the profitability of a hotel to be located on these three parcels and the State owned coconut grove.

We believe BLNR's vision for this place needs to look beyond Kaua`i County tax revenues, rewarding pension fund investments that profit a venture capital corporation, or ridding BLNR's responsibility to oversee this decades long paeen to fraud and mismangement.

Did the Board members see the drone video of the April 12 flood that inundated the hotel site? Emergency responders evacuated nearby residents from their homes. But would the hotel take responsibility for evacuating hundreds of guests and temporarily sheltering them? Will the State be asked to stop a rising ocean from threatening the hotel owner's investment, when they were forewarned by a shoreline setback ordinance that they were allowed to ignore?

Or will they address violations investigated by State Historic Preservation Division or Division of Forestry and Wildlife? Or will they undertake a TIAR before commencing construction at this notorious traffic choke point? The nexr TIAR is currently planned for a month AFTER the hotel opens for business.

The people here on Kaua`i see in differnt ways that their small tropical island with its delicate ecosystem is exceeding its population carrying capacity now. These three small parcels have come to have an outsized importance in realizing not only the future of this unique place but quality of life on the island. The coconut grove, too, though not on this agenda, is significant and cannot be segmented out of the discussion.

We urge you to give Kauai's people the opportunity to realize best use and deny assignation of lease or permit to the would be developer RP 21.

From: [Andjela](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D-1
Date: Thursday, April 25, 2024 8:16:05 AM

Aloha Board of Land and Natural Resources,

My name is Andjela Gushiken and I am a former resident of Kaua'i, now residing in San Diego for college. I am submitting testimony on agenda item D1, in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I strongly do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this historically and culturally significant site and hand over the stewardship to I Ola Wailuanui. This project is completely infeasible, and crosses numerous boundaries relating to harming the ecological, environmental, and socio-political and cultural landscapes of Kaua'i. Not to mention, violates Hawaiian Traditional and Customary Rights, as recognized in our State's Constitution. Mo'oku'auhau, to care for a place, we must know its genealogy. Enough is enough. Where will the future keiki of Kaua'i go if there is no more home to come back to? Time to think about the intergenerational and intragenerational repercussions the system conjures, you have the power to make it right, please do!

Mahalo,
Andjela Gushiken

RE: Land Division Agenda Item D.1 - April 26th 2024 Hearing Testimony

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

Thank you for considering our, I Ola Wailuanui's, applications for annual leases for three Revocable Permit (RP) parcels located within the Wailua Kai area. We humbly request the kuleana to care for these significant parcels. We ask that you please support Option B3, without being subject to an access easement by RP21. We also ask you to please support option C4.

Option B3 regarding TMK 4-1-003:017, situated on the corner of Kūhiō Highway and Kuamo'o Rd., suggests "issuance of direct lease to I Ola Wailuanui, Inc. for parking, landscaping, and beautification purposes, subject to access easement(s) in favor of RP21 Coco Palms, LLC". We fully support the recommendation to allow us, I Ola Wailuanui, to steward this property and provide public use. However, we do not support utilizing public lands to facilitate hotel operations, which is what the parcel being subject to an easement may eventually lead to. It is noteworthy that the developers represented they can and will build their resort without the State parcels. IOW's desire to care for this area respectfully, which overlaps a cemetery, is hindered by a driveway and access easement, directly over this area, which largely negates the ability for us to properly respect and protect this 'āina.

Option C4 for TMK 4-1-005:017, which is situated makai of Kūhiō Highway, suggests "issuance of direct lease to I Ola Wailuanui, Inc. for public access and shoreline preservation initiatives (not subject to any easement in favor of RP21 Coco Palms, LLC). We support this option."

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, which is why we respectfully request the lease and not to grant shared use of these parcels.

The facilitation of a massive 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 can not 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.

In recent weeks we have watched flooding return to these parcels, and the failure of the state, leasee's and developers of the adjacent resort, to maintain the 'auwai and drainage systems in this area. It's a miracle there was no loss of life as the damage to adjacent properties, including the Wailua Bridge, was staggering. This area greatly needs maintenance and restoration and the urgency is blatant. This entire floodplain is completely neglected and the developers who have had control of these lands for decades have failed to upkeep drainage lines, and create a major threat to the surrounding community. We are committed to addressing this, to conducting a hydrological assessment and a plan for the drainage of the Wailua floodplain and wetland system of which these parcels include.

Our 501 C3 non profit, 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 is based 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. Allowing for state land to accommodate the construction or operation of a resort on these public lands which incorporate this floodplain and wetland, on the fishpond and ancient 'auwai system, which still floods regularly, goes against the fundamental concepts of restoration for the betterment of community and the environment and is diametrically opposed to the aims of our community-based organization and the restoration of this 'āina.

I ask you to please support our natural resources and cultural features in Wailua by issuing the leases to our organization, I Ola Wailuanui, and consider the above details as you move forward to determine the future of these important State parcels.

Parcel Background & Proposed Use by I Ola Wailuanui

I would like to take this opportunity to further share with the Board some specifics about the parcels under consideration while we 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 parcels 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 have attempted 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 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 Wailuanuiahoʻāno. 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 unearthened 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.



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 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 developers entry points (second more mauka gate) to the Kuamo’o Rd Parcel from the southern side of Kuamo’o Rd (left) and peaking through the gate and looking mauka toward the unpaved section of this parcel with historic coconut trees (right).



Images: View peaking 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.



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, 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.



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).



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.

Mahalo!

Fern Holland BSc

I Ola Wailuanui Board Member

808-634-6242 fern@hapahi.org

From: [Georgia Hoopes](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D-1, Supporting B3 and C4
Date: Thursday, April 25, 2024 9:01:01 AM

Aloha members of the Board of Land and Natural Resources, my name is Georgia Hoopes, and Kalaheo resident.

I am submitting this email as testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21. I also support option C4.

Mahalo for this opportunity to provide input from the community in good faith.

Mahalo!

From: [Gary Hooser](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Gary Hooser](#)
Subject: [EXTERNAL] Testimony for April 26, 2024 Agenda Item D-1 re: Coco Palms & Disposal of State Land Leases
Date: Thursday, April 25, 2024 8:44:52 AM

Testimony for April 26, 2024 Agenda Item D-1 re: Coco Palms & Disposal of State Land Leases

Aloha Chairperson Dawn Chang and Commissioners Kaiwi Yoon, Aimee Barnes, Karen Ono, Vernon Char, Doreen Canto, and Riley Smith,

Speaking as an individual, father, and grandfather of children born and raised in Wailuanuiaho‘ano I offer my strong support of I Ola Wailuanui’s vision and efforts to secure a direct lease of the two parcels on today’s agenda.

You have before you two different entities seeking use and control of the same state lands, Crown lands to be protected and preserved.

One is a foreign based collection of entities (Reef Capitol, RP21, CocoPalms Hui LLC Hawaii and CocoPalms Hui LLC Delaware) seeking to utilize the property to support resort development.

The other I Ola Wailuanui, is a local community based organization led by native Hawaiians, whose goal is stewardship and protection of these same lands.

I Ola Wailuanui is an established community based organization led by native Hawaiians born and raised in this area, who are deeply familiar with the history and culture, and who have a public record of responsible community stewardship. I Ola Wailuanui has also demonstrated financial capacity to fulfill its goal of stewardship of these parcels.

The legal representatives for Reef Capitol, RP21, CocoPalms Hui LLC Hawaii and CocoPalms Hui LLC Delaware - have stated publicly that the securing of these RP’s and related uses are not essential to the development of their resort.

If this statement is true, then they do not truly need these properties at all and will not be caused harm by transferring the control and use of these lands to I Ola Wailuanui.

If this statement is not true and these properties are essential to the development, then that means two things:

1. Reef Capitol, RP21, CocoPalms Hui LLC Hawaii, and CocoPalms Hui LLC Delaware - are not being truthful to the BLNR.
2. Because the parcels are state lands, integral to the resort development, and located in a coastal zone etc etc...per Chapter 343 an EIS must be required.

Unfortunately Reef Capitol, RP21, CocoPalms Hui LLC Hawaii and CocoPalms Hui LLC Delaware, and their representatives have a history of not being truthful with the

BLNR, the County, and the community.

The Utah developers previous “representative” who first appeared before the Kaua‘i Planning Commission in 2022, 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.

Initially other spokespersons for the developer denied cutting down historic coconut trees without permission, then said they only cut done “a few, maybe 15 because they were diseased” and then said maybe it was a few more than that but it was only because the Kaua‘i Fire Department made them do it.

After further investigation it was determined at least 77 coconut trees were removed without permission and then dumped on conservation land without permission, and in violation of their green waste disposal plan.

The Utah developers legal representative continues to deny they cut down historical coconut trees without permission from the state as is required in the lease. He explained in writing to the BLNR in response to the Coconut Grove Lease NOD “The coconut trees are grasses so you can’t tell their age like you can with trees but we know the trees are not from before 1983 and the 1983 lease only prohibited CPV cutting trees that were growing at that time.”

Translation: No one knows how old those coconut trees are except us and we know they are not that old and we only cut down the trees born after 1983.

The developers are also denying they conducted illegal grading and grubbing on conservation zoned lands without permits, which is clearly not a true statement and under active investigation by the DLNR.

Using page after page of email and photographs from 2021 and 2022 detailing and documenting the homeless camps that were removed during that period of time - the developers legal representative tries to blame the grading and grubbing that they deny actually happened - on the homeless.

In a more nuance act of subterfuge, a review of testimony presented to BLNR on December 7 and 8 of 2023 show that 55 of the 60 people who submitted testimony in support of the owner/developer – are not long-time community members but rather Utah based employees, partners, investors, friends, or relatives of the developer/owner Reef Capitol, RP21, and related entities. However this fact is not apparent from the testimony since none of these individuals disclosed their relationship with the owners/developers.

A cursory read of the testimony would lead most to believe these are local residents testifying in support of their community. However with Google as a friend the truth becomes apparent.

For the past year they’ve used adjacent state-owned public lands without a valid lease or RP (trespassing). They grade and grub without permits and without the required archeological observer present. I drive by this area daily and personally witness this activity (and yes I have pictures).

A review of the Coconut Grove Lease NOD includes further multiple misstatements of fact as Reef Capitol, RP21, and related entities purport to represent still yet another entity - Coco Palms Ventures (who holds the lease presently but which does not legally exist and is totally not related to the RP21 and friends).

Wailuanuiaho'āno is literally the birth place of Hawaiian royalty.

The developers/owners have unquestionably demonstrated their lack of concern for the place, and for its cultural and historical significance. They have also unquestionably on numerous occasions demonstrated their willingness to not tell the truth.

I implore upon the BLNR to stop accepting the excuses and downright lies offered by the owner and developer. There is no reason to accommodate the needs of Reef Capitol, RP21, CocoPalms Hui LLC Hawaii and CocoPalms Hui LLC Delaware.

It is without question the people and lands of Hawai'i would be best served by granting I Ola Wailuanui full access, full control, and full stewardship of these two parcels.

Mahalo,

Gary Hooser

Note1: Upon reviewing the multitude of testimony and permits at both the State and County level it seems that these 4 entities are often used interchangeably - Reef Capitol, RP21, CocoPalms Hui LLC Hawaii and CocoPalms Hui LLC Delaware. **I assume the reason for this is to minimize liability for the key "money men" and to facilitate the securing of permits that otherwise may not be available to the core entity. It is unclear to me why there are two different CocoPalms Hui LLC's...one based in Delaware and one based in Hawai'i.**

Gary Hooser

<https://www.garyhooser.com>

<https://garyhooser.blog>

Note: Because of the volume, and because much of my email is done "on the fly" via my iPhone - please ignore my typos or sometimes disjointed sentences ;-) Sign up for my somewhat unconventional email newsletter (though it's not really a newsletter but I don't know what else to call it) - Policy & Politics at <https://policy-and-politics.mailchimpsites.com>

From: [Ashley Jones](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D1 Testimony
Date: Thursday, April 25, 2024 8:46:27 AM

Hello Board of Land and Natural Resources, my name is Ashley and I am from San Diego, CA. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to I Ola Wailuanui. Thank you.

From: [Iwalouise Bryan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D1; option B3 + C4. Wailua Nui
Date: Thursday, April 25, 2024 8:45:33 AM

Aloha Board of Land and Natural Resources,

My name is Kaleipua Bryan, and I am from Lahaina, Maui. I am submitting written testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4.

Please protect this important site and hand over stewardship to I Ola Wailuanui. I Ola Wailuanui is an organization led by Kaua'i residents, and plans to restore the area to protect the cultural and natural resources on the land. This will create a place of cultural enrichment,

As a Kānaka Maoli, I believe there is mana in this 'āina and it should be passed to someone who will protect its sacredness. There are multiple heiau in that area, two loko i'a, Crown Lands, and possibly still very many iwi kūpuna.

Kaua'i is very dear to many kānaka. I have many family and friends who live there and they feel it is already experiencing too much tourism for their land to handle. Any chance of further developments to be made for the purpose of bringing in more resorts/tourists, especially in Wailua Nui, I pray will be decided with the highest consideration and care for our culture as the natives to this 'āina. Please let the land thrive.

Mahalo nui,
Kaleipua

From: [Sonja and Andy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hotel Testimony
Date: Thursday, April 25, 2024 8:58:30 AM

Aloha, My name is Sonja Kass and I have lived in Wailua for 20 years. This is my testimony against the development of the former Coco Palms Hotel. The Wailua area and the land Coco Palms is on is culturally important to the Hawaiians, to build here is disrespectful. I think this land should be turned into a cultural park or regular park Instead of a hotel. The location is also unsuitable for a hotel due to the risk of flooding from the river, the ocean, and sea-level rise.

-Sonja Kass

From: [Wahliya Kessell-Fay](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony regarding D-1 on the Agenda for Meeting on 4/26/2024
Date: Thursday, April 25, 2024 8:48:33 AM

Aloha Chair Chang And Members of the Board Of Land And Natural Resources,

Regarding Coco Palms development, agenda number D-1, Option B3, and Option 4

My name is Wahliya Kessell-Fay, and I grew up on Kaua'i. I recently moved away to attend the University of Hawai'i- West O'ahu to obtain a sustainable community food systems degree with a double major in Political Science. I also now work as a full-time farmer at a non-profit on O'ahus West Side, specializing in youth empowerment and growing organic food visit Kaua'i as often as possible, and there are new changes and developments each time I do. Before I left home for college, I worked full-time with the Waipa Foundation on the north shore where we worked to preserve the ahupua'a for community use and cultural education. The community within the Halele'a moku greatly benefitted from having access to a cultural site that many viewed as a Pu'uhonua (place of refuge).

I grew up playing in the Wailua River and spending time within the area. It is clear to the surrounding community and broader community of Kaua'i, that the Coco Palms site is sacred due to the presence of 'Iwi kupuna, and traditional uses for that land. The hotel sits on public land, and therefore it should be used to benefit the people by granting community access to these lands for restoration and ceremonial purposes.

I support Option B3 regarding TMK 4-1-003:017, which would issue a direct lease to "I Ola Wailuanui, inc for parking, landscaping, and beautification purposes, subject to access easement(s) in favor of RP21 Coco Palms, LLC. This lease would allow the community access and the right to be present within the area, thus allowing the community to restore the connection to 'Aina by taking care of landscaping and reintroducing traditional land management methods.

I also support option C4 TMK 4-1-005:017, which would issues a direct lease to I Ola Wailuanui, Inc. for public access and shoreline preservation initiatives not subject to any easement in favor of RP21 Coco Palms LLC. I support this option because the coastline in front of Coco Palms, Wailua Beach, has significantly shrunk due to coastal erosion and sea

level rise. This will allow I Ola Wailua Nui to beautify and protect pathways using native vegetation, and maintain and ensure open public access to the beach area. Further, this direct lease would expand historical recognition beyond past property tours, honoring deep pre-hotel history.

Mahalo for your time and consideration and opportunity to provide testimony,
Wahliya Kessell-Fay

From: [Leilani Kass](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hotel testimony
Date: Thursday, April 25, 2024 8:59:47 AM

Hello, my name is Leilani Kass. I am 18 years old and grew up on Kauai. This is my testimony against development of the former Coco Palms resort. I am firmly against any building on the land currently belonging to the Coco palms.

This is a site of Hawaiian cultural importance and building on this land is disrespectful and wrong. Due to the land's importance, Hawaiians and locals have been pressing against development for a long time. Also, This is not a good location because of the risk of flooding due to the plot's location near the ocean and Wailua river. The area is prone to flooding and could cause issues with repairs and upkeep. In addition This is not a good location due to the roads and their layout. If a hotel were to be built at Coco Palms it could potentially cause traffic due to more people driving in the intersection and more people using the crosswalk to get to the beach. Lastly, I am against continued development of our island. With more and more resources and jobs going toward the tourism industry, young people like myself share the fear that we will not be able to live on island as adults.

Thank you,

- Leilani Kass

From: [Audrey Lopez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D-1
Date: Thursday, April 25, 2024 8:40:51 AM

Hello Board of Land and Natural Resources,

My name is Audrey Lopez and I am a student at UC San Diego. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to I Ola Wailuanui.

Thank you,
Audrey
Sent from my iPhone

From: [Ayahna Mack](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] written testimony:SUPPORT B3
Date: Thursday, April 25, 2024 9:00:18 AM
Attachments: [image.png](#)

I Ayahna Mack, vote in favor of options

Agenda item D-1 : Land Division

I Ayahna, vote in favor of option B3: Issuance of Direct Lease to I Ola Wailuanui, Inc. for Parking, Landscaping and Beautification Purposes, Subject to Access Easement(s) in Favor of RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1- 003:017 (Parcel B);

I Ayahna, am in support of: Option C4: Issuance of Direct Lease to I Ola Wailuanui, Inc. for Public Access and Shoreline Preservation Initiatives (Not Subject to Any Easement in Favor of RP21 Coco Palms LLC), Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-005:017 (Parcel C);

We need to consider our climate, our current infrastructure failures in the wailua area and prepare to make better decisions to limit pollutants in our natural resources.

High Wave Run-Up With 3.2 ft Sea Level Rise



From: [Lahela Mattos](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] RP21 Coco Palms Testimony
Date: Thursday, April 25, 2024 8:41:35 AM

Aloha BLNR,

My name is Lahela Mattos and I am nourished by the mountain of Olomana and waters of Kaelepulu stream in Kailua, Oahu. I am also a Native Hawaiian woman with a graduate degree in Urban Planning.

I am writing to submit testimony on agenda item D1 in support of the revocable permits being given to I Ola Wailuanui. I have reviewed I Ola Wailuanui's preliminary ideas and understand that their land management plans align most with existing plans and policies created to protect the environment in Hawaii. I DO NOT support the use of this aina for resort development and use, as the land is sacred and important to Hawaiians like myself. I

I am in support of option B3, without being subject to easement by RP21, and also in support of option C4. Stewardship of all lands in which our kupuna are buried is of the utmost importance. Not only that, but further development of the lands in question goes against many of the sustainable development goals Hawaii has vowed to uphold and achieve in the Aloha+ challenge. No resort development on these lands. Please protect this sacred site and allow I Ola Wailuanui to maintain and steward these lands.

Me ke aloha,
Lahela Mattos

From: [kealohilani.molina](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.
Date: Thursday, April 25, 2024 8:50:54 AM

Wailua Nui on the east side of Kaua'i has gone through enormous amounts of constructions and deterioration over the years, by destroying the Coco Palms Hotel and rebuilding a resort scheduled to be done within the next two years would be putting more stress on the land. I was born and raised on the island of Kaua'i and I have watched the land shift and change year by year. The shore of Wailua beach gets smaller and smaller every year, with the ocean so close to the shore the roads are needing to be pushed back towards the mountains. with the state of the world and global warming who is to know how high the water will rise and how close to the road the ocean will be. Not only will construction cause more destruction of the land it will also cause more traffic that has constant buildups. not only will there be destruction of land and more traffic, Coco Palms was built on the grounds of Native Hawaiian burial site, iwi (bones) hold the mana (power) of the person who they belong to, digging up the bones of Hawai'is Kupuna (ancestors) will take away the mana of the people and cause disturbance for the people who came before us. Hawaii has gone through enough changes over the years and has fought for years to get our lands that legally belong to us back, Hawaiians are priced out of paradise everyday and by building a multimillion dollar hotel on kaua'i that many more people will be priced out of homes. it is said that the state of Hawaii relies on tourism, this statement is false. During the Covid-19 pandemic in 2020 the state shut down and did not allow flights in and out, while this had an impact on O'ahu it did not cause major disturbance or issues on other islands. Kaua'i thrived without tourism and the island was fully functioning, Kaua'i is too small to create another hotel to hold hundreds of people. Give the land back to the people of Kaua'i.

Thank you for listening,
Kealohilani Molina

From: [Maya Ordonez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D-1
Date: Thursday, April 25, 2024 8:37:07 AM

Hello Board of Land and Natural Resources, my name is Maya Ordonez and I am from Los Angeles, CA. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to I Ola Wailuanui. Thank you.

From: [Ysabella Pipke](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Agenda Item D-1
Date: Thursday, April 25, 2024 8:22:14 AM

Hello Board of Land and Natural Resources,

My name is Ysabella Pipke and I am from Arizona. I am submitting testimony on agenda item D1 in support of the Revocable Permits (RPs) being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting this testimony in support of Option C4. Please protect this important site and hand over stewardship to I Ola Wailuanui. Thank you.

