
[EXTERNAL] VERY TIMELY FOR APRIL 10 MEETING: : Please reject K-1: Proposed Rule Amendment KA 24-01 regarding Estates at Moloa'a Bay on TMK 490090002

From Betsy Scolnik <betsydscolnik@gmail.com>

Date Tue 4/7/2026 7:02 PM

To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>; DLNR.CO.PublicDLNR <dlnr@hawaii.gov>; Cain, Michael <michael.cain@hawaii.gov>

Cc Betsy Neaves <bpneaves@gmail.com>; Stuart Scolnik <stuscolnik@gmail.com>; geraldine Martin <gmarine17@gmail.com>; peter eacott <eacott@gmail.com>; Chryssanthie Rapsomaniki <chryssanthie@hotmail.com>; Cheri Gienger <cheri.gienger@gmail.com>; Mike Schwartz <mschwartz98110@yahoo.com>; Patty Schwartz <pschwartz98110@yahoo.com>; Hope Kallai <lokahipath2@live.com>; Michael Becker <mbecker1961@gmail.com>; sharon carlson <sharoncarlsonhomes@gmail.com>; Sherry Pollock <gaiasbeloved@gmail.com>; Robin Mazor <robinmazor@reefguardians.org>; Jessie Hill <gojbill@gmail.com>; cheryl Schenck <moloaa@hotmail.com>

 5 attachments (237 KB)

Scolnik Moloa'a Estates.pdf; Mike Schwartz Moloa'a Estates (1).pdf; Becker Moloa'a Estates (1).pdf; peter eacott letter.pdf; Greinger Moloa'a Estates.pdf;

Dear DLNR,

We are Moloa'a residents and community members. We are writing to ask that you reject K - 1: a Proposed Rule Amendment KA 24-01 to amend a portion of the existing portion of the Limited Subzone to General Subzone for the residential development of the Estates at Moloa'a Bay on TMK 490090002, Unit 4. This amendment does not serve any conservation needs and establishes a dangerous commercial precedence, allowing development on properties intended for preserving conservation values.

The other units of the Estates at Moloa'a Bay are on agricultural land. It is unknown what kind of agriculture will be performed on these steep slope "estates" or why one housesite was created on Conservation District land, Limited Subzone instead of keeping the residences on agricultural land. This Limited Subzone should not be amended.

In addition, the proposed Estates at Moloa'a Bay have been trying to over develop in Moloa'a before. Please see attached some of the letters we sent in regard to these "estates" previously. As you can see there are serious safety and health concerns with this development. We wanted to share these as testimony and for your reference as their plan is not just one home.

We are also asking that you **hold a public hearing ON KAUAI**, so that those who are voting can see what they are voting on. Moloa'a is not built for such development.

Mahalo,
Moloa'a Community Group

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Betsy Scolnik
(305) 632-9569
Betsyscolnik.org

Michael and Amalaia

To whom it may concern:

Our neighbor, Ku'uleialoha Punua Johnson, forwarded your request for input regarding the Estates at Moloa'a Bay Project. I first came to Moloa'a in 1990 on holiday. There were many fewer homes. The area was substantially wilder with little tourism.

Thereafter, I stayed in the bay 6-8 weeks a year over winter and summer teaching holidays. In 2021, I bought my home. I live on Moloa'a stream, often cited by Surfrider as the first or second most polluted in the county and among the most polluted in the state. Fecal coliform levels are literally off the charts. Contact with the water is dangerous and crossing the stream to the beach represents risk. Yet, small children and their parents play in what appears an idyllic lagoon as the fetid water flows into and pollutes the bay.

Over the more than 30 years, there have been enormous changes in the bay. Today, Moloa'a road, always narrow, poorly maintained and entirely unsigned, is utterly hazardous. From sunup until sundown (and often into the night) there is a near constant flow of residential, local and in particular, exponentially growing tourist traffic as visitors race to and from the bay to pack in the sites, often unheeding of pedestrians or unmindful that Moloa'a is a residential neighborhood. Prior to cell service (which became reliable in Moloa'a only over the last few years), and the advent of the numerous digital travel guides downloaded and religiously followed by most visitors, Moloa'a remained remote.

Moloa'a has no services or restrooms, little parking and limited beach access. Visitor cars are typically poorly, or double parked, limiting access to our homes. It is not unusual to find barely concealed human excrement by the stream or near the beach. A

recent, welcome influx of many young children on bicycles complicates the equation. Near collisions are daily occurrences. The beach, though sublime, is hazardous to the extreme. I've rescued nearly two dozen visitors since 1990. In aggregate with neighbors, water rescues climb into the hundreds. There has been a dramatic increase in distressed visitors and regular drownings. Yet there is no signage.

