

PUBLIC HEARING

SEPTEMBER 9, 2020

A public hearing of the Council of the County of Kaua'i was called to order by Mason K. Chock, Chair, Planning Committee, on Wednesday, September 9, 2020, at 8:31 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Luke A. Evslin (*via remote technology*)  
Honorable Ross Kagawa  
Honorable KipuKai Kualii  
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun\*

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Please note that we will run today's meetings pursuant to the Governor's Supplementary Emergency Proclamation's with the most recent Sunshine Law being his Twelfth Supplementary Emergency Proclamation dated August 20, 2020.

The Clerk read the notice of the public hearing on the following:

"Bill No. 2797 – A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS, PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE HANAPĒPĒ-‘ELE‘ELE PLANNING DISTRICT AND THE WAIMEA-KEKAHA PLANNING DISTRICT IN CHAPTER 10, KAUA‘I COUNTY CODE 1987, AS AMENDED, AND ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO CHAPTER 8 AND CHAPTER 9, KAUA‘I COUNTY CODE 1987, AS AMENDED, AND AMENDING ZONING MAPS ZM-K100 (KEKAHA), ZM-W100 (WAIMEA), AND ZM-H200 (HANAPĒPĒ) (WEST KAUA‘I COMMUNITY PLAN) (ZA-2020-07)," and

"Bill No. 2798 – A BILL FOR AN ORDINANCE AMENDING "KAUA‘I KĀKOU – KAUA‘I COUNTY GENERAL PLAN" (2018) LAND USE MAPS AND OTHER PROVISIONS RELATING TO THE WEST KAUA‘I COMMUNITY PLAN (ZA-2020-08)," and

“Bill No. 2799 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW SPECIAL TREATMENT COASTAL EDGE (ST-CE) DISTRICT AND AMENDING ZONING MAPS ZM-K100 (KEKAHA), ZM-W100 (WAIMEA), ZM-200, AND ZM-H200 (HANAPEPE) (ZA-2020-09),” and

“Bill No. 2800 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW PLANTATION CAMP (PC) DISTRICT AND AMENDING ZONING MAP ZM-200 (ZA-2020-10),” and

“Bill No. 2801 – A BILL FOR AN ORDINANCE TO OVERLAY THE SPECIAL TREATMENT PUBLIC FACILITIES DISTRICT (ST-P) ON A PORTION OF ZONING MAP ZM-H200 (HANAPEPE) (ZA-2020-11),” and

“Bill No. 2802 – A BILL FOR AN ORDINANCE AMENDING ZONING MAP ZM-200 (ZA-2020-12),”

which was ordered to print by the Council of the County of Kaua‘i on August 5, 2020, and published in The Garden Island newspaper on August 12, 2020.

The following communications were received for the record:

1. Greene, Howard, dated September 8, 2020 (Bill No. 2800)
2. Greene, Howard, dated September 8, 2020 (Bill No. 2802)
3. Nielsen-Lemn, Lori, dated September 7, 2020 (Signatures attached)
4. Nobrega-Olivera, Malia, dated September 9, 2020
5. Souza, Jean, dated September 8, 2020

Committee Chair Chock: We have two (2) testifiers. Is that correct? Okay. All six (6) Bills are for the West Kaua‘i Community Plan and I know that you made your request for multiple items, so if you can speak to all of them, that would be good. You have up to six (6) minutes to speak per item. You will see the light. Can you see the light on the desk? That will give you the indication of where you are as far as time. The yellow light will indicate that you have thirty (30) seconds left of your time.

KAUAKEA MATA (*via remote technology*): *Mahalo. Aloha kākou.* My name is Kauakea Mata from Waimea, Kaua‘i. I am here to express opposition to the agenda items for final review, inclusive of Bill No. 2796 through Bill No. 2802, relating to the West Kaua‘i Community Plan. My ‘ohana Goodwin/Kaohi is deeply rooted in this ‘āina. It is my *kuleana* to speak up or seek clarity about anything that may seem unclear, especially if it affects the things I love most: my ‘ohana, my ‘āina,

