[redacted]

From: greg@hokuwatersports.com
Sent: Wednesday, November 18, 2026 1:54 PM
To: Council Testimony
Subject: Resolution 2026-47
Attachments: Poipu Road Parking Business Support Testimony.docx

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

I am attaching a letter that states our opposition to the proposed removal of public parking along Po'ipu Rd. as shown in Resolution No. 2026-47.

Aloha & kind regards,
Greg Davis

808.639.9333

November 19, 2026

Members of the Kaua'i County Council

Re: November 25, 2026 Council Meeting — Resolution No. 2026-47, Po'ipū Road Parking

Aloha Council members,

I am writing on behalf of Hoku Water Sports to oppose the proposed no-parking zone along Po'ipū Road near Little Fish Coffee and the Po'ipū Beach Athletic Club. We support maintaining parking on this stretch for beach access, nearby small businesses, and the people who work here.

Guests that visit our establishment will often need to park in the Po'ipu Rd. parking areas due to limited public parking at the Marriott Waiohai Resort and the Ko'a Kea Resort. Our employees will either park in this area or at the public parking lot next to Po'ipu Beach Park and Marriott Resort. This current parking area on Po'ipu Rd. is much needed.

We understand that discussions took place in 2019–2020, and while we cannot speak for the participants in those discussions, we would like the Council to hear our position today. Our support for retaining parking should be considered alongside the needs and experiences of other businesses and residents who use this area.

We welcome the planned road and pedestrian safety improvements. We also believe useful public parking should remain part of the solution. Removing these spaces without a workable alternative would overlook the access needs of the community this project serves.

We respectfully ask the Council not to establish the proposed no-parking zone on this stretch of Po'ipū Road and to pursue a design that maintains parking safely alongside the planned improvements.

Mahalo for considering our testimony.



Greg Davis - President
Hoku Water Sports
Ph: 808-639-9333 email: greg@hokuwatersports.com

[redacted]

From: greg@hokuwatersports.com
Sent: Wednesday, November 18, 2026 1:59 PM
To: Council Testimony
Subject: Resolution 2026-47
Attachments: Poipu Road Parking Business Support Testimony.docx

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

I have attached a copy of a letter in opposition to Resolution 2026-47.

Aloha & kind regards,
Greg Davis



808.639.9333

November 19, 2026

Members of the Kaua'i County Council

Re: November 25, 2026 Council Meeting — Resolution No. 2026-47, Po'ipū Road Parking

Aloha Council members,

I am writing on behalf of Hoku Water Sports to oppose the proposed no-parking zone along Po'ipū Road near Little Fish Coffee and the Po'ipū Beach Athletic Club. We support maintaining parking on this stretch for beach access, nearby small businesses, and the people who work here.

Guests that visit our establishment will often need to park in the Po'ipu Rd. parking areas due to limited public parking at the Marriott Waiohai Resort and the Ko'a Kea Resort. Our employees will either park in this area or at the public parking lot next to Po'ipu Beach Park and Marriott Resort. This current parking area on Po'ipu Rd. is much needed.

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We respectfully ask the Council not to establish the proposed no-parking zone on this stretch of Po'ipū Road and to pursue a design that maintains parking safely alongside the planned improvements.

Mahalo for considering our testimony.



Greg Davis - President
Hoku Water Sports
Ph: 808-639-9333 email: greg@hokuwatersports.com

[redacted]

From: Larry Cuprys <larry@cuprys.com>
Sent: Thursday, November 19, 2026 11:43 AM
To: Council Testimony
Subject: Resolution No. 2026-47

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Kauai County Council,

This email is to voice my disagreement with the proposed resolution to discontinue parking along Poi'pū Rd. near the Poi'pū Beach Athletic Club. These parking spaces are an important asset to locals who use the beach and patronize local establishments. If any change is needed in that area, I suggest a crosswalk to allow safe access to the makai side of the road.

Thank you for your consideration.

Larry Cuprys
Kapa'a, HI

[redacted]

From: G. Alan Williams <galanwilliams@gmail.com>
Sent: Friday, November 20, 2026 1:44 PM
To: Council Testimony
Subject: November 25 Council Meeting | Opposition to Resolution No. 2026-47

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Council Chair and Members of the Kaua'i County Council,

I am writing as a Kaua'i resident to respectfully oppose Resolution No. 2026-47 as drafted, specifically the no-parking zone on the north side of Po'ipū Road near Little Fish Coffee and the Po'ipū Beach Athletic Club.

I use this parking myself. When I am on the South Shore, I park along this stretch to stop at Little Fish Coffee, a small local business with very little parking of its own. The same shoulder serves beachgoers, people who work in Po'ipū, customers of local shops, and people walking the southern end of the Hapa Trail. In a recent aerial image of just a few hundred yards of this stretch, I counted at least a dozen cars parked on the north shoulder.

That parking does not disappear when it is prohibited. It moves, most likely to Po'ipū Beach Park and nearby neighborhood streets, which are often full by mid-morning already. Removing these spaces would make it harder for residents to reach the beach, harder for small businesses to keep their customers, and worse for an area that already cannot absorb the cars it has.

I understand the Department of Public Works' goal is safety and mobility, and I support that goal. But the resolution does not explain what specific problem removing the north-side parking would solve. I respectfully ask: what is the safety concern on this stretch, and could it be addressed while keeping these spaces available?

The County's own Po'ipū Road Safety and Mobility Project includes "on-street parking improvements at select locations" and the construction of parking stalls. Rather than banning parking on the north shoulder, which is already County right-of-way, I ask that the County build defined parking there, set back from the travel and bike lanes with a single marked entry and exit. That would solve the safety problem of cars pulling in and out along the road while keeping the spaces our community uses.

This resolution was deferred in 2022 and again on November 12. I ask that you defer it again, or amend it to remove the north-side zone near Little Fish Coffee and the Athletic Club, until formal parking on that shoulder has been considered.

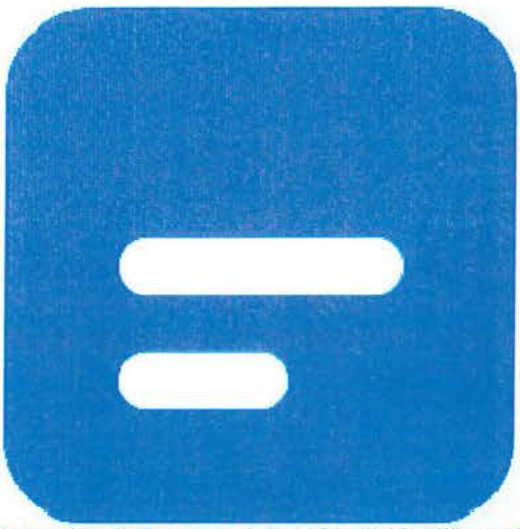
Mahalo for your service and for considering my testimony.

G. Alan Williams
808-855-8556
Kaua'i resident

[redacted]

From: Benny Broyles <barnonebenny@gmail.com>
Sent: Friday, November 20, 2026 4:35 PM
To: Council Testimony

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.



Aloha Chair Rapozo, Vice-Chair Kuali'i, and Council Members,

[redacted]

From: Shantell San Agustin <kuuipo0877@gmail.com>
Sent: Friday, November 20, 2026 6:03 PM
To: Council Testimony
Subject: BILL# 3007

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

I am writing to please remember the People of Kaua'i especially the Westside who have taken in Mount Kekaha Landfill for many years. I have lived on island especially Westside for 50 years and endure health issues regarding the toxic fumes that carry over to our neighborhood and our young children. I have seen people pass because of medical issues so please moving forward think about the safety first f many and put your best foot forward for ONCE in God's hands we trust.

Mahalo!

[redacted]

From: Ade <turboboysandygirl@gmail.com>
Sent: Saturday, November 21, 2026 6:56 AM
To: Council Testimony
Subject: Final Hearing on Bill 3007

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Kaua'i County Council:

We send our 100% support for this bill that has been initiated by Fern. It is not surprising that she received the most votes from her constituents. Our family and friends also voted for the newly elected county council members and rely on them to bring this bill to fruition.

Ray and Adelaide Emura 🐾

Sent from my iPhone

[redacted]

From: Strength Studio Coaches <coach@strengthstudiokauai.com>
Sent: Saturday, November 21, 2026 11:56 AM
To: Council Testimony
Subject: November 25 Council Meeting | Opposition to Resolution No. 2026-47

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

To whom it may concern:

My name is Lauren Christ - I am a local businessowner and active member of the community. As a member of the Koloa Run Club, I want also to take this moment to THANK YOU profusely for the beginnings of the sidewalk construction which helps keep our pedestrians and runners safe!!

When the parking lots at Poipu Beach were flooded from Lowell and closed for multiple weeks, being able to park on Poipu Road ensured our running community could continue to meet weekly. To see this parking lot area on Poipu Road go away means a loss of critical public infrastructure that we rely on! To have to rely on a private parking lot such as the Poipu Shopping Center or PBAC lot was not a reliable option for us as businessowners need that space for their customers.

I urge the county to support a solution to the Resolution that protects and maintains good public infrastructure!

thank you for your consideration!
Lauren Christ
Koloa Resident

[redacted]

From: Dorothy Bekeart <dottiebekeart@gmail.com>
Sent: Saturday, November 21, 2026 1:02 PM
To: Council Testimony
Subject: Opposition to Resolution No. 2026-47/ November 25 Council meeting

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

I wish to go on record in opposition of the proposed ban on parking on the north side of Poʻipū Road near the Poʻipū Beach Athletic Club. While I don't use it myself, I have friends who rely on this parking for work, as there is no other public parking available in the area they can use. The possibility of losing that parking is causing them much anguish. We can have safe roads and crossings without giving up parking that the hard-working local people in our community rely on. If there are problems, surely other solutions can be found.

Dorothy Bekeart
4636 Iwaena Loop
Kapaa, HI 96746

[redacted]

From: Tom Austin <toma82649@gmail.com>
Sent: Saturday, November 21, 2026 1:40 PM
To: Council Testimony; Tom Austin
Subject: Camping fee

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

I'm pretty old (82), and I Think I value the dollar more than most people 😅, So I am shocked that the camping fee would be $100 per night. I feel that's way too much (and I didn't get the detail of whether or not that is per person/night or per "family"/night)!