From: [Royce Ramos](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No Hotel in Wailua - Coco Palms
Date: Thursday, April 25, 2024 8:31:31 AM

Aloha

My family and I do not support the Coco Palms Hotel development. I am born and raised 33 years in Wailua house lots, and of native Hawaiian descent. Our family is in strong support of I Ola Wailuanui community organization. Returning the land to local hands to be utilized by the community is the utmost important to us.

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Mahalo,
Royce Kamuela Ramos

From: [Sean Rabes](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Support Options B3 and C4 of Agenda Item D-1
Date: Thursday, April 25, 2024 8:22:30 AM

Aloha,

I am writing in support of options B3 and C4 of action Item D-1 to enable I Ola Wailuanui to protect and preserve precious Hawaiian cultural artifacts, Hawaiian cultural features, and public spaces.

I am also writing in opposition to the use of the properties of interest for hotel operations that will desecrate cultural features and spaces and adversely impact a sensitive coastline property.

Mahalo,

Sean Rabes

Resident of Kailua, Hawaii.

April 25, 2024

RE: Land Division Agenda Item D.1 - April 26th 2024 Hearing Testimony

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

Mahalo nui for your consideration of I Ola Wailuanui's applications for annual leases for the three Revocable Permit (RP) parcels located within the Wailua Kai area. We are requesting that you grant us the kuleana to care for and continue to mālama these important parcels. We are also humbly requesting that you support Option B3, without being subject to an access easement by RP21. And we also ask that you please support option C4.

I currently serve as President of I Ola Wailuanui (IOW), a non-profit organization with a board that is predominantly Kānaka 'Ōiwi and/or lifelong residents of the Moku of Puna on the Island of Kaua'i. I grew up in Wailua just several blocks from the old Coco Palms Hotel, and my great-great grandmother was also born and raised in the ahupua'a of Wailua. As an Assistant Professor of Hawaiian Studies at Kaua'i Community College, Wailua served as the foundation for my academic studies. I have spent numerous years studying the mo'olelo of this area and can say, without hesitation, that this 'āina deserves to be more than another tourist playground. It is an 'āina deserving of recognition, of cultural application and appreciation, and restoration and preservation of its natural resources and cultural significance. Our group, IOW, is composed of board members with a proven track record of caring for 'āina resources and working with the community for the betterment of Kaua'i.

One of my biggest concerns is the iwi kūpuna in the area. There is no plan as to how RP21 will deal with this situation *when* iwi are discovered. Another concern is the impact a hotel will have in an area that is prone to flooding. The road fronting the former hotel is also prone to heavy traffic. Adding that many more rooms (meaning more people and more cars) will severely impact the Wailua residents should a severe natural disaster occur.

In the last few years, I have seen the restoration of lo'i and loko i'a and how that positively benefits the 'āina, the natural wildlife, and the community. Considering this 'āina also hosts loko

í'a, 'auwai, and lo'i, IOW has a plan to work with the 'āina and community and restore these natural resources.

RP21 has a proven track record of NOT working with the community and failing, time and again, to do what is pono. So why are we putting profit over pono? Give us, IOW, the opportunity to protect and restore Wailua for the betterment of our community, our keiki, and future generations of Mālama 'Āina.

me ka ha'aha'a,

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines that form the initials 'PRF'.

Puali'ili'imaikalani Rossi-Fukino

COCO PALMS CULTURAL ADVISORY COMMITTEE GUIDING PRINCIPLES

The Coco Palms Cultural Advisory Committee (CPCAC) has been established to work in partnership with the developers, Reef Capital Partners, their affiliates, and the hotel management company to create a destination that all of Kaua‘i can be proud of. The following principles are to be utilized to guide all of the parties involved with this project in both their every day and long-range planning. It is the intention that these guiding principles will serve as a foundation from which decisions will be made.

From the summit of Wai‘ale‘ale, the piko of Kaua‘i, to the shores of Wailua... Wailuanuiaho‘ūno, great sacred Wailua - steeped in rich natural resources, ancient and revered Hawaiian oral traditions, storied places and vibrant glimpses of days not so long ago. A place where famous voyagers such as Mo‘ikeha, La‘amaikahiki, Hi‘iakaikopoliopole came ashore upon Kaua‘i nei. Its mana resonates as the center of religious, economic, and social activity for Kaua‘i prior to western contact. Past, present, future; Wailua was home to high chiefs, Queen Deborah Kapule, and home to the Coco Palms Hotel.

We honor the great antiquity of Wailuanuiaho‘ūno by re-discovering, protecting, and celebrating this historic place through educating and reconnecting the global community to the legacy and spirit of this land.

Guiding Principles

We will honor the sacredness of the ‘aina on which the property stands as well as the surrounding area.

We will preserve the history of the host culture as well as the culture of what made the Coco Palms the iconic destination of Kaua‘i.

We will perpetuate the host culture through integrating Hawaiian values and activities into all phases of operations so that associates understand the sense of place of their worksite and their kuleana as hosts.

We will offer authentic activities and programs so that guests will come away with truly unique Kaua‘i experiences.

We will provide a gathering place for Kaua‘i’s community to honor the ‘aina and perpetuate Kaua‘i’s sense of community.

THE COCO PALMS CULTURAL ADVISORY COMMITTEE
OBJECTIVES

OBJECTIVE 1: Assemble the best ideas from respected members of the Hawaiian host community and seek guidance to ensure that the integrity of the property is perpetuated, while supporting a resort that is sustainable.

OBJECTIVE 2: Create and present to Reef Capital Partners, a guiding document that focuses on ho‘ihi, or the reverence of the property, by honoring and incorporating the rich history and culture of the ‘aina into the resort’s design and programs.

OBJECTIVE 3: Provide opportunities for all of Kaua‘i’s voices to share their mana‘o and Coco palms moves from conceptualization to actualization and becomes a destination that emulates the values of Aloha and Ho‘okipa.

A‘ohe hana nui ka alu‘ia.

No task is too big when done together.

- Pukui

From: [Mieko Aoki](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for D-1
Date: Thursday, April 25, 2024 8:57:06 AM

Aloha,

In your decision making, please **support the efforts of all what I Ola Wailuanui** is requesting. They are and will make the area pono again. We do not want another hotel, more traffic jam and more trash/waste that comes from the hotel industry. We want culture and traditions to thrive, be recognized and in living action today. It is time to give back to Hawai'i instead of looking at Hawai'i as an income.

Mahalo,

Mieko Stewart

Kapa'a Resident

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Midwife Mieko Aoki Stewart, CPM, LM, CH

From: [olivia.sue](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D-1, support for options B3 and C4
Date: Thursday, April 25, 2024 8:15:58 AM

Aloha BLNR,

I am submitting testimony regarding agenda item D-1.

I am in favor of option B3 which provides a direct lease to I Ola Wailuanui. Currently it is subject to access easement in favor of RP21; I support it WITHOUT being subject to access easement by RP21, Coco Palms LLC. I ask that in future options be provided that do NOT provide favor to RP21.

I also strongly support option C4, which provides direct lease to I Ola Wailuanui without access easements or favor to RP21.

I have seen this project cause more turmoil in my community than good. I have seen the bay before it run brown and wondered what visitors would experience in a brand new hotel which will stand on demolished cultural grounds as they look at Wailua bay. This project does nothing to support the residents of Kauai. In a recent storm, the site was fully flooded.

I hope that these three parcels will serve as a foot in the door towards community management of the larger area, and I Ola Wailuanuis management of them will demonstrate the community's ability and commitment to care for these spaces.

Mahalo for your time and consideration,

Olivia Sue, 96754

From: [Jenna Thompson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, April 25, 2024 8:15:35 AM

Aloha Board of Land & Natural Resources,

I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use. I am testifying in support of Option B3, without being subject to access easement by RP21. I am also submitting testimony in support of Option C4. Please protect this sacred site and hand over stewardship to I Ola Wailuanui.

Mahalo,

Jenna Thompson

From: [Tiana Noelani Thorp](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Meeting on Friday, 26 April 2024
Date: Thursday, April 25, 2024 8:43:31 AM

Aloha pumehana kākou,

Mahalo kēia hui ‘ana. He Tiana Noelani Thorp ko'u inoa a me he Kānaka Maoli au.

This is a submission of testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

I am presently a PhD fellow at the University of Delaware where I study civil engineering with a focus on climate change adaptation. I cannot stress enough that Hawaiian lands are best equip ro combat climate change when they are in Hawaiian hands. The recent IPCC report on climate change and land highlights the need for Indigenous and local knowledge (ILK) (p. 746-748).

Option B3 is ideal according to the growing body of climate change adaptation science. I am MORE THAN HAPPY to bring you all to speed on this research at a later date, but now I ask you do do the right thing as Hawai‘i's governing body that gives everyone (haloes and Kānaka alike) the best first steps towards sufficient climate change adaptation.

Mahalo nui loa for your time.

Again, please do not hesitate to reach out if you would like to be brought to speed on the most recent climate change adaptation science.

Aloha mai,

Tiana Noelani Thorp

From: [Hayley Walcher](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Wailua nui testimony
Date: Thursday, April 25, 2024 9:00:45 AM

Aloha,

I am in full support to have wailua nui be in the hands of kanaka maoli and others who are perpetuating and protecting the cultural history that is tied to the area. With the heau, birthing sites, and all the mo'olelo tied to Wailua, it's only right to have it protected and preserved before all is lost. It was the capitol of the island, the birthing place of Ali'i, and yet we look right past that and want to build on what was so historical and important to Hawai'i, not just Kaua'i. Build for what, for people to fly in and stay ON that spot. Would you want Jan and Bob from Texas flying over to sleep on top your grandparents grave? Oh yeah they gotta use bathroom too don't forget that. It's time to stop gentrifying and time to protect 'āina of what's left, and be able to give our keiki and future generations the chance to caretake the areas and offer jobs doing so. Not being a slave in the hotel industry SERVING people who just are here for selfish reasons.

Mahalo,
Hayley Walcher

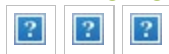
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Hayley Walcher
Horticultural Assistant

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From: [Vaiya-Roux White](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, April 25, 2024 8:48:59 AM

Aloha Board of Land and Natural Resources,
My name is Vaiya-Roux White. I am from a resident of Wailua.

I am submitting this testimony on
agenda item D1 in support of the Revocable
Permits (RPs) being given to I Ola Wailuanui.

I do not support the use of these State
parcels for resort development and use
I am testifying in full support of Option B3 and C4
without being subject to access easement
by RP21.

This is a significant and historical site, a home to multiple heiau and natural inland fishpond systems. I and many others ask you to please protect this important site and hand over stewardship to I Ola Wailuanui.

Thank you for your consideration and attention on this matter and this testimony.

Sincerely,
Vaiya-Roux White

From: [Jordan Yocum](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Topic for D - 1 Testimony
Date: Thursday, April 25, 2024 8:25:59 AM

Aloha mai kākou,

I am submitting testimony on agenda item D-1 in favor of option B3, without being subject to access easement by RP21, as well as expressing support for option C4.

I am a student on the islands and I think that utilizing public lands for hotel operations, which is what the parcel being subject to an easement might eventually lead to, is against everything I've learned to support.

If I could be there in person I would, but unfortunately I have class.

Mahalo
Jordan Yocum

From: [Mariah Yoshizu](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for BLNR Meeting on April 26
Date: Thursday, April 25, 2024 8:50:44 AM

Aloha,

My name is Mariah Yoshizu and I am writing to provide testimony for the Board of Land and Natural Resources meeting on April 26, 2024 at 9:00am, regarding Agenda Item D1.

I urge you to please approve options B3 and C4, allowing I Ola Wailuanui to steward this land and provide public use to the important cultural and natural resources on this property.

I Ola Wailuanui is a community organization that is well equipped to restore this area to a flourishing space for cultural enrichment, education, conservation, and food production.

Thank you for the opportunity to testify on this matter.

Mahalo,
Mariah Yoshizu

From: [luka zavas](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Item D.1 | In SUPPORT of Option B3 (without being subject to access easement by RP21) and Option C4
Date: Thursday, April 25, 2024 8:53:44 AM

Aloha e Chair Chang and Land Board Members,

I am writing to express my SUPPORT of I Ola Wailaunui to be granted annual leases of three Revocable Permit parcels in the Wailua Kai area. The TMK numbers are 4-1-003:044, 4-1-003:0017, and 4-1-005:017. I am in SUPPORT of Option B3 to allow I Ola Wailaunui to steward this property and provide public use. However, I DO NOT SUPPORT the property being subject to the access easement by RP21.

I am also writing to express my SUPPORT of I Ola Wailaunui's being issued a direct lease for public access and shoreline preservation initiatives (not subject to any easement in favor of RP21 Coco Palms, LLC).

I implore you to stop putting the visitor sector before our local communities—both human and non-human. We know that these spaces hold immense cultural value and are home to the endangered 'ālae 'ūla. We do not need more hotels—we are already being overrun by tourists and the greed of those who value Hawai'i as a tourist destination rather than a place that we call home and should steward accordingly. PLEASE let a local group that has stewardship as their guide to restore and reestablish the environmental and cultural pilina and mana of this space.

Mahalo nui for you time,
Luka Zavas

With knowledge in Conservation-Restoration focus on Wetlands, 'Alae 'ūla Ecology and Behavior, and a student of Hālau 'Ōhi'a.
Resident of 'Āhuimanu, O'ahu

From: [Bridget Hammerquist](#)
To: [DLNR, BLNR, Testimony](#); [Chang, Dawn](#)
Subject: [EXTERNAL] Agenda Item D1 in Strong Support of I Ola Wailuanui
Date: Wednesday, April 24, 2024 10:59:56 PM
Attachments: [M4DKab17wP4KYuft.png](#)
[County Council Public Use Resolution March 2023.pdf](#)
[Declarations from nearby residents describing the probable damage - adverse impact if a new resort is built on the historic Coco Palms site.pdf](#)
[Director Hulls Report Coco Palms Permits Not Ripe For Revocation.pdf](#)
[03182024 FOM objection Neustein No Agenda or Notice re Her Entry into CPC Executive Session.pdf](#)
[Unsigned Unapproved Alleged AG Lease to Coco Palms Hui LLC Dated 02132024.pdf](#)
[Coco Palms Ventures LLC DCCA.pdf](#)
[Exhibit E.pdf](#)



Friends of Maha’ulepu friendsofmahaulepu.org 4/24/2024

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

RE: Approve One or More Dispositions to Applicants RP21 Coco Palms LLC and/or I Ola Wailuanui, Inc. and/or Sale of Lease at Public Auction, or No Action for Parcel B, Wailua, Kawaihau, Kauai, TMK: (4) 4-1-003:017. Approve One or More Dispositions to Applicants RP21 Coco Palms LLC and/or I Ola Wailuanui, or No Action for Parcel C, Wailua, Kawaihau, Kauai, TMK: (4) 4-1-005:017.

Please accept this testimony offered on behalf of all the members of Friends of Maha’ulepu which include nearby residents of the historic Coco Palms site as well as more than 1,000 members who reside island wide. We strongly favor public access, use and disposition of the State lands which are on the agenda for consideration by the Board of Land and Natural Resources (BLNR) Friday, April 26, 2024.

Agenda item D1 could not have been presented in a more confusing manner. Staff have masterfully offered five potential options/actions by the BLNR for revocable permits on parcels identified as B (TMK: (4) 4-1-003:017) and C (TMK: (4) 4-1-005:017). Not only are these five options confusing but they are once again weighted to benefit RP21 Coco Palms, LLC because when the option gives use to I Ola Wailuanui, the 501c 3, an applicant for these lands, they always provide that I Ola Wailuanui will be subject to an easement right/co-sharing of the parcel with RP21 Coco Palms, LLC. The converse, however, is not true! When the use is to be approved for RP21 Coco Palms, LLC, it is not suggested that I Ola Wailuanui will have an easement right.

We strongly support and recommend that BLNR approve I Ola Wailuanui a one year month to month revocable permit (RP) of parcels B and C, an entity that is not in violation or under investigation for violation of any county, state or federal laws. Affording I Ola Wailuanui a one year month to month revocable permit will allow the BLNR to evaluate the public benefit derived from the proposed historic preservation of this sites ancient past and connection to Hawaiian royalty, a history that spanned hundreds of years. It only really operated as a resort hotel between 1972 and 1992. Even during that time, as one of the descendants children, Ivan Ako, stated in the attached Declaration, the hotel had a lot of problems with ground water flooding that required sump pump operation 24 hours a day, 7 days a week. (See attached

Declarations filed in support of a Petition to Revoke the County Development permits).

Offered for your consideration and material to the public's interest is a Kauai County Council Resolution adopted by a majority of Council Members in response to substantial public outcry and objection to any resort development at the former Coco Palms site because of significant infrastructure shortcomings; traffic, waste water, threats to endangered sea birds and endemic species, sea level rise and threat of county beach park and state land encroachment that will likely adversely impact this historic and revered coastal land and the quality of life for residents of Kauai. When Kauai County Council met, the clear wording of the Kauai County Resolution supports public versus commercial use for the State lands at issue, see May 2023 County Council Resolution attached here. Under the laws of our State and Hawaii Constitution, State lands are given a preference for public use. Consequently, while development permits are vested with the County for the fee lands, BLNR can and should support public use over commercial use of the nearby state lands. The BLNR is not obligated nor does the law support preferential treatment of a commercial enterprise over the public use and enjoyment of State lands especially those with significant historic roots.

This is especially true when it comes to Agenda Item D1 for Friday which was Agenda Item D6 in December 15, 2023. The developer's representative, John Day, made it abundantly clear when he responded to questioning by the Land Board that the State lands were not essential or necessary for their development of a resort hotel on the former Coco Palms fee simple lands:

BLNR Meeting December 15, 2023 Agenda Item D6

01:22:00

Chair Chang asks "Are these three. Are these three State parcels are they critical to your development".

John Day responds "They are not essential and it's fair to call it a development Chair, we think of it as a restoration of a property that is on the Hawaii Register of National of Historic Places and so we think of it as a restoration of a historic site but I understand but I understand your meaning when you refer to it as development. Yes we will restore the historic Coco Palms regardless of what happens with these three parcels, they are not essential to restoring the historic Coco Palms. You know that being said, they are valuable um to the public in terms of providing parking um to the public and access to the public which we will provide. But they are not essential to restoring the historic Coco Palms"

Chair Chang "My followup question. Have you represented to the County in your development plans that these parcels these three revocable these three parcels are part of your project?"

John Day "Well I mean, they are part of our site plan. Our hope is to be able to use these parcels as part of the restoration of the historic Coco Palms. They are not essential to the project. The project will move forward either way".

Chair Chang "So since they have been on your site plans, if you do not get these three RPs does that jeopardize your approvals before the County?"

John Day "I'm not aware that it would".

Chair Chang "One final question. You mentioned the historic, you were here to restore the historic Coco Palms. It's not a development. The Coconut trees that were cut down, you understood that those were part of the historic property".

Mauna Kea Trask interrupts "Chairman"

Chair Chang "I'm going to ask Mr Day. If he cannot answer the question Mauna Kea, that's okay. That's okay but I'm going to ask Mr Day. Are you? Cause you are the principal now. You represented to us that you are going to steward these lands and that you, you are here, you are present and I appreciate that you are present. So I am going to ask you the question. Did you understand that the coconut trees that were cut down were part of the historic property and the historic character and nature of the property?"

John Day “Well that’s a, that’s a long conversation. Um”.

Chair Chang “Just yes or no?”

John Day “At the time the trees were cut down no one on or team, and I mean we had archeological monitors, right, people who had worked at SHPD for a couple of decades. You know. People who were very experienced and No one was aware the previous owner had put the property on the Hawaii register of historic places. So they were unaware. Cause remember we foreclosed in 2022. That’s when we took over. The previous owner that we foreclosed on put the property on the historic register. With respect to those trees, we were unaware that it was on the Hawaii historic register.”

Ends 01:26:00

[BLNR December 15, 2023](#)

Absent BLNR approval of RPs for parcels B and C for I Ola Wailuanui, we strongly support and recommend no action by BLNR at this time because of the following irregularities that have casts a negative and biased pall on this process.

Historic Background

Coco Palms Ventures, LLC, a Delaware Corporation that purchased the fee simple lands of the former Coco Palms Resort in 2006 from PRII (Prudential) was the last entity named on the State lease for the coconut grove and the three State RP parcels under consideration. In December 2023, Coco Palms Ventures, LLC interest in the RP parcels A, B and C, were terminated by BLNR Action. The lease between the State and Coco Palms Ventures, LLC was assigned by Coco Palm Ventures, LLC to PRII who then assigned the lease to Coco Palms Hui, LLC. While BLNR approved the assignment, there was never a transfer of the lease and the RPs were never put in the name of Coco Palms Hui, LLC. As Mr Tsuji explained when BLNR met April 14, 2023 Coco Palms Hui, LLC, never produced/provided the tax clearance and other documents necessary to perfect the prior Board approval. The coconut grove lease is still in the name of Coco Palms Ventures, LLC, an entity whose Hawaii State registered status was terminated December 4, 2017. None of the existing Coco Palms entities have any relationship with Coco Palms Ventures, LLC. When Coco Palms Ventures, LLC (Ventures) experienced financial hardship and were unable to satisfy the terms of Prudential’s sale of Coco Palms to them, they returned a deed to Prudential in lieu of foreclosure. Thus, the prior BLNR approval of an assignment from Ventures back to Prudential who then was assigning their interest to Coco Palms Hui, LLC was never perfected: Russell Tsuji at 53:40 [BLNR April 14, 2023](#)

Not only did Coco Palms Hui, LLC fail to pay property taxes on the RP lands from 2017 to 2023, but as Alison Neustein reported April 14, 2023, she was sending out a Notice of Deficiency for failure to pay property taxes during the same interval on the State leased coconut grove land. See Alison Neustein’s comments at 58:00 in the above link.