Moloa'a road, an often backed up, single lane semi paved strip with no shoulders, notably down which the postal service will not travel, can neither support, nor sustain the level of heavy traffic such a development requires absent widening and substantial improvement. Moreover, the existing access road to the project is problematic to the extreme. The current required turning radius to enter the road traveling northeast (moving toward the beach from Koolau road) appears unworkable for larger construction vehicles and machinery absent substantial widening of Moloa'a road (likely impossible) further degrading the stream. At present, it would appear that such vehicles would likely have to continue past the road, turning around at the beach or at tiny Kuono road to approach the access, moving toward Koolau. Of course, this is impracticable, if not near impossible given the often bumper to bumper traffic.

I do not oppose thoughtful, environmentally sound development. The proposed Estates at Moloa'a Bay Project, about which we have only just learned, threatens the overburdened, arguably collapsing ecosystem of Moloa'a. As envisaged, and given the little we understand, the many potential homes to be built absent legitimate, or possibly

any environmental study, with seemingly little concern for our dramatically overtaxed infrastructure threatens our fragile, small community. Certainly, such development absent real impact study, is likely to dramatically increase already unsustainable traffic, and further degrade Moloa'a stream. As all residents know, the proposed sites are prone to landslides and erosion. Importantly, runoff from the friable soil will likely threaten the struggling reef just below the project.

I appreciate the opportunity to comment on the proposed project and trust you will consider and address the legitimate concerns of Moloa'a residents prior to moving forward with plans as currently envisaged.


Warmest Regards,

Michael Becker
3584 B Moloa'a Road
Anahola, HI 96703

Wed, Jan
31, 2024,
11:38 AM

peter eacott
<eacott@gmail.com

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The Estates at Moloaa Bay Project as proposed by Moloaa Lot 10A, LLC

TMK: (4) 4-9-009:002 (por.)

I would like to take the opportunity to raise several issues which in my mind scream loudly for caution and some form of impact study to understand what would happen if this property were to be built out as designed.

Due to its difficult terrain the entirety of Moloaa Road (.9 mi. long) was created as a convenience and does not conform to standard road recommended requirements. It varies in width - often narrowing so only one lane of traffic can pass at a time. There are no shoulders on either side of the road - dropping 15+ feet nearly straight down on one side and rising 15+ feet straight up on the other side. It varies in width from 14' and up and is far short of the recommended 20 to 24'

for a paved county road. There are no signs of warning, caution or speed limits - it is heavily trafficked and most drivers in each direction must use extreme caution at all points. The road also facilitates pedestrians, pet walkers, children, cyclists, and joggers. The traffic mix is local, fishing folks, tourists, services (Ups and Fed x) as well as commercial deliveries. Due to the restricted access the USPS does not service the area so residents have to drive 7 miles to get to the nearest Post Office. Our trash is picked up in locations we drag our bins to and often is skipped due to the inability of the trash truck to fit on the road.

There are no stores or commercial properties, public facilities, limited parking and very little beach access. Many internet sites list Moloaa as a "must see" beach so the traffic is way beyond what one would expect. Residents often cannot get out of their driveways and are stuck until someone moves their vehicles. Arguments about parking and access are common and the local residents are forced to defend their properties. The last 500 hundred feet of the road is only a single lane.

There are several vacation rentals (some legal) and the whole area is mostly serviced with cesspools although a very small number of residents (2 that I know of) have installed state of the art aerobic systems. The Department of Health and the planning department have been little to no help in working with local residents and building projects and expressed no interest in a plan that might result in cleaning up the area and the overall result is we live on the banks of a stream that often tests as the most polluted in the state of Hawaii with several owners dumping their waste directly into the stream. When the stream overflows its banks (almost annually) and leaves the sludge and smell of human waste in the air for weeks. During heavy rains a torrent of red dirt and water flows down the existing dirt road on the property, into the neighbor's yard and finally the Moloaa Stream and Moloaa Bay. After a heavy rain the whole bay smells, turns brown and becomes unswimmable - sometimes for weeks.

The Estates of Moloaa was originally advertised as several house sites, then 3, then possibly 5 and now is going for 8 lots. The impact would be significant. The addition of more traffic, building activities, etc. on this small community will further tax the system - cause delays and result in a critical situation. There is no possible way this narrow road which is already in terrible condition can facilitate the "Estates at Moloaa Bay" and I see no way it can be allowed to enter or exit onto Moloaa Road.