Sure, camping is potentially enjoyable, but it's also task-filled, with Many time-consuming chores. So, it's also a part-time job and requires time spent erecting your housing (tent), Ideally over smooth-ish, dry ground, swatting mosquitoes and other bugs, trying to find the (clean?) bathrooms (& at night!), cooking over a "Campfire" for every meal, and if showers are even available, they are cold water showers to wash the dirt and sand off. Then you have to disassemble your tent and campsite and pack it all back into your transportation 😬

I think tourist campers will feel they are being Price-gouged and will NOT utilize the opportunity.

Try $50/night, or less ($29?)

Mahalo

[redacted]

From: Jas Ikeda <jasikeda808@gmail.com>
Sent: Sunday, November 22, 2026 9:14 AM
To: Council Testimony
Subject: Bill No. 3007

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

I am a Kauai resident in favor of Bill No. 3007. Please pass this bill and give Kekaha relief from any more trash. The island as a whole needs to help with carrying the opala of Kaua'i. No more for the west side please.

Mahalo,
Jasmine Ikeda

[redacted]

From: Nanea Lo <naneaclo@gmail.com>
Sent: Sunday, November 22, 2026 10:53 AM
To: Council Testimony
Subject: STRONG SUPPORT for Bill No. 3007 (Relating to Landfill Prohibited Sites)

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha e Chair Rapozo, Vice Chair Kuali'i, and Members of the Kaua'i County Council,

My name is Nanea Lo, and I am submitting this testimony in my personal capacity in **strong support of Bill No. 3007** on second and final reading.

For over seventy years, the Kekaha community and the Mānā Plain have carried the heavy burden of hosting Kaua'i's only landfill. Located in a culturally significant, environmentally sensitive coastal wetland area prone to flooding and tsunami inundation and containing an unlined Phase I section that predates modern environmental standards the Kekaha Landfill has long posed risks to surrounding ecosystems, nearshore waters, and the health of Westside residents.

Bill No. 3007 takes a common sense, preventative, and equitable approach to solid waste planning by prohibiting the County from constructing a new landfill within a six-mile radius of an active landfill or one that has accepted waste within the past thirty years. Passing this measure ensures that:

- **Environmental justice and equity are upheld:** No single community should be forced to bear the cumulative impacts of hosting multiple landfills concurrently or consecutively. Kekaha has done its part for generations, and it is time to ensure the community is not targeted again for a future facility.
- **Current operations remain protected:** Bill No. 3007 is carefully tailored so it does not close the existing Kekaha Landfill or prevent necessary modifications to maintain capacity while Kaua'i transitions to its next solid waste solution.
- **Responsible long-term planning is prioritized:** Making this commitment now prevents unnecessary public spending, land acquisition, or environmental review for a new Westside site, keeping the County focused on expediting a safer, more centrally located alternative such as Ma'alo.

When landfilling in Kekaha eventually comes to a close, our focus should be on land restoration, protecting cultural and natural resources, and investing in the well being of the surrounding community not starting the cycle all over again.

Appreciate yall's leadership in advancing fairness and environmental stewardship for Kaua'i. I respectfully urge the Council to pass **Bill No. 3007** on second and final reading.

me ke aloha 'āina,

--

Nanea Lo (*she/they/'o ia*) | Micro-influencer
Board Member | Hawai'i Workers Center
Advisory Council Member | Papahānaumokuākea Marine National Monument
(808)444-1229

LinkedIn

"***'A'ole 'ulu i loa'a i ka pōkole o ka lou***" - 'Ōlelo No'eau
No breadfruit can be reached when the picking stick is too short.
There can be no success without preparation.

Sign Up for HWC Newsletter
Support HWC Work
Follow on Instagram and Facebook

The Hawai'i Workers Center is a 501c(3) non-profit organization that envisions a Hawai'i in which all workers are empowered to exercise their right to organize for their social, economic and political well-being.



[redacted]

From: Brenda Jose <brendajose808@gmail.com>
Sent: Sunday, November 22, 2026 9:19 PM
To: Council Testimony
Subject: Kekaha Landfille
Attachments: Kekaha Landfill Testimony 6.24.2026.docx

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Please accept this.

Get Outlook for iOS

Oral testimony:

Aloha and good evening, for the record, my name is Brenda Kehaulani Sialana Jose and I am a lifelong resident of 7938 Elepaio Road, Kekaha where my family has lived on the same piece of land for four generations. I will be 61 years old next month and for my entire life, I have lived with a DUMP in my backyard. Sadly, since 1953 and 6 expansions later, we are having the same conversation.

If Kauai expects to survive in safety, peace and harmony, there will be ABSOLUTELY NO EXPANSION OF ANY KIND TO THE KEKAHA LANDFILL, vertical, horizontal, or otherwise. The Kekaha Landfill Cell 3 Vertical Expansion Project will be the tipping point for waste collection on our island. It will contribute to an environmental disaster far more costly than any government entity is willing to admit. The County can no longer provide safe and reliable waste disposal services at the existing site and the priority of the County and our leadership should be to FINISH the plan for a NEW long-term landfill facility and STOP taking advantage of the Kekaha people. It's time to RESPECT KEKAHA, we have carried this kūleana for far too long!

Since an EIS is required by law and that's the purpose of this meeting, I've submitted a list of MUST-HAVE items in my written testimony because two minutes is not enough time and I want to be mindful of everyone else's opportunity to testify.

In closing, the Kekaha Community is DONE being taken advantage of, we're DONE being disrespected. We DEMAND immediate action that is in FAVOR of the Kekaha Community and determined by the Kekaha Community so that Kekaha will no longer have to say that "they don't know what life is like without a dump in their backyard".

Thank you for your time and don't forget to REPECT KEKAHA!

Time: 1:52.14

Unedited writtenntestimony:

Aloha and good evening, for the record, my name is Brenda Kehaulani Sialana Jose and I am a lifelong resident of 7938 Elepaio Road, Kekaha where my family has lived on the same piece of land for four generations. Next month, I will be 61 years old and for my entire life, I have had a DUMP in backyard and anyone who has lived in Kekaha for the past 73 years (born in 1953 when the dump first opened) can sadly make that same claim.

Those who have participated in Landfill community discussions for decades know that I begin every testimony with the statement I just made. This is the last time that I'll be making that statement because if our island expects to survive in safety, peace and harmony, there will be ABSOLUTELY NO EXPANSION OF ANY KIND TO THE KEKAHA LANDFILL, vertical, horizontal, or otherwise. The Kekaha Landfill Cell 3 Vertical Expansion Project will be the tipping point for waste collection on our island. It will contribute to an environmental disaster far more costly than any government entity is willing to admit. The County can no longer provide safe and reliable waste disposal services at the Kekaha Landfill. The priority of the County and our leadership should be to FINISH the plan for a NEW long-term landfill facility and STOP taking advantage of the good graces of the Kekaha people. It's time to RESPECT KEKAHA, we have carried this kūleana for far too long!

I don't need an EIS report to tell me that the dump has negatively impacted our environment and our community, I just need to walk outside my door.

1. The beautiful yellow lacey kauna'oa that once graced our shoreline from small boat harbor to Polihale is no more.
2. The pueo who flew through my property every evening at dusk is no more.
3. The trash that litters our highways from vehicles driving to the dump now encourage baby pua'a to come out of hiding and find dinner on the side of the road. Risking their lives and the lives of drivers swerving to avoid them.
4. The insurmountable problem we have with flies in Kekaha is disgusting and best but also poses a great health hazard with transmitting disease.

But since an EIS is required by law, it must include the following items, whether required by law, or not:

1. A comprehensive study of fly populations and other vectors.
2. Evaluation of health and quality-of-life impacts of Kekaha residents to include one-on-one interviews, volunteer community surveys and partnering with local medical professionals to understand their concerns.
3. An assessment of cumulative impacts from the 73-years of landfill operations.
4. Consideration of environmental justice concerns for the Kekaha community.

In closing, there will be no more begging, no more pleading, no more friendly negotiations to discuss any type of expansion plan of the Kekaha Landfill. The Kekaha Community is DONE being taken advantage of, the Kekaha Community is DONE being disrespected. We DEMAND immediate action that is in FAVOR of the Kekaha Community, whatever that is determined to be, by the Kekaha Community. My hope is that residents of Kekaha will never have to say again, that "they don't know what life is like without a dump in their backyard".

Thank you for your time and don't forget to REPECT KEKAHA!

[redacted]

From: Yoddha Buddha Monk <yoddhabuddhamonk@gmail.com>
Sent: Monday, November 23, 2026 5:16 AM
To: Council Testimony
Subject: November 25 Council Meeting | Opposition to Resolution No. 2026-47

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Chair and Members of the Kauaʻi County Council,

As a longtime resident of Kauaʻi, I respectfully ask you to oppose Resolution No. 2026-47 as currently written, particularly the proposed removal of parking on the north side of Poʻipū Road near Little Fish Coffee and the Poʻipū Beach Athletic Club.

I love this island, and I appreciate efforts to keep it beautiful, welcoming, and safe. But beautification must also incorporate the everyday needs of the people who call Kauaʻi home. Accessible parking is part of that responsibility. It helps local people get to work, enjoy the beach, support businesses, and spend time with their families.

Over my years here, I have repeatedly watched changes presented as improvements leave local people feeling that their needs have become secondary to the visitor experience. It is painful to see a place become more polished while becoming less accessible to the community that gives it life.

Our quality of life deserves as much consideration as the appearance of our roads and resort areas. A beautiful Kauaʻi should be a place where residents can still comfortably live, work, and enjoy the island we love.

I hope the Council will speak clearly for the people of Kauaʻi and ensure that residents' needs carry at least as much weight as the interests of large corporations and the visitor industry. The parking in this location serves local people, and losing it would have consequences that deserve careful consideration.

