

KAUA'I PLANNING COMMISSION  
REGULAR MEETING  
**October 24, 2023**

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair DeGracia at 9:00 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako  
Ms. Helen Cox  
Mr. Francis DeGracia  
Ms. Glenda Nogami Streufert

Excused or Absent

Ms. Donna Apisa  
Mr. Jerry Ornellas  
Ms. Lori Otsuka

The following staff members were present: Planning Department – Director Ka'aina Hull, Deputy Director Jodi Sayegusa, Staff Planner Dale Cua, Romio Idica, Kenny Estes, Planning Staff Duke Nakamatsu, Kristen Romuar-Cabico, and Planning Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Chair Francis DeGracia: The time is 9 o'clock, I'd like to call to order the Planning Commission meeting for Tuesday, October 24, 2023. Could I get a roll call, Mr. Clerk?

**ROLL CALL**

Planning Director Ka'aina Hull: Roll call, Mr. Chair. Commissioner Ako?

Commissioner Gerald Ako: Here.

Mr. Hull: Commissioner Apisa is excused. Commissioner Cox?

Commissioner Helen Cox: Here.

Mr. Hull: Commissioner Ornellas and Otsuka are also both excused.

Mr. Hull: Commissioner Streufert?

Commissioner Glenda Nogami Streufert: Here.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Here.

Mr. Hull: You have a quorum, Mr. Chair.

### **APPROVAL OF AGENDA**

Chair DeGracia: Thank you. Before you move on to the Approval of the Agenda, commissioners, for the purpose of taking questions from the Department and applicant for an item on the consent calendar, Coco Palms. If there's any interest in taking questions, the required action would be to move it off of the Consent Calendar and into General Business as Item H.2. So, it's at this time I'd like to open discussion on whether or not any commissioner would like to take that action.

Ms. Cox: I would be interested in taking that action. I have a number of questions.

Chair DeGracia: Okay.

Ms. Cox: Do you want me to make a motion?

Chair DeGracia: Yeah.

Ms. Cox: I move that we move the Coco Palms agenda item from Consent Calendar to General Business, H.2.

Mr. Ako: I'll second.

Chair DeGracia: Alright, commissioners, before we take a...Motion on floor is to amend the channel to take Item G.1., Coco Palms, the annual status report, instead as Item H.2., under General Business. Any discussion before we take a vote? No? Okay. Could we get a roll call vote on this?

Mr. Hull: Roll call, Mr. Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair.

Chair DeGarcia: Thank you.

Mr. Hull: Next, we would have No Minutes, no Hearings.

Ms. Streufert: Can we have time to read this?

Deputy County Attorney Laura Barzilai: Chair, excuse me, could we have a short recess?

Ms. Streufert: Could we have time to read this?

Ms. Cox: Do we have time to read this?

Chair DeGracia: Yeah.

### **GENERAL BUSINESS MATTERS**

Mr. Hull: So, we'll go directly into General Business H.1.

Ms. Barzilai: Mr. Clerk, I think we're going to take a short recess.

Ms. Cox: Yeah, so we can finish reading.

Ms. Barzilai: Chairs request to review testimony.

Ms. Streufert: We got all of this materials.

Mr. Hull: So, pursuant to Sunshine Law and the posting of the agenda, the communications and testimony submitted after the posting of agenda cannot be transmitted to the commissioners until the day of the meeting. So, there is a fair amount of testimony that came in for one particular agenda item. So, the Chair is looking at taking a 20-minute recess for the commissioners to read through the testimony that was received again, after the posting of agenda. So, leaving at 9:03, returning back at roughly 9:20 or 9:25.

Chair DeGracia: Thank you. We'll reconvene in 20 minutes.

Commission went into recess at 9:03 a.m.  
Commission reconvened from recess at 9:25 a.m.

Chair DeGracia: Call the meeting back to order. Thank you for the time for us to read the testimony. I believe we are on item H.1. General Business Matters.

Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision related to the Planning Director's 8/7/2023 Cease and Desist and Forfeiture of TVRNCU #1184 ('Ae Kai Le'a) for the Failure to Renew by March 6, 2023, Charles Smith and Deani Higashi, 2652-A Puuholo Road, TMK

26007012, Kauai, received on September 8, 2023, for referral to Board and Commissions as Contest Case File No. CC-2024-3. The renewal packet was hand delivered to the Department on April 19, 2023, and Denied on that date.

Chair DeGracia: Okay, commissioners, the request here is refer...public testimony first?

Ms. Barzilai: You can call for public testimony first, Chair.

Chair DeGracia: Okay. At this time, we have nobody signed up for this agenda item to testify. If there is anybody in the public that wishes to testify on this item, H.1., please approach the microphone and state your name, and you'll have three minutes for testimony. Okay, seeing none looks like there's no public testimony on this item. Commissioners, the request is to refer this appeal and contested case number CC-2024-3, to Boards and Commissions for assignment to a hearing officer for a scheduling of a hearing. This appeal is based upon similar facts and legal arguments made in similar matters that are now involved in a contested case hearing or are on appeal through the courts. The commission will now decide whether the notice of appeal complies with the form set forth in Rule 1-9-2b, including whether there is sufficient allegation of how the Planning Director's action was based on an erroneous finding of a material factor that the Director acted in an arbitrary or capricious manner or had manifestly abused his discretion. We'll take a 5-minute statement from the appellants or their attorney, then a 5-minute statement from the Department if they wish, followed by brief questions from any of the commissioners, prior to action regarding the form on the Notice of Appeal. So, at this time do we have any have any representative for the appellant or their attorney? You are afforded 5 minutes.

Ms. Barzilai: you can move right into questions, Chair. If there are any to the Department.

Chair DeGracia: Okay.

Ms. Barzilai: Or move forward to a motion.

Chair DeGracia: Okay. Commissioners if there's no questions to the Department or no statement from the department. I'm...

Mr. Ako: Mr. Chair, I have a question.

Chair DeGarcia: Sure.

Mr. Ako: You know on this here, is there an issue about the timeliness of the appeal itself? I think...

Ms. Barzilai: I don't think so, Chair. Not the appeal.

Mr. Ako: Needed to be filed within 30 days...

Ms. Barzilai: It's the actual renewal that is the subject of this matter.

Mr. Ako: Right, yeah. So, the timeliness of the appeal, when that was filed, is not an issue in this case.

Ms. Barzilai: No.

Mr. Ako: Got it.

Ms. Streufert: I move to refer this appeal to the Boards and Commissions, to conduct the required analysis and contested case hearings as necessary.

Ms. Cox: I second the motion.

Chair DeGracia: Commissioners, motion on the floor is to refer this agenda item to Boards and Commissions for assignment to a hearing officer. Laura, if we could take a roll call vote.

Ms. Barzilai: Yes, Chair. Motion to refer. Commissioner Ako?

Mr. Ako: Aye.

Ms. Barzilai: Commissioner Cox?

Ms. Cox: Aye.

Ms. Barzilai: Commissioner Streufert?

Ms. Streufert: Aye.

Ms. Barzilai: Chair DeGracia?

Chair DeGracia: Aye.

Ms. Barzilai: Motions carries. 4:0.

Chair DeGracia: Thank you.

Mr. Hull: Thank you, Chair. Next, moving into general item of business, H.2.

2023 status report regarding 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 at Tax Map Key 4-1-003:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the "permits"), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kaua'i (the "Conditions") with Coco Palms Hui LLC, as Applicant ("Applicant").

Chair DeGracia: Before we move into public testimony, I have a quick statement, regarding this agenda item I'm gonna make a statement now about public decorum. Mahalo to all participants, your presence and participation are valuable to the commission. Please be reminder that in the spirit of aloha, respectful communication and proper decorum are necessary to maintain an orderly meeting. Public statements or remarks of aggression, threats of violence, profanity, or personal comments about the commissioners or department staff, which disrupt this commissions

meeting may result in the speaker's removal from the meeting. Please note that Planning Commission Rule 1-2-20(g) Any Person or Persons who willfully disrupt a Meeting or Hearing to prevent and compromise the conduct of the hearing may be removed from the room. Please respect others while they are speaking and please maintain decorum while providing your testimony. Mahalo for your cooperation during the meeting. Please proceed, Mr. Clerk.

Mr. Hull: Okay, we'll start calling those who signed in to testify on this agenda item. Just for clarification too, for the members of the audience attending, what's before the Planning Commission is a status report. There is no action that the Planning Commission is taking today or even has the authority to take, so, it literally is just the receipt of an annual status report that's required to be submitted once a year to the Planning Commission by the Coco Palms applicant. So, I know there's a lot of desires and wishes from members of the audience that have spoken to me previously before this meeting, that the commission take action in some form or manner today, but the commission does not have authority to take action in any fashion today on these permits, it is just receipt of the status report. So, I'll start calling those who have signed up to testify. First signed up today is Mel Kaye. Now for those testifying, if you could state your name for the record into the microphone, and you'll have three minutes for testimony. Thank you.

Ms. Mel Kaye: Hi. Mel Kaye here, and gosh, I don't know what to say. So many things to say. I don't even know why we're here, if you guys can't make any sort of decisions. But I would like to also have make a request. I heard there was quite the kerfuffle last week at the county council meeting when people came out and were really angry and have been angry for a really long time at what's been going on the island with regards to handing out, sorry, all of these, permits like candy without any forethought as to what's gonna happen in the future and actually not even following, you know, your own rules with regards to the procedures. You know, no environmental impacts assessment and actually no common sense. Okay, there's, you know, already traffic without those 350 units, okay, like from Olohena, when people are trying to get to work from the homesteads. Now you guys are gonna like what approve 706 units over in Kōloa I mean, the islands being destroyed. Okay. It's beginning to look like Maui, you know, and this island is sacred and we're destroying it. Unfortunately, you guys are part of that problem, you know, and I understand that the county is sort of...well, you guys get a lot of money from the vacation rentals and buying and selling it. I've been looking at how many hundreds of millions of dollars you guys are getting in tax revenue. It's a lot of money. But that, there's, we're at the point of, what is it, diminishing returns over tourism. Where are those 350 extra units, and next cars and where is all that fecal matter gonna go? I mean there's already enough already. Spilling out into the ocean. Killing people. And the traffic, we've had how many traffic fatalities this year? How many accidents? And it's all in that area. You know, let's have a little bit of common sense here, okay? Pennywise and pound foolish, and I know I only have 3 minutes and you're gonna try and hurry me along, but this is out of control. And honestly, I think it's also a question of, you know, national security. You know, just keep on letting people coming in and coming in. Without any control as to who these people are and what their intentions are.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Kaye: Let's just remember, you know...

Chair DeGracia: Please wrap up your testimony.

Ms. Kaye: Strategically, where we are in the world and what's happening right now. That's all I have to say. Thank you, have a nice day.

Chair DeGracia: Thank you.

Mr. Hull: Next, we have signed up is Kane Turalde.

Mr. Kane Turalde: My name is Kane Turalde.

Ms. Puanani Rogers: Talk loud so we can hear you.

Mr. Turalde: Kalamai, for being Kolohe, eh. Okay, anyway, I'm really here to speak out about the lands, yeah. Wailua is crown lands, and by my grandpa, Kauikeaouli, Kamehameha III, that was giving the people the land, in 1837, the high chief said get the land, 1840 the lower chief got the land, 1848 the people got the land and it's all documented, yeah, under the royal seals of the Nation of Hawai'i, and the Hawaiian Kingdom. So, you know, what the person before me has spoken. It's true. I feel that anything that you can develop should be for, kalamai, for the people of the 10 generations from the time of plantation, and also the Hawaiian people. Coco Palms if they build one hotel, not going work out. The way I look at it is, they should be building for the homeless. They should be building for the people who don't have place from these 10 generations and the Hawaiian people before. So, the crown lands also, we have a enumerated lands, (inaudible) and also, you know the lands that was given, these lands is all documented, yeah, so because it's documented you guys gotta pay attention on how the history is and why the Hawaiian kingdom was formed and why our grandpa got everything registered in the archives, Bill of Convenience and Department of Interior. During the provisional government, John Dominis, Duncan McBryde, and Charles Bishop were the biggest land thieves. The Judge name was Bixon. So, I have documents how they took my great-great and great grandma's lands. The judge was there. You get the three witnesses and my grandma put you on X on the paper. That's how they took the lands. She couldn't read or write English. So, this is (inaudible) what, you know. It needs to be shared and the people need to know this true. It's true. So, you guys gotta learn all these too because you know coming in a different aspect of how our lands was taken and stolen by the United States during the time of the overture of the Hawaiian Kingdom, locking up my Aunty, Lili'uokalani, guns at her head, lining up the families, boom, boom, boom, sign the paper. This is all true, true actions, so every one of you got open your eyes and listen, with your ears real good because this is true facts and you guys have to deal with it because you know...