This is where the irregularities began. Ms Neustein did not send the Notice of Deficiency to attorneys for Coco Palms Hui, LLC and I Ola Wailuanui, rather she directed the Notice of Deficiency to Mauna Kea Trask depriving I Ola Wailuanui a fair and equal opportunity to satisfy the deficiency. Rather, staff indirectly selected the applicant who would be allowed to cure the deficiency and ensure the State land parcels while ignoring I Ola Wailuanui’s application that had been filed at the same time in February 2023.

Reef Capital through its loan servicing entity Private Capital Group (PCG) initiated foreclosure proceedings against Coco Palms Hui, LLC and its operators Chad Waters and Tyler Green who had also signed a personal guarantee for the loan brokered to them by PCG representing 6 or 7 Reef Capital investors. When the foreclosure proceeding was conducted, it was conducted by PCG, an agent for the lender.

Coco Palms Hui, LLC challenged the foreclosure in the Appellate Court along with their loan broker Paul Honkavaaro. That challenge has been on appeal since 2022. RP21 received a commissioner’s deed to the fee parcels in the course of the foreclosure proceeding, leaving Chad Waters, Tyler Green and Coco Palms

Hui, LLC with a foreclosure appeal as their only asset.

In March of this year, the Reef Capital Lenders agreed to release Chad Waters and Tyler Green from their personal guarantee of the loan to buy the fee property from Prudential. In return, Chad Waters and Tyler Green agreed to dismiss their appeal and the only entity still contesting the foreclosure against Coco Palms Hui, LLC is Mr Honkavaaro.

In the meantime, Coco Palms Hui, LLC has no assets and owns nothing in fee.

Friends of Maha'ulepu filed a Petition to Revoke the Coco Palms permits for violations of many of the County permit conditions. In April 14, 2023 BLNR meeting, Ms Neustein attached Exhibit E, copied and attached here, which shows that all the building permits have expired, most as of June 27, 2023. The Planning Director's report, also attached here, admits that many of the development conditions have not been met but it was his recommendation that the Planning Commission not revoke the development permits.

The second major irregularity in this matter occurred at the Planning Commission hearing March 12, 2024 when Mauna Kea Trask produced a lease that he suggested to the Planning Commission was about to be signed by this Board.

See the AG "Approved as to form" lease attached which Ms Neustein was instrumental in obtaining and delivering to Mr Trask. This document was produced less than a month before our Petition to Revoke hearing. Ms Neustein was not identified on the agenda as someone the Commission would be addressing. She appeared at 4:00 pm after an all day proceeding before the Kauai County Planning Commission and went into an Executive Session without prior notice to the public. Friends of Maha'ulepu objected to her entry into the Executive Session and we were told that she was there to help the Planning Commission understand the workings of the BLNR. When the public was brought back into the hearing, it was clear the Executive Session discussion was about the attached lease and Commissioner Ako actually asked Ms Neustein on the record if it was possible that BLNR would not sign the lease that she and Mr Trask were representing as an "all but done deal". She responded that she couldn't imagine that happening as she hadn't seen that before. The exchange between Planning Commission Ako and Ms Neustein occurred during the last hour. [March 12, 2024 Planning Commission Hearing on Petition to Revoke Coco Palms development permits.](#)

One big problem, the attached lease presented to the Kauai County Planning Commission is in the name of Coco Palms Hui, LLC, an entity that owns none of the fee lands. Consequently, their status is similar to that of I Ola Wailuanui, in that they are also not an owner in fee property adjacent to the State RPs or coconut grove. Unlike I Ola Wailuanui, they do not have a public interest in restoration of the property for its public and historic benefit. The former Coco Palms Hui, LLC, a bankrupt entity with no ownership interest in the lands adjacent to the State lands, would not likely be an entity to be awarded the State coconut grove lease. However, when Mr Trask and Ms Neustein presented the Unsigned Unapproved Alleged AG Lease to Coco Palms Hui LLC dated 02/13/2024, it sure muddied the waters on our Petition to Revoke Hearing. At the end of the hearing, the Planning Commission found that Friends of Maha'ulepu had no standing to bring the Petition to Revoke. We have since filed an Appeal of their Decision on our Standing and have also appealed the irregularity associated with Ms Neustein's entry into the Executive Session. Please see the objection we filed to that irregularity attached which was filed prior to our Notice of Appeal.

Mahalo nui,

Bridget Hammerquist, President
Friends of Maha'ulepu, a 501(c)(3)
Kia'i Wai o Wai'ale'ale, Co-founder

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COUNTY COUNCIL

COUNTY OF KAUA'I

Resolution No. 2023-44, Draft 2

**RESOLUTION URGING THE STATE OF HAWAII BOARD OF LAND AND
NATURAL RESOURCES TO CONSIDER PUBLIC ACCESS, USES, AND
PURPOSES FOR STATE PARCELS AT WAILUA**

WHEREAS, the area of Wailua, Puna District of Kaua'i, also known as Wailuanui, Wailuanuihoano, Wailuanuiahoano, Wailuanuilani, and Wailua Nui A Hō'ano—meaning great, sacred Wailua—as its name suggests, is one of the most sacred places in the Hawaiian archipelago and was an area primarily reserved for royalty, with a rich, documented history; and

WHEREAS, Wailua is the site of numerous ancient *loko i'a* (fishponds), including two (2) known as Weuweu and Kawaiiki, estimated to be at least 600-800 years old or more, integral to a *pu'uone* coastal wetland drainage system; and

WHEREAS, coconut groves were an essential part of the Hawaiian cultural landscape, providing foundational survival tools and security, especially in times of famine, drought, and war, and coconut palms have been dominant in the area from the time of the ali'i to the present; and

WHEREAS, the Mahunapu'uone burial grounds are located at Wailua, along with other verified and speculated additional burials of *iwi kūpuna*; and

WHEREAS, Hawai'i's highest concentration of *heiau* were established in the area, starting from the mouth of the Wailua River and extending to the summit of Wai'ale'ale, including: Hikinaakalā Heiau, Holoholokū Heiau, Malae Ha'akoa Heiau, Poli'ahu Heiau, and Lae Ala Kukui Heiau; and

WHEREAS, Wailua and Waimea served as alternating royal residences for the *ali'i* and their courts, with Wailua further serving as a royal birthing site; and

WHEREAS, the Wailua River State Park was established in 1954 in recognition of the splendid beauty of the Wailua River along with the significant historical and archeological features. The Wailua Complex of Heiau was included in the state park and designated a discontinuous National Historic Landmark in 1962 and listed on the Hawai'i State Register of Historic Places in 1981 as Site 50-30-08-0502; and

WHEREAS, a hotel that once stood on the site was destroyed on September 11, 1992, when Hurricane 'Iniki struck the island of Kaua'i; and

WHEREAS, since that time, parcels within Wailua have languished for over thirty (30) years; and

WHEREAS, the area is subject to extensive traffic congestion on Kūhiō Highway and along Kuamo‘o Road and Haleilio Road, which would be exacerbated by intensive use of the area; and

WHEREAS, the area is subject to additional considerations such as: Base Flood Elevation, Sea Level Rise Constraint District, property line setback limitations, and presence of endemic endangered waterbirds; and

WHEREAS, Hawai‘i Revised Statutes, Chapter 6E (Historic Preservation), Section 6E-1 (and previously codified in the Revised Laws of Hawai‘i 1955) states: “The Constitution of the State of Hawai‘i recognizes the value of conserving and developing the historic and cultural property within the State for the public good” and “it shall be the public policy of this State to provide leadership in preserving, restoring, and maintaining historic and cultural property, to ensure the administration of such historic and cultural property in a spirit of stewardship and trusteeship for future generations, and to conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property”; and

WHEREAS, the Council has been informed that the Board of Land and Natural Resources may soon be reviewing revocable permits for parcels within Wailua; and

WHEREAS, TMK (4) 4-1-003:017 (Revocable Permit 7444) (0.842 acres) is a parcel with hardened surfaces immediately *mauka* of Kūhiō Highway at the intersection of Kuamo‘o Road, which could once again be appropriate for parking access to the County of Kaua‘i Wailua Beach Park, especially due to the increasing erosion at Wailua Beach, which has completely eliminated the once-plentiful beach-adjacent parking area; and

WHEREAS, TMK (4) 4-1-005:017 (Revocable Permit 7613) (0.12 acres) is a parcel *makai* of Kūhiō Highway and adjacent to Wailua Beach Park, which could also be appropriate for public access to and use of the ocean; and

WHEREAS, TMK (4) 4-1-003:005 (General Lease No. 4878) (14.83 acres) is a parcel that includes the longstanding “coconut grove,” which could once again be appropriate for public access to and use of the “coconut grove”; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Council urges the Board of Land and Natural Resources to act within its power to prioritize public access, uses, and purposes when considering requests for leases, licenses, permits, or other agreements relating to the above-referenced or other relevant parcels in the sacred Wailua area.

BE IT FINALLY RESOLVED, that copies of this Resolution be sent to Governor Josh Green, M.D., the State of Hawai'i Department of Land and Natural Resources and Board of Land and Natural Resources, and the County of Kaua'i Planning Department, Planning Commission, Kaua'i Historic Preservation Review Commission, and Office of the County Attorney.

Introduced by: /s/ FELICIA COWDEN
 /s/ KIPUKAI KUALI'I

V:\RESOLUTIONS\2022-2024 TERM\Resolution No 2023-44 Draft 2 Wailua FC_KK_JA_ss.docx

	Aye	Nay	Excused	Recused
Bulosan			X	
Carvalho		X		
Cowden	X			
DeCosta		X		
Kagawa	X			
Kuali'i	X			
Rapozo	X			
Total	4	2	1	0

Certificate Of Adoption

We hereby certify that Resolution No. 2023-44, Draft 2 was adopted by the Council of the County of Kaua'i, State of Hawai'i, Lihu'e, Kaua'i, Hawai'i, on May 31, 2023.



 County Clerk
 Dated June 1, 2023



 Chairman & Presiding Officer

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-1,
) SMA(U)-2015-6
 FRIENDS OF MĀHĀ'ULEPU)
) DECLARATION OF BRIDGET HAMMERQUIST
)
 _____)

DECLARATION OF BRIDGET HAMMERQUIST

I, BRIDGET HAMMERQUIST, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I was born in Hilo in 1947, was raised on the Big Island until my family and I moved to Kaumakani, Kaua'i in 1964.
3. I currently reside in Kōloa on the island of Kaua'i.
4. I am president of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Friends of Māhā'ulepu" or "Petitioner"). Petitioner is based on Kaua'i and is comprised of Kaua'i citizens whose mission is the protection and preservation of a clean and healthful environment, including the protection of cultural resources and native species endemic to Kaua'i. Friends of Māhā'ulepū officers, directors, and supporters are and include Kānaka Maoli traditional and customary practitioners who utilize areas within, adjacent, and near to the subject property.
5. Attached as Exhibit "01" is a true and correct copy of O'Hare, Constance R., David W. Shideler, and Hallett H. Hammatt, *A Preservation Plan for SIHP # 50-30-08-680, a Lagoon Comprising Components of Debora Kapule 's Weuweu-Kawai-iki Fishponds at the Coco Palms Resort, Wailua Ahupua 'a, Puna District, Island of Kaua 'i TMK: (1) 4-1-003: 013*. Cultural Surveys Hawai'i, Inc., Kailua, Hawai'i (2013) via public records request pursuant to Hawai'i Revised Statutes (HRS) chapter 92F, on April 3, 2023 (excerpts).
6. Attached as Exhibit "02" is a true and correct copy of Letter from Susan Lebo, O'ahu Lead Archaeologist, State Historic Preservation Division, to David Shideler, Cultural Surveys Hawai'i, Inc., "Chapter 6E-42 Historic Preservation Review" Log No. 2013.5683, Doc. No. 1312SL19 (dated December 23, 2013) via UIPA request on November 13, 2023.

7. Attached as Exhibit “03” is a true and correct copy of excerpts of SSFM International, “Coco Palms Resort Traffic Impact Analysis Report Wailua, Island of Kaua‘i” prepared for Coco Palms Hui/ Agor Architects (February 9, 2015) obtained from Kaua‘i County Councilmember F. Cowden.

8. Attached as Exhibit “04” is a true and correct copy of excerpts of the Kaua‘i Planning Commission(“Commission”) meeting agenda from March 10, 2015 obtained via the Commission website available at www.kauaigovonline.org/WebLink/DocView.aspx?id=1763178&dbid=0&repo=LF-IMAGING.

9. Attached as Exhibit “05” is a true and correct copy of excerpts of the Commission meeting minutes from March 10, 2015 obtained via the Commission website available at www.kauaigovonline.org/WebLink/DocView.aspx?id=1763310&dbid=0&repo=LF-IMAGING

10. Attached as Exhibit “06” is a true and correct copy of the Kaua‘i Planning Department letter to Coco Palms Hui, LLC, dated March 10, 2015 from Commission agenda packet, Jan. 24, 2023 obtained via the Commission website available at www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING

11. Attached as Exhibit “07” is a true and correct copy of excerpts of the Commission meeting agenda of August 11, 2015 obtained via the Commission website available at www.kauaigovonline.org/WebLink/DocView.aspx?id=1763202&dbid=0&repo=LF-IMAGING

12. Attached as Exhibit “08” is a true and correct copy of excerpts of the Commission meeting minutes of August 11, 2015 obtained via the Commission website available at www.kauaigovonline.org/WebLink/DocView.aspx?id=1763359&dbid=0&repo=LF-IMAGING

13. Attached as Exhibit “09” is a true and correct copy of the Housing Agreement (for Coco Palms), Document A-58830146, recorded at the Bureau of Conveyances on February 9, 2016.

14. Attached as Exhibit “10” is a true and correct copy of excerpts of the Commission meeting agenda of September 11, 2018 obtained via the Commission website available at www.kauaigovonline.org/Weblink/PDF10/1272a6b8-6e88-4f1c-8413-98850c71b442/3087238

15. Attached as Exhibit “11” is a true and correct copy of excerpts of the Commission meeting minutes of September 11, 2018 obtained via the Commission website available at www.kauaigovonline.org/Weblink/PDF10/29297eef-769b-4844-add0-3a728414610c/3087257

16. Attached as Exhibit “12” is a true and correct copy of excerpts of the Commission

meeting agenda of November 13, 2018 obtained via the Commission website available at www.kauaigovonline.org/WebLink/DocView.aspx?id=3087242&dbid=0&repo=LF-IMAGING

17. Attached as Exhibit “13” is a true and correct copy of excerpts of the Commission meeting minutes of November 13, 2018 obtained via the Commission website available at www.kauaigovonline.org/Weblink/PDF10/af03a4af-37ce-44e8-8f65-fa4b73b9a6cd/3087261

18. Attached as Exhibit “15” is a true and correct copy of excerpts of the Planning Department letter to Coco Palms Hui, LLC, dated December 31, 2018 from Commission agenda packet for the January 24, 2023 meeting, obtained via the Commission website available at www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING

19. Attached as Exhibit “16” is a true and correct copy of excerpts of the Commission agenda packet for the January 24, 2023 meeting, obtained via the Commission website available at www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING

20. Attached as Exhibit “17” is a true and correct copy of excerpts of the approved Commission meeting minutes of January 24, 2023 obtained via the Commission website available at www.kauai.gov/files/assets/public/v/1/boards-and-commissions/planning-commission/planning-commission-meeting-minutes/pc-01.24.23-open-session-minutes-approved.pdf

21. Attached as Exhibit “18” is a true and correct copy of excerpts of the Submittal for Item D-1 of the Board of Land and Natural Resources’ April 14, 2023 meeting, downloaded from the BLNR website *available at:* dlnr.hawaii.gov/wp-content/uploads/2023/04/D-1.pdf

22. Attached as Exhibit “19” is a true and correct copy of the letter from Ka‘aina Hull, Director, Kaua‘i Planning Department, to Mauna Kea Trask, Cades Schutte, Subject: Department Determination DD-2024-7 Coco Palms Resort, Tax Map Key: (4) 4-1-003:004, 005, 007, 017; 4-1-005:014, 017, Wailua, Kaua‘i”, dated Oct. 6, 2023, filed as Exhibit “2” by Coco Palms Hui, LLC, November 6, 2023 as Docket 225 in Civil No. 1CCV-22-1495 (1st Cir. Ct), as well as the Declaration of John Day, filed with Coco Palms Hui, LLC’s Reply in Support of Motion to Dismiss, also filed November 6, 2023 as Docket 225 in Civil No. 1CCV-22-1495 (1st Cir. Ct).

23. Attached as Exhibit “20” is a true and correct copy of excerpts of Applicant’s COCO PALMS HUI, LLC’s Annual Report, included in the Commission agenda packet of October 24, 2023 obtained via the Commission website available at www.kauai.gov/files/assets/public/v/1/boards-and-commissions/planning-commission/planning-commission-meeting-agendas/2023-10-24-pc_agenda-packet.pdf

24. Attached as Exhibit “21” is a true and correct copy of the file named: “Ex. H - Coco Palms Revised Parking Plan 9-26-23” circulated at the October 25, 2023 Kaua‘i Council Committee meeting and obtained from Kaua‘i County Councilmember F. Cowden. New parking lots and structures appear on the north and south ends of the fishpond/lagoons that appear to encroach on 20-foot buffer areas as required by the 2013 preservation plan described *supra* Paragraph 5.

25. Attached as Exhibit “22” is a true and correct copy of excerpts of the Sea Level Rise Exposure Area (SLR-XA) map of proposed Coco Palms resort areas, obtained from the PACIOOS interactive mapping tool accessed on November 16, 2023 available at: www.pacioos.hawaii.edu/shoreline/slr-hawaii/

26. Attached as Exhibit “23” is a true and correct copy of the Federal Emergency Management Agency (FEMA) flood zone map of proposed Coco Palms resort areas, obtained from the PACIOOS interactive mapping tool accessed on November 16, 2023 available at: www.pacioos.hawaii.edu/shoreline/slr-hawaii/

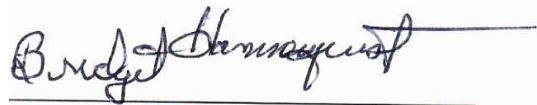
27. Attached as Exhibit “24” is a true and correct copy of the Kaua‘i tsunami evacuation zone map of proposed Coco Palms resort areas, obtained from the GIS layer accessed on November 16, 2023 available at: kauai-open-data-kauaigis.hub.arcgis.com/datasets/KauaiGIS::kauai-tsunami-evacuation-zones/explore?layer=0

28. Attached as Exhibit “25” is a true and correct copy of excerpts of County of Kaua‘i Real Property database search returns for Tax Map Key Nos. (4) 4-1-06:026, 053, and 054, accessed November 16, 2023 *available at*: qpublic.schneidercorp.com/Application.aspx?App=KauaiCountyHI&PageType=Search

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kōloa, Hawai‘i

November 20, 2023



BRIDGET HAMMERQUIST
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-1,
FRIENDS OF MĀHĀ'ULEPU) SMA(U)-2015-6
)
) DECLARATION OF ADAJO HAUNANI ROSSI
)

DECLARATION OF ADAJO HAUNANI ROSSI

I, ADAJO HAUNANI ROSSI, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I hold rights in a parcel on Koki Road, Kapa'a Hawai'i 96746, located at Tax Map Key (4) 4-1-002:019.
4. I am Kānaka Maoli. Both of my grandmothers lived on Kaua'i and I spent a lot of my time on Kauai in my youth.
5. I moved to Kaua'i from O'ahu. I have lived on Kaua'i with my family for 47 years.
6. I live in the Wailua house lots, which is a three-minute drive to the proposed Coco Palms hotel site.
7. My family and I own a parcel of conservation land on Koki Road. We grow kalo as an exercise of our Kānaka Maoli traditional and customary practice for personal consumption.
8. I was upset and disturbed by what I understand to be current hotel developers' decision to cut down more than 70 coconut palms from the conservation land parcel mauka of the hotel site, and almost as many from the fee simple land behind the old hotel remnant parcel. I personally observed these to be healthy trees.
9. The cleared vegetation has been dumped on nearly an acre of conservation land on Koki Road very near our kalo farm.
10. Attached as Exhibit "14" is a true and correct copy of the Kent Amshoff, Layton Construction, "Coco Palms Renovation Construction and Demolition Debris Management Plan" dated January 2023, obtained via email from the Kauai Solid Waste Division via email April 3,

2023 (“2023 demolition and debris plan”).