I support safer roads and pedestrian crossings. Before removing parking, however, please explain the specific safety problems being addressed, consider alternatives that preserve access, and work with the people who depend on these spaces. If some removal is necessary, adequate replacement parking should be part of the plan.

Please oppose this resolution as written and seek a solution that protects both safety and community access. Caring for Kauaʻi means caring for the people who live here.

Mahalo for your service and for considering my testimony.

Joseph L. Moore
Kauaʻi resident

[redacted]

From: jkabuy@hawaii.rr.com
Sent: Monday, November 23, 2026 7:13 AM
To: Council Testimony
Subject: Testimony in strong support of Bill 3007

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Chair, Vice-Chair, and Committee Members,

My name is Jim K. Aana and I am a resident of Waimea. I am writing to express my **strong support for Bill 3007**, which would prevent Kaua'i County from unfairly and unjustly siting another landfill on the west side.

West side residents have lived with the burden of Kaua'i's *only landfill* for decades. Phase I was built before modern environmental standards, so it is completely unlined and hazardous to nearby beaches and recreational areas. Because of debris from Hurricane Iniki, Phase II reached capacity early and received fast-tracked approvals to expand. The landfill is located right along the coastline in an area prone to tsunamis, hurricanes, and coastal flooding, and the groundwater underneath the landfill is polluted. Noisy, polluting trash trucks drive up and down our roads day and night to deliver rubbish to our remote, rural community.

Bill 3007 would solidify the County's commitment to keep new landfills out of the west side and would urge the County to quickly proceed with building a new landfill elsewhere. This Bill is even more pressing in the wake of Hurricane Lowell, as the County once again faces challenges with disposing of hurricane debris. As a resident who has been living with a landfill in my front yard for years, I deserve certainty, not just lip service, that the County will no longer use my community as the whole island's dumping grounds. A central location on the island would be efficient and cost cutting.

Although there is a lot of work to do to solve Kaua'i's waste crisis, Bill 3007 will provide immediate relief and address one critical piece of the puzzle. I strongly support Bill 3007 and urge the County to find a new site and close the current Kekaha Landfill as quickly as possible.

Mahalo for the opportunity to testify.

Jim K. Aana

Waimea, Kauai

[redacted]

From: Roslyn Cummings <roslyncummings@ymail.com>
Sent: Monday, November 23, 2026 7:37 AM
To: COK County Attorney; Council Testimony; Council Members
Subject: Bill No. 3007; Kekaha Landfill Phase I and Phase II; proposed Cell 3 Vertical Expansion; proposed Ma'alo Landfill; 73 years of cumulative waste disposal; groundwater degradation; Crown Land law; original title; customary and traditional rights; neglige...

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

VERIFIED NOTICE OF 73 YEARS OF CUMULATIVE INJURIOUS EFFECTS (1953–2026), MATERIAL OBJECTION, COUNTY OF KAUA'I LIABILITY, AND DEMAND FOR GLOBAL CORRECTIVE ACTION

MA KE KAU — RULE OF LAW • LAW OF EVIDENCE • FACTS OF LAW • EQUAL APPLICATION OF LAW

TO: Kaua'i County Council; Office of the Mayor; Department of Public Works; Planning Department; Office of the County Attorney

NOTICE TO: State of Hawai'i Department of Health; Department of Land and Natural Resources; State Historic Preservation Division

FROM: Roslyn Nicole Manawaiākea Mālama mare Cummings, a Wahine Maoli, Na Kanaka, Ho'oilina of Hoa'aina of Mānā/Poki'ikauna/Kekaha/Kona Moku/Kaua'i Mokupuni, Ko Hawaii Pae ʻĀina

Po'o President, E Ola Kākou Hawai'i a waiwaiole also known as Roslyn Cummings

RE:

Aloha,

I submit this formal verified notice and demand for corrective action concerning the County of Kaua'i's documented waste-management operations, legislative decisions, and proposed landfill expansion.

This is not merely a statement of opposition.

It is a demand that the County address its own documentary evidence, identify the governing law, determine its compliance, and implement an enforceable solution to the cumulative burdens imposed upon Kekaha and the affected people, lands, waters, and resources.

The period under examination is 1953 through 2026 — 73 years of landfill operations and cumulative environmental burdens. This period is not an assertion that a violation occurred on every day of operation.

I request that this email be entered in full into the record for Bill 3007 and referred to the responsible agencies for the separate Cell 3 environmental review and existing landfill compliance proceedings.

I. COUNTY ADMISSIONS — THE EXISTING EVIDENTIARY RECORD

Finding 1 — The County acknowledges 73 years of waste disposal

Government source: County of Kaua'i, *Kekaha Landfill Cell 3 Vertical Expansion*, Project Site and Background.

The County states that Kekaha Landfill began operating in 1953, that Phase I accepted waste until October 1993, and that Phase I has no engineered bottom liner.

Source: Landfill Cell 3 Vertical Expansion



Landfill Cell 3 Vertical Expansion

Kekaha Municipal Solid Waste Landfill Proposed Cell 3 Vertical Expansion The County of Kaua'i, Department of Public Works, Solid Waste Division (County) proposes to develop Cell 3 to gain additional airspace capacity at the Kekaha Municipal Solid Was

Material legal issue: Whether the County has fulfilled all applicable continuing obligations concerning waste, groundwater protection, monitoring, closure, and corrective action.

Required cure: An independent Phase I investigation, an enforceable corrective-action determination, and a funded closure and restoration plan addressing existing waste—not only future waste placement.

Finding 2 — The County acknowledges significant environmental burdens

Government source: Kaua'i County Council, September 30, 2026 Meeting Minutes, printed pages 14–15, Councilmember Holland's explanation of Bill 3007.

Exact reference: PDF extracted lines 359–378.

The Councilmember stated that the proposed bill does not prevent Cell 3 or further modification of the existing landfill. She identified the environmental sensitivity of the Mānā Plain and described the landfill's acceptance of pesticide-contaminated soil, asbestos, disaster debris, and hazardous waste.

These statements establish that such matters were raised by a County official on the legislative record. The precise classifications, quantities, and compliance status of the accepted waste require confirmation from County records.

Source: https://www.kauai.gov/files/assets/public/v/1/county-council/documents/council-meetings/minutes/2026-09-30-council-meeting-minutes.pdf

Material legal issue: Whether known environmental burdens have been adequately evaluated and controlled under the applicable solid-waste permits, environmental-review requirements, and public-trust duties.

Required cure: A complete waste-stream accounting from available County records, evaluation of special-waste handling and disposal, and corrective action for any demonstrated noncompliance.

Finding 3 — Actual groundwater exceedances are documented

Government source: Geosyntec Consultants, *Third Quarter 2025 Groundwater and Leachate Monitoring Report*, prepared for County of Kaua'i, November 25, 2025.

Exact reference: Section 2.4, printed page 20, PDF extracted lines 757–775.

The report identifies:

- Dissolved arsenic exceeding MCL comparison values in MWI-2A, MWI-3A, and MWII-5.
- Nitrate exceeding MCL comparison values in MWII-5.
- Dissolved nickel exceeding EAL values in MWI-2A and MWI-3A.
- Dissolved selenium exceeding an EAL in MWII-5.
- Dissolved silver exceeding an EAL in MWII-7.
- Ammonia, total organic carbon, and other parameters exceeding statistical background limits in identified wells.

Source: https://www.kauai.gov/files/assets/public/v/1/public-works/solid-waste/documents/kekaha-q3-2025.pdf

These are actual analytical findings. An MCL or EAL comparison exceedance does not automatically establish a permit violation, an unsafe public drinking-water supply, or landfill causation.

Material legal issue: Whether the County has satisfied applicable assessment monitoring, source investigation, reporting, and corrective-action duties under HAR §11-58.1-16 and its operative permits.

Required cure: A well-by-well contaminant accounting, source-attribution findings, compliance determinations, and a funded response to any landfill-caused contamination requiring corrective action.

Finding 4 — The County's report identifies landfill-related geochemical effects

Government source: Same Q3 2025 monitoring report.

Exact reference: Section 2.4, printed pages 20–21, PDF extracted lines 776–798.

The report discusses alternative sources of arsenic, including naturally occurring minerals and agricultural chemicals. It also identifies reducing conditions associated with the landfill and methane generation as factors that can increase arsenic solubility in groundwater.

This is significant because a chemical may originate outside the landfill while landfill-related conditions affect its mobility.

Material legal issue: Whether landfill operations materially contribute to contaminant mobilization even where the original source of a substance is disputed.

Required cure: An independent geochemical investigation addressing the landfill's contribution to contaminant mobility, not merely whether the landfill originally introduced each substance.

Finding 5 — Groundwater movement toward the Pacific is documented

Government source: Q3 2025 monitoring report.

Exact reference: Section 2.3.1, printed page 10, PDF extracted lines 390–404.

The report identifies a generally southwest groundwater flow direction toward the Pacific beneath Phase I. It also identifies different conditions beneath northern Phase II, potentially affected by aquaculture pumping.

Material legal issue: Whether a complete contaminant transport assessment is required to evaluate potential coastal impacts and affected customary resources.

Required cure: A scientifically supported groundwater-to-coast investigation, including appropriate nearshore sampling and evaluation of contaminant pathways.

The claimant does not assert that this groundwater-flow evidence alone proves harmful marine contamination.

II. BILL 3007 — THE PROPOSAL DOES NOT REMEDY THE EXISTING BURDEN

The County Council's September 30, 2026 minutes establish that Bill 3007 was introduced to restrict new landfill siting.

Exact reference: Printed pages 13–15, PDF extracted lines 350–378.

The Councilmember expressly distinguished the restriction on new landfills from continued operation and modification of the existing Kekaha facility.

Therefore, Bill 3007 may prevent future concentration of new landfill sites while leaving existing waste, groundwater conditions, and the proposed Cell 3 expansion to separate processes.

The requested solution is to strengthen Bill 3007 through companion legislative and administrative actions, rather than confuse a new-site prohibition with environmental remediation.