Mr. Hull: Three minutes, Mr. Chair.

Mr. Turalde: ...we want to work with each other in good faith. Mahalo to all of you, and mahalo to everybody else behind me. Mahalo. Aloha.

Chair DeGracia: Thank you.

Mr. Hull: If we can ask for quiet decorum, so we can get through all the testimony. Thank you. Next up, we have signed up is Mauna Kea Trask. Next, we have up so I'm not sure if they intended to just sign in or to speak, but I have the Bonnie Bator ohana.

Ms. Bonnie Bator: Good morning. My name is Bonnie Bator, and I stand with my family, and I stand with the testifiers prior to me. Please, this is regarding...sorry, I can't see, I'm a kūpuna, I'm a great grandmother. Dear Planning Commissioners, please reject Reef Capital Partner's proposal to develop a resort on lands formerly known as Coco Palms. Most importantly, iwi kūpuna have already been desecrated by Reef Capital Partners. This is unacceptable. The developer from Utah, Reef Capital Partners blatant disregard disruption of iwi kūpuna is sacrilegious. Other reasons for rejection of Reef Capital Partners are the following: there's been no environmental impact statement, there's no current SMA. We need compliance to uphold the statutory obligation under the County of Kaua'i CZMA. There's been no Ka Pa'akai Analysis which is mandated for proposed proposal development of this magnitude. The influx of thousands of additional tourists will be an increased strain on our woefully burden infrastructure. Kuhio, Kaunualii Highway, the few County of Kaua'i parks, our parks are overcrowded with tourists, medical facilities are overwhelmed. Wilcox, Wilcox urgent care, Mahelona, KVMH. ophthalmologists as well. The sirens of our first responders is constant. Our emergency responders are pressured out to the max. Way too many frustrated travelers on clogged roadways result in multitude vehicle accidents. Kaua'i is maxed out! Kaua'i is maxed out with resorts, time shares and tourism. There's no beach connected to this proposed resort and Wailua Beach is dangerous. You guys know what life bridges is? Life bridges? Is already way too busy. WWTP, the Wailua Wastewater Treatment Plant, is operating at one-third capacity due to malfunctioning equipment. Disrepair, sewage drains. 670 feet from the shoreline into the ocean. I don't think that's even as far as the Pizza Hut down the road. So, we get all that kukai going into the beach into the ocean right near the shoreline of Lydgate, 670 feet, and Lydgate Park and Kuhio Highway reeks of feces. Recent media coverage of Alekoko Fishpond illustrates intelligent food sovereignty. Reef Capital Partners rendition shows a 3-ring tourist result with amenities on our fishponds (inaudible). HEPA, H-E-P-A violation, being in a wetland area, state land, drains into the Wailua River. You guys think that's a good thing?

Mr. Hull: Three minutes, Mr. Chair.

Chair DeGracia: Please wrap up your testimony.

Ms. Bator: That's an abomination. Furthermore, it's recorded in the Pacific Business News. Chef Jean Marie Joslin is to run the Coco Palms Seashell Restaurant of Kaua'i. With the barrage of tourists which will negatively impact Kaua'i and Horner's. Kaua'i would be on par with the destruction...

Chair DeGracia: Excuse me.

Ms. Bator: ...of Oahu and Maui. I'm just about pau. Kaua'i's on par with the destruction of Oahu and Maui. We implore the County of Kaua'i Planning Commission to deny this ill-conceived proposal as it will further destroy Wailua and the east coast of Kaua'i. Respect the iwi kūpuna. Eminent domain, exert eminent domain and we stand with Friends of Māhā'ulepū.

Mr. Hull: Next, we have signed up is Bridget Hammerquist. Whoa, Ma'am! Ma'am! Please, Ma'am! Ma'am! All right if we can't get some decorum, please respect the rules, and do not step across to approach. Do not approach beyond the barriers, Ma'am.



Ms. Bator: I'm so sorry.

Chair DeGracia: Once again, quick reminder, please refrain from approaching past the station area. And also please, let's continue to keep decorum within this meeting. Mahalo.

Mr. Hull: If you could state your name for the record, Ma'am, and you have three minutes for testimony.

Ms. Bridget Hammerquist: Thank you. My name is Bridget Hammerquist. I live in Kōloa, and I represent Friends of Māhā'ulepū, and many who live on this island. Our members are all over the island, so I think I speak for all of us. I understand you're not taking an action today and I'm sorry if we're able to hear the developers report first, but I think much of what's been said already is critical to be part of this record. And that is that this property has been left in ruins since 1992. It's been without a hotel for 31 years. When Amfac purchased this property from Guslander in 1969, that was its first effort it to be a real hotel before that it was a lodge, with Guslander, but it was a hotel for 23 years and then it got hit by Iniki, between 69 and 92 it operated. And it was a great hotel in its day, and it served a purpose when the island needed that kind of lodging. Now that and is replete with resort hotels, vacation rentals. We don't have a shortage of visitor property, we have a shortage of homes for the workforce on this island, and we don't need more resorts built. We ask you to take that into consideration. I realize you can't act today, but I would like to make a peaceful record, and I would also like the record to reflect that when we met at the Wailua Houselots Park Pavilion on October 18<sup>th</sup>, there was no amplification, no mics. People weren't intending to misbehave even that night, but they couldn't be heard, and the developers couldn't be heard in the back of the room. I think the meeting is set up was a farce. They didn't want to hear the people and they didn't really want the people to hear them because you can't build a meeting of this size or that size without the good services that you provide us. And I thank you from the bottom of my heart on behalf of all the people that I speak for and myself as a kama'āina, someone born here. It's wonderful that we have this form and thank you for your service. Thank you for taking this into consideration. Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up, Elizabeth Okinaka.

Ms. Elizabeth Okinaka: Elizabeth Okinaka for the record. Aloha, commission. I know you guys can't make a decision today, but I hope that what the community expresses to you guys has an effect. I think that the fact that this developer is portraying that the ones that are against this hotel are a small minority when obviously they're the majority. The notion that we need jobs and that we need to continue building these hotels and condominiums and vacation destinations are wrong. We really need to start looking forward and think about the future generations and I hope that each and every one of you are aware that your decisions will have long-lasting impacts even after you're gone. And so please, please don't think about one or two generations ahead, think about seven generations ahead. What's going to happen when the ocean rises? This developer has the bottom floor of their hotel marked off as a flood zone. This is obviously, it should be viewed as a cemetery. It's a sacred site, burials have been disturbed there. We know this, there's no denying it and the fact that they're claiming that they're not going to disturb burials is a blatant lie even as the recent expansion of the road that was right in front of this Coco Palms recently

disturbed iwi. There's iwi all over here. They were pushed up from the sand dunes and it should be viewed as a secret site. I hope that you guys will do what you can to support the County Council. Make an eminent domain and it's time for a moratorium on development. The fact that these developers keep saying we need jobs, we need jobs, we know that every place on the island right now is short staffed, they're cutting hours, and the last thing we need right now is hundreds of more car rentals and tourists coming here. We need to start prioritizing the local communities. Our schools don't even have enough teachers to teach the kids that we have. When are we going to start prioritizing our way and stop allowing our life and allowing these people to come in and make huge long-lasting decisions that are going to affect us. Also, I'd like to say that we have another ex-County attorney, this needs to be stated for the record, working for this developer. How often are we seeing this in Planning Commission meetings that we have these attorneys that are working for the county previously have inside information and then they go to work for these developers. I hope you guys know that they're using every loophole they can because of this. There's no Ka Pa'akai Analysis, there's no EIS, no (inaudible). They're still being investigated all of those Coco Palms, or those palm trees that were cut down were also in the exact position where a road was planned. So, I hope you guys can see through this facade. Obviously, we are the majority, and we need a moratorium on development now. Permits need to expire, again just like in other developments just like this. We're seeing permits that are almost 10 years old or even older and these developers are going to continue to come in and they're going to continue to do this if we do not make these permits expire.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Okinaka: For the record, I think that every single developer like this should have to do that. There should be a new EIS, there should be all these new studies, they shouldn't be allowed to just come in and purchase properties. So, I hope you guys hear the crowd, hear the community. We're not trying to be loud and disturbing, but this is a sacred site and there's no denying that. Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up Kimberly Souza.

Ms. Kimberly Souza: Good morning, commissioners. Aloha. People in the audience, I do not identify myself as a native hawaiian. I am kānaka maoli for the record. I submitted this to you folks yesterday and this is my position. To the County of Kaua'i Historic Preservation Commission, regarding the review of impending resort development within the area of Wailua, Kaua'i, especially known as Wailuanuiaho`āno, currently listed on the United States National Registry of Historic Places. Developers are proceeding despite the rescinding of various permits but a state of Hawai'i DLNR. No Section 106 process is currently on the way. And it is this commission that holds authority and duty to ensure the preservation of certain rights of the people, Hawaiiana, in accordance with the Hawai'i Revised Laws of 1955, Volume 1, Chapter 14. Please see attached, August 12, 2002, memorandum for the Kaua'i Historic Preservation Committee. And I apologize to you folks that my document was missing the inside piece, but I will be turning it into you guys today. In addition, please provide access to review copies of any correspondence regarding involvement of this commission in the area of Wailuanuiaho`āno, including the period within which Coco Palm Hui, LLC. was acting as a developer. I and other

members of the community at large and the ahupua'a of Wailua, as well as other stakeholders and lineal descendants look forward to the notification of the date and the time of this review hearing. The memorandum in support, this is to inform you this is from The Kaua'i Historic Preservation Review Committee, given to this commission in August 12th of 2002. It states this is to inform you that the Kaua'i Historic Preservation Review Commission met on August first, 2002, to review the archaeological survey and cultural assessment for the above reference project. Sorry. Based on the information provided in oral presentation and testimony, the Kaua'i Historic Preservation Review Committee, unanimously approved the motion to offer the following: concurrence with the State Historic Preservation Division comments with respect to the archaeological survey report on all the sites that to be preserved. So, before I go any further, cause you guys know can read this, I just gotta let you guys know that Coco Palms is pau already. Like, we've been doing this for years.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Souza: We've been doing this for years. It is a political and religious site but above all, it ain't gonna be political no more, it's religious and if they desecrate that site anymore despite the federal laws that is in place then whatever comes after that expect it because pau already, the iwi no like be dig up no more. Mr. Ako said, do not dig up the bones. We moved them once, we can't do it again, Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Christina Medina.

Ms. Christina Medina: Aloha mai kakou, everyone. I hope you're all having a great day. My name is Christina Medina. I am the granddaughter of Isaac Simeon Kaiu, who was acknowledged by Grace Guslander as the great-grandson of Queen Deborah Kapule and Ali'i Simeona Kaiu, who was the half-brother of King Kaumuali'i. I know you guys must be very tired of hearing about the all the lineal descendants, but this place is very sacred not only to us but to all Hawaiians throughout Hawai'i. This place is very religious, and it is full of iwi. Not just iwi that has moved through time, but iwi that was put there. That place was a great yard. There was a one-acre graveyard attached to it, Kalaeokamanu Heiau. They're just digging it all up. There is no regulations. Nobody is watching them. We have to go and look through and see and document like, where's the cultural monitor? These people are being investigated. I just would like to respectfully just very respectfully ask you to look through history, it's all there. There is the National Historical Register. I want you to look at the original ones not the one recently filed by Coco Palms Hui in 2020, which does not acknowledge any, any hawaiian significance whatsoever. So, therefore, that will tell you that this historical register is already trying to wipe out the cultural significance of our whole entire culture. This place is very important, and I know you cannot make a decision today, but I do understand that you can hear us out. You can hear us all and you can take that into account. I get that they let them money and they feel like they need to get back, get back, get back. This meeting that was held in Wailua, what occurred...he came out, John Day came out and said, "Oh, I respect the environmental sensitivity on this place." It goes beyond that. It goes beyond that. And all what we have faced as a people. This will not stand. We will not just let you guys (inaudible), that place was destroyed already, we won't let them do it anymore. I mean, they already put a road right through that main graveyard. This can't

be, this can't keep happening. Please, I beg you, I beg you. To take into consideration the significant cultural value of this place and it should be preserved. It should be preserved from this day forward. They're still digging even if they have a cease and desist. They put the screens up and they're still working like nothing like that. There's no regulations. There's nobody to enforce the regulations. I'm sorry. It's there. Just nobody's enforcing it. Please take into your heart, I beg you. I beg you for the Hawaiian culture. If not for the people, just from the culture itself. We're disappearing, at least let our culture live. And if you let them destroy this, I don't know what to say. I really don't.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Medina: Please. Thank you so much for hearing my (inaudible).