and my community. My concerns on a broader spectrum are as follows: the planning process to my understanding, there was a multitude of community meetings in Waimea that began in August of 2018, majority of which were typically scheduled between normal working hours of 11:00 a.m. and 4:30 p.m., with an exception of a few. Majority of the community members in Waimea are definitely working members and would not be able to attend. Hundreds of people attended the community meeting on September 5, 2019, where we were allowed to ask questions to team members verbally and on provided cards. Please note, to-date, still no response or follow-up. Committee members requested contact information from interested community members to communicate upcoming meetings. Please note, to-date, the notification of this meeting is only the second time that I have been contacted by the Planning Department. If the Waimea community input was valued, then why were the meetings not scheduled after normal working hours? Another issue was development versus preservation, specific to the Waimea community. One issue is meeting the housing needs. Please note that the majority of Waimea houseless community are not actually from Waimea and a good amount of them probably would not qualify for the newly-developed low-income housing in Waimea. Of course, if you build new homes—more problems, more traffic, more congestion, like noted in the final report—more traffic, which in return, creates more problems. Preserving the rural character of Waimea and increasing walkability...Waimea in terms of the literature “is the most complete” meaning that everything is within a twenty-minute walk. In actuality, everything in Waimea is an eight- to twelve-minute walk. The plan proposes the creation of a bike and walking facility on Kahakai Road, my home, please note that the current road has a minimum traffic and is very user-friendly. My children can play for up to thirty (30) minutes with minimal traffic. I would consider that to be safe. Development of Hofgard Park, which was recently enhanced to support a public restroom facility. Please note, Waimea Town currently has six public restrooms all within a minute drive of each other. Also, please note that there is a sewer drain in Hofgard Park, which usually smells. We do not need another. We would have six, but the County cannot seem to control the camping at Lucy Wright Park, pre-COVID-19. Other issues around coastal zoning. My family is one of the only private landowners underdeveloped in Waimea, next to the Faye family and I feel that we should have the right to determine what we would like to build and how we would like to build it. Waimea’s Keoneluhi Beach has been filled with sand...define the projections of what was originally shared as part of the 1987 original plan. Honestly, this West Kaua’i Community Plan is based on mere projections of what we think our community problems will be in one hundred years. I was also raised to make do with what we already have. A lot of these things in this plan actually exists and if we just look into it and work with the community, then we would save a lot of money. In addition, consider focusing on primary issues such as homelessness or facility upkeep. Please, please, please do not let this be a catch-all. Once this is approved, all development from here on out will just slip under and be approved too. I believe that we as the *kupu o ka ‘āina* have a right to speak out on every piece of

development and that everything should be done out of *pono*. If anything, please think about this now and not when it is too late. "Don't it always seem to go that you don't know what you got 'til it's gone, they paid paradise to put up a parking lot." Maybe reconnect with the community, decrease the lifespan of this plan and make it more real, so that the people a part of it can actually be a part of the end result. *Mahalo nui*.

Committee Chair Chock: Thank you. Ms. Mata, I have a clarifying question.

Ms. Mata: Yes.

Committee Chair Chock: I understood some of your points. I guess the first question is, do you have your testimony in writing that you might be able to share with the Council, so I can review it?

Ms. Mata: I submitted a written testimony that I E-mailed last night and then the testimony that I just have here, I can also share, if you would like that too.

Committee Chair Chock: Your fourth item was about housing, particularly as it relates to your *'ohana*. Can you expand on that? I was not clear about what you are looking for on that particular item.

Ms. Mata: Can you restate that question?

Committee Chair Chock: Yes. Right after talking about Hofgard Park, you talked about housing and your *'ohana*.

Ms. Mata: Yes.

Committee Chair Chock: Can you repeat that?

Ms. Mata: Yes. My family is one of the only private landowners right on Keoneluhi Beach. We have a parcel that is undeveloped *makai* of Kahakai Road. When we initially looked at the plan, we noticed that they are looking to rezone it and I know it was mentioned this morning about ensuring that whatever is developed there is to ensure that we take into consideration...the sea level rising and all of those things, but I just want everyone to know that in all the years I lived on that beach, the sand is plentiful...it defies all of the projections that were made. Probably because of what was done at the boat harbor, but I feel like as landowners, a Hawaiian landowner, we should be able to do what we want to do. For now, we are not thinking of developing anytime soon, but we just do not want to be

locked in. We lost a good portion of our land on Kahakai Road because the County needed safe access and my family was told years ago that they would have to condemn it anyway. We had to do things like that, like swapping of land, but ultimately, that is our land and we should be the final decision-makers on that property.