At the very least an impact/traffic study should be done and the local residents should be informed and have a say of what is best for everyone.

They should not be allowed to let their construction mud run into the stream or impede the traffic on Moloaa Bay Road.

Peter Eacott, Sharon Carlson

Moloaa Bay, Kauai

To whom it may concern:

We have recently been informed of the above-mentioned project. As nearby neighbors, we are very concerned about the problems it may create. We've already had severe erosion on the other side of the Bay when Moloaa Ranch was forming.

The impact of more traffic on Moloaa Road is very worrisome. As it is now, there are days when we can't get in and out of our property and navigating the road with another car approaching is a challenge. If an emergency vehicle were needed, it would be impossible to pass at some points along our road.

Our indigenous plants and birds will be jeopardized. Our water, which is already reported to be the worst on the island, could become even worse. We have many concerns over this project moving forward.

Sincerely,
Cheri Gienger
3575 Moloa'a Road

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Tue, Jan 30, 6:54 AM (2
days ago)

Mike Schwartz

To whom it may concern:

My wife and I bought our home in the Moloa'a Bay community in 2009 -- a time when comparatively few folks even knew about the area. Back then, we never experienced the type of traffic congestion and illegal parking (including on our property) issues that are now an every day occurrence. It seems clear that Moloa'a road and other infrastructure was never designed to accommodate the current volume of residents, visitors and traffic.

The evidence that this trend poses a serious and growing risk to our community could not be clearer. The level of pollution impacting our stream and bay is nothing short of remarkable. Bacterial counts continue to climb, and now are routinely 10 times over the 'safe limit' or higher -- the highest on the island. And yet families with small children routinely bathe and play where the stream meets the ocean. The only thing more striking than the incredible beauty of Moloa'a Bay is the extent of its pollution -- a truly remarkable, but barely hidden threat. Clearing the land for an extensive construction project will only pollute our ground water and stream further, while also threatening our local flora and fauna.

Combined with the poor quality of our road and lack of any semblance of routine road maintenance or improvement, the last thing the community can tolerate is months to years of use by heavy land clearing and construction equipment. Beyond this, the land clearing itself will destabilize the hillside. To be reminded of the risk of a major slide, all one needs do is recall the many devastating slides that shut down the roads to Ke'e and then to Hanalei in recent years. Moloa'a Road is certainly not immune to this type of event. The prospect of a slide that takes out Moloa'a Road is too troubling to contemplate -- and yet where is the environmental impact study that would reassure us that this cannot happen?

To be clear, we do not reflexively oppose any and all development on our island. But we must oppose development that threatens the well being and safety of our community. Thank you for your attention to these very real concerns.

Sincerely,

Michael W. Schwartz, MD

Patricia A Schwartz

3556 Moloa'a Road



Tue, Jan 30, 12:11 PM (2
days ago)

Betsy Scolnik
<betsydscolnik@gmail.com>

To Whom it may concern:

Our neighbor, Ku'uleialoha Punua Johnson, forwarded your request for input regarding the Estates at Moloa'a Bay Project. As a resident of Moloa'a Bay I am very concerned about this project. It is the first we have been notified about it! This project proposes to jeopardize the already overtaxed resources and infrastructure of our community, poses significant potential safety hazards and is a threat to our community practices of gathering, fishing, providing homes to our wildlife and for our agricultural.

Moloa'a is a small community. Many grow our food and fish for sustenance. We love our Bay and we gather at and, some of us fish in the bay. The lack of infrastructure on Moloa'a is already posing significant challenges to our health and safety. The water in Moloa'a Bay is dirty with some of the highest bacteria counts in the State, already jeopardizing our fishing, swimming, surfing, clean drinking water, reefs, and our plants/agriculture. Our semi paved dirt road, which the proposed project sits above, is a delicate balance of nature as it is. The cutting of trees, plowing away of dirt, etc could result in a failure of the roadsides and hills. Run off from construction and new home uses will contaminate our water further. If large construction vehicles are blocking access or creating traffic on our tiny road it would pose a potential catastrophic safety issue for us in an emergency or natural disaster.

We are also concerned about our indigenous plants and birds that are so critical to Hawaiian culture and to all of us in the Bay. The impacts of the loss of these plants and wildlife is well known and documented often with many efforts on Kauai and all of the Islands to protect them.

Thank you for including us and making us aware of the project.

Sincerely,

Stuart and Betsy Scolnik

3648 Moloa'a Road