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have up Ashley Guitierrez.

Ms. Ashley Guitierrez: Aloha. My name's Ashley Guitierrez. I reside in Anahola, Kaua'i. I and I'm sure many here today have sent in countless email testimonies or came in person to testify countless times, opposing this Coco Palms development. Begging you not to approve permits for the developers' projects for the same exact reasons, I will list again here today. So, here I am testifying just to protect our royal burials, our iwi kūpuna, our endangered species and preserve our historical cultural sites of sacred Wailuanuiaho'āno from being desecrated for tourist enjoyment, and greed. The way the developers at Reef Capital Partners held a last minute community meeting, (inaudible) they could make the agenda here today and probably the County Council meeting tomorrow is such sneaky and suspicious behavior to push their projects forward without waiting for proper permits, clear title, community input, traffic analysis, plans for drainage, or cultural and environmental impact statements. These types of studies should be completed or approving any type of permit or touching anything on property. Please revoke all the Coco Palms permits and variances needed for them to proceed. BLNR, is still investigating developers for cutting the coconut grove on conservation land, they also terminated revocable permits, causing developers to not have adequate parking space for the proposed amount of rooms. The environmental cultural traffic and other assessments are not sufficient or up to date, no shoreline setback survey has been managed, no Section 106 has been performed, the sewage system that keeps spilling into the ocean at Lydgate is already over capacity, no required workforce housing sites have been obtained by the developer. The most recent plans published by the developer are not in compliance with the Iniki ordinance, which brings up the subject of how did developers receive permits and variances for a 300-seat party pad on the Wailua Canal on open residential zone land with no access to Kuamo'o. They would have to build a road through BLNR conservation land and knock down coconut groves to let their 150 plus cars on the Kuamo'o Road causing more traffic. Imagine how an emergency evacuation will look. Not good. Not to mention desecrating and disturbing our burials in iwi kūpuna in the process of making the event center and road. This is essentially a cemetery. How did they already receive permits from you without proper studies or permission from BLNR. Please do your due diligence and consider all the facts and repercussions this project is actually proposing for our sacred Wailuanuiaho'āno and the future of our 'aina and the hawaiian people. Thank you.

Chair DeGracia: Thank you for your testimony. Before moving forward with further public testimony. I'd like to take a 10-minute recess.

Commission went into recess at 10:01 a.m.  
Commission reconvened from recess at 10:11 a.m.

Chair DeGracia: Call the meeting back to order time is 10:11, and we'll continue with public testimony.

Mr. Hull: Next, we have signed up, Laurie, I apologize, I can't read the last name, but begins with an A. Laurie Arilla? Sorry, first name Laurie. Somebody signed up with the first name Laurie, last name begins with an A. None, we'll call for open testimony as well. Moving on, next signed up we have Nani Rogers.

Mr. Charles Hepa: Sorry. I going speak (inaudible).

Mr. Hull: Oh, okay.

Mr. Hepa: No start um yet, my three minutes. I believe it's kind of funny this three-minute thing anyway because when other attorneys come up here, they get more than three minutes than a (inaudible), Good morning, guys. Aloha. You guys already know who I am. My name is Charles Kamuela Hepa, I am the grandson of Queen Deborah Kapule, one of her great grand kids. My cousin Christina came up here and talk earlier. You guys got a copy that I gave you guys the last time, my affidavit of heirship, which that is proof of title, one of the proof of title. I have the original right here, and I have the original Palapala Sila Nui, the royal patents to the land. You know, Queen Deborah Kapule, her son Simeona Kaiu, Isaac Simeona Kaiu was the second son next, following down is Wahine Ko'olau, which that is my great grandma, my grandma's mom, I'm a direct heir. On behalf of the Kaiu and Kapule family, we ask that you guys do something right. You know, the payoffs, the bribery, all of that is illegal. Bribery is illegal by law. And no be threatened by these guys in the corporates and their attorneys when they threaten you guys upon lawsuits because they don't have any power on that they just, to me in my words I'll be blunt, they're just little kids crying because they no can have a chocolate, you know. There's a lot of things and a lot of issues that a lot of people had covered today already on ground, I'm sure you guys pass all Horner's, right? You guys pass the gas station. The workers in the gas station getting sick. They get hard time finding their workers to come into work because the smell of doodoo, kaka, is all over and I sick and tired of smelling that, like the rest of the people here. I'm sure you guys no like that smell too. There's iwi kūpuna. 29 female assassin warriors buried in high honors by Kamehameha in there, I know where they are, they're standing up straight, facing the east in high protocol. These wahine warriors in history is very important. Our whole history on all the kupuna's buried and all their iwi. I don't know how can these people get any permits on any sort. They have no koko, they have no ties, and they have no rights and authority, no kuleana there. The fishpond is being desecrated from years through the sewage leaking in there. There's things on record in our court cases that you guys can go back and look. You know, God rest his soul, Uncle Larry Rivera leaked out a lot of information. I just ask that you guys do what is right and what is pono. And we going to sit here and you gentlemen, ladies, and gentlemen, in front of me sitting here and you guys get the aloha enough to speak about aloha and respect, then have the respect and aloha to hear the people. And stop giving them three minutes, when other

people can have more than three minutes on this mic. I witnessed it already, multiple times being here. It's hewa, it's wrong...

Mr. Hull: Three minutes, Mr. Chair.

Mr. Hepa: ...and...

Chair DeGracia: Please wrap up your testimony, please. Thank you.

Mr. Hepa: I mahalo you guys. I know you guys job must be hard, but yet there's nothing wrong on doing what is pono. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Nani Rogers.

Ms. Nani Rogers: Good morning. I usually preface my speeches to anybody with an aloha but I'm sorry, but this morning my na'au cannot say aloha. You are a disappointment to us. For the record, I'm only here to just...put down on the record that I am here, so that maybe in the future some of my descendants may read this, the minutes to this meeting. So, for the record, I'm an 84 kūpuna. Born and raised in the ahupua'a of Keālia, in the district of Puna on this beautiful island, Kaua'i. I know who I am and my connection to this 'aina. I don't know who you are. None of you and yet you sit there, and you make decisions on our 'aina. I see a disconnect here. I don't know how to talk to people that are strangers to me and whom I know have no connection to this 'aina. What is your historical or ancestral connection to our 'aina that you are making decisions on? Also, I wonder if anything we say in this room goes to the developer because that's who you're supposed to be speaking to after we talk to you, you take our mana'o to the developer. They gotta hear what we're saying. Let me look back to my paper. So, what gives you the right to buy stolen lands from land thieves? The lands we are talking about is Queen Kapule lands. Always and forever. Therefore, her descendants have rights to that 'aina. I would like to suggest that you all stop any other development there, get down and sit on the table with the lineal descendants with the LCAs and the RPs and talk to them first before you do anything else on that 'aina. They are the rightful owners, not you, not the developer, not the State of Hawai'i, not the County of Kaua'i, not the DLNR. I demand that the issue of the descendants have their Palapala Sila Nui to the lands of their royal patents and land court awards be brought on the table before any other further discussion on what you develop, you have the developers are going to do on sacred Wailua lands. By the way don't call it Coco Palms, it is not Coco Palms anymore. It is Wailuanuiaho'āno, it is Wailua Kai, which is the short part of the whole ahupua'a. It's not Coco Palms. There'll never...

Mr. Hull: Three minutes, Mr. Chair.

Ms. Rogers: ...be another Coco Palms there and we're gonna stop these guys from doing another big, huge development there to kill our lands.

Chair DeGracia: Please conclude your testimony. Thank you.

Ms. Rogers: I said...what did you say?

Chair DeGracia: Please conclude your testimony. Mahalo.

Ms. Rogers: Okay. One more thing that I think I should embed in your oaths to hold a position that you hold here. One of the main things you're supposed to do is before you do any development, you have to think about what is the benefit to the people here. You're here to benefit us. You guys are here to protect our 'aina. Okay, number one benefit, number two harm. What harm are they doing? You cannot support any harm. That's a universal law. On any lands. You do not cause harm.

Mr. Hull: Four minutes, Mr. Chair.

Ms. Rogers: Okay, wait.

Chair DeGracia: Could you please wrap up your testimony. Thank you.

Ms. Rogers: Yeah, I know because you know you guys don't even listen to us. Every time I go home from a hearing, and I try to see results of what all our people have said to you and it doesn't show up on any of your reports. You are all shameful. Oh, mahalo again for this precious time. Mahalo to all the ohana here. To all the ohana here that testified in sync...

Chair DeGracia: We'll have order.

Ms. Rogers: ...with me. Glad to see all of you. Thank you. And to you, do your job.

Mr. Hull: Next, we have signed up at least like Bill Sniper.

Mr. Bill Snyder: For the record, it's Bill Snyder, S-N-Y, and I would like to give my three minutes to Hope Hamilton. Mahalo for your efforts. Please think of the people that are buried there.

Ms. Hope Hamilton: Good morning. Thank you for allowing me to testify on his time. I know it's not an actionable item day, but I would like to address Conditions 25 and 26 of the Director's Report, which allow the conditions to be amended or if there are any unforeseen impacts that they be mitigating, so under Condition 25, I would respectfully request that building number 9, 18 and 21 through 25, be reconsidered by this commission, they were approved by former commission and former planning director and building number 9, The Queen's Spa used to be located on the Lagoon. The location is new. It's a 4-story building. It never existed and it has no vehicular access. The inclusion of this 4-story building has resulted in the need for the fire breaks and the killing of the coconuts in the coconut grove. It was never there, it was never on the (inaudible) and our community has been told that this building is going to be constructed without any subsurface disturbance. I don't understand how you can build a 4-story building without any footings in the ground. This 4-story building is also, on the permits there's an elevator shaft that goes below, it goes underground, so this building has been permitted in a new place, in a new location without any vehicular access, it didn't exist, it's not in the historic blueprint, it's not on the historic register and you guys really need to reconsider the permits for building number 9. The Queen's, now it's called the Queen's Spa, it used to be the Queen's Lagoon spot, but it's not on the lagoon anymore and it's not a lagoon, it's a fishpond. The other building that really needs consideration is the event center and it's permitted as 21 through 25. It never existed. That it's on

open residential land in the location of the tennis courts and the zoo. It does not adhere to the historic footprint that was submitted to the National Register, and it needs to be presented to the Land Use Commission for consideration of this commercial use on residential land. Otherwise, anybody can put a 300-seat party pad in their backyard. Our community has not been approached about this event center and it's also tied to the chapel, the chapel, and the palms, meaning coconut palms. The coconut, the chapel in the palms has been permitted even though it's on state land, it's encroaching on state land, and the state never gave permission. So, now there's building permits for a chapel on state land that the state doesn't know anything about. So, ...

Mr. Hull: Three minutes, Mr. Chair.

Ms. Hamilton: ...I really ask that this commission reconsider the letting of the permits for the chapel in the palms, the event center, and the Queen's Spa building. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up, Ken Taylor.

Mr. Ken Taylor: Morning, Chair, and Commissioners, my name is Ken Taylor. Live human being, here representing myself. I first would tell you that, I certainly support all of the previous testimony that's been given this morning. I wanted to talk a little bit about a couple of things in, one, you ask the developer to have a public meeting, he had a meeting. Unfortunately, it was only announced two days before the meeting, which I don't think is an adequate time frame. I know there's no rules or regulations as to what is, timeframe is, but it's, it's really sad, that on a project of this magnitude and concerns for many in the community that a so-called public meeting would take place with a two-day announcement. Second of all, at that meeting there was no amplification, so, many people in the back of the room (inaudible) be very pressed to hear what was being said, myself, I have a little hearing problem and even sitting up front, I had trouble understanding some of what was being said because again there was no amplification. I think there should be a new meeting set forth with a proper announcement of at least seven days and require amplification for that meeting. Second of all, I just like to say that it's come to my attention that there's things have been going on that, without permits, trees being removed, this doesn't show much of a respect for the land or the community in general, that a developer would go in and do things like this without proper permits. I think it should pay dearly for it. I also believe that he's trying to tell us that he has all of the lease agreements in everything with the state in place. When I asked about, seeing the documents, they haven't been able to produce anything that showed that they were...

Mr. Hull: Three minutes, Mr. Chair.

Mr. Taylor: ...indeed holding a proper...