Committee Chair Chock: I appreciate that. Thank you for the clarity on that.

Ms. Mata: *Mahalo.*

Committee Chair Chock: Councilmember Cowden has a clarifying question as well.

Councilmember Cowden: Thank you. You went through your testimony really quick. I know that you were working against the clock, so I did not one hundred percent (100%) understand everything that you were saying. Did I hear you correctly that you are unhappy with the entire plan or just the entire plan as it goes for Waimea or just portions of the plan?

Ms. Mata: I do disagree with a lot of parts of the plan and I do believe that process is the most important thing whenever you create something like this—process and relationships with the community. When I first became involved in this entire process...it was not community member friendly. I can speak for Waimea because that is where I am rooted, that is my *'āina* (inaudible), but ultimately, there are things within the plan that are really just (inaudible) stated. There is something about doing a visitor center and making it a walking tour and walking town, but those are all things that are already established in Waimea Town. Why are we restating and redoing things and putting it as part of a “plan?” That is a part of the old plan and it is a working plan and we should not have to rename it. All of these things are in place and a lot of it has to do with upkeep. One of the biggest things that comes up is the flooding in Waimea. In all the years that I lived there—and I am not that old, but we have not really flooded, but it is identified in the plan that it is due to faulty levee camps. (Inaudible) all that we need is maintenance. If we look at those things, work to upkeep those things and then prove that even though we do those things Waimea Town still floods, then I can see us moving forward, but I feel like a lot of what the plan is based on are projections and possibilities. Let us think about what we have and work with what we got.

Councilmember Cowden: Thank you.

Ms. Mata: I hope I answered your question.

Committee Chair Chock: Yes, thank you. Vice Chair Kagawa.

Councilmember Kagawa: Thank you, Kauakea, and thank you for all of your work with the *keiki*. You are very well-respected in the westside community, so thank you for your work.

Ms. Mata: Thank you.

Councilmember Kagawa: Have you sent your concerns to Mayor Kawakami?

Ms. Mata: I have not.

Councilmember Kagawa: Okay.

Ms. Mata: I was trying to respect the entire process and then I just felt like that...wow, we are in the final stages. I tried to recreate a working relationship with the people that were planning this. I attended the final walkthrough meetings in three (3) different locations and I still was not able to get answers. I was just asking the hard questions because the community on the westside is older, they are a working community, and they are not always abreast on everything that is happening. I have not shared my concerns with the Mayor, but I can.

Councilmember Kagawa: The better route would be if the Mayor would tell the Planning Director, "Hey, I have concerns that the westside community could have a better planning process." I think if they heard some of your concerns from the Mayor, they would hold additional meetings and revise some of the things that would fit with what you said. I agree with some of the things that you said about Waimea. That would be the better process...where it is not the Council and the Planning Department that is going to fight about it, instead the Planning Department will revise it and then bring it to us in some form where your concerns have been met.

Ms. Mata: Okay, thank you.

Councilmember Kagawa: *Mahalo*.

Committee Chair Chock: Ms. Mata, does that conclude all of your testimony?

Ms. Mata: Yes. I submitted that last night and in my written testimony, I suggested the problems, possible working solutions, ongoing concerns, and so I think you should all have that, if not, I can resend it, but I do know that I sent it.

Committee Chair Chock: We will take a look. Thank you very much.

Ms. Mata: Thank you.

Committee Chair Chock: We have a testimony by Malia Nobrega-Olivera, via voicemail.