I request that the Council:

1. Retain enforceable protection against additional new landfill siting within the proposed restricted area.
2. Adopt a companion resolution requiring a funded Kekaha restoration and corrective-action plan.
3. Require annual public reporting on landfill capacity, waste diversion, groundwater compliance, and closure progress.
4. Require applicable development approvals to account for foreseeable waste-generation impacts and lawful disposal capacity.

5. Establish measurable milestones for replacement infrastructure and the eventual closure of Kekaha.

III. CELL 3 — THE COUNTY'S PROPOSED ACTION MUST ADDRESS EXISTING INJURY

The County proposes relocating approximately 253,000 cubic yards of existing Phase I waste, installing an overliner and leachate collection system, and extending disposal capacity by approximately 1.4 million cubic yards.

Government source: County Cell 3 project webpage, sections titled *Proposed Cell 3 Vertical Expansion* and *Frequently Asked Questions*.

Material legal issue: Whether the proposed work adequately addresses the risks associated with excavating, moving, and reburying waste deposited over decades, and whether the environmental review satisfies HRS Chapter 343 and applicable environmental and cultural-protection duties.

Required cure:

- Complete waste characterization before excavation.
- Protective controls for workers and surrounding communities.
- Independent verification of liner and leachate-system performance.
- Monitoring for groundwater, air, stormwater, and relevant coastal pathways.
- Evaluation of alternatives, including additional removal or treatment of legacy waste where feasible.
- An enforceable closure and post-closure plan.
- Publicly available compliance reporting.

The County must distinguish measures protecting groundwater from **new Cell 3 waste** from measures remedying any contamination attributable to **existing Phase I waste**.

IV. HAWAIIAN KINGDOM LAW — ORIGINAL PROPERTY RIGHTS AND GOVERNMENTAL AUTHORITY

Hawaiian Kingdom law is law governing the creation and determination of rights arising under the law— property law, .

I invoke:

1839 Declaration of Rights: Protection of life, limb, and property.

1840 Constitution: The Kingdom's constitutional framework governing authority, land, and the rights of the people known as Na Kanaka not the Public, not the Native Hawaiian American Citizens. Na Kanaka the people.

December 10, 1845 Land Commission Act: Establishment of the process to quiet land titles.

1846 Land Commission principles: Principles governing adjudication of land claims.

1848 Māhele and June 7, 1848 Act: The legal division and classification of land interests, including Hawaiian Kingdom—Crown, Konohiki and Government Lands.

August 6, 1850 Kuleana Act: Rights and land-award processes applicable to hoa'aina.

1859 Civil Code: Applicable Kingdom property and civil-law provisions.

HRS §1-1, HRS 172-11, 172-12 and 7-1: Relevant legal continuity and protections recognized within the present statutory framework. Hawaiian Usage, Common Law, prior to 1893. Right of the original claimant the issue Patent enure to the benefit of its heirs ho'oilina. Right to access water, rights to access ancestral rights, right to clean water, and the right to practice our traditional customary practices.

- Because it was never repealed, that 1872 Kingdom law sits directly inside the modern Hawaii Revised Statutes.
- Under the legal doctrine attached to HRS § 172-12 (*6 H. 315*), an issued patent serves as legal proof that the government's underlying interest or commutation claim (*uku hoʻokuʻu*) over those boundaries is **extinguished** (*ua pau*). The government cannot come back later and claim a portion of the land within those patented boundaries.

A modern Tax Map Key does not independently constitute a Royal Patent, Land Commission Award, deed, or judgment quieting title.

The County must identify the actual original title and subsequent legally effective conveyances for the affected parcels.

I do not rely on the 1865 Crown Lands Act in this notice.

V. ORIGIN OF THE STATE AND COUNTY — EXACT GOVERNMENTAL ENACTMENTS

The County and State must account for the enactments through which they claim their authority.

1875 Reciprocity Treaty and 1887 supplementary convention: Their actual terms concern defined commercial and strategic arrangements and must not be substituted for an unrelated land conveyance.

1894 Republic Constitution, Article 95: The Republic's asserted reclassification of Crown and Government Lands as public lands.

1895 Land Act: The Republic's framework for administration and disposition of public lands.

1898 Newlands Resolution, 30 Stat. 750: The congressional joint resolution asserting annexation, rather than a ratified bilateral annexation treaty.

1900 Hawaiian Organic Act, 31 Stat. 141: The federal enactment establishing the territorial framework, including Section 56 concerning counties and Sections 73 and 91 concerning specified land and governmental matters.

1905 Territorial Act 39: The legislative act creating the County of Kaua'i and other counties within the territorial framework.

1959 Admission Act, Public Law 86-3: The enactment admitting Hawai'i as a state, including Section 5 governing specified public lands and trust purposes.

Present authority: Hawai'i Constitution Article VIII; HRS Chapter 46; Kaua'i County Charter; Kaua'i County Code; and applicable environmental and property laws.

The rule of law requires identification of both the original property interest and the subsequent authority affecting that interest.

Disagreement over the legality of annexation is preserved as a distinct legal question. It does not eliminate the need to establish a particular present property right and the governing law for the requested remedy.

VI. ARCHAEOLOGY, ANCESTRAL LAND, AND KA PA'AKAI

The April 1993 SHPD reconnaissance by Nancy A. McMahon identifies relevant Waimea and Kōke'e land history and references the 1874–1875 Crown Lands survey associated with J. N. Gay.

The report is a source for the broader land-history inquiry, not proof that archaeological sites within the landfill footprint were destroyed.

The County must identify its landfill-specific archaeological inventories, cultural assessments, historic-property determinations, and consultations.

Under Hawai'i Constitution Article XII, Section 7, and *Ka Pa'akai O Ka 'Āina v. Land Use Commission*, 94 Hawai'i 31, 7 P.3d 1068 (2000), applicable decisions must address:

Prong One: The protected cultural, historical, and natural resources and traditional and customary practices.

Prong Two: The extent of impairment caused by the governmental action.

Prong Three: Feasible measures to reasonably protect the practices.

Required cure: Complete the legally required analysis before applicable approvals, identify actual affected practitioners and resources, and adopt enforceable protective measures.

VII. NEGLIGENCE, PREJUDICE, TRESPASS, DEGRADATION, AND POTENTIAL LIABILITY — DOCUMENTED EVIDENCE OF 73 YEARS OF CUMULATIVE INJURIOUS EFFECTS (1953–2026)

The County of Kaua'i is placed on formal notice of the following legal issues, supported by **documented evidence contained in the County's own official records, groundwater monitoring reports, environmental assessments, and County Council proceedings.** The County's records establish its knowledge of documented environmental conditions and governmental decisions. These records must be examined under the rule of law, law of evidence, facts of law, and the equal application of law.

1. NEGLIGENCE — DOCUMENTED KNOWLEDGE AND CONTINUING DUTY

Documented evidence: The County's Cell 3 project description confirms that Kekaha Landfill commenced operations in 1953, that Phase I received waste through October 1993 without an engineered bottom liner, and that the County proposes further expansion.

Source: County of Kaua'i, *Kekaha Landfill Cell 3 Vertical Expansion*, "Project Site" and "Proposed Cell 3 Vertical Expansion."

The County's Q3 2025 groundwater monitoring report further documents chemical detections and exceedances of environmental comparison values.

Source: Geosyntec Consultants, *Third Quarter 2025 Groundwater and Leachate Monitoring Report*, Section 2.4, printed page 20.

Merits: These official records establish knowledge of the documented conditions. They are evidence relevant to foreseeability, continuing environmental responsibilities, and the County's subsequent decisions. Whether negligence is established requires application of the governing duty, breach, causation, and injury requirements to the evidence.

Required corrective action: Identify all applicable monitoring and corrective-action duties, determine compliance, investigate identified groundwater conditions, and implement remedies for established violations and attributable injuries.

2. TRANSGRESSION OF LAW — EQUAL APPLICATION OF GOVERNING LAW

Documented evidence: The County acknowledges the existing landfill's operating history and proposes further development through Cell 3.

Source: County Cell 3 project description, "Project Site," "Environmental Review Process," and "Frequently Asked Questions."

Merits: The County must demonstrate compliance with applicable Hawaiian Kingdom laws governing established property rights, Hawai'i constitutional protections, HRS Chapter 342H, HAR Chapter 11-58.1, HRS Chapter 343, and applicable permit conditions.

The issuance of a permit does not independently extinguish legally protected property rights.

Required corrective action: Identify the legal authority, applicable duties, compliance evidence, and any established violations for the existing landfill and proposed expansion. Correct identified noncompliance.

3. PREJUDICE — PROTECTION OF PERSONS AND CUSTOMARY RIGHTS

Documented evidence: The County acknowledges that Cell 3 requires environmental and cultural review, including a cultural impact assessment and archaeological review.

Source: County Cell 3 project description, "Environmental Review Process" and "Frequently Asked Questions — What environmental and cultural reviews will be completed?"

Merits: Under Hawai'i Constitution Article XII, Section 7, and *Ka Pa'akai O Ka 'Āina v. Land Use Commission*, 94 Hawai'i 31, 7 P.3d 1068 (2000), applicable governmental decisions must address the identification, impairment, and reasonable protection of traditional and customary practices.

The County must examine prejudice to nā kānaka ho'oilina, hoa'āina, kanaka maoli, and other affected persons where protected rights and legally required procedures are implicated.

Required corrective action: Complete legally sufficient cultural and archaeological assessments, identify affected practitioners and resources, and adopt enforceable protective measures before applicable approvals.

4. TRESPASS — CONTAMINANT MOVEMENT AND PROPERTY RIGHTS

Documented evidence: The County's groundwater monitoring report identifies groundwater movement generally southwest toward the Pacific beneath Phase I.

Source: Q3 2025 Groundwater and Leachate Monitoring Report, Section 2.3.1, printed page 10.

Merits: The documented groundwater movement requires examination of whether landfill-attributable contaminants have physically entered land subject to legally protected possessory interests without authorization.

The determination must address the affected property rights, actual intrusion, source attribution, and applicable law.

Required corrective action: Conduct contaminant-pathway investigations, identify affected properties, and prevent or remedy any established unauthorized intrusion.