Chair DeGracia: Please wrap up your testimony. Thank you.

Mr. Taylor: Anyway, I think it's imperative that, and all due respect to the developer, that he should take his money and go back to Utah. Thank you.

Chair DeGracia: Thank you for your testimony.



Mr. Hull: Next, we have signed up is Fern Holland.

Ms. Fern Holland: Good morning, commissioners. Thank you for the opportunity to testify for the record Fern Anuenue Holland from Kapahi, Kaua'i. I have focused before in front of you on the cultural environmental issues that are associated to this development. And the important cultural site and environmental sensitivity that building on a wetland fishpond system is. Today I'm not going to do that. Today I'm going to address a few of the points related to the project details that are critical that you are aware of. First, the owners, you were introduced to last year, the two older gentlemen, are no longer involved in this project. I think it's really critical that you guys are made aware that I don't know the details personally of why these new owners are no longer involved, but we now know that they aren't and we're wondering who the owners are again. Do they even have the capacity to complete this project? Number 2, is the entrances to the property have changed multiple times. There's been no direct outreach to the adjacent communities about these entrances, particularly the one proposed for Apana Road. How does this project and the engineers continue to change so regularly without additional outreach and approvals being done. The BLNR has not issued the permits to the 3 state parcels. The revoked ones of the BLNR or the revoked ones for the old LLC name that they were functioning under has been erased or they do not have the permits to those state lands therefore they really have no rights to these state lands yet they're parking their project and the permit that you guys have has all been considered and depends upon what they plan for state lands they don't have access rights to. The exemption of the hotel to develop outside of the 1993 footprint building a taller, bigger, more buildings, rooftop bars, gyms all of this is an abuse of the Iniki ordinance and should be immediately corrected. Based upon our understanding the waiver also for the NPDES the National Pollutant Discharge Elimination System has also expired in this last year since we were before you. I was recently reached out to someone who has worked in Utah with Reef Capital, particularly related to the Block Desert Resorts, and you should be made aware that this person shared with me that they are apparently already known for destroying beautiful sacred habitat in other places. In fact, in this case it was for a luxury golf course-based resort, but they are apparently known to quote "bulldoze what they shouldn't and pay the fines later." It seems like that they're doing that very same thing in our community. There has since we were last here in front of you, been unapproved vegetation clearing of over a hundred historic trees that were cut down and dumped in the adjacent wetland zone conservation. There have been multiple violations that are currently being investigated by various state agencies and are still pending. There are major concerns about the way that these developers have operated already and shown the lack of respect for our community, our state laws, and the significance of this site. They don't even own the land that they promised to build their affordable housing agreement on. So, if they can't complete those requirements, we are adding another major problem to our plate on Kaua'i.

We not only cannot staff our existing hotels and businesses, but we cannot house workers that they want to send in to work for them. How can we move ahead with construction without any of these issues without the...

Mr. Hull: Three minutes, Mr. Chair.

Ms. Holland: ...losses pending, and the investigations being clarified and addressed? Please do what you can to stop this madness. Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have up Stephenie Blakemore.

Ms. Stephenie Blakemore: Thank you. I can't speak with the authority or the eloquence that other people before me have spoken, but I've been to a few of these meetings and I never hear, except for once, a positive testimony about this plan being moved forward, and I think you know all the issues about the permit, the environmental impact, and the cultural impact that this project would have on that property. But one thing I just wanna point out to you since you requested it yourself, was that community meeting and when I was at that community meeting, I was told twice as many people were in favor of this project and I asked if that would be documented and I also asked if there had been other meetings and the owner or the investor couldn't recall, and so I asked if you could just send us the dates a couple of us have provided email, and I've never gotten the email that gives me the date of when and where this other meeting was. I think that should show to all of us on this very simple issue, let alone the larger issues that people have been describing today. That we're not dealing with people who have integrity and is this what we want on Kaua'i. And I hope that in terms of what your responsibilities are to the community that you listen very carefully, and review over and over again about what's going on on this property. So that you can do right by the people on Kaua'i, and I think you should be aware that you're not dealing with people who have integrity and I think you might be aware of that, but I think that's an important thing for us to consider as a community. I don't think we need this project and I think there are better uses for it and I'm hoping that you'll see that as well and take the action that's needed to stop. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next we have up Makoto Lane.

Mr. Makoto Lane: Good morning, Planning Commissioners, and Director. My name is Makoto Lane, resident of Kaua'i. I'm gonna run through few of the bullet points of facts about this case and then go through the ethical, moral, and logistical dilemmas presented with this. There has been no environmental assessment or environmental impact statement done despite the multiple triggers. The developers are still under investigation by the BLNR for unauthorized cutting of coconut trees on conservation zone land. Without the revocable permits, which were terminated by the BLNR in August 2023. One parcel which was designated for parking the developers did not have space for the legally required number of parking stalls for a 350-room resort. The environmental cultural traffic and other assessments are inadequate and outdated. No shoreline set back survey has been conducted. No required workforce housing sites have been obtained by the developer. No national pollutant discharge and elimination system has been obtained and the most recent plans published by the developers are not in compliance with the governing Iniki ordinance. The state buildings must be rebuilt to the original footprint of the pre-existing structures. I think as community members that we all are and residents, we have a moral and ethical responsibility to each other, and I think that you guys feel it. Obviously, the community feels it. Logistically speaking, we've all dealt with the traffic going through the area and that's relevant. Also, I've gone swimming at the beach in front after rain and I swam in fecal matter. That problem's not being solved or even addressed anytime soon, and I don't see where tourists would enjoy that very much. This last weekend was really eye opening to me. I participated in

the Ale Koko fishpond restoration with a bunch of community members, and I think that it's a positive example of what could be done with this property. I believe that was bought for 12 million dollars. It was donated by a large donor to the community, and to my understanding, it's, the Coco Palms property, is obtainable for roughly 20-million dollars. And I wonder if anybody has been proactive in trying to find the funding to kind of replicate what's going on at Ale Koko fishpond.

Mr. Hull: Three minutes, Mr. Chair.

Mr. Lane: Ale Koko. I've seen people from both sides of this issue participating and I think it would be a positive step forward to move in that direction.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next we have signed up is Rupert Rowe.

Mr. Rupert Rowe: Once again, I'm in front the Planning Commission. My name is Rupert Rose. I'm a lineal descendant of that area. 1949, my tūtū said, that was our winter home, and our summer home was in (inaudible). My tūtū said, you is a keiki o ka 'aina, this means you're the children of the land. This was discussed to me, then they told me that I would leave Kaua'i to go to Honolulu and learn the western way. So, I did. I played in the palace from 1949 to 1959. I've seen the changes in Hawai'i. Changes that you yourself as malihinis never ever seen what my eyes seen. Our past is destroyed. Our future should be protected. This Coco Palms project, I'm against the project. They had 30 years, nothing happened. Let's not have something rammed down our throat. Same problem on every island. You commissioners must really look at the theory of how you going compensate the kānaka so he can understand his past. We come over here, we beg, we cry. You folks don't even listen. Somehow you guys get wax in your ears. How you take that wax out? So now, I'm here. I gotta talk stupid to you folks. Why am I talking stupid? That's the only way I can communicate. Sad. This Coco Palms project is a no-no, period I no more any more to say. I'm all frustrated inside. So, as a keiki o ka 'aina when I was young my great-great grandchild asked me, tūtū, what you mean about keiki o ka 'aina, I said, you will become the children of the land, but what you will not have is the vision that I seen when I was young, you'll have rubbish piled up on this island, cause there's no place to the rubbish, but we going ram this project down our throat. I don't know what else to say. I'm so frustrated. I don't know if I should swear or I should prayer, you guys gotta tell me that. So, anyway I don't wanna waste my time. I just want you folks to do the right thing. The project is over. Let's not be beating around the push. Let's get to the point. Aloha.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Terrie Hayes.

Ms. Terrie Hayes: Aloha Kakahiaka, I think it's still morning. Terrie Hayes for the record. As an educator I am dismayed at what it takes to present truth, untruths, facts, non-facts. The palm trees, let's just start with the palm trees that were illegally cut down on state land. Now I had the pleasure of being with Billy Kaohelauli'i, who I'm speaking for because he's outside and pretty much sick to his stomach about it all. He says, what does it matter, what are they gonna do, when are they gonna listen? What does it take? Now, as an educator, it's not when I get it, it's when

you get it, and the trouble is everybody is telling you, explaining to you, expressing to you knowledge, information, but it's falling upon deaf ears or whomever's in charge that can tell you guys what to do, which is sad, but that's the truth. You don't listen to somebody about what's being presented, that are facts. You don't have that right. At what point do you get it? But I can't give up as an educator, we don't quit, right? Until you get it. We're trying to express to you certain things that are unresolved, that have never should have been permitted, that were permitted in some other world. Let's just start with this morning. When we left Po'ipū, there were so many people on the beach that Billy had to literally avoid people on the small street in front of the beach. Similar to this side of the island, mind you, but this is a busier street in front of the, by the beach, which is eroding and won't be there. My first thought is where are all these people that they're gonna bring here gonna go to the beach? I got news for you, Po'ipū. Po'ipū cannot take it. Nostalgia, somebody said in one of the comments, and this guy, Day wherever he is. Why isn't he here? You know, to boldly say, oh, well the trees were a disease. BLNR knows they were not. They questioned the man that was representing Reef Partners prior to Mauna Kea being there, but this...and he stood up and said, well not all the trees were diseased. Mind you they admitted to cutting down 15. Now, 15 and 75. I'm pretty good at math. Somebody heavily miscalculated. But the facts are they don't own the land, they didn't get a permit, the trees were not diseased. So, why did they come down? Oh, to make...

Mr. Hull: Three minutes, Mr. Chair.

Ms. Hayes: ...room for a road. So, now I'm gonna speak on Billy's behalf if I may because he's outside. Please give...

Mr. Hull: (Inaudible).

Ms. Hayes: ...me the time to at least...

Mr. Hull: It's under your...

Ms. Hayes: ...finish this thought.

Mr. Hull: He signed up, but it's under your discretion.

Ms. Hayes: You want to get up and walk away and come back I will. But he's outside and...

Chair DeGracia: You may have it.

Ms. Hayes: ...he asked me to speak on his behalf, please. So...

Chair DeGracia: You may have his time.

Ms. Hayes for Mr. Billy Kaohelaui'i: Thank you very much. So, Billy is totally frustrated as the po'o, we go to O'ahu. There's big issues on Lahaina. You know what Billy says when we leave Po'ipū, now mind you, where are all these people gonna go that can't go to a beach because it doesn't exist? Right, it's gonna be washed out. Did anybody go to the meeting 20 years ago when they talked about sea level rise? And how fast it's happening. Somebody should be worried about making that road that goes over the Wailua River above ground because it's all going to be

flooded out. And then where are all those people that live on this side gonna go. How are they gonna get out? It happened on the North Shore when that road closed down. We're not in some finite, there's lots of room, lots of place to go. We can't even barely get home on a, in the evening because of the traffic coming out of the college. I mean, it's unfathomable to me that anybody would even consider such an atrocity. They're all coming to the North Shore. It's the same thing that's happening down there. Nobody respects any kind of designation, historical. Why? Why does it, why is everybody trying to do this? I been watching a lot of football running around them. That's what everybody's trying to do. They all think they're Travis Kelsey or somebody, they all think they can just get away with whatever they want. And he probably can to a certain point. But these guys need to be held accountable. You have regulations. You have rules for a reason. To disregard the impacts of what this can do, our culture, to our land, to our environment, to the people that live here. And now you're going to send them all down to the South Shore. That's coming next (inaudible) hard and fast because whoever in the county I talked to, who was the mayor's assistant told me we're eventually going to try to make that like the end of the road, God bless Uncle Tommy, and those that helped protect the end of the road. And I mean down at Ke'e beach what's happened there. That was an atrocity. Somebody had to do something, and they did. Why stop there? This is not going to be an attractive place for anybody. Mind you, the people that we avoided, our friend was hit. I told you last time I was here, our friend was nearly killed by a car by somebody that works for some developer somewhere that was in a big hurry on a street that says 5 miles an hour at the turn, 20 miles an hour and how fast are they going? I mean literally we could have taken out 15 people this morning. And we were a little late because Billy slowed down. But people cross, they're coming down one way, they're coming the other. What do you think's going to happen on this highway? And I hate to come back and say to you, well, we told you so. I mean, there's going to be serious accidents. There's no access. They talked about it for years putting...

Mr. Hull: Three minutes, Mr. Chair.