MALIA NOBREGA-OLIVERA (*via voicemail message*): Aloha. This is Malia Nobrega-Olivera. I am calling to provide a voice testimony for the Bills that are reviewing the West Kaua'i Community Plan. I also E-mailed all of you my written testimony with proposed amendments. I wanted to call in and share a few of the new proposals that I submitted. One of them is on page 35, it would be adding in a new resiliency policy and you will see in the comment section that we felt that in this section on resiliency, I saw a lot of mentioning of disaster preparedness. I thought it was missing from here and the gap was regarding food security and strengthening our community food system. What I proposed here is to improve the West Kaua'i long-term food security and sustaining vital self-reliant community food systems. How would we do this? We would do it by organizing and supporting collaborations in which producers, retailers, community members, and the government partner to create vibrant local food economies, including subsistence systems that enhance the sustain environmental and community wellbeing and reduce dependence on imported food. I think many of us during COVID-19 have the experience. A lot of the good sharing and partnerships and distribution of our local food produce and in some of my social media posts...my messaging has really been an excitement around one hundred percent (100%) of my vegetables consumption for multiple days have been Kaua'i grown and I am really proud to be able to say that, because many times when I purchase items from some of the larger stores on Kaua'i, I am not always guaranteed that it is from Kaua'i, and many times it is not. Many times, they are all imported. I thought this is something that would add more value to our West Kaua'i Plan. Another thing I wanted to highlight is Heritage Resources, especially as it relates to our *pa'akai*. Our *'ohana* is one of the twenty-two (22) *'ohana* that are salt-makers and producers and practitioners. I added in an amendment to that section on Heritage Resources and adding in that these places, these wahi pana, are not just for subsistence, cultivation, and gathering—it is a spiritual and religious practice and connection that we have to the *'āina*. We really need to protect it from any kind of development. And then further on in the plan, I also took a look at the Economic Development section in Policy #1 about upholding agriculture as an anchor industry that improves the long-term fertility of the land. I really feel that this is important for our entire island of Kaua'i. I tried to make it a little stronger by saying the agriculture industry should be committed to improving the long-term facility of our land, and restoring it to the *'āina* and not just adding (inaudible). I will end it there with *'āina momona*. Thank you for allowing me to share some of my *mana'o*.

Committee Chair Chock: Is that it? Oh, one more?

Ms. Nobrega-Olivera: *Aloha*, this is Malia Nobrega-Olivera. This is my second message. I am not sure if this is allowed, but I wanted to share a few more thoughts of what I submitted for proposals to the West Kaua'i Community Plan. On page 46, I added in a proposal for a new policy in this section and this one would read, "Develop a circular economy to create regenerative outcomes for 'āina, natural resources, and communities." Why would we do this? We would engage regenerative practices that design out waste and end practices in the current economic system that have given rise to vast social and economic inequity. How would we do this? We would organize and support networks that reuse or recycle each other's waste and/or design products or structures that are long lasting, easily repaired, and recyclable when no longer usable. In addition, creating programs that shift communities' practices toward adopting circular economy principles, including reducing reliance on single-use products and imported items. As a salt-maker, I feel that this is really important for our West Kaua'i Community Plan and our community because we are on the frontlines in experiencing the climate crisis. We are the ones that are dealing with the overtopping of the waves, and the sea level rise that comes up through our *puna* and I feel like developing a circular economy and having these regenerative outcomes will really benefit our 'āina in the long run. There is a section on Heritage Resources about considering to relocate the Burns Field air strip. Really, for the salt-makers, our proposal is to permanently close the Burns Field air strip. We strongly recommend that kind of language. I have also added a section...I think it is in that same area, VII to include the restoration of sand dunes and coastal biodiversity near the salt making area, which I have been active *kilo* (observer) in that area to be closed off to vehicular traffic. I have seen the natural restoration happening and the biodiversity coming back. I think being able to continue to do that and support that is really important. Finally, Bill No. 2801. We fully support this overlay of a Special Treatment Public Facilities District. In 2019, when the Hui Hāna Pa'akai o Hanapēpē heard about the after-the-fact permitting request that came in, we put out a *kāhea* to the community to step forward and to share their own reasons why they feel it is important to *mālama* the salt making area from any development or continued views and we all saw with our own eyes how people came out from the different islands, from all over the world, and submitted hundreds, if not thousands of testimony in support of protecting this vulnerable *wahi pana* that you will find nowhere else in all of Hawai'i and in all of the world. We really feel strongly about taking all precautions to do what we need to do so that we can continue this story that is so special. Again, *mahalo* for allowing me this time to share and I look forward to further discussions in the future. *Mahalo*.

Committee Chair Chock: Okay. Any further testimony? If not. That concludes the public hearing.

There being no further testimony, the public hearing adjourned at 9:01 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk

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\*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).