5. ENVIRONMENTAL DEGRADATION — DOCUMENTED GROUNDWATER FINDINGS

Documented evidence: The County's Q3 2025 monitoring report identifies dissolved arsenic exceeding drinking-water MCL comparison values in MWI-2A, MWI-3A, and MWII-5; nitrate exceeding an MCL comparison value in MWII-5; and nickel, selenium, and silver exceeding specified environmental action levels in identified wells.

Source: Q3 2025 Groundwater and Leachate Monitoring Report, Section 2.4, printed page 20.

The report also discusses landfill-associated oxygen-depleted conditions and methane generation as factors that may increase arsenic solubility.

Source: Same report, Section 2.4, printed pages 20–21.

Merits: The monitoring findings are documented analytical evidence. The County must evaluate contaminant sources, applicable regulatory thresholds, the landfill's potential contribution to contaminant mobility, environmental consequences, and legally required corrective action.

Required corrective action: Establish an independent, scientifically supported groundwater investigation, determine whether regulatory violations or corrective-action triggers have occurred, and implement required remediation and monitoring.

6. UNLAWFUL TAKING — ORIGINAL TITLE AND GOVERNMENTAL AUTHORITY

Documented evidence: The County identifies the existing landfill within the Waimea Ahupua'a and Kona Moku and relies upon current parcel descriptions for its proposed expansion.

Source: County Cell 3 project description, "Project Site."

Merits: The County and State must account for original Hawaiian Kingdom land-title instruments, the 1848 Māhele, the June 7, 1848 Act distinguishing Crown and Government Lands, relevant Land Commission Awards and Royal Patents, and subsequent legally effective conveyances.

United States v. Fullard-Leo, 331 U.S. 256 (1947), recognizes the importance of Hawaiian law in determining land rights acquired under that system.

A Tax Map Key does not independently establish ownership or extinguish legally protected interests. Whether an unlawful taking occurred requires identification of the specific property right and governmental interference.

Required corrective action: Produce a parcel-specific chain-of-title determination from original instruments through present ownership and identify remedies for any established infringement.

7. FRAUD OR INTENTIONAL HARM — COUNTY DOCUMENTARY EVIDENCE OF KNOWLEDGE AND CONDUCT

Documented evidence: The County's own project description acknowledges the unlined Phase I landfill, its operating history, and the proposed relocation of existing waste. Its groundwater reports document environmental conditions and discuss potential landfill-related geochemical effects.

Sources: County Cell 3 project description, "Project Site" and "Frequently Asked Questions"; Q3 2025 Groundwater and Leachate Monitoring Report, Section 2.4, printed pages 20–21.

Merits: These governmental records constitute documented evidence of the conditions known to the County through its reporting and project-development processes.

The County's representations, decisions, and subsequent conduct must be examined to determine whether the evidence establishes knowing misrepresentation, actionable concealment, reckless disregard of legal duties, or intentional misconduct.

Knowledge and intent may be established through direct and circumstantial evidence. The documented environmental conditions and official decisions must be evaluated against the specific legal elements rather than dismissed without examination.

Required corrective action: Reconcile the County's public representations with its monitoring reports, project records, and agency communications. Correct material inaccuracies, disclose legally required information, and address any misconduct established by the evidence.

8. CUMULATIVE INJURIOUS EFFECTS — 1953 THROUGH 2026

Documented evidence: The County establishes that landfill operations began in 1953 and continue under successive phases. Its current proposal would extend disposal operations through additional vertical capacity.

Source: County Cell 3 project description, "Project Site," "Proposed Cell 3 Vertical Expansion," and "Frequently Asked Questions."

Merits: The 73-year operating period establishes the duration of activity requiring cumulative examination. It does not, by itself, establish 73 years of continuous unlawful conduct or injury.

The County must account for the cumulative effects of waste disposal, documented environmental conditions, landfill expansion, and other relevant activities on persons, property, ʻāina, wai, kai, and legally protected customary and traditional practices.

Required corrective action: Establish a comprehensive corrective-action and closure framework addressing existing conditions, future waste-management needs, environmental monitoring, protection of customary rights, and legally attributable injuries.

FORMAL DEMAND FOR ACCOUNTABILITY

The County's own official records constitute documentary evidence of its knowledge of recorded conditions and its continuing governmental decisions.

The County is therefore requested to identify the applicable legal duties, address the documented evidence, determine compliance and any resulting liability, and implement enforceable corrective measures.

The rule of law must be applied equally to the County of Kaua'i, the State of Hawai'i, private operators, developers, and all persons whose legally protected rights are affected.

VIII. GLOBAL SOLUTION — REQUIRED GOVERNMENTAL ACTION

I request that the County and responsible State agencies implement a coordinated corrective framework with the following outcomes.

1. Restoration of Kekaha: A funded, independently reviewed investigation and remediation for established landfill-caused impacts.

2. Protection of wai and kai: Monitoring, source attribution, and corrective action addressing groundwater and any proven coastal transport.

3. Protection of 'āina and customary practices: Parcel-specific title accounting, archaeological, environmental protection, and legally sufficient Ka Pa'akai findings.

4. Responsible development: A countywide waste-capacity accounting incorporated into applicable development and environmental-review decisions. Impacts of the county's permitting of development for the past 50 years.

5. Waste reduction: Measurable increases in source reduction, composting, reuse, recycling, and construction-waste diversion.

6. Replacement infrastructure: A realistic, publicly accountable schedule for alternative disposal capacity, with full environmental and cultural review of Ma'alo.

7. Closure and accountability: An enforceable transition plan for Kekaha, including post-closure monitoring, financial responsibility, independent verification, and annual reporting.

These remedies should be coordinated but must remain subject to the separate legal procedures governing legislation, permits, environmental review, and property rights.

IX. FORMAL OPPORTUNITY TO CURE

Within 30 calendar days of receipt, I request a written response identifying:

1. The County official responsible for coordinating the response.
2. Which findings in this notice the County accepts, disputes, or considers unresolved.
3. The governing legal and permit requirements applicable to each documented environmental condition.
4. The existing corrective actions and any additional actions proposed.
5. The status of a comprehensive Kekaha restoration and closure program.
6. The County's proposed companion measures to Bill 3007.
7. The responsible agencies and timetable for implementation.
8. The specific title, archaeological, and customary-rights determinations required for the affected projects.

This is an opportunity for lawful correction, not an assertion that failure to respond creates an automatic judgment or monetary debt.

X. PRESERVATION OF LIABILITY AND RIGHTS

Nothing in this notice constitutes consent to a disputed land disposition, release of an established property right, waiver of available remedies, or acceptance of a TMK as conclusive proof of title.

The claimant reserves all available administrative, equitable, property, and judicial remedies for violations established under applicable law.

The County is requested to preserve all relevant government records, including original title instruments, landfill permits, monitoring data, waste manifests, archaeological records, environmental studies, development projections, and corrective-action decisions.

The County and State are the custodians of their own records. I am identifying those records by official source, report section, page, and available extracted line reference. I request that the agencies retrieve and examine their complete records rather than requiring me to reproduce their files.

XI. REQUEST FOR ENTRY INTO THE OFFICIAL RECORD

I request that this email be accepted in full for Bill 3007, referred to the appropriate County and State agencies, and considered in the relevant environmental and permitting proceedings.

Please acknowledge receipt and identify the appropriate officials responsible for addressing the requested corrective measures.

The purpose is to obtain an enforceable, lawful, and comprehensive solution that protects persons, property, ʻāina, wai, kai, and traditional and customary practices

while ensuring Kaua'i has adequate and responsible waste-management infrastructure.

Ma ke kau — the rule of law must be applied equally.

Ho'i Oia'i'o,

Roslyn Cummings
a Wahine Maoli, Na Kanaka, Ho'oilina, Hoa'aina, Kanaka Maoli—President, E Ola Kākou Hawai'i

[redacted]

From: karen cook <karencook69@yahoo.com>
Sent: Monday, November 23, 2026 10:45 AM
To: Council Testimony
Subject: Camping cost

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

I am writing to say that I think about the proposed camping cost of $100 is absolutely ridiculous and shameful. While I still think $50 a night is too much it would be a lot better and still allow improvements to the campgrounds. Young people should be able to travel to Kauai and camp. Kauai should not be a place that a young person cannot come to, and that is what adding that kind of cost to camping would cause. I think Kauai is going way overboard with the charges to all of the tourist destinations (especially the Opaeka waterfall) but this is the most ridiculous one I've heard of. This Aina's not just for rich people.
Thank you for the action to this matter
Karen Cook
Sent from my iPhone

[redacted]

From: Lisa Davalos-Wade <lisa.davalos-wade@k12.hi.us>
Sent: Monday, November 23, 2026 11:02 AM
To: Council Testimony
Subject: Fwd: testimony - Bill 3007
Attachments: testimony 1.pdf; testimony 2.pdf; testimony 3.pdf; testimony 4.pdf; testimony 10.pdf; testimony 5.pdf; testimony 8.pdf; testimony 6.pdf; testimony 9.pdf; testimony 7.pdf; testimony 11.pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Chair Rapozo and Members of the Kauai County Council,
My name is Lisa Davalos and I teach Participation in Democracy at Waimea High School. We are excited to see that Bill 3007 has made it to the next step towards passage. My students testimony regarding Bill 3007 is attached.

Mahalo,
Lisa Davalos

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https://sites.google.com/k12.hi.us/davalos/mhh

This is a staff email account managed by Hawaii Department Of Education School District. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.

Aloha to the Members of the Kauai County Council,

My name is ZG and I am submitting this testimony in strong support of Bill 3007, which prevents the construction of a new landfill within a six-mile radius of an existing, operational landfill.

I am a resident of Kalaheo and a student at Waimea High School. My dad's family grew up in Kekaha, and I have family who lives there to this day. I am concerned about the possibility of a new landfill being constructed in Kekaha. Not only is the location fuel inefficient, but its close proximity to the ocean poses a major risk of pollution if a tidal wave makes landfall. This could negatively affect both marine and land animals. The new landfill should be constructed in a centralized location that is adequately distanced from the ocean. The land deserves a break after serving the entire island of Kauai for over 70 years.