Ms. Hayes: ...a bridge over the highway. You know, there's things infrastructure.

Chair DeGracia: Please wrap up your testimony. Thank you.

Ms. Hayes: Billy has worked many, many years. I've worked over 20. I'm almost speechless, but that's not my style. I'm almost speechless that we are still trying to discuss something that is so archaic, so out of date, so out of time, so out of heart. Check your heart. Does your heart feel good when you make a decision? This is what we would tell the kids in school. If it doesn't feel right down here, it isn't. And to quote our president, don't. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Heidi Hughes.

Ms. Heidi Hughes: Good morning. My name is Heidi Hughes. My husband and I have visited Kaua'i since 2002. We've owned property here since 2015 and we were thrilled to move here in 2020. Well, we're obviously not native hawaiian, Kaua'i is our home. We live in Wailua Houselots and we are (inaudible) neighbors of the property, known as Coco Palms. We are humbled and honored to hear the truth told by those giving testimony today and to live alongside our neighbors. Both my husband and I have had careers in the resort and hospitality industry.

And we came here after living for many years in Park City, Utah. We lived through decades of resort development. We know firsthand how it can get really gross if it's not kept in check. We feel a connection to the situation with Coco Palms. We'd really like to help get the situation sorted out for the best possible outcome for this community. Our main concerns have been addressed, the no environmental assessment or EIS, the investigation by the BLNR, the revocable permits, and lack of parking stalls, shoreline setback, no workforce housing, furthermore, the environmental cultural traffic and other assessments are inadequate and outdated. And seriously, who really reasonably believes we need or can sustain more cars, people, sewage at this specific location on this island. At the community meeting last week, the developer John Day in speaking with a small group that remained after the larger meeting broke up, spoke about how they could make more money building someplace else alluding to that they're not in this to make a lot of money to what point other than to prove that they really do not have lack of, they do not have integrity. We cannot lose sight of the fact that these developers will there beholden to their business, their business and their investors. And so far we've seen ample evidence that their interests are not aligning with the best interests of our community. And we also need to keep in mind that their business is to ultimately sell or turn over the actual operation of this resort to another entity, who we don't know. So, whatever steps we need to take to get this done, right, we need to do them right now. Before we start all over with somebody new and have to go through this all again and witness whatever devastation may take place. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Dylan Hooser.

Mr. Dylan Hooser: Hi, Commission. My name is Dylan Hooser. I wanted to thank you guys for hosting this meeting. I really appreciate everyone taking the time to hear our input. I was born and raised in Wailua Homesteads. My son was also born and raised in Wailua Homesteads. I'll keep it short. I just want it to go on record saying I'm against development of Coco Palms for another hotel. Developers have shown time and time again that they are not good stewards of our lands. The environmental, cultural, traffic and other assessments are out of date. No, shoreline setback survey has been conducted. The most recent plan submitted by the developers are not in compliance with the outdated Iniki ordinance, which requires the buildings to be rebuilt on the original footprint. I recently attended the Mālama Hulē'ia workday to help build the wall at the fishpond. It was an amazing turnout. It felt so good. It brought so many people together. Even people who are in this room on opposite sides of this issue. There's no yelling, there's no screaming. Wailuanuiaho'āno could be used in the same way. To bring our community together. A place to teach our keiki, creating a space for people to come together. This is your chance to be part of this legacy. This is our chance to create a place that can be used to teach our children and give them an opportunity to form a connection to this land, our home. For the biggest complaint I heard was from the Waipa Hui, who was that they had too many leaders in their group. We need more of that. We need more team building community building places. The land should not be used to build a hotel. They need to be preserved and restored for the future generations to come. Thank you for your time and energy today. I know it's not easy. I appreciate you being here and hearing our collective voice. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Next, we have signed up is Leeona Hooser. Next, we have up Roslyn Cummings.

Unknown woman: Hold on, she's coming, please.

Mr. Hepa: Repeat the name again.

Mr. Hull: Roslyn Cummings.

Mr. Hepa: I'll go get her. Right here she stay.

Ms. Roslyn Cummings: Aloha no. Good morning, everyone. Ko'u inoa Roslyn Nicole Manawai`akea Malama mare Cummings, (speaking hawaiian) through my tūtū wāhine, Leiwāhine Nāwāhine Haupu, her father, Pononui Haupu on land patent, Benjamin (inaudible) 51381375362, heir of (inaudible) through our tūtū wāhine, Wāhine Iki, the daughter of Kaumuali'i, also through (inaudible), the daughter of (inaudible), the daughter of Kaumuali'i. I'm here to speak on the record for the record. Notice to agents is notice to principle, notice to principle is notice to agents in hopes that there's no longer any outrage coming from myself towards my keiki and kūpuna that came before me for the ike manawa from the past, and the present for the future. It helps to bring up the law. So, when it comes to the protection of burials, there's a 1846 law called the Law of the (inaudible) that is a lot that is (inaudible), it stands from then until now. Please ask yourself what law supersedes another law. Upon God's law, kānaka maoli, as written in the constitution of the Hawaiian Kingdoms, we have rights, and I'm here to assert my rights and (inaudible) invested in the land. In hopes that you guys understand I want to support everyone that came before me who spoke against the development and I'm speaking against the government as well. There is so many issues within this area. The TMK just states who pays taxes and you're using that as the boundaries. The ahupua'a of Wailua along with the island of Kaua'i, the moku, and the mokupuni of Kaua'i, the moku of Puna, these are protection of the Waiwai as natural resources. As you can see when you go over Wailua bridge, you can smell the feces and I know for a fact that that waste system is at its limits. So, when you think about these things, you think about the iwi, there's a law that protects the iwi. I'm here because there's no trust within the State Historical Preservation Division, there is no trust between the Aha Moku Council, there is no trust in OHA, there's no trust with the County of Kaua'i, its agents and agencies. I'm hoping that I can regain this trust within every individual in this room. That you guys know and understand that I support the people of this island. Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: There is no additional individual signed up for testimony. Is there anybody in the audience who did not previously testify that would like to testify? If you haven't previously testified, please approach the microphone. If you could state your name for the record and you have three minutes for testimony.

Ms. Gail Spacuzza: My name is Gail Spacuzza, and I'm just coming spontaneously because I care. I think the last minute I'd like to have silence in prayer for a truthful resolution of this situation. But I just want to. I'm thinking along that this should belong to the people of Kaua'i. It should be made a park or something that's natural. It should belong in a trust and the trust includes all the people that live on Kaua'i that belong here. It should not be developed. All this tension over all

the illegalities that are being violated is very disturbing and shameful. And I do intend that we have the integrity to solve this. For the people, we are the people of Kaua'i. I've been here 30 years and I have to say that I'm very honored to be here and I started Habitat for Humanity too after Iniki to help build houses for the local people. And I hope that we can build something for the local people through all this mess that's being debated back and forth and that we, that no harm happens to Kaua'i and the people of Kaua'i over this horrendous, what 30 years of back and forth and illegalities and destroying something that could be so beautiful. So, I wish the rest of this time we should just be silent and ask for guidance and that the truth will prevail.

Mr. Hull: Three minutes, Mr. Chair.

Ms. Spacuza: Amen.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Is there anyone else who's not previously testified that would like to testify on this agenda item?

Mr. Hepa: I had testify for aunty, but nobody had call my name. I wrote on the paper outside.

Mr. Hull: If you can state your name for the record and you have three minutes for testimony.

Ms. Sherri Cummings: Aloha mai kakou. My name is Sherri Cummings, I actually am a Cummings. Prior testimony was someone who married my nephew. So, I stand behind my genealogy. I have seven generations with the Bureau of Conveyance with the Vital Statistics that show who I am after that point, as we say in Hawai'i, you no need be maha'oi to know who my ohana is, but we have ties to the land as well. I came as a kānaka and I asked or fellow kānaka who is in the room, who was at the (inaudible) meeting that we had, that was poorly, for a lack of a better word, just ridiculous at best at how it was run and how you know for us as kānaka, to have our pilikia in front of people and to not, to let others testify because to me I think this is very kānaka what's happening down in Coco Palms. Unlike other testifiers, I actually am one whose family was born and raised on Coco Palms. I've lived a life of a Coco Palms person. I heard about Ka'iu. You know my testimony prior to, I had myself, my cousin Keli'i Blaisdell, who's a Cummings as well, Troy Hanohano, he's a Pa, and then I had Mahi'ai, and Lawai'a Naihe who was part of me when we went, and we did our disclosure of the lineal descendencies from that area there. And I would just say for the record, our kānaka people should know, Kaumuali'i had many, many wives, he had, I think in total, 9, the last wife he had was from the island of Ni'ihau. I think what we have is a lack, a lack of understanding of our people. Sometimes we say, yeah, you know, for us as Hawaiians. We feel hurt. We feel hurt because when we look back and we see what our kūpuna did, you know, we might not agree, but if anything had changed in the course of that lifetime. Honestly, we would not be here as kānaka people, you know, so while things were not in favor of some of the predecessors before me would testify. Our kūpuna passed away, Kapule passed away in 1853. The last lineal descendant really that came from that place is from my line, Namahana line, who was Wailua Kai, which was my Ke'o side. My tūtū man's siblings, had seven of them born (inaudible).

Mr. Hull: Three minutes, Mr. Chair.



Ms. Cummings: From 1911 to 1922. So, I say that we as k̄anaka, k̄anaka gonna come together. Let the po'e haole stay outta this and we come together and decide how we move forward. As to pro, con or how we going help m̄alama the situation. Mahalo.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: And for those who have not testified, you may approach the microphone.

Mr. Kevin Beyers: Hi, Commissioner. My name is Kevin Beyers and I bring a different perspective. I support what's been said so far. I think there's a lot of really good points that should be heard. My experience is I am a federal oversight consultant for major projects on the mainland, so it's roughly 30-billion dollars' worth of oversight that I do, and we go through a process of operational procedures of checking out projects. We talked to the agencies and their consultants to try to figure out if the project was buildable. If it's rated high or rated low. After the meeting, I spoke with the guy John, the developer, and I'll tell you, that set up all kinds of red flags with me, and I hope you guys follow up with this. I just asked him two questions and I could tell after 10 minutes of talking to me, he didn't want to talk to me anymore because I was getting very specific about the EIR, and about the quality of the current buildings. The quality of the current buildings, you could just drive by, and you can see that those buildings are heavily deteriorated. They've been exposed to the elements for 30 years now. What happens is the salt water will get, as you may already know, saltwater gets into those buildings into the cracks, it seeps down in the rebar, it's like cancer, you know, break up all the foundations. It'll break up everything. These, this guy had the nerve to tell me everything's fine with the buildings. They're going to be restored. They're gonna be rebuilt. Not demoed. They should be red tagged and demoed. They should be returned, really back to everybody else in the community, the cultural side of it, but they're in terrible condition. It was just a test to see how honest this guy was, and so I think that that was a good example of what you're dealing with. And I think you should in your due diligence, you should test these guys out. Have really good people behind you that can call them out because I think they're just selling you a bill of goods to get the project greenlit. They can build the thing, they'll forget about everything else. I've seen this a million times where they're overly optimistic. They're never pessimistic and they're somewhat realistic. Sometimes mainly they're optimistic cause they just want to get their job, project done, then they could probably sell it to somebody else. And then people in the community are left over with this eye sore and people have said, I drive past that gas station that is a hideous smell. It's not even a light smell, it's a gross smell. And that's just one example of all the multiple things you have to deal with when you're reviewing a project to see if it's viable or not. And this is a really bad spot to be putting a hotel from the EIR standpoint as well too. So, these are just a few ideas. But there's a lot more there. I think you open up a huge can of worms letting these guys develop this spot. So anyway, that's just my peace for now. But thank you for your time.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Is there anybody else who has not previously testified that would like to testify? Seeing none, again this was previously set on the Consent Calendar. So, it was just to receive the status report.

Ms. Rogers: Can I have a second chance?

Mr. Hull: We're not taking second rounds of testimony. Thank you.

Ms. Rogers: Why?

Mr. Hull: Did you want to take a 5-minutes recess or...

Chair DeGracia: We're going to take a 10-minute recess.

Mr. Hull: Okay.

Chair DeGracia: Before moving forward, we'll take a 10-minute recess.

Commission went into recess at 11:07 a.m.  
Commission reconvened from recess at 11:19 a.m.