11. I understand the hotel’s demolition and debris management plan required the cut-down trees and other vegetative waste to be taken to Heart and Soul Organics in Moloaa, not dumped at the end of Koki Road on conservation land. This was not done.

12. I and my family and neighbors are very concerned about the traffic that is going to enter from Apana Road and Kuamoo Road exiting onto Apana Road and Koki Road and then onto Kuhio Highway. This traffic will make it difficult to conduct our kalo farming operations off of Koki Road.

13. In 1982, at the time of the first hurricane, the population of Kaua‘i was approximately 22,000.

14. In 1992, Kaua‘i’s population was a little over 30,000. Today there are more than 74,000 permanent residents on Kaua‘i, substantially increasing the population density of this small island. Tourism adds many more persons on a regular basis to Kaua‘i roads.

15. The increased population has created what the locals refer to as the “Kapaa Crawl”. The traffic congestion has noticeably increased and it feels like it has doubled since 2016.

16. I frequently drive by the proposed hotel property and am familiar with its environment.

17. I use the beach and shoreline fronting the resort property, including by the proposed Seashell restaurant for swimming, recreation, and peaceful contemplation. An influx of further crowds drawn to the area for the proposed resort would infringe on my use and enjoyment of the shoreline area.

18. I have seen the high wash of the waves flowing and close to the portion of Kuhio Highway that is makai of the proposed hotel site. There is no room between the high wash of the waves and Kuhio highway to install a restaurant, restaurant patio, or a driveway loop for the proposed shuttle.

19. Crowds of visitors at the coastal areas near the proposed hotel, and runoff and rubbish going into the shoreline impacts the health of the nearshore areas, and therefore my ability to use and enjoy gathering and other Kānaka Maoli cultural practices in this area.

20. I have observed several species of native sea birds that come and land on the site and the fish pond.

21. Building a large hotel resort would affect the ability of these native birds to use the

fish pond, especially its banks as they currently do. It is well known in the community that there are no plans to protect the native species that have come to rely on the vacant lands mauka of the destroyed hotel.

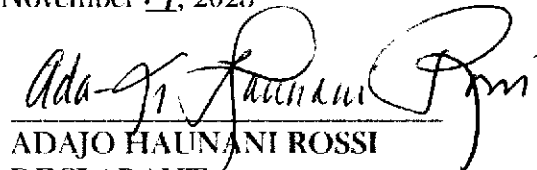
22. It is well known in the community that this site can no longer support a hotel. The Wailua waste water treatment plant and pumping station right near the hotel pollute the air with fecal odors almost every day. We can't drive by this area without smelling it. Also, how can the sewage from a 350 room hotel with employees and guests be added to an area where the waste water plant and pumping station are already in disrepair and operating at capacity?

23. I work as an event planner and I am personally aware that we have a serious shortage of staff on the island. Many of our businesses including places where people buy coffees, sandwiches, dinners to take home etc, close early and/ or are closed for several days of the week due to a lack of staffing. The labor force needed to service a large resort hotel does not exist in our present population, which means the hotel may try to import laborers. This will exacerbate our existing affordable housing shortage on Kaua'i.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 19, 2023



ADAJO HAUNANI ROSSI
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-
FRIENDS OF MĀHĀ'ULEPU) 1, SMA(U)-2015-6
)
) DECLARATION OF LISA M. NAKAMURA
)

DECLARATION OF LISA M. NAKAMURA

I, LISA M. NAKAMURA, declare under penalty of law that the following is true and correct.

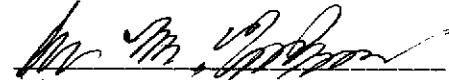
1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live on 321B Koki Road, Kapa'a Hawai'i 96746, located at Tax Map Key (4) 4-1-006:012.
4. I live very close to the former Coco Palms hotel property.
5. This area is already too crowded, particularly with vehicular traffic. Traffic is so heavy that it is hard for me to drive to the North Shore or Līhu'e.
6. Applicant COCO PALMS HUI, LLC (Applicant) proposed adding shuttles to take their patrons to the beach and other places. That will make traffic worse on Koki Street where I live, which is directly behind the resort onto which their traffic is supposed to traverse.
7. Wailua Beach, which lies makai of the proposed hotel, has been disappearing with sea level rise and erosion.
8. I have seen the high wash of the waves come up very close to Kuhio Highway. The shuttle round-about Applicant wants to build near the old Seashell restaurant would not be able to be placed above the high wash of the waves and Kuhio Highway. There is no room.
9. The seabirds that enjoy the grasses near the old Seashell restaurant would be displaced if Applicant attempted to rebuild that restaurant and patio.
10. It has been 31 years since the hotel operated. It is well known in the community that the hotel site is a mess and an eyesore.
11. Most people in the community would very much like to see it become a park or

grounds that people can walk on with maybe a cultural site where we can remember the historic Wailua. We don't need another large hotel. It just won't fit on this location anymore. Too much has changed.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 12 2023



LISA M. NAKAMURA
DECLARANT

BEFORE THE KAUAI PLANNING COMMISSION

COUNTY OF KAUAI

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-
FRIENDS OF MĀHĀ'ULEPU) 1, SMA(U)-2015-6
)
) DECLARATION OF RACHEL FLATT
)

DECLARATION OF RACHEL FLATT

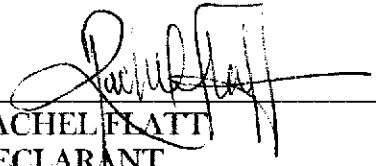
I, RACHEL FLATT, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live on 372 Likeke Place, Kapa'a Hawai'i 96746, located at Tax Map Key (1) 4-1-006:056.
4. I live very close to the former Coco Palms hotel property.
5. I am familiar with the environs of the proposed hotel. I use and enjoy these environs for recreational purposes and as part of the quality of my life.
6. This area is already too crowded, particularly with vehicular traffic. Adding more congestion will compromise my quality of life and introduce further stress to my ability to go and come from my home.
7. Construction and demolition in the proposed hotel site will negatively impact our environment. There is a high water table in this area. I understand there are plans to install underground-parking, which would require pumping to ensure the parking garages do not flood, particularly during the rainy season and at high tide. Even before 1992, the previous parking garage flooded. Runoff from flooding will make nearby Waihua beach muddy and brown, killing our reefs and native wildlife.
8. I am also concerned about increasing the density in the proposed hotel location, which is in a tsunami evacuation zone, a flood zone, and partly in the Sea Level Rise-Exposure Area. Kauai has limited resources to respond to emergencies - ambulances, paramedics, police, fire-first responders - and putting more people, including tourists, in this area will likely overstretch those resources.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November __, 2023



RACHEL FLATT
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-
FRIENDS OF MĀHĀ'ULEPU) 1, SMA(U)-2015-6
)
) DECLARATION OF MARVIS KERR
)

DECLARATION OF MARVIS KERR

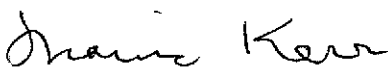
I, MARVIS KERR, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live on 377 Iikeke Place, Kapa'a Hawaii 96746, located at Tax Map Key (4) 4-1-006:068.
4. I live very close to the former Coco Palms hotel property.
5. I am familiar with the environs of the proposed hotel. I use and enjoy these environs for recreational purposes and as part of the quality of my life.
6. This area is already too crowded, particularly with vehicular traffic. The increase in population on the Wailua-Kapa'a area, including since 2015 when the hotel redevelopment was proposed, has now made our town the largest on island. The density and demand on infrastructure will be too much for our community and we will lose what little quality of life we enjoy.
7. I understand there are plans to rebuild the Seashell restaurant makai of Kuhio Highway. This is infeasible because much of this area is covered at high tide and there is no area to build a beach/driveway loop without encroaching on the shoreline.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawaii

November 19, 2023



MARVIS KERR
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-
FRIENDS OF MĀHĀ'ULEPU) 1, SMA(U)-2015-6
)
) DECLARATION OF RALPH NISHIMOTO
)

DECLARATION OF RALPH NISHIMOTO

I, RALPH NISHIMOTO, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live on 4621 A Haleilio Road, Kapa'a Hawai'i 96746, located at Tax Map Key (4) 4-1-006:010. I live very close to the old Coco Palms hotel property.
4. I was the wedding photographer for their chapel. Though I loved my job with the hotel and have fond memories, the population in our area has outgrown the need for this hotel.
5. Traffic in our area by the hotel is already very bad and the congestion would get much worse if the hotel were rebuilt.
6. It has been 31 years since the hotel stopped operating. The area would serve the community much better as a park or community garden where we can grow food.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 17, 2023



RALPH NISHIMOTO
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-
) 1, SMA(U)-2015-6
FRIENDS OF MĀHĀ'ULEPU)
) DECLARATION OF IVAN AKO
)
_____)

DECLARATION OF IVAN AKO

I, IVAN AKO, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live in the home I was born in at 342 Makani Road, Kapa'a Hawai'i 96746, located at Tax Map Key (4) 4-1-014:043, a mile from the old Coco Palms hotel property.
4. I am Kānaka Maoli and was born on Kaua'i.
5. I worked in the hotel and visitor industry through Hurricane Iwi (1982) and Hurricane Iniki (1992). My father, Valentine Ako, who passed away in 2020, worked at Coco Palms from at least 1970 until the time of Hurricane Iniki for R.J. Munro.
6. My father would talk about his work with R.J. Munro, the general contractor that worked on the Coco Palms hotel construction. He remembered how challenging it was to maintain the underground parking lot because of the water that would flood into the hotel with heavy rains or high tides. There were pumps that operated regularly in the underground parking. My dad was responsible for making sure the pumps were working. The same problems with a high water table, flooding, and consequent erosion and runoff to nearshore areas would likely plague any future hotel in this location.
7. My father would also share his thoughts on what would happen to the old Coco Palms hotel site. He felt strongly that there should be anymore construction or excavation on the parcel because of the burials on site, the iwi kūpuna. These iwi were unearthed during construction by R.J. Munro and reinterred after carpenters milled wooden boxes for them to be reinterred in. My father personally prayed over the 87 separate sets of iwi unearthed and reinterred. He said during the ceremony, he and other Hawaiians, promised the iwi kupuna that

they would never be disturbed again. Other Hawaiian practitioners came and did ceremonial protocol for the re-burials and the hotel management at the time agreed to maintain those graves.

8. I learned from my father - that iwi kūpuna should not be redisturbed by future construction. He also reiterated his belief that we need to respect and honor our kupuna in their place of rest. I share his belief and cultural practice.

9. I am concerned about the congestion and the added traffic to this area particularly in the event of any emergency. The only egress out of the proposed resort is through Haleilio Road or Kuamoo Road. Either option has severely negative impacts on local residents, including myself.

10. Both the old hotel site and our Wailua waste water treatment plant would both be sitting ducks in the event of another hurricane, seriously degrading our river and ocean waters with the debris and run off that would be caused by even a large king tide combined with heavy rain storm, which we now experience on Kaua'i. The entire area is in a tsunami evacuation zone and a flood zone.

11. I have observed such serious beach erosion that I question how a 350 room resort could even be built on the site without major environmental harm. I appreciate the need to protect and keep our environment safe and clean.

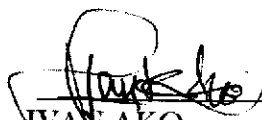
12. While my dad and I share intimate memories of our time at the Coco Palms Hotel, that time has past and nature has changed our beach, our water table, and our population has grown to the point where our waste water treatment plant cannot take care of those of us that are already living here full time without regular noxious gases being emitted that smell like feces with spills into our bay.

13. The County should not let this area be further damaged for further hotel redevelopment.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 20, 2023



IVANAKO
DECLARANT

BEFORE THE KAUAI PLANNING COMMISSION

COUNTY OF KAUAI

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-
) 1, SMA(U)-2015-6
FRIENDS OF MĀHĀ'ULEPU)
) DECLARATION OF MICHAEL FOSTER
)

DECLARATION OF MICHAEL FOSTER

I, MICHAEL FOSTER, declare under penalty of law that the following is true and correct.

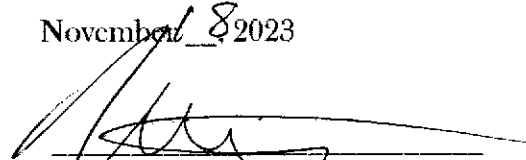
7. I make this declaration based upon my personal knowledge, information and belief.
8. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
9. I live on 384 Likeke Place, Kapa'a Hawaii 96746, located at Tax Map Key (4) 4-1-006:060. I live very close to the old Coco Palms hotel property.
10. Traffic is very heavy in this area. This area is already too crowded, particularly with vehicular traffic. The increase in population on the Wailua-Kapa'a area, including since 2015 when the hotel redevelopment was proposed, has now made our town the largest on island. It is already difficult to get to Lihue or to the North Shore.
11. There is no access to Wailua beach without crossing the already very heavily traveled Kuhio Highway. There is no area at the beach to install a new shuttle driveway-turnaround. Adding a shuttle stop on the side of the road would interrupt the already impacted traffic flow and worsen traffic conditions.
12. The high water table that impacted the old Coco Palms parking structure is likely worse today because so much of Wailua Beach has disappeared under water making an underground passage to the beach difficult if not impossible.
13. The plan to add shuttles for hotel guests to go to and get from the beach will make the already congested Kuhio Highway even more difficult to travel on. It is already difficult to travel on Kuamoo Road and Haleilio Road. I have personally seen a significant increase in the traffic congestion over the past 5 years. While the additional lane in front of the hotel site on Kuhio Highway has helped that traffic some, the roads merging with Kuhio Highway are very congested and not much improved. I can't imagine being able to travel to and from my home if a

350 room resort is built with the employee and guest cars that will be added to our streets.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 8 2023



MICHAEL FOSTER
DECLARANT

Declaration of Sophronia Noelani Josselin

1. I, Sophronia Noelani Josselin, declare that I am a resident of the County of Kauai, State of Hawaii.

2. I reside at Kapa'a, County of Kauai, State of Hawaii.

3. I make this declaration based upon my personal knowledge and observations. I am competent to so declare.

4. I am familiar with the area shown in Exhibit A, attached hereto and incorporated herein, which is an architectural drawing of RP21 Coco Palm's proposed shuttle bus turn around at Wailua, Kauai, Hawaii.

5. I am informed and believe that the drawing was submitted to the County of Kauai Building Department for permitting by RP21 Coco Palms architect, Ron Agor.

6. I am informed and believe that the area designated as Coco Palms Shuttle Bus Turn Around on Exhibit A is located on the north end of the County of Kauai Wailua Beach Park.

7. I am unaware of the County of Kauai granting a lease, license, or permit to RP21 Coco Palms for a shuttle bus turn around at this location.

8. Below the Turn Around on Exhibit A, in small print, are the words "Public Parking Area."

9. Based on my personal observations, the public has used the area shown in Exhibit A for parking. There is barely enough area for six vehicles to park in this area, let alone a shuttle bus turn around.


10. Last week, during high surf at Wailua, I observed the wash of the waves go into the area shown in Exhibit A as Shuttle Bus Turn Around and Public Parking Area. See Exhibit B, which is a true and correct copy of a photo I took a few days ago at the parking area.

11. Based on my personal observation, the wash of the waves at high tide frequently reaches the area designated for the shuttle bus turn around in Exhibit A.

12. RP21 Coco Palm's Seashell Restaurant, as shown on Exhibit A, encroaches upon the State parcel identified as RP 7613. I have observed the reach of the waves wash over the State parcel and reach the bottom of the stairs at the Seashell Restaurant during high tide and high surf events.

I, Sophronia Noelani Josselin, declare under penalty of law that the foregoing facts are true and correct to the best of my knowledge.

DATED: Lihue, Hawaii, November 19, 2023.


Sophronia Noelani Josselin
11/19/2023

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
 JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
 MICHAEL A. DAHLIG, MANAGING DIRECTOR

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Revocation Petition involving the permits issued to Coco Palms Hui, LLC.

Permit Application Nos. Class IV Zoning Permit Z-IV-2015-8
 Project Development Use Permit PDU-2015-7
 Variance Permit V-2015-1
 Special Management Area Use Permit SMA(U)-2015-6

Name of Applicant(s) COCO PALMS HUI, LLC.

II. PROJECT DATA

PROJECT INFORMATION			
Parcel Location:	Wailua, Kaua'i. Located mauka of Kūhiō Highway immediately northeast of its intersection with Kuamoo Road.		
Tax Map Key(s):	4-1-003:004, 005, 007, 011 & 017 4-10005:014 & 017	Area:	Approx. 32.33 acres
ZONING & DEVELOPMENT STANDARDS			
Zoning:	Residential (R-10), Resort (RR-20) & Open (O) Districts		
State Land Use District:	Urban		
General Plan Designation:	Resort		
Height Limit:	55 feet max		
Max. Land Coverage:	50% of lot area		
Parking Requirement:	(Refer to Commission Approval)		
Front Setback:	10 feet min.		
Rear Setback:	10 feet min,		
Side Setback:	5 feet min.		
Community Plan Area:	Kapa'a-Wailua Development Plan		
Community Plan Land Use Designation:	N/A		
Deviations or Variances Requested:	N/A		

III. PROJECT DESCRIPTION AND PERMIT BACKGROUND

On March 15, 2015, the Planning Commission approved the subject permits involving the renovation and redevelopment of the Coco Palms Resort in Wailua that consisted of 350 hotel units. The proposed development also includes support facilities, retail shops, restaurants, an office space and hotel lobby area, a museum, meeting rooms, maintenance buildings, a spa and gym building, and off-street parking. The permits were approved with a total of twenty-nine (29) conditions of approval.

In 2016, the Planning Department initiated permit revocation proceedings based on the Applicant’s inability to meet timelines established under Condition 17 of the 2015 Conditions of Approval.

Subsequently, on August 11, 2015, the Planning Commission approved the Applicant’s extension request relating to Conditions 16 and 17 of the subject permits relating to the provision for screening along Kūhiō Highway & Kuamoo Road, as well as the demolition of existing structures.

In 2018, the Planning Department initiated permit revocation proceedings again, this time based on the applicant’s inability to meet building permit submittal conditions under Condition 15 of the 2016 Conditions of Approval.

Subsequently, at the November 13, 2018, the Planning Commission determined to accept a stipulation between the Applicant and the Department that dismissed the enforcement-related order to show cause. The updated 29 conditions of approval reflect the stipulations between the respective parties made at that time.

The project involves multiple parcels, and their respective land use designations are noted:

LAND INFORMATION					
Tax Map Key	Land Area (Acres)	State Land Use Designation	General Plan	County Zoning	
4-1-003:007	12.63	Urban	Resort	Resort (RR-20)	
4-1-003:004	3.69			Open (O)	
4-1-003:005	14.83			Open (O)	
4-1-003:011	0.496			Resort (RR-20)	
4-1-003:017	0.855			Open (O)	
4-1-005:014	0.204			Residential (R-10)	
4-1-005:017	0.122			Residential (R-10)	
TOTAL AREA (excludes ditch)	32.33 ac.				

IV. INTERVENOR'S PETITION REASONS/JUSTIFICATION

As noted, the Petitioner's reason for intervention is based on their assessment of the Applicant's failure to comply with several conditions of the foregoing permits. The petition specifically identifies Conditions 3, 5, 14, 15, 18, 19, 20 and 20.b. For reference, the conditions are noted below and read:

- "3. Prior to building permit approval, the applicant shall meet the requirements and standards of the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD). The applicant is further advised that should any archaeological or historical resource be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures. The Planning Department has reviewed comments of the State Historic Preservation Division, and under its independent Chapter 6E and related Hawaii Constitutional obligations and duties, requires the following historic preservation measure be fulfilled by the applicant.*
- a. A revised SOW for the project, including any proposed work with potential to affect the historic lagoon, including staging areas, construction of new bridges, dredging, or filling in of areas near the lagoon;*
 - b. Information regarding any potential federal funding or federal permits that may be required, especially relative to the historic lagoons;*
 - c. An Intensive-Level Survey (ILS) that identifies and assesses all remaining architectural historic properties and their potential eligibility for the Hawaii and National Registers;*
 - d. A Burial Treatment Plan (BTP) that meets HAR §13-300-34(b), and following a determination by the KIBC regarding burial treatment, a Burial Site Component of a Data Recovery Plan (BSCDRP) that meets HAR §13-300-34(b)(3)(B); and*
 - e. A Revised Archaeological Monitoring Plan (AMP) that includes provisions for addressing architectural monitoring concerns and meets HAR §13-279-4, including ongoing monitoring during construction and 90 days after completion of construction.*

As of June 2016, the Applicant has received approval from SHPD with respect to their HRS 6E-42 review and required mitigation actions. However, Applicant is also advised that should any human remains be discovered as a consequence of digging activities, WORK MUST IMMEDIATELY STOP IN THE VICINITY OF THE FIND AND SHPD AND THE PLANNING DEPARTMENT MUST BE NOTIFIED.

- 5. Applicant is aware that any final construction plans involving the former Seashell Restaurant site that deviates substantially from the conceptual plans presented to the State Department of Land and Natural Resources may trigger compliance with the statutes and regulations under the jurisdiction of the Office of Coastal and Conservation Lands, Hawaii State Department of Land and Natural Resources if final*

development is proposed within the shoreline area. Applicant is on notice that, if any such final plans proposed development within the shoreline area, this permit action may be deemed invalid and require modification and re-approval only after compliance with Chapter 343, Hawaii Revised Statutes, is attained.