Additionally, it is unfair that Kekaha residents must put up with the waste of the entire island. They should not have to do so a second time. No place nor people should have to carry this burden, especially not twice. Unfortunately, a new landfill must go somewhere, but that place should not be Kekaha.

For these reasons, I humbly endorse Bill 3007 out of deep consideration for the Kekaha and its people. I respectfully ask the members of Kauai County Council to do the same. Thank you for your time and the opportunity to share my testimony.

Sincerely,
ZG

Aloha Kaua'i County Council Members

My name is J.D, and I am a 16 year old student from Waimea Highschool in support of the 3007 Bill. Regarding Bill 3007–West Kauai has been treated as the dumping ground of Kauai for decades, and as a child who grew up on the west side, I want a cleaner and safer environment for the future of the West-side and the keiki. For the sustainability and safety of West-Kauai's future, Council members, I hope you consider the community and people of the West-side, as this bill will affect future generations, communities.

As a young person who has spent his entire life in the West-side, I want to see a cleaner and safer environment for our keiki people. And a community with extra protection or reinforcement into the current landfill so that any natural events like a flood or hurricane wouldn't cause any more damage.

I respectfully ask that you support the 3007 bill and consider about the people and keiki of West Kaua'i

Mahalo,

J.D

Aloha Kaua'i County Council Members,

My name is A.T., and as a student who was born and raised on the Westside of Kaua'i, I respectfully submit this testimony in strong support of Proposed Draft Bill No. 3007. As a young community member of West Kaua'i, I believe our community does not deserve the amount of trash that is brought upon us every day. This bill will help protect West Kaua'i and provide progress by preventing further environmental harm that will ultimately affect our future generations.

I support Proposed Bill No. 3007 because it prevents harmful pollutants from harming West Kauai's residents. Statistics show that residents who live in proximity to landfills pose a higher risk of developing respiratory issues. The physical health of our aina and people has been affected for decades because of this landfill. Passing this bill will help serve environmental justice for our aina and the people who reside in it.

Growing up in West Kaua'i, I have seen our air quality get even worse day by day–this could stem from the Kekaha landfill and other factors. Protecting our environment through Bill No. 3007 is essential in potentially reducing health risks for my 'ohana by improving our air quality. It will prioritize well-being for not only my 'ohana and me, but our whole community. Our community is special and tightly knit, but I hope that you council members will take a stand for our community like how we do with each other everyday.

Building on these points, I urge you, the Kaua'i County Council to support Proposed Draft Bill No. 3007. Our community has dealt with the burden of the landfill for far too long, and this bill will provide steps toward protecting what many call "home". It will provide environmental justice and safekeep the physical health of those who reside on the Westside of Kaua'i.

Mahalo for your time and the opportunity to take my testimony into consideration.

Sincerely,
A.T.

Aloha Chair and Members of the Kauai County Council.

My name is Wade Silva and I am submitting this testimony in support of Bill No.3007.

I was born and raised on the West side of Kauai, and I am a student at Waimea High school.
This community is more than simply where I'm from, It is my home. My roots are here, my family is here, and I have spent all my life seeing firsthand the strength, challenges, and change that Kekaha and the West of Kauai have experienced.

Because of my deep connection to Kekaha, I care extremely about decisions that impact our community, aina, families, and future of our community. I believe in the choice of the people who were born and raised here, and continue to work and serve our community and aina. We all have our responsibilities in our communities as we think about what is hurting our aina and people of Kekaha. We have to think about the future of our people of West Kauai if we don't do something now and what will it look like for our future families and children.

As a student and athlete that helps our around the community I see how decisions made within our county affects many families on the West side. Students and kids all over the island deserves to grow up on an island where we can all go out with clean environment so families and our communities can go out to beaches and places on the West side of Kauai not worrying about trash all over aina, getting sick or catching diseases from trash going into our oceans and drinking water. We have a responsibility to think how our community of Kekaha and West Kauai needs the help today but also what kind of Kauai we are setting our future Ohana and community with.

Our community and families of Kekaha shouldn't have to worry about their children's and families health and safety because the landfills keep growing and one day will infect our water. On the Westside of Kauai the beaches are the main thing we all love to go to from all over the island. Now imagine how our lives will change when the trash impacts our water and takes away a key part of our island. When the trash gets in our water then it will slowly get into our drinking water and cause diseases and get our community sick and might spread. Our ocean is a key part of our island. It's where we get our food like fishermen and divers, we all eat fish and if trash gets in our waters and into our fish we lose our food and make living way harder for families.

For those reasons, I respectfully stand in strong support of Bill No.3007. I ask the Kauai County Council to listen and hear out the Ohana's and citizens of Kekaha and West

Kauai and consider how the decision made today will affect the families and generations who will call Kauai home tomorrow.

Mahalo for the opportunity to share my testimony and for your service to the people of Kaua'i.

Sincerely,
Wade Silva

Aloha Chair Rapozo and other KOC members.

My name is E.R. and I am a junior at Waimea Highschool.
The bill I would like to address is Bill 3007. I would like to support this bill because it will not only affect us now in the present, but in the future as well. The landfill that we currently have in Kekaha is in a tsunami zone and should one ever hit us, all of that garbage would be scattered across the westside. With the current size of the Kekaha landfill, the time that would be required to clean up all of that trash could be several years, if not decades, which means that the next generation may not be able to enjoy all of the activities that the westside has to offer, because they need to clean up several tons of trash.

Mahalo for the opportunity to share my testimony.
Sincerely, E.R.

Hi my name is KM I am from Eleele Kaua'i, I respectfully would like to submit this testimony in support of proposal Bill 3007, This Bill will protect west aina, kai and wai from further environmental harm. I strongly support this bill because not only am I from the west side of Kaua'i but I'm sure others from this island no matter what "side" can see the harm that could happen if they add another dump to the west of Kaua'i which in this case is Kekaha. A really good reason is what if we have a severe weather event such as a tsunami? Where would all the trash go? It would affect everyone on the west side of Kaua'i houses. This is one of many of the problems that could happen. Weather is not the only problem but, why do they have to put it on the west side? To the people of the west side it makes them feel like their homes are being treated like trash. So please help the people of the west side.

Aloha Kaua'i County Council Members,

My initials are M.V.L. I'm from Kalaheo, Kaua'i, a Junior at Waimea High School. I am submitting this testimony in support of Bill No. 3007, which would help protect the West Side community from the placement of another landfill. I support this bill because I believe the people of the West Side, especially those living in Kekaha, have already done more than their fair share.

For decades, the only landfill on Kaua'i has been located in Kekaha. As the amount of waste continued to grow, the landfill was expanded, with layers upon layers of trash being added to an already heaping pile. Now that expansion is no longer considered a sufficient solution, the conversation has turned toward establishing a second landfill.

What I find difficult to understand is why the West Side continues to be considered when discussing where another landfill should go. We live on an island with limited land and resources, but that does not justify repeatedly placing the burden of our entire island's waste on the same community. The needs of the people should matter just as much as the needs of the island as a whole. Although benefits and compensation have been offered to residents of the West Side community, I do not believe that money or temporary benefits can make up for the long-term consequences of having to live near a landfill. The well-being of a community should never be something that can simply be compensated for. We should be looking at how to prevent burdens like these from continuing in the first place.

I ask the Council members to put themselves in the shoes of the people who live within Kekaha and the surrounding areas. How would you feel knowing that your community is home to the island's only landfill, and that could potentially turn into another? It is unfair to expect one side of the island to continue shouldering this responsibility. I urge the Council to support Bill No. 3007. The West Side community deserves to be heard and respected. The future of Kaua'i shouldn't come at the expense of the people who call the West Side home.

Mahalo for your time and consideration.

- M.V.L.

Bill 3007 Testimony

Aloha Chair and Council Members,

My name is R.G., I was born and raised on the West side of Kauai and I am writing to you about my strong support of Bill #3007.

I believe another landfill should not be built on the West Side of Kaua'i. Even though I don't live in Kekaha but in Eleele, the community has already carried the burden of being home to Kaua'i's landfill for many years. It is unfair to continue placing this responsibility on the same community when the entire island contributes to the waste.

Building another landfill in the same area could create even more environmental concerns, especially for our land, ocean, wildlife, and the people who live nearby. Our West Side community deserves to have a clean and healthy environment just like every other community on Kaua'i.

We should not have to keep sacrificing our land and natural resources to manage what was produced by the entire island. Instead the County should look into other locations and better long-term solutions for handling our garbage.

I hope the Council understands how important it is to protect the West Side and its people. We deserve to be treated fairly, and future generations deserve to enjoy a healthy environment. Please support Bill # 3007 and help prevent another landfill from being built near the existing Kekaha Landfill.

Mahalo for your time and consideration.

Aloha Chair Rapozo and members of the council:

My name is DA and I attend Waimea High School. I am 17 years old and I am from Hanapepe. I respectfully submit this testimony in strong support of the proposed draft Bill 3007, which would prohibit the construction of a new landfill within a 6-mile radius of an existing landfill.

Growing up and still growing up on the west side of Kauai, I frequently go to the beach and pass the Mana stretch. In the not so distant future I can envision the beautiful beaches engulfed in trash and the water in an unpleasant shade of brown. This would be due to the dump expanding and potentially multiplying. I strongly believe that the west side has fulfilled its Kuleana of hosting a dump.

This is why I am in favor of Bill 3007. To ensure that myself, the community, and even my kids can enjoy the beautiful aina. To ensure no more dumps will be on the west side.

Mahalo for this opportunity to share my testimony and your consideration.

Sincerely,
DA.

Aloha Kauai County Council Members,

My name is I.G and I have lived on the west side my whole life and I am still currently a student here today. I am submitting this testimony in support of Bill 3007 that there will be no dump able to be made within six miles of a dump that already exists. I think that is a good idea, not only because of things that may happen in the future but also because of our environment and the way that having too much of the dump in one area will impact it negatively.

While the environment will be negatively affected it is also important to remember that building another dump will not solve the problems the current dump has. Eventually this new dump will get too big and full. It's not stopping a problem, it's delaying it for future generations. And I don't think that's right.