Chair DeGracia: The time is 11:19, I'd like to call this meeting back to order. Commissioners, before we proceed...order please. Let's call this meeting back to order. Commissioners, before we proceed, and we take questions from the Department and the applicant. I'd like to remind that the public is informed that before us we have this 2023 Annual Status Report of RP21 Coco Palms, LLC., in accordance with Permit Condition No. 29, applicant must submit an annual report for receipt by the commission, describing the status of and progress on each unsatisfied condition, particularly conditions with workforce housing requirements and transportation requirements. The only action for this report is for receipt by the commission to satisfy Condition 29 and we do not have any further business before us at this time regarding this matter. With that, I'm not sure how you guys want to proceed, if you guys want questions, or if the Department, or the applicant's representative would like to make a presentation.

Mr. Hull: Yeah, I'm sorry. Just for the commission's edification, knowing that Coco Palms can draw a lot of interest, I did ask Mr. Trask to be available should there be any questions. Granted it was on the Consent Calendar, it's just a status report. There's no action that the commission can take today, but I know that sometimes commissioners have questions are definitely generated out of interest and concern about this particular project, so, as I understand, Mr. Trask isn't here to make a presentation, but is definitely here for any questions the commissioners may have.

Ms. Cox: I'll start.

Chair DeGracia: Commissioners if you guys wanna start with any questions for the applicant or...

Ms. Cox: Sure, I'll start. I have many questions and I suspect there are other commissioners that may as well, so I'm not gonna ask all mine at once, but Condition 14 has to do with the affordable housing. Can you talk about the plan for affordable housing?

Mr. Trask: Yes. Aloha.

Ms. Cox: Aloha.

Mr. Trask: For the record, Mauna Kea Trask, native hawaiian cultural practitioner, attorney, and representative of RP21 today. Thank you, Commissioner Cox. Yeah, so there is a housing (inaudible) it is, it was recorded February 9<sup>th</sup>, 2016, in The Bureau of Conveyances, document A58830145, and basically what it does is it provides for, it requires, encumbers three residential lots, mauka, of like the Sizzlers, you know that place, but I don't know what is now, Wailua Family Restaurant, Brick Oven maybe.

Vice Chair Apisa: It used to be Brick Oven. It's Napali Brewery right now.

Mr. Trask: Oh, there you go. So, it's right there. It's mauka of that, 3-lots. In the foreclosure action, my client did not obtain title to those properties. So, whether or not, and as you know, the condition for affordable housing is required to kick in, I think, at final certificate of occupancy of the hotel. So, what we're going to do is, we've met already with the Housing Agency. If we don't obtain fee simple ownership for those properties, we will, we're mandated to provide that density somewhere, if not built then likely end (inaudible) at the discretion of the Housing Director.

Ms. Cox: Thank you very much.

Ms. Streufert: Can I ask a (inaudible) question? How many units is actually going to be part of that?

Mr. Trask: I believe it's 30.

Ms. Streufert: 30 units?

Woman from audience: Wow! That's a lot.

Mr. Trask: Yeah, total of 30 workforce housing units, pursuant to Chapter (inaudible) of the Kaua'i County Housing Policy, so that was the count.

Ms. Streufert: Could you tell us, give us a timeline as to how this is going to be continuing on from now until presumably from, your plans, when it's going to be opened up. What are we looking at in terms of a timeline of what's going to be happening, when?

Mr. Trask: Sure. So, just for context, okay, there have been numerous iterations of the restoration of Coco Palms, construction Coco Palms since the late 90's. This most recent one, the permits before you are the result of a project that was begun about 2013 with the Coco Palms Cultural Advisory Committee. So, they started out, and this is just to address some issues that popped up. So, this project was based upon the guidance and recommendations of government and community leaders, and the developer who entitled it was advised (inaudible) strategy that would solicit public feedback from the native hawaiian and general community on the development of the Coco Palms Resort. The six-member, Cultural Advisory Committee was Kimo Keawe, Kamika Smith, Danita Aiu, Leina'ala Jardin, La'amea Almeida, Dirk Soma, so, the first CPCA meeting was, October 2013 and they continued to until the Eviction Quiet Title Action, started (inaudible) filed in 2018. So, the plan that you see right now is pursuant to that process and in fact, it had begun, so initially the demo started in 2016, 2017 and they took down the northern and the lagoon buildings, the back buildings in the back and then it paused because of the litigation. It was set to resume, that was what my client was doing in April, May of this year.

And so obviously there was some concerns, allegations filed, we've addressed them, and we haven't got a response yet, but we're confident that of our position and the good faith, the reasonableness, and legality of it, and we're looking to, forward to working this out with the state agencies. Not only in a way that ends the matter, but also allows my client to proceed with securing the mauka portion of the property and not the hotel property, this is the (inaudible) Kaumuali'i Kuleana Lot that goes mauka of the ditch, the tennis courts. It's conservation land and it for years became morphed into, a tent, like a squatter's camp, and my client removed 79 vehicles, white goods, all this type of nuisance type materials. And so anyway, to answer your question, we paused in order to make everything addressed. Calm down, take the time and assess everything. So, we feel good about it as the state has said in the most recent article, these permits the county permits of a fee simple property within the urban land use district are not affected by the state issue. That's conservation OCCL matters, so, this is your kuleana, OCCL is states. So, demo is set to begin this quarter and anticipate two years.

Ms. Cox: Can I ask a follow up to that one? I'm particularly concerned about the demolition of the buildings that are closest to the highway and I know we were told actually in a meeting back in August 22, I believe it was that by February 23 that front building would be demolished, obviously it isn't. I'm just wondering if you can let us know about those buildings fronting the highway, what the plan is there.

Mr. Trask: Yes, definitely. So, for that whole area, and you bring up a good point. So, part of the permitting process required because there was a lot of concern about this area and the history of it. Now, I'm native hawaiian, I am very interested in native hawaiian history, but I understand that history doesn't stop at 1777. It doesn't stop at age 93. It hasn't stopped, it doesn't stop. So, Coco Palms was placed on the National Historic Register as a hotel resort district and so when you do that, and there's previous testimonies, correct, The National Register documents recognize that the structures and materials are severely deteriorated. So, there's four different types of projects, preservation projects, there's rehabilitation projects, there's restoration of projects, and there's reconstruction. So, this is not a preservation project because the materials and these are technical terms. This is pursuant to the Secretary of Interiors guidelines and historic property restoration. So, this is the rehabilitation of reconstruction project, respectively. So, what we need to do as we go through it, we need to document, follow the protective measures, follow the monitoring guidelines that we have to follow and then as you do that, you document the structures and if they're not safe, they're not secure, which they're not, lot of them. You nonetheless have to maintain and preserve and those portions that do contribute to the historic integrity. Location, setting, and feeling association in the international criteria, right? So, essentially what we're gonna do is, it's a long process, but for example, the front building, there are definitely portions of the port cochere area, you know the overhang, that's not safe, that needs to be taken down, but there's a process to do it and we're going to follow all that process.

With regard to the concrete buildings, what really gives it its historical value is not the bare (inaudible) inside concrete bones that you see, it's the frontage walls covered with lava rock, pōhaku, that's what needs to be short up, preserved and then reused and ultimately, if you can't reuse the materials, you have to reconstructed with the same (inaudible), and so that's the process that we're following. So, and of course it does, it's not a normal demo, you can't just push down

the thing or get the sledgehammer, it's just the process to go through, and we're committed to do it the right way.

Ms. Cox: Thank you.

Ms. Bator from audience: When are you gonna demolish the front like she asked?

Mr. Hull: Ma'am, this is not time for interaction with the audience.

Ms. Streufert: Could I ask another question? Several times today there was some concern that the new Coco Palms or whatever it's gonna be called, is not going to be over the footprint that currently exists. Is that accurate? Or...I'm not sure how much of it is real and how much of it is rumor. I'd like to get a little bit more facts on this.

Mr. Trask: Sure. The reason why I'm opening these materials, I have a bunch of materials in front of me, is because I don't want to just talk (inaudible). Hold on one second.

Ms. Streufert: Sure.

Mr. Trask: So, now the permits that were obtained were not just, well Iniki ordinance permits, if you're just rebuilding what you're gonna rebuild, it's a rather simple process, that's not what this is. So, these permits specifically are Special Management Area Use permit, a Project Development Use permit, Variance permits, and Class IV Zoning permits, and so with regard to the footprint issue, it's true, it's going to be in the same footprint, but, you know, I think Building 9 was mentioned, that was the Queen's Lagoon Building, so if you actually look at the record, that building was there prior to Hurricane Iwa, and when Iwa came it got wiped out. Now, I grew up in Wailua Homesteads. I used to catch carpool with Dillon, Dillion left. So, we all grew up over there. I didn't really appreciate Coco Palms, I went there after church, Saint Catherine's for Brunch, but learning about this project is really interesting. So, in talking to some old timers. I learned that the Queen's building was there, it did get demolished after Iwa, or it didn't get demolished, it got removed. They actually gave it to Robinson, and apparently the story is, he used it as an old building for a school on Ni'ihau or in Waimea some place. Because Robinson and Ms. Guslander had a very close relationship. Because she did love hawaiian culture. She was very akamai into all the stuff. All the thatched roofs from Coco Palms were from the coconut grove and so, these people knew how to do it and she all these things, but back the...sorry I get tangential, but during the entitlement process, I believe it was January 27, 2015. Rayne Regush, Chair of the Kapa'a Neighborhood Association had stated her concern with regard to the building getting put back there because it'll obstruct the view of the lagoon, so the Planning Department through that community permitting process, the community input process, decided to move the building in order not to obstruct the view. Cause that is, although it's Urban Land Use District, it is open zone. So, that's a consideration. We haven't changed those plans, but that was the call. And with regard to the other things, it does have to stay in the same footprint, but as Ka'aina will tell you under the Iniki ordinance (inaudible) the final iteration of it, which is, Section 4, Ordinance 1716, Sub C, Federal and State requirements including but not limited to flood plain management regulations shall apply. So, we have to elevate in certain places to accommodate for the flood zone, I mean the flood district. But other than that, it's according to this.

Mr. Hull: I'll just clarify one thing too, Commissioner. I think there was a series concerns raised about the event space and in our view of the application, the event space wasn't, well was on a rendering of sorts, it wasn't part of the actual entitlement process for the SMA permits, or definitely not Iniki ordinance because it wasn't there.

Mr. Trask: And, so, the tennis courts (inaudible) were not a contributing factor to this historic registered portion, and so the cultural center was something that the community did want. It was vetted through the Cultural Advisory Committee, and I do believe it was mentioned in the application permit.

Mr. Hull: Yeah, and the records little shaking on this, but the Cultural Center is in one of the (inaudible) we can find, but it's not, it's not listed in the actual written description of the project in the application, and with that, it's our assessment unless they can provide us with any other documentation that's reviewed when these requirements. It's our determination that that was not part of the actual application and therefore is not vested.

Ms. Cox: So, it's not permitted, in other words.

Mr. Hull: Currently, again, we're putting records together that are a few years old, but from what we've been able to piece together, there's nothing I can find in the record that reflects that the Cultural Center was permitted as part of the package.

Ms. Cox: The third one that was mentioned was the Chapel in the Palms, any update?

Mr. Trask: That's a prehistoric, I mean, not prehistoric, but pre-existing structure. That was there since, I think the 50's was the Rita Hayworth movie or the 40's and that was recognized both in the National Register documents, the permit documents, everything, and there was, so, there's a lot of misunderstandings in this information. So, the fire lane access road was pre-existing, there's parking in there that was pre-existing, there's walk paths. Those of you who recall Coco Palms, you walked through them, you walked down those paths. That's how they accessed the King, Queen, and Prince Cottages back there. You passed it on the way to the zoo to go see the monkeys. So, it was not a pristine coconut grove.

Chair DeGracia: Commissioners, any further questions for the Department?

Ms. Cox: I have one other, about the parking.

Chair DeGracia: Okay.

Ms. Cox: Because the, since the state leases you no longer have, my understanding is there is a new plan for parking. Can you talk a little bit about that?