- 14. Applicant acknowledges affordable housing requirements apply to this proposal, and in compliance with Chapter 7A, Kauai County Code (1987), Applicant has entered into, and will perform its obligations under, that certain Housing Agreement (for Coco Palms) dated December 4, 2015, directly with the Kauai County Housing Agency, which has been fully executed and recorded on February 9, 2016.*
- 15. Applicant shall submit by August 31, 2019 plans to for all remaining building permits for the construction of vertical improvements on the project site, and will thereafter diligently work in good faith with the Kauai Division of Buildings (“Building Division”) to obtain final building permit approval for all remaining permits. Construction shall commence within one year after the date of final approval of the referenced building permits. Further, pursuant to PDU requirements in the CZO, construction shall commence within one year after the date of full approval of such building permits. Also, Applicant shall pull all such building permits within dix months after the approval of the final building permit.*
- 18. Applicant shall provide 20 public parking spaces at the North end of the project site with signage identifying their use by beachgoers and those using public transit with the operator opens to the public the building of the project that is closest to the parking lot contain such public parking spaces. Further, the applicant shall provide 20 stalls for parking with signage identifying their use by public beachgoers along the south end of the project. These stalls shall be clearly marked for public beachgoers use only. Also, the applicant at its own expense shall work with the county to site, design, construction, and maintain in perpetuity, a comfort station consisting of restrooms and showers for beachgoers. This comfort station shall be located adjacent or approximate to this public beachgoers parking area.*
- 19. All parking for guest, customers, and employees shall be accommodated on site. No parking on Kuamoo, Haleilio or Apana Roads shall be allowed. No use of parking lots on adjacent property shall be allowed as well.*
- 20. Given outstanding evaluation of the Traffic Impact Analysis Report (TIAR) by both the Department of Public Works and State Department of Transportation, in the interim, the Applicant shall provide the following to mitigate traffic impacts created by the development:*
 - a. Provide, at the Applicant’s expense, a shuttle for eighteen (18) months beginning when the hotel operator open the main lobby, at least 277 guest rooms and the food and beverage facilities and services of the project to the public as a pilot program to facilitate transit to and from the Lihue Airport and the development;*

- b. *Provide, at the applicant's expense, a circulator shuttle for eighteen (18) months beginning when the hotel operator opens the main lobby, at least 277 guest rooms and the food and beverage facilities and services of the project to the public to move patrons from the hotel to Lydgate and Wailua Beach Park, the Seashell Restaurant site, the Coconut Marketplace and other destinations within the main Kapaa transit corridor that shall be determined by the County of Kauai Executive on Transportation at least 90 days before such shuttle service is scheduled to begin.*
- c. *Provide, at the Applicant's expense, a bike share program operated by Applicant or a vendor selected by Applicant for patrons of the resort to allow guests to ride bikes into Kapaa Town and other destinations without driving;*
- d. *The applicant shall work with the State Department of Transportation and Department of Public Works to resolve pedestrian crossing, sidewalks and vehicular traffic demands created by the development, and bear implementation costs proportional to the impact that arises, including the installation of a continuous public sidewalk on the Kuhio Highway frontage between Kuamoo and Haleilio; and*
- e. *Provide the Planning Department, Department of Public Works, and State Department of Transportation an update to the TIAR one (1) year after receiving the last certificate of occupancy for the project evaluating traffic impacts created by the resort and analyze the need for additional bus stops.*
- f. *Provide the Planning Department with a report on the Applicant's efforts to work with the Department of Land and Natural Resources to obtain permission to use the lands held by lease for a mauka access, either vehicular, or bike/pedestrian, to allow movement of residents between Kuamoo Road and Haleilio Road.*

Should the updated TIAR, as accepted by the three agencies, determine a significant adverse change in the traffic condition resulting solely from the project beyond the traffic conditions anticipated in the original TIAR, Applicant is aware that this permit is subject to reasonable modification by the Planning Commission that Applicant may be responsible for the proportionate costs for any impacts of such significant adverse change for which a nexus to the additional anticipated traffic conditions may be identified."

The basis for revocation of the permits is detailed in Pages 9-17 of the Petition.

V. BACKGROUND

As required by Condition 29 of the permits, the Applicant is required to submit an annual report to the Planning Commission of the status and progress of the report. Condition No. 29 reads:

"29. On or before June 30th of each year until all conditions have been satisfied, the Applicant shall submit an annual report to the Planning Commission of the status of and progress on, each unsatisfied condition, particularly conditions with workforce

housing requirements and transportation requirements. These conditions shall be modified by the Planning Commission to reflect the satisfaction of any condition.”

Since 2019, the Applicant has submitted annual reports to the Planning Commission identifying the progress of the project. Dating back, the Applicant’s response to the conditions noted above have been either “completed” where the Applicant satisfied the requirement, “ongoing” meaning they are making efforts to comply with those specific requirements, or “forthcoming” meaning that they intend to address that requirement through the building permit process or at the time of resort operation.

VI. RULES OF PRACTICE AND PROCEDURE OF THE KAUA’I COUNTY PLANNING COMMISSION

Chapter 12, entitled “Revocation and Modification of Permits”

Section 1-12-5 of the Planning Commission Rules

The Director shall review and investigate the basis for any petition for revocation of a permit which the commission has final authority to grant or which the commission makes a recommendation and report to the Kauai County Council, State Land Use Commission or other agency which has the final authority to grant. The Director shall file his report with the Commission within sixty (60) days from the date of the acceptance of the petition, unless the commission allows the Director more time to investigate the contents of the petition. The Commission shall review the Director’s report and if the Commission finds that there is reasonable cause to believe that there currently is a failure to perform according to the conditions imposed, the Commission shall issue and serve upon the party bound by the condition an Order to Show Cause why the permit should not be revoked or modified.

VII. DEPARTMENT’S ANALYSIS PERTAINING TO SPECIFIC CONDITIONS OF THE PERMITS LISTED BY THE PETITIONER

In considering the petition, the following analysis pertains to the specific permit conditions as referenced by the Petitioner.

- A. Condition No. 3 – Requirements relating to the protection of archaeological and historic resources.
 1. A Preservation Plan dated December 2013 was prepared for the lagoon comprising of components of the fishponds.
 2. The plan identified measures for preservation and one of the recommendations is to establish buffer zones from historical features such as the lagoon and fishpond components.
 3. Section 5.1 of the Preservation Plan mentions: “The original fishponds are not being preserved, what is being preserved is a former, modern hotel lagoon amenity at the location of the earlier fishponds. What is exposed is lagoon walls of

basalt boulder set in mortar, dilapidated concrete hotel appurtenances (paths, bridges) and former hotel landscaping.

4. One of the interim measures identified in the plan is to maintain a 20 foot distance from the lagoon. A long-term preservation provision is to establish a “buffer zone” for the lagoon and fishpond components that extends from the outer edge of the lagoon’s stone walls, and the buffer zone will typically be 20 feet wide.
5. Work or any development within the buffer zone requires the State Historic Preservation Division’s (SHPD) review and/or approval.
6. The 2023 Annual Report notes that compliance with this requirement is “complete.”

B. Condition No. 5 – Requirement relating to the restoration and redevelopment of the Seashell Restaurant site.

1. The repair/restoration of the Seashell Restaurant structure was previously proposed through Building Permit #17-1916.
2. This Building Permit never received final approval, and it has lapsed and is no longer in effect.

C. Condition No. 14 – Requirement relating to affordable housing.

1. The Applicant entered into a housing agreement with the County of Kauai in 2016 that would provide thirty (30) workforce housing units and it would remain affordable for at least forty (40) years.
2. The agreement stipulates that the construction of these units would occur off-site on parcels identified as TMK: (4) 4-1-006:026 & 053.
3. The 2023 Annual Report notes that compliance with this requirement is “ongoing.”

D. Condition No. 15 – Requirement relating to building permits for vertical improvements.

1. The final building permit was issued on February 28, 2023, and therefore construction must commence no later than February 27, 2024.
2. The 2023 Annual Report notes that compliance with this requirement is “ongoing.”

E. Condition No. 18 – Requirement relating to provision of public parking spaces.

1. The Applicant’s 2023 Site Plan identifies 20 public parking stalls on parcel identified as TMK: (4) 4-1-005:017, which is located on the southern portion of the project site.
2. Parcel 17 is owned by the State of Hawaii, and it has been issued a Revocable Permit (RP S-7444) to the Coco Palms Ventures, LLC.

F. Condition No. 19 - Requirement relating to parking restrictions along Kuamoo, Haleilio, and Apana Roads.

1. The 2023 Annual Report states that parking spaces shown on the site plans shall be for all guests, customers, and employees. No parking on public roads will be allowed.

G. Condition No. 20 - Requirement relating to traffic impact mitigation measures.

1. Condition 20.b. specifically relates to the provision for a circulator shuttle service that would move the resort patrons from the hotel to Lydgate and Wailua Beach Park, the Seashell Restaurant site, the Coconut Marketplace, and other destinations within the main Kapa'a transit corridor.
2. This service would be in place for eighteen (18) months beginning when the resort opens the main lobby.
3. The 2023 Annual Report notes that compliance with this requirement is "forthcoming."

VIII. DEPARTMENT'S ANALYSIS PERTAINING TO ADDITIONAL CONDITIONS OF THE PERMITS

In considering the petition, the following analysis pertains to additional conditions of the permit:

A. Condition No. 1 - *The applicant shall contribute \$50,000.00 to the County of Kauai to assist the Planning Department's historic preservation mission via its efforts to perpetuate the cultural and historic significance of the Wailua/Waipouli region consistent with the Department's historic preservation program, including the creation of educational programs and signage.*

This contribution was paid to, and received by, the County of Kauai on October 17, 2015.

B. Condition No. 2 - *The applicant shall contribute \$50,000.00 to the County of Kauai to assist the County with its current placemaking efforts, including moku and ahupuaa signage of the Wailua area.*

This contribution was paid to, and received by, the County of Kauai on October 17, 2015.

C. Condition No. 10 - *The Applicant shall contribute \$10,000.00 to the County of Kauai Transportation Agency to assist with the construction of a new bus stop along Kuhio Highway in the Wailua area.*

This contribution was paid to, and received by, the County of Kauai on October 17, 2015.

D. Condition No. 17 - *Applicant shall substantially complete the demolition of work described in the existing demolition permits issued for the property by March 31, 2017 subject to extension caused by the occurrence of force majeure events.*

The demolition described in these referenced demolition permits was complete prior to March 31, 2017.

E. Condition No. 21 - Applicant shall work with the County and bear the costs of the following improvements:

Provide an in lieu payment of the \$93,750 to the County of Kauai by June 30, 2017 for the cost of a dedicated right turn lane on Haleilio Road, from Apana Road to Kuhio Highway in addition to an existing through lane.....By January 31, 2019, the applicant shall submit plans for the subdivision of the portions of its land to be dedicated to the Kauai Planning Department and shall thereafter diligently work in good faith with the Planning Department to obtain final subdivision approval of such plans, and to dedicate such subdivided portions to the County.

This payment received by the County on June 30, 2017.

The subdivision application was submitted on January 18, 2019. Final subdivision approved January 28 2020.

F. EVALUATION

In considering the petition for revocation and reviewing the noted conditions above, the department does not dispute that some of the requirements remain unmet. It is evident that there are obligations that the Applicant needs to fulfill prior to occupancy or when the resort is in operation.

With respect to the provisions for off-street parking, the Applicant must satisfy the requirement and must adhere to the preservation plan measures. Similarly, the Applicant must comply with the affordable housing requirement as well as mitigating traffic impacts relating to the operation of the resort facility.

In considering the grounds for revocation of the subject permits, the department finds that making that determination is still premature for the following reasons:

- A. While the building permits have been approved, there is still time within the zoning permits conditions of approval to commence construction.
- B. The Applicant still can resolve the affordable housing requirement with the County Housing Agency, and they remain in discussion to address alternatives.
- C. In order to comply with Condition Nos. 20.a., 20.b., and 20.c., it will be necessary during the operation of the resort facility. As affirmed in the conditions of approval, plans to satisfy this requirement can still be accomplished leading up to the resort's opening and after its initial operation.
- A. As of the writing of this Report, there is no reasonable cause demonstrating a failure to perform according to the conditions imposed currently exists because all of the conditions have either been performed or are in the process of being fulfilled. Action to revoke the subject permits today, given the current status of the respective permits' conditions of

approval, could present considerable legal and fiduciary concerns that the Commission should consult further with the County Attorney's Office

G. PRELIMINARY RECOMMENDATION

For the foregoing reasons, it is recommended that the Commission **DENY** the petition for revocation of the Applicant's permits.

Approved & Recommended to Commission:

By  _____
KA'ĀINA S. HULL
Director of Planning

Date: 1/19/2024

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

SUPPLEMENT #1 TO DIRECTOR'S REPORT

RE: Class IV Zoning Permit Z-IV-2015-8
Project Development Use Permit PDU-2015-7
Variance Permit V-2015-1
Special Management Area Use Permit SMA(U)-2015-6

APPLICANT: 2015 Applicant: Coco Palms Hui, LLC Owner: RP21 Coco Palms, LLC.

SUBJECT: Friends of Maha'ulepu Petition for Revocation of Permits Issued to Coco Palms Hui, LCC"

REVISION TO DIRECTOR'S REPORT

For clarification, the petition involves revocation of the permits related to the project and it does not involve intervention on the project. As such, the department feels it is necessary to make the following corrections to the Director's Report dated January 19, 2024:

A. Page 3

IV. ~~[INTERVENOR'S]~~ PETITION REASONS/JUSTIFICATION

As noted, the Petitioner's alleged grounds for revocation [~~for intervention~~] is based on the Applicant's failure to comply with several conditions of the foregoing permits. The petition specifically identifies Condition Nos. 3, 5, 14, 15, 17, 18, 19, 20 and 20.b. For reference, the conditions are noted below and read:

Regarding the sequence of events relating to the permits, the order shown on Page 2, Item III., more specifically, paragraphs 2 & 3 should be reversed to read:

B. Page 2

III. PROJECT DESCRIPTION AND PERMIT BACKGROUND

On March 15, 2015, the Planning Commission approved the subject permits...

Subsequently, on August 11, 2015, the Planning Commission approved the Applicant's extension request relating to Condition Nos. 16 & 17 of the subject permits relating to

the provision for screening along Kūhiō Highway & Kuamoo Road, as well as the demolition of existing structures.

In 2016, the Planning Department initiated permit revocation proceedings based on the Applicant's inability to meet timelines established under Condition 17 of the 2015 Conditions of Approval.

In 2018, the Planning Department initiated permit revocation proceedings again, this time based on...

SUPPLEMENTAL ANALYSIS

The following supplements the department's analysis in Section VII. Of the Director's Report dated January 29, 2024:

- A. Condition No. 3 – Requirement relating to the protection of archaeological and historic resources.

On Page 11 of the Petitioner's Application, it highlighted parking areas that would be encroaching into the 20 feet "buffer zone" as specified in the Preservation Plan. It should be noted that the buffer zone is a requirement of the DLNR State Historic Preservation Division (SHPD), and any work/proposal within the buffer zone would be subject to review and approval or denial by the SHPD.

If SHPD denies this proposal, these parking spaces could be removed, and it would not jeopardize the off-street parking requirement for the resort project (399 stalls). The parking plan exceeds the number of required parking stalls for the project.

- B. Condition No. 5 – Requirement relating to the restoration and redevelopment of the Seashell Restaurant site.

The department is re-emphasizing that Building Permit #17-1916 is no longer valid. Any proposed improvements to this facility would require a shoreline survey to determine if the proposed renovations would occur in what could now be State lands, and if so, additional review by DLNR OCCL would be necessary.

- C. Condition No. 20 – Requirement relating to traffic impact mitigation measures.

As previously noted in the Director's Report, Condition 20.b. specifically relates to the provision for a circulator shuttle service that would move the resort patrons from the hotel to various locations in Wailua/Kapa'a. There is public concern regarding the County park in the area immediately adjacent to the Seashell Restaurant site, to allegedly be used as a "turnaround" as noted on Page 12 of RP21 Opposition.


Condition 20.b. requires shuttling of patrons from the resort to various locations, and it does identify areas of possible passenger drop off but not the exaction location. A viable solution for traffic flow would be to have the shuttle service pull off onto Papaloa Road where there is enough room to pull onto the curbside for passengers pick up and drop off (situated across from the existing Shell gas station). The shuttle service can then continue and turn onto Lanikai Street in order to return to the main highway since there are dedicated lanes to facilitate this service.

D. Condition No. 11 – Requirements related to wastewater requirements for the project.

The Applicant’s 2023 Annual Report notes that the condition has been fulfilled through the building permit. The extent of the improvements has been coordinated between the Applicant and the COK Department of Public Works.

RECOMMENDATION

Based on the foregoing, the department stands with its initial recommendation contained in the Director’s Report dated 1/19/2024.

By  _____
KA'AINA S. HULL
Director of Planning
Date: 3/5/2024

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Attorneys for Petitioner FRIENDS OF MĀHĀ‘ULEPU

BEFORE THE KAUA‘I PLANNING COMMISSION

COUNTY OF KAUA‘I

STATE OF HAWAI‘I

In the Matter of the Petition of:

) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-1,
) SMA(U)-2015-6

FRIENDS OF MĀHĀ‘ULEPU

)
) PETITIONER FRIENDS OF MĀHĀ‘ULEPU’S

To revoke Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 issued to Coco Palms Hui, LLC for use at Wailua, Kaua‘i, Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017

) OBJECTION TO EX PARTE CONDUCT AT
) THE COMMISSION’S MARCH 12, 2024
) HEARING AND RP21 LLC AND COCO
) PALMS HUI LLC’S NEW EVIDENCE;
) DECLARATION OF ELIZABETH
) OKINAKA; DECLARATION OF BRIDGET
) HAMMERQUIST; EXHIBIT “A”;
) CERTIFICATE OF SERVICE

_____)

**PETITIONER FRIENDS OF MĀHĀ‘ULEPU’S OBJECTION TO EX PARTE CONDUCT
AT THE COMMISSION’S MARCH 12, 2024 HEARING AND RP21 LLC AND COCO
PALMS HUI LLC’S EXHIBIT “31”**

Petitioner FRIENDS OF MĀHĀ‘ULEPU, a non-profit organization based on Kaua‘i

("Petitioner"), submits this objection to unlawful ex parte communications with the Commission in violation of Hawai'i Revised Statutes (HRS) §91-13, or in the alternative, violations of Hawai'i Revised Statutes (HRS) §§ 92-3, -4, and -7 ("Sunshine Law") that occurred during Commission executive session deliberations on Petitioner's petition to revoke the above-referenced permits at its March 12, 2024 hearing on its agenda item H-2 as well as the Commission's acceptance of new evidence, an Exhibit "31" from Respondents RP21 LLC and COCO PALMS HUI LLC's (collectively, "Developers") that was never filed or provided to Petitioner in advance of the hearing in violation of HRS §91-10(3) and constitutional due process.

I. March 12, 2024 hearing procedures

At its March 12, 2024 hearing, after the Commission took public testimony and heard Petitioner's arguments, the Commission received Developers' Exhibit "31".¹ This Exhibit "31" had not been served on Petitioner nor otherwise, to Petitioner's knowledge, filed in compliance with Commission filing rules. Kaua'i County Rule (KC) §1-3-2. At that time, Developers also provided, for the first time, a copy to Petitioner's attending representative, who is legally blind. Despite being there all morning, alongside Developer's counsel, this was Petitioner's first awareness of Exhibit "31". Declaration of Bridget Hammerquist at ¶4.

Furthermore, the Commission's Counsel, Laural Barzilai, then asked the attorney representing the Developers if they had extra copies for the public to view. They did not appear to respond, nor did they appear to have extra copies available for the public.² After receiving Developer's Exhibit "31" the Commission immediately discussed the matter. Petitioner and the public had no meaningful opportunity to review or respond to Developer's exhibit "31".

After arguments from the Parties, the Commission stated it was entering executive session to deliberate regarding item H-2 pursuant to HRS §§ 92-4 and 92-5(a)(4) to consult with their counsel "on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities" as it pertained to item H2.³

After the commencement of the executive session, Petitioner's officers, members, and other persons in attendance at the hearing observed Alison Neustein in the same room where the

¹ Kaua'i Planning Commission, at approximately 5:08:50-5:09:24 minutes, Lihu'e, Kaua'i on March 12, 2024, videorecording available at: http://kauai.granicus.com/player/clip/2659?view_id=2&redirect=true, ("3/12/2024 videorecording")

² 3/12/2024 videorecording at approximately: 5:09:28 5:09:34 minutes.

³ 3/12/2024 videorecording at approximately: 5:50:00-7:38:28 minutes.

Commission members were conducting their executive session, including seeing Neustein talking with the Commission members for approximately ten minutes. *See* Declaration of Elizabeth Okinaka (“Decl. of Okinaka”) at ¶¶ 4-5; *see also* Exhibit “A” attached. After the Commission and Neustein observed FOM member Elizabeth Okinaka photographing them, Neustein left the Commission room and appeared to be leaving the building until Okinaka informed the Commission attorney that she had complained to the State Office of Information Practices (OIP). Decl. of Okinaka at ¶ 6.