I think we should work to find some new way of reducing our waste and making it eco friendly. I mean, one of the most important aspects of Hawaii is our ecosystem. And if there's trash flying all around it then that isn't healthy. For the people, plants and animals alike. And certainly not in a way that will preserve Hawaii's beauty for many years to come.

Mahao for your time and consideration,

I.G

M. R
Kalaheo, HI
96741
In Support of Bill 3007

Aloha Chair Rapozo and Members of the Kauai County Council,

My name is M. R, and I am submitting this testimony in strong support of Bill No. 3007,

I was born and raised in Kalaheo, and I am currently attending Waimea High in my Junior year. As a student that commutes to the West Side daily, I wouldn't like our already expanded landfill to be expanded again. Lots of my friends don't deserve what will happen to their home town if the landfill is expanded.

Kekaha has already fulfilled its kuleana to dispose of waste for the past 70 years. It is surely time for a different area of the island to bear the burden of a landfill and lift the burden off of Kekaha. I think a big reason they don't want another landfill is because they believe it would be unsightly and ruin touristy areas.

The proximity of our current landfill already goes against code as it is. The area of the landfill is considered a tsunami risk zone. We should be resourceful and expect the expansion to be a liability to Kekaha residents. It would be a tragedy if a tsunami washed the landfill into Kekaha. This can be prevented if we make the smart decision to prevent the expansion.

The actual soil the landfill sits on is also an environmental risk. The soil is so soft that some of the bacteria and waste water can seep into the Earth and eventually be flown into the ocean. Many native Hawaiian sea life could be endangered and spread diseases amongst those by Kekaha or the West Side. Personally I think the council is neglecting these risks because they simply don't care for the West Side because of its lower tourism rates.

Mahalo nui for your time and consideration

M.R
Kalaheo Resident and West Side Student

[redacted]

From: Teresa James <docjamesrn@gmail.com>
Sent: Monday, November 23, 2026 11:17 AM
To: Council Testimony
Subject: Resolution No. 2026-47

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Before the recent elections, I read all the interviews and political ads you council members provided. I think you were unanimous in voicing support for Kauai residents to have jobs and homes. This should include supporting small and local businesses who employ these people.

Resolution No. 2026-47 as currently written would negatively impact many local businesses along Poipu Rd. because their employees, as well as tourists wanting to access them, would have nowhere to park. Before you remove the current parking areas, you need to provide a safe alternative parking space for locals and visitors.

In reading this resolution, I cannot find a rationale for why it was suggested. Have there been accidents in this area or is it just someone's idea of a better aesthetic? As a resident here, I understand the importance of the tourism industry. But what good is it to destroy local businesses so tourists can drive faster along a pretty stretch of road? Shouldn't we encourage them to support local shops by enhancing access to them?

Please oppose this resolution and look for a better solution to whatever someone thinks the problem is with parking along this stretch of road.

Teresa James
Kauai Resident

[redacted]

From: Liz Hahn <liz@lauhala.com>
Sent: Monday, November 23, 2026 12:04 PM
To: Council Testimony
Subject: November 25 Council Meeting | Opposition to Resolution No. 2026-47

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Dear Kauai County Council,

I am writing to appeal to you to find a way to provide safe and reliable parking for the people working and serving in Poipu.

Thirteen years ago, my son Byron Hahn-Morin was among the many people employed in Poipu. He enjoyed his occupation as a cook for Red Salt at Koa Kea and was making steady progress in gourmet cooking, as well as advancing as a musician and Hawaiian entertainer. After enduring the challenges of looking for parking for his truck every day, he decided to purchase a motorcycle so that he could park close to his workplace. This decision served him well until November 13, 2013.

That night, after work he was riding home on a slick road around midnight when he crashed on a turn and did not survive. This event was a tragedy for my son and our family and friends. During his 21 years as a child of Kauai, he lived a full life. But could that life have been fuller and longer if our community had provided a safe place to park his truck while he was working?

Thirteen years later, the challenge of finding solutions to the parking situation in Poipu still remains. I pray that you will not pass this resolution so that at least temporary parking can be afforded our workers. I also pray that you, our County Council will strive to collaborate with landowners and stakeholders in Poipu to find a way to enable the smooth running of our businesses and services and the prosperity of our peoples.

Sincerely,

Elizabeth Hahn

808-482-0133

[redacted]

From: Bernard Makuaole <heleboy@live.com>
Sent: Monday, November 23, 2026 12:07 PM
To: Council Testimony
Subject: Support Bill No. 3007 at Wed. 11/25/2026

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Dear council members

My name is Bernard Kanahele Makuaole Jr,(Hele Boy) and I am a resident of Kekaha. I was born and raised in Kekaha and moved to the mainland as a young adult. I've recently returned home to take care of my mother, living in Kekaha for the past few years. I submit this testimony in strong support of Bill 3007.

The Kekaha landfill has been an eyesore since my youth. I always wondered why we, all the way on the west side, had to deal with most or all of the island's trash. What the County has always seen as an ideal spot for a dumping ground, even during its recent search for a new landfill site, I've only ever recognized as my home.

West side residents have lived with the burden of Kaua'i's *only landfill* for decades. Phase I was built before modern environmental standards were in place, so it is completely unlined and poses a hazard to nearby beaches and recreational areas. Because of debris from Hurricane Iniki, Phase II reached capacity early and received fast-tracked approvals to expand. The landfill is located right along the coastline in an area prone to tsunamis, hurricanes, and coastal flooding, and the groundwater beneath it is polluted. Noisy, polluting trash trucks drive up and down our roads day and night to deliver rubbish to our remote, rural community.

Bill 3007 would solidify the County's commitment to keep new landfills out of the west side and would urge the County to quickly proceed with building a new landfill elsewhere. This Bill is even more pressing in the wake of Hurricane Lowell, as the County once again faces challenges with disposing of hurricane debris. As a resident who has been living with a landfill in my front yard for years, I deserve certainty, not just lip service, that the County will no longer use my community as the whole island's dumping ground.

This bill provides West Kauai residents, especially us Kekaha residents, some peace of mind—that the County will not site another landfill in our backyard, recognizing that we have carried that burden for longer than my lifetime.

I strongly support Bill 3007 and urge the Council to pass this measure.

Sincerely,

Bernard Kanahele Makuaole Jr

[redacted]

From: Harley Broyles <hbroyles@earthjustice.org>
Sent: Monday, November 23, 2026 2:15 PM
To: Council Testimony
Cc: Kylie Wager Cruz; Julie Parks
Subject: Earthjustice Testimony in support of Bill 3007, 11/25/2026 Hearing
Attachments: 2026-11-25 Earthjustice Testimony RE Bill 3007.pdf

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

Please find attached Earthjustice's testimony on behalf of community groups Nā Kia'i Kai and Nā Kupa o Kaua'i in support of Bill 3007.

Mahalo nui,

Harley M. Broyles (*she/her*)
Associate Attorney
Earthjustice
850 Richards St., 4th Flr.
Honolulu, HI 96813
T: 808.599.2438
earthjustice.org

facebook.com/earthjustice
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EARTHJUSTICE

Via Electronic Mail

Attn: Kaua'i County Council
councilltestimony@kauai.gov

COUNCIL MEMBER MEL RAPOZO, CHAIR
COUNCIL MEMBER KIPUKAI KUALI'I, VICE CHAIR
KAUA'I COUNTY COUNCIL

Agenda Item L.4
TESTIMONY IN **STRONG SUPPORT** OF PROPOSED DRAFT BILL (No. 3007)
A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 7, KAUA'I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION RELATING TO LANDFILL PROHIBITED SITES

November 25, 2026, 8:30 a.m.
Council Chambers, Historic County Building
4396 Rice Street, Suite 201
Līhu'e, Kaua'i, Hawai'i 96766

Chair Rapozo, Vice Chair Kuali'i, and Council Members,

On behalf of community groups Nā Kia'i Kai and Nā Kupa o Kaua'i, Earthjustice submits this testimony in **strong support** of Proposed Draft Bill (No. 3007), a bill for an ordinance amending Chapter 21, Article 7, Kaua'i County Code 1987, as amended, by adding a new section relating to landfill prohibited sites. Nā Kia'i Kai is a community group established by West Kaua'i residents, including Native Hawaiian fishers and cultural practitioners, to protect West Kaua'i's coastal waters, community residents, and aquatic life from pollution. Nā Kupa o Kaua'i is a hui of Kaua'i residents, including Native Hawaiian Kekaha residents, seeking to end the environmental and cultural injustices from landfill operations in West Kaua'i.

Bill 3007 prohibits new landfills from being constructed within 6 miles of an existing landfill or a landfill that's been operational in the past 30 years. This means the west side, from Waimea to Polihale, would be off limits as the County continues its work to construct a new landfill on the island. The bill, thus, firmly commits the County to siting a new landfill elsewhere, reaffirming the County's current plans.

MID-PACIFIC 850 RICHARDS STREET, SUITE 400 HONOLULU, HI 96813
T: 808.599.2436 MPOFFICE@EARTHJUSTICE.ORG WWW.EARTHJUSTICE.ORG

I. BILL 3007 IS NECESSARY TO PROTECT THE ʻĀINA AND KEKAHA COMMUNITY AFTER YEARS OF EXPANDED OPERATIONS

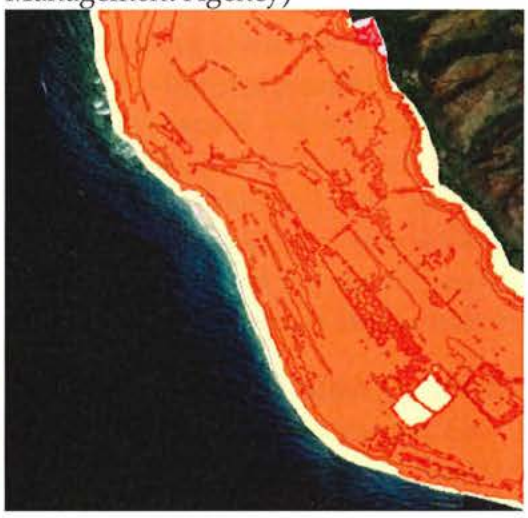
The Kekaha community has been burdened with hosting the island's *only* landfill for decades. Since opening in 1953, the Kekaha Landfill has been expanded several times, with the proposed Phase II expansion representing the landfill's greatest height increase to date, *i.e.* another 50+ feet above its current 120 feet of permitted capacity. The County is also proposing to expand the Kekaha Landfill laterally by piling rubbish on top of the makai Phase I portion, which was constructed with no liner, prior to modern environmental protection laws. These expansions are especially concerning because the landfill is located close to the shoreline in a low-elevation, former wetland area prone to heavy rains and other coastal hazards. Groundwater monitoring wells downgradient from both the unlined and lined portions are contaminated with elevated levels of arsenic.[1] Over the years, the landfill has been a dumping site for toxic substances, including pesticides, asbestos, disaster debris, and hazardous waste.