Mr. Trask: Well, if you look at the application, it was always understood that obviously these are state leased, I mean, well, the grove is state leased, it's good for 65 years, I believe that expires, well it expires a while from now. The RPs are annually issued, it can be revoked upon any time. The thing though is those RPs have always been associated with the use of Coco Palms and this goes back even before they were RPs, so, the RP specifically, the Kuamo'o parking area. There's

an odd 460 square foot, kinda like an access way that I think is remnant from the Wailua Houselots first series subdivision in the 1950's. And there's (inaudible) in the patio portion of the Seashell Restaurant. So, out of all those the only one that affects or (inaudible) ingress to the resort is the parking lot. The parking lot has been terminated effective December 31<sup>st</sup>. RP21 is doing the, and it was terminated to Coco Palms Ventures. So, back in 2016, what happened was when the Hui purchased the property. The Board and Land of Natural Resources approved an assignment of the RP's to, from Coco Palms Ventures to the Hui, but the thing was, is that there was a, so Coco Palms Ventures signed it over to Prudential 2, and Prudential 2 signed it over to Hui. Everything was held in escrow pending closing of the sale and everything, it has happened in that area since Island Holidays, since Amfac, all that kind of stuff. But what had happened because Coco Palms Ventures was (inaudible) the time and because of the passage of time. Apparently despite the fact that the rent had consistently been paid for years, and there was never any cause or notice of concern. Because of all the issues, or it was never finalized for some reason, some document wasn't signed, is the best that I can understand. And then, given all this concern and misinformation and frustration, the BLNR just allowed to expire effectively, you know, at the end of the year. We have put in RP21 has put in because we believe. So, we can accommodate all necessary parking on site. We've anticipating this, we've sent to the department, a contingency parking plan should we not get the RPs, however, I really want to stress that it really is the best thing for the public, in the best service of the public access of use that RP21 get that parking lot, only because, not only will we provide 20 parking stalls no matter where it is, but if we're allowed to do that, that parking will kinda be set aside for the public and we'll be able to build a comfort station on our property like how Shipwrecks, the Hyatt does it, we'll maintain the comfort station. It's not going to be keyed, it's going to be open to the public, it has to be, and that's the easiest way to access the most convenient for the public to park there, walk across the street, and go to Wailua cause we haven't had that parking months since I think the 2010's, 2015, something like that.

Mr. Ako: Mr. Chair, can I ask? Mr. Trask, are you planning on a presentation or is this the presentation?

Mr. Trask: I planned on doing a presentation.

Mr. Hull: No, as I was saying earlier, Commissioner Ako, that this was a Consent Calendar item, so actually it wasn't supposed to even be necessarily discussed unless the commission decided to pull it off of the Consent Calendar agenda, so I just asked Mr. Trask in advance like, that there's a chance that it could be pulled off of the Consent Calendar, and if it did, if he would be available for questions.

Mr. Ako: Oh okay.

Mr. Trask: I'm available for questions and as everyone knows seated behind me, and many of the people at the meeting last week, you can call me any time. I'm always available.

Chair DeGracia: Questions, Commissioner Ako?

Mr. Ako: Yeah, if I can ask some questions?

Chair DeGracia: Please.

Mr. Ako: I think I was looking at one of the conditions in there with about the shuttle service.

Mr. Trask: Yeah.

Mr. Ako: Which was the 18-month, I guess pilot project or pilot program. Was that shuttle service there intended for the benefit for the guests or was it a benefit for the community?

Mr. Trask: Well, there's kind of a few that touch upon public transportation. So, I believe there was initially...

Mr. Ako: I think it's number 19.

Mr. Trask: Yeah., so Condition 10. The developer paid \$10,000 to the County Transportation Agency to assist with the new construction of a new bus stop, along Kuhio Highway in Wailua.

Mr. Ako: Right.

Mr. Trask: So, that was done.

Mr. Ako: Actually, I was referring to like, I believe it's Condition No. 20?

Mr. Trask: Oh okay. So, it's a mix of both. So, the \$93,750 paid was for striping and pedestrian improvements along Haleilio Road on the back side. Now what had happened was during the entitlement process, Public Works roads, did a study or maybe it was state, I'm not sure, about the impacts of traffic, and there was some concern in largely of what I understand is, and they make sense because I grew up on Lokelani Road. If you come down Kuamo'o the big back up is right, to Lihu'e, that's the big back up. Now Coco Palms is not gonna have egress onto Kuamo'o Road, it's in through Kuamo'o, out through Haleilio, so that the flow. So, that, the right traffic, the right traffic at Lihu'e, it's not gonna be affected. That's still, that's a problem for government and the community to address. However, because of those concerns, the developer has to provide an updated traffic impact analysis report during the development process and when that's done those recommendations have to be approved too. In the meantime, the developer is required to provide shuttle service, bike, pedestrian those kind of things in order to mitigate the impact while those issues are being analyzed and addressed, is my understanding, and that's 20A through F, I believe is what you were talking about.

Mr. Ako: Yeah.

Mr. Trask: And so, and then 22 potential bus stop shelters forth coming if it's needed.

Mr. Ako: Right, so I guess in my mind I'm thinking that if it was a benefit for the guest so that the guest could get from, I guess the, I guess what I would call the Coco Palms right now to go move down towards, I guess Kapa'a Town or Lydgate, and all of that. Part of that is a convenience effort for them, but part of the other side of that would be the benefit for the community would be that there is less traffic on the road.

Mr. Trask: Oh, definitely. Yeah, and to that extent, yes that's what are (inaudible) for.



Mr. Ako: So, knowing that it's part of the traffic area there and it's part to relieve the traffic in the town there, wouldn't it be a good idea to make this instead of an 18-month pilot project, to make this just a standing condition of the application?

Mr. Trask: Well, I think that's the purpose of the TIAR, that's the purpose of the analysis report. So, I would say that that's definitely something that you can do, but I think that you'd have to have that data first, you know, and we wouldn't be opposed to it. I don't think (inaudible) the report comes out. But, at this time, yeah.

Mr. Ako: So, it's not a benefit for the guests, it's a benefit for the traffic out there.

Mr. Trask: Well, it's not (inaudible) it's both, I suppose.

Mr. Ako: Because it's going to go away. If there's traffic, then it's going to be provided to the guests. The shuttle, the shuttle service.

Mr. Trask: I don't think so. I think, you know, and speaking with my client, this is not like, there's different types of resort, right, and we got them all on Kaua'i. (Inaudible) my understanding is the best (inaudible) analogized to is Ko'a Kea. You know by Waiohai? The old Waiohai Resort. It's like on the Sheraton side of Waiohai, that little bay. It's a boutique hotel, you know, it serves a certain kind of clientele. It's not big, doesn't have a huge pool, doesn't have all these amenities, but there's value in that. Coco Palms is that brand and it's the Marquee brand, you know what I mean, in the 1950's when Kaua'i was faced with either box site mining or trying to see if they could make money off tourists, Coco Palms showed them that they could do that. Now times have changed. I get it. But this is a historic resort. This created the torch lighting ceremony. This thing is the model. Anytime you hear a resort, do it the right way, do it culturally, that's what Coco Palms did, it's undeniable, undeniable, and that's why it's on the historic register because...

Woman from audience: Elvis.

Mr. Trask: Elvis is one of a few stories. The Frank Sinatra stories, I think are much better. Read the Coco Palms book, Frank Sinatra, Tour (inaudible), but the thing is, is that if you look at it. Deborah Kapule's houselot was actually mauka by Hikinaakalā, right, she did not live in that zone. Kelani, there's a of kuleana houselots in that area, three. The rest was crown lands. That slowly over time were acquired by deed, they're all recorded. And, but nonetheless, Grace Guslander, said look, I know Wailua Beach is not an attractive beach, it's on the other side, at that time a railroad, there was a railroad there, so she focused on the hawaiian culture. She looked mauka, she looked to the people, she looked at all that stuff. And that's not a bad history, that's part of our history too.

Mr. Ako: Yeah, but it's...well, let me say, I got lost inside there somewhere.

Mr. Trask: Me too.

Mr. Ako: Because I'm still trying to figure out that...

Mr. Trask: I did too. What were we talking about?

Mr. Ako: Yeah...

Mr. Trask: Oh, shuttle. Yeah, so, the thing is that the shuttle and the public benefits and the mitigation of the impacts are identified and that they'll be followed up on after the study is completed because we won't really know until then.

Mr. Ako: Right. But the study will show whether there's an increase in the impact of the resort that is built there and how traffic impacts what is existing right now. So, wouldn't it be a, I guess, plausible or a reasonable idea that if we have shuttles, you're gonna continue to take cars off the road and that would be a benefit that the resort could be providing to the community.

Mr. Trask: Yeah, very well. I'm not arguing at the point. Yeah, very well.

Mr. Ako: If somebody could consider that as well as. Whether that route would also include Smith's luau to in there. I don't know.

Mr. Trask: Okay, I know where I was going real quick, let me tie up my point. So, part of the type of hotel this is, my client anticipates it's going to be the type of clientele that want to stay on the property that aren't going to use a lot of traffic, they're not going to do a lot of cars. They want to go to Coco Palms, because it's Coco Palms, so shuttles will be provided, bikes will be provided, it will be encouraged.

Mr. Ako: Okay. The other thing I wanted to ask was, you know, I don't know too much about the history of Coco Palms, but I know there was this lady called Mrs. Guslander over there, and when she had developed the place like, I guess as a lodge and (inaudible) moved into a hotel. The Coco Palms we remember today, or we think of today, yeah, I think is gone already. It's not gonna be what the Coco Palms is, you know, should a new one come up over there. And I think she built it with this spirit of aloha that she wanted to create there and you know every day that they would pass it was a good thing to think about Coco Palms. I think today as we pass Coco Palms (inaudible) especially guys like us, who not from this island. We remember Coco Palms as whatever we see right now over there. I'm trying to figure out, what is it that or how, what if anything, and or how, is the developer going to try to relive or bring back that spirit?

Mr. Trask: Well, you know, here is some historic studies that were done about this place and it goes down to pre contact, and the thing is there are, there's a clear path to that under the Secretary of Interiors guideline. The interesting thing is that, you know, people talk about Guslander and Elvis, but in researching this project that's just like the thing in the top of the car, you know the hood ornament. In researching this stuff I've been talking to people who were land agents at the time and how they interacted with the resort and how one-time DLNR spoke to Ms. Guslander, hey, you're not supposed to be on the beach. Why you cleaning up the beach? She goes, cause you're not. And she took care of the beach. You know, it's Bob Hamada, the head of maintenance, you know, I didn't know he worked Coco Palms, I knew of him, the world-famous woodworker and artist, houselots, he lived houselots. His legacy, you can still talk to his employees. I talked to one of them. The best story I heard was how this guy from houselots went to work Coco Palms after high school. He (inaudible) the prospects, didn't go college, but he was tutored by Bob Hamada and he has all this tremendous experience. And one time they had a chief from Samoa or someplace come to go visit and they were showing him the grand buildings

and everything and the chief had seen it all, he's a chief, but as they were walking by like the you know, one of the one of the structures with the roof, he turned and he looked and he noticed the weaving of the thatched roof, and he goes, eh, who did that? Out of all the architecture that is now in the National Historic Register. What caught his eye was the palm fronds. And this kid from houseslots, goes, oh me, he goes, who taught you that? He goes, oh, you know Uncle Bob and this and that and he goes, yeah, but how did he, who taught you this, some aspect of it. He goes, oh I just figured it out, because if you look and I'm watching this 60-year-old gentleman now a couple of months ago tell me this story, it's like he's 19 again. And to me, that was the genius of Coco Palms. It wasn't the glitz and stuff, it was the torch bearers, it was the people who made the firecrackers by hand. And in looking at this stuff, for example, Noah Mau Espirito, number one opponent of the project. He supports it now. We're working together to do a cultural lo'i restoration project, mauka of the ditch (inaudible) Kaumuali'i's land, that's important because what Grace Guslander did her culture was a mid-twentieth century kind of kitch, tiki culture. Hawai'i has changed, it's more authentic now. So, Coco Palms is going to change to be more authentic. And just a touch on it. People talk about Ale Koko fishpond, right, I'm the Vice President of Mālama Hulē'ia, I was there. I was lifting rocks. I seen Makoto Lane there. I know what it takes to actually do that, it takes collaboration, it takes partnership, it takes hawaiians and a lot of non-hawaiians to do it. And that's Hawai'i. Kamehameha saw it and that's why Kamehameha won. We've always been a community together. We're getting divided because of things in modern world, but this is, this is the marquee project, Coco Palm. It did it once, it can do it again. There's something special down there. And I've no doubt in my mind.

Mr. Ako: I think what I'm trying to get...

Chair DeGracia: We'll have order in the audience. Mauna Kea has the floor; Commissioners have the floor. Audience this is not your time to speak. Thank you.