Neustein is an employee of the State Department of Land and Natural Resources (DLNR) Land Division who has been reporting to the Board of Land and Natural Resources (BLNR) on Developers’ applications for use of State public trust land for their resort project. *See* Developer exh. 7 at 7 (4/14/2023 DLNR signed submittal); exh. 8 at 13 (12/7/2023 DLNR signed submittal), exh. 9 at 3 (1/12/2024 DLNR signed submittal); Petitioner exh. 18 at 7 (4/14/2023 DLNR signed submittal); exh. 27 at 13 (12/7/2023 DLNR signed submittal). Developers’ non-compliance with DLNR procedures was a substantive portion of the Commission’s deliberations on Item H-2 prior to going into executive session.⁴



Exhibit “A” (photograph taken by Elizabeth Okinaka, approximately 3:28 a.m. Mar. 12, 2024).

When the Commission reconvened in the open meeting, the Commission did not produce

⁴3/12/2024 videorecording at approximately 5:15:00-5:40:00 minutes.

a recording and transcript of Neustein’s statements or provide opportunities for Petitioners to cross-examine those statements or for rebuttal evidence to those statements. HRS §§ 91-10, -13. Rather, the Commission attorney stated Neustein attended of her own volition, the Commission brought her in as a resource to explain the DLNR process, and disclosure of their discussion “would defeat the purpose” of their private deliberations with their attorney pursuant to HRS § 92-5(a)(4). The Commission attorney also stated that Elizabeth Okinaka had complained to OIP due to the inclusion of Neustein in their executive session.

The commission attorney invited Neustein to present a summary of her discussion. Neustein stated she came to talk about DLNR’s transfer of leases and easements and noted Petitioners’ “question” about tax clearances and how they relate to leases. Neustein discussed matters specific to Developers’ and their predecessors’ disputed Coco Palms project entitlements and notices of default.⁵

The Commission attorney invited questions from the Commission and asked if Neustein had fairly summarized her private presentation to the Commission. After fielding Commission questions, Petitioner raised objections to Neustein’s representations.⁶ Neustein was permitted to extend her presentation to the Commission. Petitioner raised further objection to the procedures by which Neustein was afforded a special private audience with the Commission and sought to explain why Neustein’s presentation was inaccurate. Still, the Commission chair and attorney did not allow Petitioner to continue speaking.⁷

II. Objection to March 12, 2024 procedures

A. Neustein’s inclusion in the executive session was unlawful.

Neustein was apparently discussing matters substantive to the Commission’s deliberations during the executive session and without disclosing her statements to Petitioner. These are violations of HRS §§ 91-10 (rights to cross-examination and to submit rebuttal evidence), 91-13 (ex parte communications), 92-3 (open meetings), 92-4 (executive meetings), and 92-7 (notice).

Neustein provided prohibited ex parte communications with the Commission in violation of HRS §91-13. Petitioner was not provided with meaningful notice that Neustein would be providing testimony, nor an opportunity to cross-examine her statements. The Commission talked

⁵ 3/12/2024 videorecording at approximately 7:40:00 minutes.

⁶ 3/12/2024 videorecording at approximately 7:44:37 minutes.

⁷ 3/12/2024 videorecording at approximately 7:47:00 minutes.

over Petitioner's efforts to rebut Neustein's statements and thus violated procedures required under HRS §91-10.

The Commission provided no notice that it would be considering Neustein's statements prior to their open meeting on their agenda in violation of HRS §92-7, and did not receive her statements in an open meeting in violation of HRS §92-3. No exemption under HRS §92-5 permits non-Commission members to attend executive sessions for purposes of providing. None of the enumerated exceptions under HRS §92-5(a) allow the Commission to receive substantive information to assist their decision-making on a land use permit issued under deliberation:

- (1) To consider and evaluate personal information relating to individuals applying for **professional or vocational licenses** cited in section 26-9 or both;
- (2) To consider the **hire, evaluation, dismissal, or discipline** of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;
- (3) To deliberate concerning the authority of persons designated by the board to conduct **labor negotiations or to negotiate the acquisition of public property**, or during the conduct of such negotiations;
- (4) To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;
- (5) To investigate proceedings regarding **criminal misconduct**;
- (6) To consider sensitive matters related to **public safety or security**;
- (7) To consider matters relating to the **solicitation and acceptance of private donations**; and
- (8) To deliberate or make a decision upon a matter that requires the **consideration of information that must be kept confidential** pursuant to a state or federal law, or a court order.

HRS §92-5(a) (bold emphasis added). Neustein's private presentation could not be allowed to assist the Commission's "duties" in regard to public land transaction issues raised in the petition to revoke permits under HRS §92-5(a)(4). "[A]n attorney is not a talisman, and consultations in executive sessions must be purposeful and unclouded by pretext." *Civil Beat Law Ctr. for Pub. Interest, Inc. v. City of Honolulu*, 144 Hawai'i 466, 489, 445 P.3d 47, 70 (2019). The Commission could not have private deliberations with Neustein under the pretext of consultation with their attorney. To read HRS §92-5(a) exceptions otherwise would swallow the whole purpose of the Sunshine Law and is contrary to its purpose and requirement that its "provisions requiring open meetings shall be liberally construed" and "provisions providing for exceptions to the open meeting requirements shall be strictly construed against closed meetings." HRS §92-1.

B. Consideration of Developers' new evidence is a procedural violation.

The Commission's acceptance and consideration of the Developer's new evidence, exhibit "31", that was not served on Petitioner nor filed in accord with Commission filing rules, also violates HRS §91-10. Developer's provision of the exhibit to Petitioner's legally blind representative at the hearing, midway through the Developer's arguments and after public testimony and Petitioner's arguments, did not cure their violation. Petitioner was deprived of a meaningful opportunity to protect their rights.

III. Remedy for objection

The Commission should void its March 12, 2024, action on Item H-2 and issue an Order to Show Cause in order to properly allow for evidence and to repair improper ex parte communications. KC §1-12-5. At a minimum, that Order should include the matter for hearings with proper notice to the parties, produce and/ or subpoena Neustein to require her to appear for cross-examination at one of those hearings, provide sufficient time for assembly of rebuttal evidence and rebuttal witnesses at a second hearing, after which the Commission would decide the matter. KC §§1-12-6, -7, & -8. Developers should be ordered to properly serve Exhibit "31" on Petitioner if it is to be considered at these future hearings.

DATED: Honolulu, Hawai'i

March 18, 2024

/s/ Bianca Isaki
LAW OFFICE OF BIANCA ISAKI
BIANCA ISAKI

/s/ Ryan D. Hurley
LAW OFFICE OF RYAN D. HURLEY, LLC
RYAN D. HURLEY

DATED: Makawao, Hawai'i

March 18, 2024

/s/ Lance D. Collins
LAW OFFICE OF LANCE D. COLLINS
LANCE D. COLLINS
Attorneys for Petitioner FRIENDS OF
MĀHĀ'ULEPU

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-1,
) SMA(U)-2015-6
FRIENDS OF MĀHĀ'ULEPU)
) DECLARATION OF ELIZABETH OKINAKA
)

DECLARATION OF ELIZABETH OKINAKA

I, ELIZABETH OKINAKA, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information, and belief.

2. I am member of Petitioner organization, FRIENDS OF MĀHĀ'ULEPU, a non-profit corporation ("Friends of Māhā'ulepu" or "Petitioner"), who has filed a petition to revoke Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6, as amended by the Planning Director's December 31, 2018 letter ("permits") for use at Wailua, Kaua'i, Tax Map Keys (TMK) 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017 ("property") issued to Applicant COCO PALMS HUI, LLC ("CPH") ("petition").

3. I attended the Kauai Planning Commission meeting that was held on March 12, 2024, at the Līhu'e Civic Center, Moikeha Building, Meeting room 2A-2B at 4444 Rice Street, Līhu'e Kaua'i, Hawai'i.

4. During agenda item H2, the Commission went into executive session, at which time non-commission members were asked to leave the meeting room. During the executive session, I, as well as other members of FOM and other persons in attendance, witnessed the Department of Land and Natural Resources Kauai land agent, Alison Neustein, inside the meeting room, sitting at the table and talking with commissioners for approximately 10 minutes.

5. Attached as Exhibit "A" is a true and correct copy of a picture I took of Alison Neustein at the commission table speaking with Commissioners during the executive session at approximately 3:28 PM on March 12, 2024.

6. After the Commissioners and Neustein witnessed me taking pictures, Neustein left

the room and appeared to be leaving the building when I approached the county counsel, Laura Barzilai, and informed her that I had called the Office of Information Practices (OIP).

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kōloa, Hawai'i

March 16, 2024



ELIZABETH OKINAKA
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-1,
FRIENDS OF MĀHĀ'ULEPU) SMA(U)-2015-6
)
) DECLARATION OF BRIDGET HAMMERQUIST
)
_____)

DECLARATION OF BRIDGET HAMMERQUIST

I, BRIDGET HAMMERQUIST, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information, and belief.
2. I am president of Petitioner FRIENDS OF MĀHĀ'ULEPU, a non-profit corporation ("Friends of Māhā'ulepu" or "Petitioner"), who has filed a petition to revoke Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6, as amended by the Planning Director's December 31, 2018 letter ("permits") for use at Wailua, Kaua'i, Tax Map Keys (TMK) 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017 ("property") issued to Applicant COCO PALMS HUI, LLC ("CPH") ("petition").
3. I attended the Kauai Planning Commission meeting that was held on March 12, 2024, at the Līhu'e Civic Center, Moikeha Building, Meeting room 2A-2B at 4444 Rice Street, Līhu'e Kaua'i, Hawai'i on behalf of the Petitioner.

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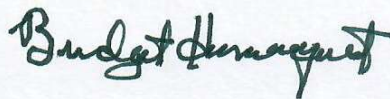
/

4. At the March 12 Hearing, I sat in the same room as Mauna Kea Trask, one of the attorney representatives of RP21 LLC and COCO PALMS HUI LLC, for several hours, watching public testimony related to our matter. During this time, I did not see nor did the Developers attorney, Mr. Trask, present Developers Exhibit "31" to me or anyone else from FOM until after public testimony and my arguments on behalf of FOM depriving FOM and the public of a meaningful opportunity to review, comment and rebut Developers exhibit "31".

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kōloa, Hawai'i

March 16, 2024



BRIDGET HAMMERQUIST
DECLARANT

Exhibit “A”



BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-
FRIENDS OF MĀHĀ'ULEPU) 2015-1, SMA(U)-2015-6
)
) CERTIFICATE OF SERVICE
)
_____)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a copy of the foregoing was filed pursuant to Kaua'i Planning Commission Rule §1-3-3 and emailed pursuant to the parties' agreement to the following:

CALVERT G. CHIPCHASE 7757
MAUNA KEA TRASK 8418
KEOLA WHITTAKER 11200
cchipchase@cades.com
mtrask@cades.com
kwhittaker@cades.com

Attorneys for COCO PALMS HUI, LLC & RP21 COCO PALMS, LLC

DATED: Honolulu, Hawai'i March 18, 2024

/s/ Bianca Isaki
LAW OFFICE OF BIANCA ISAKI
BIANCA ISAKI

/s/ Ryan D. Hurley
LAW OFFICE OF RYAN D. HURLEY, LLLC
RYAN D. HURLEY

DATED: Makawao, Maui, Hawai'i March 18, 2024

/s/ Lance D. Collins
LAW OFFICE OF LANCE D. COLLINS
LANCE D. COLLINS
Attorneys for Petitioners FRIENDS OF
MĀHĀ'ULEPU

to Coco Palms Hui LLC, a Delaware limited liability company, as assignee, consent thereto given by the Board of Land and Natural Resources by instrument recorded in the Bureau as Document No. _____ ("Easement No. S-4244"); and

B. Unrecorded Grant of Easement No. S-4645 dated August 20, 1980, to Island Holidays, Ltd., dba Coco Palms Resort Hotel, a Hawaii corporation, and by mesne assignment assigned by that certain Quitclaim Assignment of Lease and Easements effective as of May 6, 2016, recorded in the Bureau as Document No. _____, to Coco Palms Hui LLC, a Delaware limited liability company, as assignee, consent thereto given by the Board of Land and Natural Resources by instrument recorded in the Bureau as Document No. _____ ("Easement No. S-4645"); and

C. Grant of Easement dated July 11, 1983, by and between the State of Hawaii, by its Board of Land and Natural Resources, Grantor, and Fort Associates Limited Partnership, a Texas limited partnership doing business in Hawaii, as Grantee, recorded in the Bureau in Liber 18081, Page 205 (Land Office Deed S-27,442), and by mesne assignment assigned by that certain Quitclaim Assignment of Lease and Easements effective as of May 6, 2016, recorded in the Bureau as Document No. _____, to Coco Palms Hui LLC, a Delaware limited liability company, as assignee, consent thereto given by the Board of Land and Natural Resources by instrument recorded in the Bureau as Document No. _____ (the "1983 Sewer Easement"); and

D. Grant of Easement dated June 13, 1955, by and between the Territory of Hawaii, Grantor, and Island Holidays, Limited, a Hawaii corporation, as Grantee, recorded in the Bureau in Liber 2972, Page 357 (Land Office Deed 12850), and by mesne assignment assigned by that certain Quitclaim Assignment of Lease and Easements effective as of May 6, 2016, recorded in the State of Hawaii, Bureau of Conveyances ("Bureau") as Document No. _____, to Coco Palms Hui LLC, a Delaware limited liability company, as assignee, consent thereto given by the Board of Land and Natural Resources by instrument recorded in the Bureau as Document No. _____ ("1955 Easement"), and together with Easement No. S-4244, Easement No. S-4645, and the 1983 Sewer Easement, collectively referred to as the "Coco Palms State of Hawaii Lease and Easement"; and

WHEREAS, the Grantee desires that the Coco Palms State of Hawaii Lease and Easement be amended; and

WHEREAS, the Board of Land and Natural Resources, at its meeting held on May 25, 2018, has approved the amendment to the Coco Palms State of Hawaii Lease and Easement for the purpose of allowing the Coco Palms State of Hawaii Lease and Easement to run with the land.

NOW, THEREFORE, the Grantor and Grantee covenant and agree that:

1. Easement No. S-4244 at paragraph 6, Assignments, etc., the paragraph shall be deleted in its entirety and replaced with the following:

"This easement shall run with the land and shall inure to the benefit of the respective real property described as Tax Map Key: (4)4-1-003:007, providing that the Grantee shall be required to carry liability insurance covering the easement area and comply with all other terms and conditions as provided herein, and that the Grantee, or authorized representative of the Grantee's estate, shall notify the Grantor in writing when this easement is sold, assigned, conveyed, or otherwise transferred, and Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document.

The Grantee shall not mortgage or pledge the premises, any portion, or any interest in this easement without the prior written approval of the Chairperson of the Board of Land and Natural Resources and any mortgage or pledge without such approval shall be null and void."

2. Easement No. S-4645 at paragraph 6, Assignments, etc., the paragraph shall be deleted in its entirety and replaced with the following:

"This easement shall run with the land and shall inure to the benefit of the respective real property described as Tax Map Key: (4)4-1-003:007, providing that the Grantee shall be required to carry liability insurance covering the easement area and comply with all other terms and conditions as provided herein, and that the Grantee, or authorized representative of the Grantee's estate, shall notify the Grantor in writing when

this easement is sold, assigned, conveyed, or otherwise transferred, and Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document.

The Grantee shall not mortgage or pledge the premises, any portion, or any interest in this easement without the prior written approval of the Chairperson of the Board of Land and Natural Resources and any mortgage or pledge without such approval shall be null and void."

3. 1955 Easement shall be amended to add the following:

"This easement shall run with the land and shall inure to the benefit of the respective real property described as Tax Map Key: (4)4-1-003:007, providing that the Grantee shall be required to carry liability insurance covering the easement area and comply with all other terms and conditions as provided herein, and that the Grantee, or authorized representative of the Grantee's estate, shall notify the Grantor in writing when this easement is sold, assigned, conveyed, or otherwise transferred, and Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document."

4. 1983 Sewer Easement at paragraph 6, the paragraph shall be deleted in its entirety and replaced with the following:

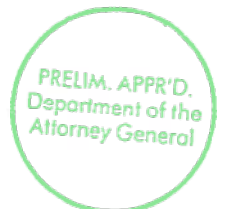
"This easement shall run with the land and shall inure to the benefit of the respective real property described as Tax Map Key: (4)4-1-003:007, providing that the Grantee shall be required to carry liability insurance covering the easement area and comply with all other terms and conditions as provided herein, and that the Grantee, or authorized representative of the Grantee's estate, shall notify the Grantor in writing when this easement is sold, assigned, conveyed, or otherwise transferred, and Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document.

The Grantee shall not mortgage or pledge the premises, any portion, or any interest in this easement without the prior written approval of the Chairperson of the Board of Land and

Natural Resources and any mortgage or pledge without such approval shall be null and void."

IN CONSIDERATION THEREOF, the Grantor and Grantee further agree that this Amendment of Coco Palms State of Hawaii Lease and Easement is subject to all the covenants and conditions in the Coco Palms State of Hawaii Lease and Easement, except as herein provided.

This Amendment, read in conjunction with the Coco Palms State of Hawaii Lease and Easement sets forth the entire agreement between the Grantor and Grantee; and the Coco Palms State of Hawaii Lease and Easement as amended and modified hereby shall not be altered or modified in any particular except by a memorandum in writing signed by the Grantor and Grantee. In the event of any conflict between the terms of the Coco Palms State of Hawaii Lease and Easement and this Amendment, the latter shall control, however all other terms not addressed in the Amendment shall remain in full force and effect.



IN WITNESS WHEREOF, the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused these presents to be executed the day, month, and year first above written.

Approved by the Board of Land and Natural Resources at its meeting held on May 25, 2018.

APPROVED AS TO FORM:


COLIN J. LAU
Deputy Attorney General

Dated: 2/13/24

STATE OF HAWAII

By _____
DAWN N.S. CHANG
Chairperson
Board of Land and
Natural Resources

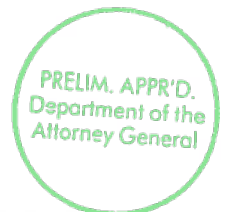
GRANTOR

COCO PALMS HUI LLC, a Delaware limited liability company

By: Reef Private Equity LLC, a Utah limited liability company

By: _____
Its Manager

GRANTEE



STATE OF)
) SS.
COUNTY OF)

On this _____ day of _____, 20____,
before me personally appeared _____,
to me personally known, who, being by me duly sworn or affirmed,
did say that such person executed the foregoing instrument as
the free act and deed of such person, and if applicable in the
capacity shown, having been duly authorized to execute such
instrument in such capacity.

Notary Public, State of

My commission expires: _____

and by mesne assignment assigned by that certain Assignment of Lease and Easements effective as of July 17, 2014, recorded in the Bureau as Document No. _____, to PR II Coco Palms LLC, a Delaware limited liability company, as assignee, consent thereto given by the Board of Land and Natural Resources by instrument recorded in the Bureau as Document No. _____ ("Easement No. S-4244"); and

3. Unrecorded Grant of Easement No. S-4645 dated August 20, 1980, to Island Holidays, Ltd., dba Coco Palms Resort Hotel, a Hawaii corporation, and by mesne assignment assigned by that certain Assignment of Lease and Easements effective as of July 17, 2014, recorded in the Bureau as Document No. _____, to PR II Coco Palms LLC, a Delaware limited liability company, as assignee, consent thereto given by the Board of Land and Natural Resources by instrument recorded in the Bureau as Document No. _____ ("Easement No. S-4645"); and

4. Grant of Easement dated July 11, 1983, by the State of Hawaii, by its Board of Land and Natural Resources, Grantor, and Fort Associates Limited Partnership, a Texas limited partnership doing business in Hawaii, as Grantee, recorded in the Bureau in Liber 18081, Page 205 (Land Office Deed S-27,442), and by mesne assignment assigned by that certain Assignment of Lease and Easements effective as of July 17, 2014, recorded in the Bureau as Document No. _____, to PR II Coco Palms LLC, a Delaware limited liability company, as assignee, consent thereto given by the Board of Land and Natural Resources by instrument recorded in the Bureau as Document No. _____ (the "1983 Sewer Easement"); and

5. Grant of Easement dated June 13, 1955, by the Territory of Hawaii, Grantor, and Island Holidays, Limited, a Hawaii corporation, as Grantee, recorded in the Bureau in Liber 2972, Page 357 (Land Office Deed 12850), and by mesne assignment assigned by that certain Assignment of Lease and Easements effective as of July 17, 2014, recorded in the State of Hawaii, Bureau of Conveyances ("Bureau") as Document No. _____, to PR II Coco Palms LLC, a Delaware limited liability company, as assignee, consent thereto given by the Board of Land and Natural Resources by instrument recorded in the Bureau as Document No. _____ ("1955 Easement"), and together with Lease No. S-4878, Easement No. S-



4244, Easement No. S-4645, and the 1983 Sewer Easement, collectively referred to as the "Coco Palms State of Hawaii Lease and Easement");

to the Quitclaim Assignment of Lease and Easements effective as of May 6, 2016, recorded in the Bureau as Document No. _____ from PR II COCO PALMS LLC, a Delaware limited liability company, whose principal place of business and mailing address is c/o PGIM Real Estate, 101 California Street, Suite 4000, San Fransisco, CA 94111, as "Assignor" to COCO PALMS HUI LLC, a Delaware limited liability company, whose address is 2600 N Ashton Blvd, Suite 200, Lehi, UT 84043 and/or Cades Schutte, P.O. Box 1205, Lihue, HI 96766, as "Assignee"; SUBJECT, HOWEVER, to the provisions of Section 171-21, Hawaii Revised Statutes, as amended, relating to the rights of holder of security interest.