For years, the County has been working on siting a new landfill on Kauaʻi, which is a **priority solution for taking pressure off the Kekaha Landfill to withstand further expansions**. The County has considered several different locations for a new landfill, including one site on the Mānā Plain in the tsunami inundation zone.

Fig. 1. Existing Landfill and Previously Proposed Mānā Plain Landfill Site
(Source: Department of Public Works, County of Kauaʻi)



Fig. 2. West Kauaʻi Tsunami Inundation Zone
(Source: Hawai'i Emergency Management Agency)



[1] *See, e.g.*, Letter from State of Hawai'i Department of Health, Solid and Hazardous Waste Branch to County of Kauaʻi Department of Public Works, re: Kekaha Sanitary Landfill, Oct. 3, 2022.

After facing community opposition regarding the Mānā Plain site, the County has begun working on planning and permitting for the previously considered Ma'alo Road landfill site in Hanamā'ulu, which underwent an extensive community engagement and environmental review process through 2018.[2] While we are grateful that the current administration is working to construct a landfill outside of West Kaua'i, Bill 3007 is necessary to provide assurances to west side residents and prevent backtracking in the future, particularly as administrations change. **Bill 3007 would firmly commit the County to not constructing the island's next landfill on the west side from Waimea to Polihale, and would be a critical first step toward allowing the 'āina to recuperate from decades of piled-on waste.**

We note that nothing in this bill would prevent further dialogue, policies, and decision-making regarding the existing Kekaha Landfill. For example, we support exploring long-term solutions including: (1) continuing community benefits funding after the Kekaha Landfill closes, (2) relocating waste from the Phase I unlined portion to a new landfill, and (3) implementing alternative methods of waste disposal to reduce the amount of waste going to the landfill. Bill 3007, however, addresses the immediate question of where a new landfill could be sited. It is critical to set these ground rules now given that planning, permitting, and constructing a landfill can take ten years, and the County does not have time to waste on false starts.

II. BILL 3007 WOULD HELP TO ADDRESS A LONG HISTORY OF ENVIRONMENTAL INJUSTICES ON THE WEST SIDE

For more than a century, Kekaha and the surrounding areas in West Kaua'i have borne the brunt of the island's environmental and cultural injustices. Beginning in the late 1800s, sugar plantations filled and channelized the Mānā Plain—once home to a thriving network of wetlands and freshwater springs—to artificially lower the groundwater table and create dry land suitable for sugar cultivation. These dewatering efforts resulted in 40 miles of unlined drainage ditches, 2 pumping stations, and at least 6 ocean outfalls that span the Mānā Plain and the West Kaua'i coastline from Kekaha to Polihale. The sugar plantations also dammed and drained the Waimea River and its tributaries to irrigate their crops. This water pumping and water diversion infrastructure is still in operation today and has all but destroyed the complex stream, wetland, and reef ecosystems along West Kaua'i from mauka to makai.

After Kekaha Sugar Company—the last sugar plantation on Kaua'i—closed in 2000, it did little to clean up and remediate the land it had once occupied, leaving the soil and water contaminated with long-lasting pesticides like atrazine, and the Sugar Mill and related facilities and infrastructure left abandoned and deteriorating. Sediment samples from these sites have

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[2] County of Kaua'i Department of Public Works, Environmental Impact Statement Preparation Notice, Kekaha Municipal Solid Waste Landfill Cell 3 Vertical Expansion, at 7, 10-11 (June 2026).

shown elevated levels of arsenic, dioxins/furans, and mercury.[3] There are minimal barriers between this dilapidated infrastructure and nearby homes (including state elderly housing and a Department of Hawaiian Homelands affordable housing subdivision), a church, a Native Hawaiian charter school, drainage ditches leading to the ocean, and beaches.[4] The Sugar Mill site also contains eleven underground storage tanks, transformers, and capacitors that are suspected of releasing polychlorinated biphenyls and pulverized asbestos in buildings.[5]

With the end of the plantation era, the biotech industry quickly transformed West Kaua'i into ground zero for agrochemical operations. Restricted-use pesticide applications on the island and across the state remain substantially concentrated in West Kaua'i.

Meanwhile, a host of industrial uses have cropped up in and around Kekaha, including a gravel and asphalt plant (located on county lands), a county wastewater treatment plant, a sand and rock mining operation, and a U.S. Navy base that occupies a vast stretch of coastline.

Furthermore, the Kekaha-Waimea census tract is home to higher proportions of Native Hawaiians and Pacific Islanders and lower proportions of white people than the County as a whole.[6] The percentages of families and individuals living below the poverty line in Kekaha-Waimea are higher than the county averages.[7]

Siting a new landfill in West Kaua'i would perpetuate and deepen the environmental injustices that these largely Native Hawaiian, lower income communities have been enduring for many decades. Bill 3007, on the contrary, would help to prevent further harm.

In summary, Bill 3007 is an important and necessary step in addressing landfill and other environmental injustices concentrated on the west side. We appreciate the current administration's work to site a new landfill outside of West Kaua'i, mahalo Council Member Holland for introducing this bill, and urge the Council to firmly commit to protecting West Kaua'i from future landfills.

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[3] *See, e.g.*, County of Kaua'i Office of Economic Development, FY2021 US EPA Brownfield Community-Wide Assessment Grant Application for Kekaha, Kaua'i; U.S. Environmental Protection Agency Region 9, Site Reassessment Report, Kekaha Sugar Co., Ltd., EPA ID No.: HID000875203 (Sept. 2013).

[4] County of Kaua'i Office of Economic Development, FY2021 US EPA Brownfield Community-Wide Assessment Grant Application for Kekaha, Kaua'i.

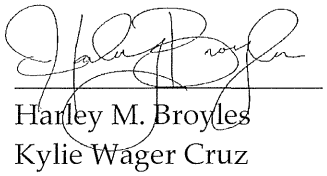
[5] *Id.*

[6] Department of Public Works, County of Kaua'i, Final Environmental Assessment for the Kekaha Municipal Landfill Phase II Vertical Expansion, at 3-50 & tbl. 3-2 (Feb. 23, 2024).

[7] *Id.*

Mahalo nui for the opportunity to submit testimony. Please don't hesitate to contact us if you have any questions, and we will be present at the November 25 hearing.

Respectfully submitted,



Harley M. Broyles
Kylie Wager Cruz
EARTHJUSTICE

[redacted]

From: Harley Broyles <hbroyles@earthjustice.org>
Sent: Monday, November 23, 2026 2:16 PM
To: Council Testimony
Cc: Kylie Wager Cruz; Julie Parks
Subject: Earthjustice Testimony in Support of Bill 3008, 11/25/2026 hearing
Attachments: 2026-11-25 EJ Testimony Bill 3008.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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Aloha,

Please find attached Earthjustice's testimony in support of Bill 3008.

Mahalo nui,

Harley M. Broyles (*she/her*)
Associate Attorney
Earthjustice
850 Richards St., 4th Flr.
Honolulu, HI 96813
T: 808.599.2438
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Via Electronic Mail

Attn: Kaua'i County Council
counciltestimony@kauai.gov

COUNCIL MEMBER MEL RAPOZO, CHAIR
COUNCIL MEMBER KIPUKAI KUALI'I, VICE CHAIR
KAUA'I COUNTY COUNCIL

Agenda Item L.5
TESTIMONY IN **SUPPORT** OF PROPOSED DRAFT BILL (No. 3008)
A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 9 OF THE KAUA'I COUNTY CODE 1987, RELATING TO REAL PROPERTY DEDICATED AS 'ĀINA KŪPUNA

November 25, 2026, 8:30 a.m.
Council Chambers, Historic County Building
4396 Rice Street, Suite 201
Līhu'e, Kaua'i, Hawai'i 96766

Chair Rapozo, Vice Chair Kuali'i, and Council Members,

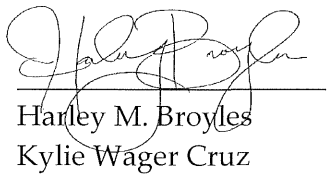
Earthjustice submits this testimony in **support** of Proposed Draft Bill (No. 3008), a bill for an ordinance amending Chapter 5A, Article 9, Kaua'i County Code 1987, as amended, to create an 'Āina Kūpuna dedication in Kaua'i County's real property tax law, allowing local families living on intergenerational lands to pay minimum real property tax, and making it easier for local families to remain in Hawai'i.

Hawai'i has suffered a long history of land dispossession and displacement, which has forced Native Hawaiians off their ancestral lands and local families to move away from lands they've called home for generations. And over time, with increasing cost burdens and the influx of luxury and second-home buyers, it has been harder for those born and raised in Hawai'i to stay in Hawai'i. Maui and Hawai'i counties have recognized this issue plaguing all of the Hawaiian Islands by passing similar measures, including tax exemptions and relief to reduce cost burdens for local families. Kaua'i should do the same.

This bill would help Kaua'i's local families, including Native Hawaiian families, cope with the rising cost of living in Hawai'i, allow lands to remain in the hands of families who have served as its caretakers for generations, and thereby preserve Kaua'i's cultural and historical heritage.

Mahalo nui for the opportunity to submit testimony.

Respectfully submitted,



Harley M. Broyles
Kylie Wager Cruz
EARTHJUSTICE