Mr. Ako: You know, Mr. Trask, I think the difference that I see is that Coco Palms started off on a good foundation and a good footing, it was embraced by the community and then it rolls to the Coco Palms, with the Elvis, and the Sinatra, and all of that. Today the Coco Palms that coming up, and I not gonna say that it's not embraced by the community, but I think there's what was referred to in the paper as, this is just vocal minority that is speaking. I think today we're talking about, no this is the vocal majority that's speaking, but I not here to argue whether who is the majority in it, but I think what I'm trying to figure out is, we're not starting off on good footing. How do we move forward as we go forth? Because as much as we talk about, you know this vocal minority. I think right now we all know man, in Congress today there's a vocal minority in there that's just creating chaos throughout our whole nation that we all hear, and I think as, until the day we address the vocal minority, until we give them the time that they need, I don't know how this problem goes away. Because when we talk about community meetings that we've had, I don't know how many we had, I'm aware of two, you know, that has happened. Maybe I'm gonna count it only as one because I'm not gonna count the one that happens Tuesday. But until we weave into the plan of Coco Palms, the concerns of the different groups that are having issues right now, you know, I just don't see this problem going away, and whether it's a demolished building right now or whether it's a beautiful resort every time we pass Coco Palms it's not going to be with good feelings. So, I'm trying to figure out how are you planning to weave and bring in the concerns of, I'm gonna call it the vocal minority.

Mr. Trask: So, at the day I got retained, I texted Mason Chock, Pua Rossi, and texted Fern, I know them all. Me and Mason are our board members together. I know Fern, I don't know Pua that well but, nonetheless. And there's been small discussions, but there's no substantive interest in coming to a mutual beneficial situation and I don't fault them for it, it's just what it is. And I don't wanna be disagreeable, but I do think this project started off on good footing because in 2023 it started with the cultural, Coco Palms Cultural Advisory Committee, this is the plan. I think what you're seeing here is a feature of Kaua'i and not a function of this development. We know, you see it all the time. It's a general island wide concern and it doesn't discriminate against projects. You hear the same things with various different products, you know, and so the thing is that when I started Kaua'i (inaudible) it was the bike path, that was the first meeting that I went to, that was wild. Then (inaudible). So, last Wednesday was kind of mellow, compared to those two to be honest. But nonetheless, you know, time goes on, we drive by (inaudible) right now, it's not a big deal, (inaudible), it's not a big deal. But there's always this concern and that's vibrancy, that's democracy, that shows the vocal minority in Washington didn't win. The people are here. They have their concerns. And I'll tell you, they're all invited to take part in the cultural advisory committee, they're all (inaudible) take part in this and help and move forward because ultimately County Parks is not going to maintain this, State Parks is not going to maintain this. You need partnerships too. The community needs partnerships too. And I would love for there to be a more diverse economy, but look at the issue of Hawai'i, whaling, sandalwood, sugar, tourism, it's a series of mono economies and that's not Coco Palms fault. Coco Palms is the original diverse, right, but let's work together on that. I don't think it stops and it's definitely not predicated upon one development.

Mr. Ako: So, does that mean Coco Palms will be working and trying to bring it in or...cause as I understand, you got the permits, you've got the property, it's your right to move forward already. But I learned from my little boy one day watching cartoons, I don't know if you guys know...

Mr. Trask: Yeah.

Mr. Ako: ...He Man, it kinda goes way back when, and there was between these two dragons out there, the good dragon in the bad dragon and it was a fight to the end, till death, and they were fighting and you know the good dragon ended up winning, and he had the chance to kill the bad dragon and when he didn't, his people said, you know, that's your right, you deserve it, you earned it. It's your right to kill this dragon and the good dragon said, you know, it is my right, but it would not be right to do it. And that's why I'm trying to figure out, you know, it's your right, Coco Palms, to go ahead and you know, you got the permits already to move forward, but to me it would not be right if you did not weave in the concerns of the community.

Mr. Trask: 100%. 100%.

Mr. Ako: And I'm glad you say that because I know trust is a real big issue on this issue here so, I just hope that that is what is being carried forward (inaudible).

Mr. Trask: More than hope again. We are partnering with Noah Mau Espirito to restore that back land. If you look, we, I would love for us to do, it's a rather large parcel. We can restore that and then we can work with other state leasees to restore their portion. That used to be lo'i, all the way up to Opaeka'a Falls, after that it was rice. We can put that back. We can still put it back. And the

Coco Palms can be part of that, just like our corporate partners at Mālama Hulē‘ia, we’re part of the fishpond restoration. PCCC showed up, they helped. PCCC is on this job. It's community here. All this is...you know, I understand. Historically injustice is inarguable. I'm not saying it didn't happen, but it doesn't have anything to do with this and moving forward, right. Let's move forward together. Everyone's invited. Lift rocks, get the o'o. I mean, we're ready to go. Let's go.

Mr. Ako: So, if you're pulling everybody together, I think that's wonderful. Yeah. It's just a matter of maybe it's not being perceived like that from the outside so, and I guess I just gonna kind of leave it at that, the fact that everybody may not get whatever they all want, at least slowly by slowly, is when we work together, will be, will be a lot better. Thank you, Mr. Trask. Thank you, Chair.

Mr. Trask: Thank you.

Ms. Apisa: Gerald, if I may just as a follow up. It was a year ago that I spoke at this commission meeting that I would love to see it a park and a cultural center, but I have never heard a plan of buying it, cleaning it up, and maintaining it. The public is not going to want to pay to go to this park or cultural center, and it takes a lot of money to buy it, clean it up, and maintain it. We deferred making this decision from that Fall until like January, and there was a group working on a plan, but it never came through, so...I mean there have been opportunities.

Mr. Ako: And I think I sit here not really saying that, you know, we shouldn't build Coco Palms over there or we should build a cultural center but you know if there is a way to kind of combine the two, I don't know, and again, and I ain't no expert on this thing, I might be just kind of going out there, but somehow, to me, there is a bad feeling, this bad feelings got to go away and the only way it's gonna go away is if we somehow come together.

Ms. Streufert: Could I ask that question? And this was something that was brought up several times or many times today. Condition No. 3, which is about the historical iwi kūpuna. 3e. is about an archaeological monitoring plan, in your plan, and it says that it's completed, but so the plan is complete, but does that plan included having an archaeological monitor anytime there's a ground...

Mr. Trask: Uh-huh.

Ms. Streufert: ...and they will be there the entire time.

Mr. Trask: Yeah, we have Milton Ching. Lineal...I'm sorry...

Ms. Streufert: I didn't say anything.

Mr. Trask: Oh. So, we do have. So, any ground disturbance, and also two archeological monitor and culture monitor. They have to also observe in a protected measures, so 20 feet buffer around the lagoon they have to do. They also have to document and work through the historic rehabilitation and reconstruction process. They have to be there for that. But again, working with lineal and culture sense in the area, Milton Ching is one of them, he is on the team to help us observe and make sure that these things are followed. No one's better to do that than (inaudible).

Ms. Streufert: And I think that's part of the thing that Gerald was talking about earlier that there's a lot of information, this information, and this information out there.

Mr. Trask: There is.

Ms. Streufert: And if some of this information about what is going to be happening with the archaeological monitoring plan and how it's going to be conducted with people who are sensitive to all of the issues that are involved in it. I think that would go to some extent to resolve some of the issues that were brought up today about their concern about the iwi kūpuna and I don't know how to get that information out and to make sure that everybody gets it, but if that could be part of some kind of a plan that would allow people to know what's happening when and how that might alleviate some of the disinformation that's out there.

Mr. Trask: Well, I'll take the time real briefly to go over what we do have. So, in compliance with permit Conditions A through C, the developer met SHPD requirements and standards. SHPD sent a letter signed off August 17<sup>th</sup>, 2015, for the following 3(a), a revised scope of work for the project including any proposed work with potential to affect the historical lagoon including staging areas, construction, new bridges, dredging or filling in of areas near the lagoon, 3(b), information regarding any potential federal funding or federal permits that may be required, especially relative to the historical lagoons, 3(c), intensive level survey that identifies and assesses all remaining architectural historic properties and their potential eligibility for the Hawai'i National Registers, a burial treatment plan that meets HAR 13-300-34 (b), and following decision by KNIBC, the Burial Council, regarding burial treatment, either burial site component preservation plan or burial site component archaeological date recovery plan, or compliant with the respective HAR's, and finally 3(e), a revised archaeological monitoring plan that includes provisions for addressing architectural monitoring concerns and needs HAR 13-279-4. So, it's all been done.

Ms. Streufert: Right. I just want to make sure that although that's a plan, the plan has been completed and that the plan does include archaeological monitoring.

Mr. Trask: Yeah.

Ms. Streufert: Whenever there's any ground disturbing activity.

Mr. Trask: Done.

Ms. Streufert: And thank you. I think that information should be shared with other people so that they know that the iwi kūpuna will be protected to the extent possible, so thank you.

Ms. Cox: I have a question at a different angle on this and that is, I know that given the fact that you are working under the Iniki ordinance, we know that's how the permits were done, that you don't have to meet several requirements that you would have to meet today. Some of those requirements are environmental requirements, you know we now have a different setback, we have to sea level constraint districts etc., and I'm just wondering although it's not in this report because it's not a condition because you are under the Iniki ordinances, I'm wondering the sea is

not going to stop, the kai is going to rise, there is going to be flooding, there is going to be high wave run up, I'm just wondering, can you just speak to, what is the developer, how is the developer taking in this into account? I mean, is the developer just gonna say, well, I don't have to meet these requirements, so, we'll let the sea come in or...

Mr. Trask: No, no, we have to comply with flood. And there's, I think it's too broad of a statement to say that we're not going to comply with any environmental laws, because we're compiling with a ton of environmental laws, and we have the SMA permit. We have the endangered species monitoring plan, we have all the historical archaeological plans. There's not a specific trigger, there wasn't a specific trigger when the entitlement of this and you hear that a lot, but it's just not true. And, but nonetheless, yeah, so certain buildings are getting elevated to (inaudible) flood, which has been a criticism because they're saying you can't do that, but we are doing that. So, it's being done. And also too, you know the...it's not in a wetland, it is in a flood zone. So, there's little nuance differences, but there's obviously, the bigger picture about climate change, that's the ubiquitous problem that we all face. Kapa'a faces it.

Ms. Cox: Oh yeah.

Mr. Trask: The landfill faces it. Like if climate change is a concern, please, you know, Mount Kekaha is a very concerning issue. So, nonetheless, what we have to do is, I mean, I don't know if you're asking me an answer to climate change or something like that, I don't know, but it's going to be compliant with all flood requirements, it's going to...the topography that it's on right now is evaluated and engineered to be, you know, safe and properly placed in the resort district in the urban zone. A lot of these things aren't satisfying, and these answers will not go to address the emotional concern of a lot of people, but it's...

Ms. Cox: Yeah, I guess what I would point out is that although yes, the landfill's in trouble, yes, Kapa'a's...I mean a lot of the island is in trouble. But I guess I would hope as we move forward that we are making sure whatever new things we do, are trying to respond to the fact that climate change is going to occur, and that's why I was asking that. Thank you.

Mr. Trask: Agreed. Yeah.

Chair DeGracia: Commissioners, any further questions? The applicant or Department. If not, commissioners, the action before us is a motion to receive the annual report.

Ms. Streufert: I move to receive the annual report.

Ms. Apisa: Second.

Chair DeGracia: Commissioners, motion on the floor is to receive the annual report. Any discussion before we take a vote? If not, could we get a roll call vote, Mr. Clerk?

Mr. Hull: Roll call. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 5:0.

Chair DeGracia: Thank you.

Mr. Hull: With that, we have no remaining agenda items. We go into Announcements.

## **ANNOUNCEMENTS**

### Topics for Future Meetings

Mr. Hull: We have one remaining anticipated meeting for November 14<sup>th</sup>, 2023. At this point with the submittals that we have we don't anticipate a December meeting, but we will keep you posted if we get any submittals in a timely manner that necessitates a December meeting. Upcoming on the November meeting, I believe there are four SMA permits, they're all Special Management Area Use Permits. Two of them are single-family dwellings, and we have other proposed operations. Not necessarily a light agenda, but that probably will round out the year, again, unless we see submittals that necessitate scheduling a December meeting.

Mr. Ako: I'm sorry, the anticipation was to have one November meeting, the 14th?

Mr. Hull: Correct.

Chair DeGracia: Nothing further. I'll entertain a motion to adjourn.

Ms. Cox: I move we adjourn.

Ms. Streufert: Second.

Chair DeGracia: Motion on the floor is to adjourn, we'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose? Motion carries. 5:0.

Chair DeGracia adjourned the meeting at 12:13 p.m.



Respectfully submitted by:

*Lisa Oyama*

Lisa Oyama,  
Commission Support Clerk

Approved as circulated (March 12, 2024 meeting).

Approved as amended. See minutes of \_\_\_\_\_ meeting.