IT IS UNDERSTOOD that except as provided herein, should there be any conflict between the terms of said Coco Palms State of Hawaii Lease and Easement, and the terms of the assignment, the Coco Palms State of Hawaii Lease and Easement shall control; and further, that except as provided herein, this consent shall not in any manner be construed as varying in any respect the terms and conditions of the Coco Palms State of Hawaii Lease and Easement; and also that no further assignment of any interest under the Coco Palms State of Hawaii Lease and Easement shall be made without the written consent of the Board of Land and Natural Resources being first obtained and endorsed thereon.

FURTHERMORE, Assignor hereby acknowledges that the Lessor's consent to assignment of the Coco Palms State of Hawaii Lease and Easement, does not release the Assignor from any and all responsibilities, obligations, liabilities, and claims respecting or arising under or out of said Coco Palms State of Hawaii Lease and Easement.



IN WITNESS WHEREOF, the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and these presents to be duly executed this _____ day of _____, 20_____.

Approved by the Board of Land and Natural Resources at its meeting held on May 25, 2018.

STATE OF HAWAII

By _____
DAWN N.S. CHANG
Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

LESSOR or GRANTOR



COLIN J. LAU
Deputy Attorney General

PR II COCO PALMS LLC, a Delaware limited liability company

Dated: 2/13/24

By: _____
Name: _____
Title: _____

ASSIGNOR

COCO PALMS HUI LLC, a Delaware limited liability company

By: Reef Private Equity LLC, a Utah limited liability company

By: _____

Its Manager

ASSIGNEE



STATE OF)
) SS.
COUNTY OF)

On this _____ day of _____, 20____,
before me personally appeared _____,
to me personally known, who, being by me duly sworn or affirmed,
did say that such person executed the foregoing instrument as
the free act and deed of such person, and if applicable in the
capacity shown, having been duly authorized to execute such
instrument in such capacity.

Notary Public, State of

My commission expires: _____



STATE OF)
) SS.
COUNTY OF)

On this _____ day of _____, 20____,
before me personally appeared _____,
to me personally known, who, being by me duly sworn or affirmed,
did say that such person executed the foregoing instrument as
the free act and deed of such person, and if applicable in the
capacity shown, having been duly authorized to execute such
instrument in such capacity.

Notary Public, State of

My commission expires: _____



MASTER NAME
COCO PALMS VENTURES LLC

BUSINESS TYPE
Foreign Limited Liability Company (LLC)

FILE NUMBER
43070 C6

STATUS
Inv. Revoked

PURPOSE
REAL ESTATE DEVELOPMENT AND MANAGEMENT

ORGANIZED IN
Delaware UNITED STATES

REGISTRATION DATE
Feb 21, 2006

MAILING ADDRESS
1919 WEST ST STE 100
ANNAPOLIS, Maryland 21401
UNITED STATES

MANAGED BY
MANAGER(S)

AGENT NAME
LAUREL LOO

AGENT ADDRESS
4357 RICE ST STE 201
LIHUE, Hawaii 96766
UNITED STATES

Annual Filings

Filing Year	Date Received	Status
2017		Delinquent
2016		Delinquent
2015		Delinquent
2014	Apr 4, 2014	Processed
2013	Apr 4, 2014	Processed
2012	Jan 26, 2012	Processed
2011	Apr 4, 2014	Processed
2010	Jan 21, 2010	Processed
2009	Jan 13, 2009	Processed
2008	Oct 20, 2008	Processed
2007	Mar 28, 2007	Processed

Member/MGR

Name	Office [More info]	Date
PETRIE COCO PALMS, LLC	MGR	Jan 1, 2012

Trade Names

Name	Type	Category	Registration Date	Expiration Date	Status
COCO PALMS	Service Mark	37 - BUILDING CONSTRUCTION AND REPAIR	Mar 8, 2006	Mar 7, 2011	Expired
COCO PALMS	Trade Name	NO CATEGORY SELECTED	Mar 8, 2006	Mar 7, 2011	Expired
COCO PALMS RESORT	Trade Name	NO CATEGORY SELECTED	Mar 6, 1996	Mar 5, 2012	Expired
COCO PALMS RESORT	Service Mark	37 - BUILDING CONSTRUCTION AND REPAIR	Mar 7, 2006	Mar 6, 2011	Expired
SEASHELL RESTAURANT	Trade Name	NO CATEGORY SELECTED	Mar 2, 2006	Mar 1, 2011	Expired

Other Filings

Date	Description	Remarks
Dec 4, 2017	Involuntary Revoked	Involuntary Revoked
Mar 14, 2008	Address Change	Address Change
Jan 22, 2007	Address Change	ADDRESS CHANGE UPDATING 5 TN'S AND SM'S
Mar 24, 2006	Certificate	Certificate of Authority
Feb 21, 2006	Application For Certificate of Authority For FLLC	Application For Certificate of Authority For FLLC

EXHIBIT E

COCO PALMS PERMIT STATUS as of March 1, 2023 TMK (4) 4-1-003:007				
BUILDING NUMBER/NAME	PERMIT NO.	PERMIT STATUS	VALUATION	COMMENTS
1-Shell Hotel Bldg 1. 3-story building renovation.	16-1946	AP	\$ 9,400,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
2-Ali'i Kai I Hotel Bldg. 3-story building renovation.	16-1948	AP	\$ 7,990,000	Building permit issued 12/27/2022.
3-Ali'i Kai II Hotel Bldg. 3-story building renovation.	16-1949	AP	\$ 7,800,000	Building permit issued 12/27/2022.
4-Lagoon Bldg. 2-story building renovation.	17-0566	AP	\$ 4,100,000	Building permit issued 12/27/2022. Written request for permit extension valid until 6/27/2023.
5-King Cottages				
5-A	16-1888	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
5-B	16-1889	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
5-C	16-1890	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
5-D	16-1891	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
5-E	16-1898	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
6-Queen Cottages				
6-A	16-1892	AP	\$ 280,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
6-B	16-1893	AP	\$ 280,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
6-C	16-1894	AP	\$ 280,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
6-D	16-1895	AP	\$ 280,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
7-Prince Cottages				
7-A	16-1896	AP	\$ 410,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
7-B	16-1897	AP	\$ 410,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
8-King Lagoon Bldg-21 Suites. 3-story building renovation.	17-1915	AP	\$ 7,500,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
9-Spa Bldg (Shell Only). Renovation/repair of existing 4-story building 15,160 sq.ft.	17-1912	AP	\$ 2,500,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
10-Lobby Offices. 2-story building renovation.	17-0567	AP	\$ 2,700,000	Building permit issued 2/28/2023.
11-Retail Bldg. Repair to shell of 2-story building only.	17-1913	AP	\$ 1,600,000	Building permit issued 12/27/2022.
12-Queen's Hall. Repair to shell of 1-story building only.	17-1914	AP	\$ 1,800,000	Building permit issued 12/27/2022.
13-House in the Palms. Repair to shell of 1-story building only.	17-1909	AP	\$ 490,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
14-Palms Lanai-Bar. Repair to shell of 1-story building only.	17-1910	AP	\$ 175,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
15-16 Warehouse-Engineering. Repair to shell of 1-story building only.	17-1908	AP	\$ 1,000,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
17-Sea Shell Restaurant. Repair to shell of 1-story building only.	17-1916	AP	\$ 770,000	Building permit issued 12/27/2022.
20-Comfort Station. 1-story building.	17-1911	AP	\$ 80,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.

From: [Ala'i Paikai](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony regarding development of Wailuanuiaho'ano
Date: Wednesday, April 24, 2024 7:59:02 PM
Attachments: [Kauai Puna Kapa"a 219,220.pdf](#)
[Kauai Puna Wailua 221,222.pdf](#)
[Honolulu Star-Bulletinpdf.pdf](#)
[In Re Estate of Kam IV.pdf](#)

Aloha Board of Land and Natural Resources,

I am submitting testimony on agenda item D1 in support of the Revocable Permits being given to I Ola Wailuanui. I do not support the use of these State parcels for resort development and use.

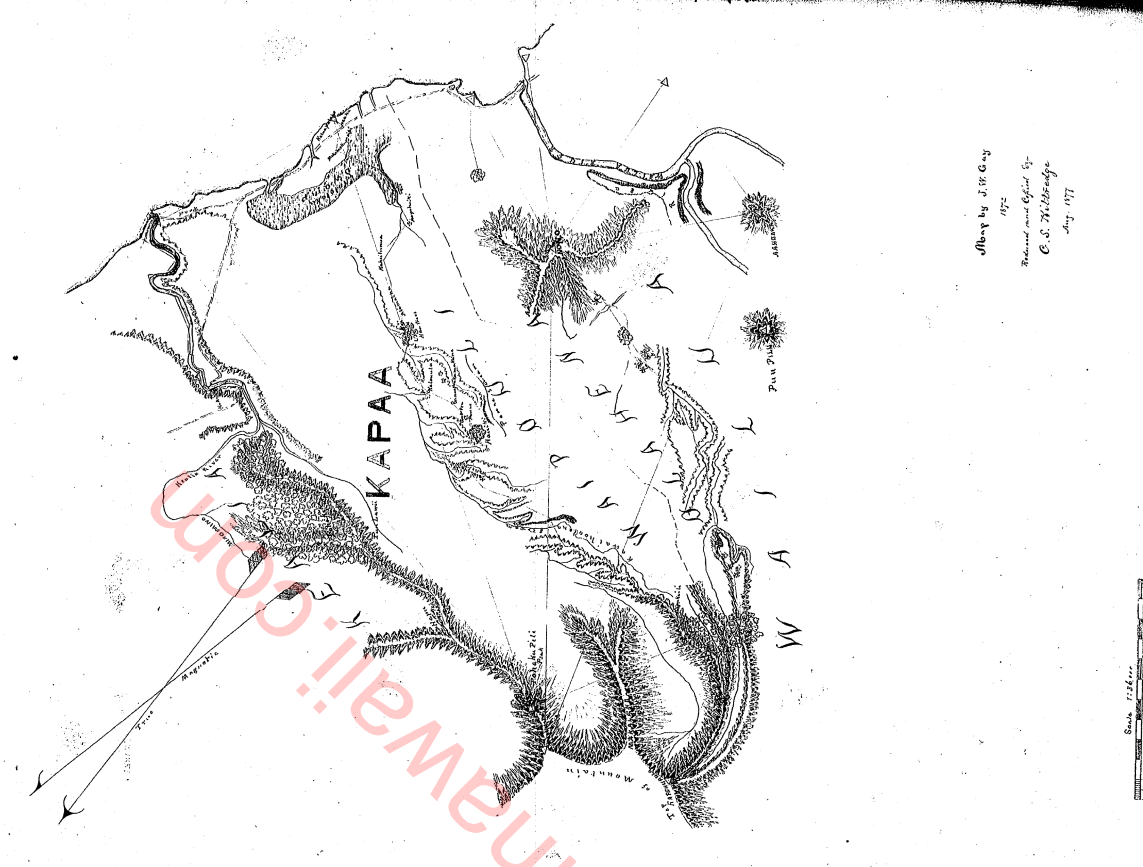
As we both know, these lands are crown lands, as I have attached the primary documents outlining the area's Crown Land Survey. These lands originated from King Kamehameha III's involvement in the great Mahele, wherein he designated his *personal* lands. In 1864, a supreme court ruling established it was private property, deeming it "consistent" with Kamehameha IV's intentions to reserve the land for the heir to the throne rather than the heir of his body (The Pacific Commercial Advertiser, 1863). This ruling employed the concept of fee tail, preserving the land's private property status while ensuring its succession to the throne, rather than passing directly to his children. The 1865 law noted that the Crown Lands "shall be henceforth inalienable, and shall descend to the heirs and successors of the Hawaiian Crown forever."

Former judge Samuel P. King, in an op-ed published in 1994, described how the crown lands were "lumped in" with government lands and "transmuted" into the general land holdings of the government of Hawaii, essentially becoming government land (King, 1994). As an American judge, to remedy this, he said "It would not be unjust for the State of Hawai'i to transfer whatever is left of the crown lands, one-half to the trustees of the Bernice Pauahi Bishop estate for the education of the children of Hawaii, and one-half to the Queen's Hospital for its health programs.... Or better yet, all of these lands could be transferred to the Office of Hawaiian Affairs to form the beginnings of a land base for the benefits of all Hawaiians".

Moreover, in light of the illegal actions enacted to obtain the crown lands by large corporations in the overthrow, a paper trail closely follows and underscores the illegality of these actions. You know as well as we all do that these land titles remain unclear because of this fact. Thus, in agreement with Former Judge Samuel P. King, I am testifying in support of Option B3 without being subject to access easement by RP21. I am also submitting this testimony in support of option C4.

Lastly, I conclude that this action reverberates for all currently occupied crown lands and that these should return to their rightful owners.

REMARKS	DISTANCES		BEARINGS	DISTANCES		REMARKS
	CHAINS	LINKS		CHAINS	LINKS	
1. 47° 45' N. 10'			34° 25' E. 10'			Along ridge in field
2. 47° 45' S. 10'			34° 25' W. 10'			
3. 75° 45' S. 10'			34° 25' W. 10'			
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99. 47° 45' S. 10'			34° 25' W. 10'			
100. 47° 45' S. 10'			34° 25' W. 10'			



Survey by J. W. G. G.
1873
Revised and Edited by
C. S. W. H. H. H. H.
July 1877



Plan of Survey.

Notes of Survey. Kapa

According to a note of Henry

Survey by S. W. Gray. Apr. 1872

DEFANZER CHAINS.	DEFANZER LINKS.	REMARKS	REMARKS	DEFANZER CHAINS.	DEFANZER LINKS.	REMARKS
		The survey commences at point on the line from called Waialeale, from the point where the line was called Waialeale, S. 79° 20' W.		786-		
1.	46. 21' 49" W.	Waialeale S. 79° 20' W.		91-		
2.	46. 43' 29" W.	Waialeale S. 79° 20' W.				
3.	46. 65' 27" W.	Waialeale S. 79° 20' W.				
4.	46. 86' 25" W.	Waialeale S. 79° 20' W.				
5.	46. 88' 4" W.	Waialeale S. 79° 20' W.				
6.	46. 89' 24" W.	Waialeale S. 79° 20' W.				
7.	46. 90' 46" W.	Waialeale S. 79° 20' W.				
8.	46. 91' 46" W.	Waialeale S. 79° 20' W.				
9.	46. 92' 9" W.	Waialeale S. 79° 20' W.				
10.	46. 93' 15" W.	Waialeale S. 79° 20' W.				
11.	46. 94' 27" W.	Waialeale S. 79° 20' W.				
12.	46. 95' 19" W.	Waialeale S. 79° 20' W.				
13.	46. 96' 25" W.	Waialeale S. 79° 20' W.				
14.	46. 97' 25" W.	Waialeale S. 79° 20' W.				
15.	46. 98' 28" W.	Waialeale S. 79° 20' W.				
16.	46. 99' 28" W.	Waialeale S. 79° 20' W.				
17.	46. 99' 28" W.	Waialeale S. 79° 20' W.				
18.	46. 99' 28" W.	Waialeale S. 79° 20' W.				
19.	46. 99' 28" W.	Waialeale S. 79° 20' W.				
20.	46. 99' 28" W.	Waialeale S. 79° 20' W.				



Map by S. W. Gray
1872
Revised and Copied by
C. S. Hitchcock
July 1877

History of crown lands may determine their future

■ Kamehameha's death should have enriched the Bishop Estate and Queen's Hospital

Editor's note: The following essay by Judge Samuel P. King describes the history of Hawaiian crown lands and government lands and their disposition after the overthrow of the monarchy in 1893. As the march toward sovereignty proceeds, the future of these lands and who has rightful claim to them may come into question.

THE archipelago of Hawaii comprises an area of 6,435 square miles or 4,118,400 acres. By the Great Mabele, some 245 high chiefs (including several descendants of Kamehameha I) were awarded approximately 1.5 million acres free of any claim by Kamehameha III, and the king obtained approximately 2.5 million acres free of any claim by the chiefs. There were some unassigned and specially committed lands. All awards were subject to the rights of the tenants.

The awards to the high chiefs were also subject to commutation in favor of the government of one-third of the value of the lands awarded, which could be discharged either in money or acreage out of the award. The lands obtained by the king were not subject to commutation because immediately after the division with the high chiefs, Kamehameha III voluntarily gave 1.5 million acres of his share "for the benefit of the Hawaiian Government, and to promote the dignity of the Hawaiian Crown." This was the origin of "government lands."

The remaining 1 million acres were "set aside for me and for my heirs and



VIEW POINT

By Samuel P.
King

successors forever, as my own property exclusively." This was the origin of "crown lands."

The Hawaiian government accepted gratefully the 1.5 million acres of government lands and managed them through appropriate government agencies. The crown lands were treated as the personal property of Kamehameha III and his successor and heir Kamehameha IV, both of whom relied upon land agents of their own choosing.

However, Kamehameha IV died without a will, and a dispute over the ownership of the crown lands arose between his widow, Queen Emma, and his royal successor, Kamehameha V.

BY Hawaiian law, if there were no offspring, the widow would inherit one-half of the deceased husband's estate. The other half would descend to the deceased's surviving parents or parent, otherwise in equal parts to his surviving brothers and sisters and their issue. The prince of Hawaii, the only child of Queen Emma and Kamehameha IV, died at age 4. Kamehameha IV's father Mataio Kekuanooa was still alive. Thus, if the statutes were followed, Queen Emma and Kekuanooa would each inherit a one-half interest in the crown lands.

Nothing of the crown lands would have remained for Kamehameha V. Of course, Kamehameha V had his own lands as an awardee under the Great

Mabele and as an heir of other members of the Kamehameha line.

The matter came before the Supreme Court of the Kingdom of Hawaii. On May 27, 1864, the court decided that the intention of Kamehameha III was to limit the inheritance of the crown lands to the successors to the throne. In the phrase reserving the crown lands "for me and my heirs and successors forever" — the English translation of the Hawaiian original — the court emphasized the word "successors" over the rest of that reservation, which provided that these lands would be "my own property exclusively."

THE court did, nevertheless and irrationally in the light of its main conclusion, confirm a dower interest in the crown lands for Queen Emma.

Other lands that Kamehameha IV owned in his own name before he became king descended in the usual manner. Ironically, if Kamehameha III had received his crown lands as a high chief instead of as the reigning monarch, the court's justification for its decision would not have been available.

The next year, by "Act of Jan. 3, 1865," the crown lands were made inalienable and their management was taken out of the king's hands. The act provided for three commissioners appointed by the king to manage the lands, the income to be used to retire debts for which the lands had been mortgaged and the balance to support the crown. This arrangement was apparently approved by Kamehameha V, who signed the act in question, and by his father Kekuanooa, who was then Kuhina Nui.

Under this arrangement the royal debts were retired and the successors to the throne received the benefit of

the income from the crown lands until 1893.

In 1893 after the revolution, the crown lands were lumped in with the government lands, which together became the "Public Lands of the Provisional Government and Republic." Thus what Kamehameha III had "set aside for me and my heirs and successors forever, as my property exclusively," was transmuted into part of the general land holdings of the government of Hawaii.

If the court had agreed with Queen Emma, the crown lands reserved by Kamehameha III would in all probability have descended eventually one-half to Princess Bernice Pauahi Bishop, mainly to become a part of her trust for the benefit of the Kamehameha Schools, and one-half under the will of Queen Emma mainly for the benefit of the Queen's Hospital. The Supreme Court decision of 1864 and the Act of Jan. 3, 1865, and the actions of the revolutionists in 1893 resulted in a land grab at the expense of the Kamehameha line of 971,463 acres.

IN the course of rewriting history and correcting past wrongs, as a start it would not be unjust for the state of Hawaii to transfer whatever is left of the crown lands, one-half to the trustees of the Bernice Pauahi Bishop Estate for the education of the children of Hawaii, and one-half to the Queen's Hospital for its health programs. Settlement for the rest of the crown lands could follow in due course.

Or better yet, all of these lands could be transferred to the Office of Hawaiian Affairs to form the beginnings of a land base for the benefit of all Hawaiians.

Samuel P. King is chief judge emeritus of the U.S. District Court.

Estate of His Majesty Kamehameha IV.

SUPREME COURT—IN BANCO.

—
APRIL TERM—1864.
—

IN THE MATTER OF THE ESTATE OF HIS MAJESTY KAMEHA-
MEHA IV., LATE DECEASED.

HISTORY of the nature of land tenures in this Kingdom, and construction of the Act of 7th June, 1848, as affecting the rights of dower and inheritance in the lands set apart to the Crown by the instrument of reservation, executed by Kamehameha III. on the 8th March, 1848.

By the said Act, which is entitled "An Act relating to the lands of his Majesty the King and of the Government," the lands reserved to the then reigning sovereign, descend in fee, the inheritance being limited to the successors to the throne, each successive possessor having the right to dispose of the same as private property, subject however to her Majesty's right of dower, there being nothing in the said Act, taking away the Queen's right to dower in the reserved lands, therein named: Nor is there any law of the Kingdom, making the matrimonial rights of the wife of the King, any less or different from those of the wife of any private gentleman.

The descent of that part of his late Majesty's estate, other than the lands, reserved to the Crown by the Act of 1848, must be governed by the general law of inheritance and distribution, and her Majesty Queen Emma is entitled as statutory heir to one-half of that property, instead of dower, the latter right being merged in the superior right of heir, after payment of such debts as are not specifically charged upon the reserved lands.

Justice ROBERTSON delivered the judgment of the Court as follows:

A difference of opinion having arisen touching the descent of the property held and possessed by his late Majesty Kamehameha IV., a case has been submitted to the Court, upon an agreed statement of facts, in order that the rights of the several high personages interested may be solemnly adjudicated upon and amicably settled.

It is claimed on behalf of his Majesty Kamehameha V., that he, as hereditary successor to the throne, shall inherit the entire estate, both real and personal derived from his Majesty Kamehameha III., at his decease, and held by Kamehameha IV., the King lately deceased.

Estate of His Majesty Kamehameha IV.

On the part of Queen Emma, lately the consort of his Majesty Kamehameha IV., it is claimed that all the property possessed by her late royal husband was his private property, and must descend in accordance with the general law of the Kingdom, and that she is therefore entitled to inherit one-half of his real and personal estate, after payment of his debts, and to take dower in the other half.

We deem it unnecessary to recapitulate here the statement of facts submitted on behalf of the parties, as these facts will be referred to in the course of our decision, as such reference may be necessary to elucidate the grounds upon which our judgment rests.

In order to simplify the case we will first dispose of the claim for dower in one-half of the estate, in addition to an absolute right in the other half, as heir under the statute, set up on behalf of Queen Emma. In our opinion, if she is entitled to dower at all, she must take dower in the entire estate which came to her late royal husband with the Crown, at the demise of his predecessor Kamehameha III. If, as is claimed on her behalf, she is entitled as a statutory heir to take one-half of her late husband's estate absolutely by way of inheritance, she cannot take dower also in the other half. In that case her right to dower, as widow, would be lost in her superior right to inherit as an heir. She cannot take in both those rights in the same estate.

The claim to the entire estate, as an appanage of the Crown, put forward by the Attorney-General on behalf of his Majesty the present King, is made to rest chiefly on the construction which it is contended should be given to the statute passed on the 7th day of June, A. D. 1848, entitled "An Act relating to the lands of his Majesty the King, and of the Government." The preamble to that Act, and the portions of it which bear upon the case, read as follows:

"WHEREAS, It hath pleased his most gracious Majesty Kamehameha III., the King, after reserving certain lands to himself as his own private property, to surrender and forever make over unto his chiefs and people the greater portion of his royal domain;

"And whereas, It hath pleased our Sovereign Lord the King,

Estate of His Majesty Kamehameha IV.

to place the lands so made over to his chiefs and people in the keeping of the House of Nobles and Representatives, or such person or persons as they may from time to time appoint, to be disposed of in such manner as the House of Nobles and Representatives may direct, and as may best promote the prosperity of this Kingdom and the dignity of the Hawaiian Crown ; therefore,

“Be it enacted by the House of Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled,

“That, expressing our deepest thanks to his Majesty for this noble and truly royal gift, we do hereby solemnly confirm this great act of our good King, and declare the following named lands, viz : (Here follow the names of the several lands.) To be the private lands of his Majesty Kamehameha III., to have and to hold to himself, his heirs and successors forever ; and said lands shall be regulated and disposed of according to his royal will and pleasure, subject only to the rights of tenants.”

After the foregoing follows the acceptance by the Legislature of the lands made over by the King to the Hawaiian Government, the lands being mentioned by name.

It is contended by the Attorney-General that by the true construction of this act it must be understood as declaring that the lands reserved to himself by Kamehameha III., in the grand division of 1848, were to descend forever to his heirs and successors on the throne, as a Royal Domain annexed to the Hawaiian Crown, and that they are not subject even to the right of dower.

On the other hand it is argued that by a fair construction of the act taken in connection with the instrument of reservation signed and sealed by Kamehameha III. on the 8th day of March, 1848, of which the act of the Legislative Council was simply a confirmation, the lands in question were declared to be the private property of Kamehameha III., his heirs and assigns, that as such, they are not only subject to the right of dower, but distributable under the statute regulating the descent of property generally like other private estates of persons dying intestate, and that therefore her Majesty Queen Emma, in the absence of any lineal heir of her husband, the late King, is entitled to one-half of the estate under the peculiar provisions of Hawai-

Estate of His Majesty Kamehameha IV.

ian law, which would pass the other half to his Royal Highness M. Kekuanaoa, the surviving father of the late as of the present King.

The view which the Court takes of this matter, after the most careful examination and reflection, agrees in some respects with the views so ably propounded by the learned counsel for both the royal claimants, and yet as will be seen, differs materially from either.

It is conceded that the Court, in order to enable it to give a just construction to the act of the 7th of June, 1848, is at liberty to refer not only to the two instruments executed by his Majesty Kamehameha III., on the 8th of March, 1848, which were unquestionably the foundation of the Legislative enactment, but also to Hawaiian history, custom, legislation and polity, as well as to the records of the Privy Council, and the acts of the parties immediately interested subsequent to the great division.

The nature of land tenures in this Kingdom, prior to the great changes effected during the reign of Kamehameha III., will be found very clearly explained in the "Principles adopted by the Board of Commissioners to quiet Land Titles," (vol. 2 Statute Laws, page 81,) which were drawn up with much care upon the most valuable testimony that could be obtained. It is therein declared that "When the islands were conquered by Kamehameha I., he followed the example of his predecessors, and divided out the lands among his principal warrior chiefs, retaining, however, a portion in his own hands to be cultivated or managed by his own immediate servants or attendants. Each principal chief divided his lands anew and gave them out to an inferior order of chiefs or persons of rank, by whom they were subdivided again and again after (often) passing through the hands of four, five or six persons from the King down to the lowest class of tenants. All these persons were considered to have rights in the lands, or the productions of them, the proportions of which rights were not clearly defined, although universally acknowledged. All persons possessing landed property, whether superior landlords, tenants or sub-tenants, owed and paid to the King not only a land tax, which he assessed at pleasure, but also service which was called for at discretion, on all the grades from the highest down. They also owed and

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paid some portion of the productions of the land in addition to the yearly taxes. A failure to render any of these was always considered a just cause for which to forfeit the lands. The same rights which the King possessed over the superior landlords and all under them, the several grades of landlords possessed over their inferiors, so that there was a joint ownership of the land, the King really owning the allodium, and the person in whose hands he placed the land, holding it in trust." Such was the nature of the tenures, and such the titles by which the lands were held, when in 1839 protection was declared both for person and property in the following words: "Protection is hereby secured to the persons of all the people, together with their lands, their building lots and all their property." (See old Laws, page 10.) "The same law confirms what has been already stated in relation to the rights of his Majesty the King in all lands. Section 3d requires that every tenant of land shall work thirty-six days in the year for the King or Government, showing clearly that there is no individual who has an allodial title to the soil, that title remaining with the King." (Principles, vol. 2, Stat. Laws, p. 82.) The Commissioners proceed to say that the King could not dispose of the allodium to any other person without infringing on the rights of the superior lord, nor could the lord, if he purchased the allodium, seize upon the rights of the tenants and dispossess them. "It being therefore fully established, that there are but three classes of persons having vested rights in the lands: 1st, the Government, (i. e. the King;) 2d, the landlord; and 3d, the tenant—it next becomes necessary to ascertain the proportional rights of each." (Ibid, p. 83.) The Commissioners, in view of the evidence given, arrived at the conclusion that, should the King allow to the landlord one-third, to the tenant one-third, and retain one-third himself, he, according to the uniform opinion of the witnesses, would injure no one unless himself. (Ibid, p. 83.) It was the imperative necessity of separating and defining the rights of the several parties interested in the lands, which led to the institution of the Board of Land Commissioners, and to the division made by the King himself, with the assistance of his Privy Council.

At the death of Kamehameha I., his son Liholiho, Kameha-

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meha II., was recognized as King in accordance with his father's express will. Along with the Crown, Kamehameha II. inherited all his father's rights as an absolute sovereign and as suzerain or lord paramount of all the lands in the Kingdom, which rights, unimpaired, descended with the Crown to Kamehameha III. upon the death of his brother and predecessor.

In the year 1839 began that peaceful but complete revolution in the entire polity of the Kingdom which was finally consummated by the adoption of the present Constitution in the year 1852. His Majesty Kamehameha III. began by declaring protection for the persons and private rights of all his people from the highest to the lowest. In 1840 he granted the first Constitution by which he declared and established the equality before the law of all his subjects, chiefs and people alike. By that Constitution, he voluntarily divested himself of some of his powers and attributes as an absolute Ruler, and conferred certain political rights upon his subjects, admitting them to a share with himself in legislation and government. This was the beginning of a government as contradistinguished from the person of the King, who was thenceforth to be regarded rather as the executive chief and political head of the nation than its absolute governor. Certain kinds of public property began to be recognized as Government property, and not as the King's. Taxes which were previously applied to the King's own use were collected and set apart as a public revenue for Government purposes, and in 1841 his Majesty appointed a Treasury Board to manage and control the property and income of the Government. But the political changes introduced at that period did not affect in the least the King's rights as a great feudal Chief or Suzerain of the Kingdom. He had not as yet yielded any of those rights. It was expressly declared that he should still retain his own lands, and lands forfeited for the non-payment of taxes should revert to him. (Old Laws, p. 12.) Under the first law relating to the descent of lands to heirs, a portion of the lands held by any landlord were at his death to be restored to the King; and in case the landlord died leaving no heir, his lands and other property belonged to the King, by escheat. (Old Laws, p. 47.) Kamehameha III. gave a striking proof of his power as suzerain of the Kingdom, when he re-

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sumed the possession of all the fishing grounds within his dominions, for the purpose of making a new distribution of them, with the consent of his chiefs in Council. (Old Laws, p. 36; *Haalelea vs. Montgomery*, vol. 2, Haw. Rep., p. 62.)

The laws organizing the executive departments of the Government were enacted in the year 1846. Those laws provided among other things for the establishment of the Board of Land Commissioners, for the purpose of effecting a division of rights in land and of quieting the titles throughout the Kingdom. The subject of rights in land was one of daily increasing importance to the newly formed Government, for it was obvious that the internal resources of the country could not be developed until the system of undivided and undefined ownership in land should be abolished. Several expedients were resorted to with a view to obviate in some measure the existing difficulties, in advance of the action of the Land Commission. With that view the Legislative Council on the 7th November, 1846, passed a series of joint resolutions on the subject of rights in lands, and the leasing, purchasing and dividing the same. (Statute Laws, vol. 2, page 70; see *Oni vs. Meek*, Haw. Rep., vol. 2, p. 87.) But it was evident that such expedients could be of but little real benefit, while it must also have been foreseen that the operations of the Land Commission would occupy a long series of years, and that the Commission would encounter much difficulty in settling the rights of the chiefs and konohikis. In the month of December, 1847, the subject was discussed at length in the Privy Council. The record of that discussion is of the highest interest and has been carefully examined by the Court. It was finally resolved by the King in Council to effect through the assistance of a Committee, a division of lands between the King, as suzerain, and the high chiefs and konohikis, his feudatories. That division appears to have been effected with dispatch, for by the end of February, 1848, it was completed.

The King had resumed the possession of the larger part of the lands previously in the possession of the chiefs and landlords, and the remainder had been granted to the several holders by freehold title certified to the Land Commission for its formal award, and capable of being converted into an allodial

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title, by payment to the Government of a commutation to be fixed in Privy Council.

His Majesty's suzerainty over the lands held by his chiefs and other individuals was then at an end. He stood possessed of the lands which were in his own hands previous to the division, and of those resumed in the division, constituting together a large part of the landed property of the kingdom—a truly royal domain. But it is evident from the minutes of the Privy Council, that the lands comprised in that domain were not regarded as the King's private property strictly speaking. Even before his division with the landholders, a second division between himself and the government or state was clearly contemplated, and he appears to have admitted that the lands he then held might have been subjected to a commutation in favor of the government, in like manner with the lands of the chiefs. The records of the discussion in Council show plainly his Majesty's anxious desire to free his lands from the burden of being considered public domain, and as such, subjected to the danger of confiscation in the event of his islands being seized by any foreign power, and also his wish to enjoy complete control over his own property. Moved by these considerations and by a desire to promote the interest of his Kingdom, he proceeded with an exalted liberality to set apart for the use of the government the larger portion of his royal domain, reserving to himself what he deemed a reasonable amount of land as his own estate. To effect that object he signed and sealed on the 8th of March, 1848, two instruments contained in the Mahele Book, the first of which reads as follows:

“E ike auanei na kanaka a pau ma keia palapala, owau o Kamehameha III., no ka lokomaikai o ke Akua, ke 'Lii o ko Hawaii nei Pae Aina, ua haawi au i keia la no ko'u makemake maoli no, a ua hoolilo a me ka hookaawale mau loa aku i na 'Lii a me na kanaka, ka nui o ko'u aina alii e pono ai a e pomaikai ai ke Aupuni Hawaii, nolaila, ma keia palapala ke hookoe nei au no'u iho a no ko'u poe hooilina a no ko'u poe hope a mau loa aku, na aina a'u i kakau ia ma na aao 178, 182, 184, 186, 190, 194, 200, 204, 206, 210, 212, 214, 216, 218, 220, 222, o keia buke, ua hookaawale ia ua poe aina la no'u a no ko'u poe hooilina a me na hope o'u a mau loa, he waiwai pono no'u aole mea e ae.”

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The instrument we translate into English thus:

“Know all men by these presents, that I, Kamehameha III., by the grace of God, King of these Hawaiian Islands, have given this day of my own free will and have made over and set apart forever to the chiefs and people the larger part of my royal land, for the use and benefit of the Hawaiian Government, therefore by this instrument I hereby retain (or reserve) for myself and for my heirs and successors forever, my lands inscribed at pages 178, 182, 184, 186, 190, 194, 200, 204, 206, 210, 212, 214, 216, 218, 220, 222, of this book, these lands are set apart for me and for my heirs and successors forever, as my own property exclusively.”

The other instrument which was also executed in the Hawaiian language, we translate into English thus: Know all men by these presents, that I, Kamehameha III., by the grace of God, King of these Hawaiian Islands, do hereby give, make over and set apart forever to the chiefs and people of my Kingdom, and convey all my right, title and interest in the lands situated here in the Hawaiian Islands, inscribed on pages 179 to 225, both inclusive, of this book, to have and to hold to my chiefs and people forever.

These lands are to be in the perpetual keeping of the Legislative Council (Nobles and Representatives) or in that of the superintendents of said lands, appointed by them from time to time, and shall be regulated, leased, or sold, in accordance with the will of said Nobles and Representatives, for the good of the Hawaiian Government, and to promote the dignity of the Hawaiian Crown.

By referring now to the confirmatory Act of the 7th June, 1848, it must be apparent to every one, from the close similarity of the language used in said Act with that of the instruments just recited, that the Legislative Council simply intended by that Act to ratify what had been already done by the King in Privy Council, and thereby bind the nation to its faithful observance forever. We think the Attorney General was mistaken when he said the Act of 7th June, 1848, appeared to have been drafted hastily or inadvertently. It is within the knowledge of the Court that the Act in question was prepared in the English language by the late Chief Justice Lee, who had taken a promi-

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nent part in the discussion of the subject in the Privy Council, and who in common with other councillors appears to have been fully alive to the nature and importance of the business, and knew well the legal import of the language introduced into the Act.

His Majesty King Kamehameha III. had no surviving child of his own, but had adopted his nephew, Prince Alexander Liholiho. In the month of April, 1853, his Majesty, with the consent of the House of Nobles, and in accordance with the 25th Article of the Constitution, publicly proclaimed Prince Liholiho as his successor on the Throne. At the same time he made and executed his last will and testament, declaring his will both in regard to the descent of the Crown and the disposition of his estate. By the first clause of that instrument he declared his will that, Prince Liholiho, his adopted child should be his heir and successor to the Crown. By the second clause he declared that if Prince Liholiho should not survive him or should become incapacitated under the Constitution, his will was that Prince Lot Kamehameha should be heir to the Throne, and failing him, the Princess Victoria Kamamalu. By the third clause he directed that all his just debts should be paid out of his estate by his executors as soon as convenient after his decease. By the fourth clause he devised to his consort Queen Kalama, certain lands in lieu of dower provided she should accept the same. By the fifth clause he devised all his remaining estate to his adopted son Prince Liholiho. His Majesty died on the 15th December, 1854, and was succeeded by Prince Liholiho as Kamehameha IV. The will of Kamehameha III. was duly proved before the Hon. Lorrin Andrews, Judge of Probate, on the 27th day of January, 1855, and the provision thereof, touching the King's estate, were carried out by the executors.

It is admitted that from the time when Kamehameha III. separated his own property from that of the Government, in 1848, up till his death, he dealt with his reserved lands, as his own private estate, leasing, mortgaging or selling the same at his pleasure. Ever since the division, those lands, except such as have been sold, have always been known as the King's lands, and have been managed by an agent or land steward appointed by the King. After the death of Kamehameha III., Queen

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Kalama declined to accept the lands devised to her by the King's will, in lieu of dower, on the ground that she had received these lands from him in the division of 1848. Her right to dower was acknowledged by King Kamehameha IV., who made an amicable arrangement touching the same, by setting upon her a fixed annuity for life, in consideration of which she relinquished her claim for dower by deed. In the year 1856 the late King married his still surviving consort Queen Emma. No ante-nuptial agreement was made as to their property, nor any provision in the nature of a jointure for the Queen. During his Majesty's reign, a period of nearly nine years, he constantly dealt with the lands in question as his private property in like manner as his predecessor had done, and her Majesty Queen Emma was always in the habit of joining with him in deeds to individuals, whenever it was necessary that she should do so in order to bar her dower. On the 30th day of November last, his Majesty died intestate.

Having stated fully all the facts and circumstances which seem to us calculated to throw light on the subject, and to guide the Court in ascertaining the intention of Kamehameha III. as declared in the instrument of reservation of the 8th March, 1848, and in giving a sound construction to the confirmatory act of the Legislative Council, it only remains for us now to announce the conclusions at which we have arrived.

In our opinion, while it was clearly the intention of Kamehameha III. to protect the lands which he reserved to himself out of the domain which had been acquired by his family through the prowess and skill of his father, the conqueror, from the danger of being treated as public domain or Government property, it was also his intention to provide that those lands should descend to his heirs and successors, the future wearers of the crown which the conqueror had won; and we understand the act of 7th June, 1848, as having secured both those objects. Under that act the lands descend in fee, the inheritance being limited however to the successors to the throne, and each successive possessor may regulate and dispose of the same according to his will and pleasure, as private property, in like manner as was done by Kamehameha III.

In our opinion the fifth clause of the will of Kamehameha III. was not necessary to pass the reserved lands to Kamehameha

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IV., any more than the first clause was necessary to pass to him the crown. He was entitled to inherit those lands by force of the act of 7th June, 1848, when he succeeded to the crown, in virtue of the public proclamation made by his predecessor with the consent of the House of Nobles, and he was entitled as the adopted son of Kamehameha III., to inherit the remainder of his estate not devised to any one else, subject to dower.

We are clearly of opinion also that her Majesty Queen Emma is lawfully entitled to dower in the reserved lands, except so far as she may have barred her right therein by her own act and deed. There is nothing in the act of 7th June, 1848, which can be understood as taking away the Queen's right of dower in the lands therein named; nor is there any law of this Kingdom which renders the matrimonial rights of the wife of the King any less than or any different from those of the wife of any private gentleman. Such was unquestionably the understanding of both Kamehameha III. and his successor as to dower in those lands, which are to be dealt with in all respects as private inheritable property, subject only to the special legislative restriction on the manner of their descent.

But his Majesty Kamehameha IV. was possessed of other property, both real and personal, at the time of his death, not affected with the special character attached to the reserved lands. The descent of that part of his estate must be governed by the general law of inheritance and distribution, and her Majesty Queen Emma is therefore entitled as statutory heir to one-half of that property, after the payment thereof of such portion of the late King's debts as are not specifically charged by mortgage or otherwise upon the reserved lands. Debts of the latter class ought clearly to be paid out of the estate encumbered therewith.

Let judgment be entered accordingly in favor of both the claimants.

Attorney-General Harris, for his Majesty the King.

Messrs. Bates and Montgomery, for her Majesty Queen Emma.

May 27, 1864.

N. B.—Since the above decision the Legislature, by the law of January 3d, 1865, have decreed the lands reserved to the Crown, by the Act of 1848, to be henceforth inalienable and not lawful to lease the same for any term of years to exceed thirty.