

PUBLIC HEARING

MARCH 23, 2022

A public hearing of the Council of the County of Kaua'i was called to order by Arryl Kaneshiro, Chair, Committee of the Whole, March 23, 2022, at 9:01 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Lihue, and the presence of the following was noted:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kualii
Honorable Arryl Kaneshiro

Committee Chair Kaneshiro: Please note that we will run today's meeting pursuant to the Governor David Y. Ige's Emergency Proclamation Related to COVID-19 (Omicron Variant) with the most recent relating to the Sunshine Law dated January 26, 2022.

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

"Bill No. 2848 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kaumumene (Hideaways Beach) Operating Budget – \$1,500,000.00*),"

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on February 23, 2022, and published in The Garden Island newspaper on March 3, 2022.

The following communication was received for the record:

1. Cummings, Roslyn, dated March 21, 2022

Pursuant to Governor David Y. Ige's Emergency Proclamation Related to COVID-19 (Omicron Variant) dated January 26, 2022, public testimony was taken at the beginning of the day and as follows:

Council Chair Kaneshiro: Is Roslyn Cummings on?

ROSLYN CUMMINGS (*via remote technology*): *Aloha kākou*, yes I am here.

Committee Chair Kaneshiro: Hi, Roslyn. You are here to testify on Bill No. 2848. You heard the instructions. You have a total of six (6) minutes. We have a light if you can see it. It is green. It will turn yellow when you have thirty (30) seconds, and red when your time is up. I will let you know when you have thirty (30) seconds so you can summarize if you need it. Go ahead with your testimony.

Ms. Cummings: I am sorry, I just got on. What agenda item are you on?

Committee Chair Kaneshiro: I have you down for the Hideaways beach access.

Ms. Cummings: Yes, that is the one. Is there a lawyer in this meeting?

Committee Chair Kaneshiro: We have our County Attorney who is on virtually.

Ms. Cummings: Okay, perfect. I will go ahead and start my six (6) minutes now. *Aloha kākou, ko'ū inoa* Roslyn Nicole Maunawaiakea. *Mālama mai* Cummings. I am married to a Cummings. *Noho mākou* Kalāheo *ahupua'a*. I am currently sitting in the Kalāheo *ahupua'a*. *He 'āina* Hawai'i. I am a Hawai'i. I would like to speak on behalf of this agenda meeting to bring forth the issues that are ongoing, not just for myself as a *Kānaka Maoli, wahine maoli*, but just for *kānaka* people in general. We all come from different backgrounds and have different experiences with this. I want the County to be aware...first of all I would you all to know that I tried E-mailing and contacting every single one of you as Members in regard to these access issues. As a cultural practitioner and someone who is very familiar with burials, you need to know that if we can have a common ground to protect these areas. One reason I am on here is because I am in protection of an area called Makahuena. Yes, we have access there, but currently there are ten (10) luxury homes coming up. I would like the public to know in the hope that you can help me and those willing to advocate in protection of the burial sites of none other than Kukona. Manōkalanipō's son is there as well. There is a large burial cave underground and so when I access that area, there is a walkway or pathway, but sometimes when I go there, there is a wall. On the other side of the wall is where the homes are coming up. There is an old *heiau* over there, so I have to do my prayers in that one area. Another one is Māhā'ulepū. I park my truck over at CJM Country Stables and I walk all the way down. I have seven (7) kids and they are all healthy. We can all walk. For me to carry my protocol with me and to go all the way down to Māhā'ulepū, because there is a *pū* over there that has other burials that will get affected with upcoming development again. All these development plans are

affecting not only my access as a *Kānaka Maoli*, our children, but the *kānaka* people, including fishermen, practitioners, and families in general. This is not just on the South Side area, but also on the North Shore. Sheraton is another area that we have burials all over that area. We have minimal parking. I literally have to wake up at 8:00 a.m. to drive down there and be down there no later than 9:00 a.m. to have access to park and walk in a place that is overflowed with people. I have nothing against tourism. I think the County really needs to take into consideration all of these agendas. I see a lot of it pertains to infrastructure. I get the part where you are getting funding to help with the infrastructure. Also, with this comes the red flag of development. I would like to speak on behalf of Kukui'ula when that one comes up. When it comes to public access, I took a lot of notes about this. For me, public, here in Hawai'i, is the *Kānaka Maoli* people. There is a law that requires you to make sure that we are taken care of. It does not make us any better than anyone else, but in Hawai'i, we are a little different from the United States of America as far as states go. Public trust is *Kānaka Maoli*. All of that land sits in trust for the *Kānaka Maoli* people. I want you to keep that in mind. It is a law. When it comes to access even places like Polihale. My grandfather is going to turn eighty (80) years old on Saturday. He can name every area, fishpond, river, stream, part of the *ahupua'a* on that side. I cannot take him for his birthday this weekend where we can camp and enjoy that area, because there is no public access. Why, because I am told that the road area is closed through the State. The County needs to work something out with *Kānaka Maoli* families like they did on the North Shore. What they are doing on the North Shore as far as preservation goes needs to happen across-the-board for our people. My husband, he works all the time and, on his days, off, he cannot enjoy his moments, because we have to get up really early to get to where we are going just to get a spot to enjoy our day before everybody else comes in. I am not asking for a miracle. I am just asking for some kind of a common ground where we can meet. The Kaua'i County, I see a triad or a pyramid. You sit pretty high up on that triad. You have every political power to help make changes for the betterment of our people. That is what I see in all of this. It is about sustainability, our access, our happiness, and our enjoyment. As the working class, I feel that we should be able to enjoy these places. I get it that Kōke'e is State land and the County has minimal say over that. All throughout across-the-board, north, south, east, and west, we are seeing a high amount of loss to our accesses. *Mahalo* for your time.

Committee Chair Kaneshiro: Thank you, Roslyn. I have one (1) follow-up question from Councilmember Cowden. I have a quick follow-up question. For that Hideaways beach access, are you in favor of us perpetuating that access down to the beach, right?

Ms. Cummings: Correct.

Committee Chair Kaneshiro: Okay, thanks. I have a clarifying question from Councilmember Cowden.

Councilmember Cowden: I had the same question as you. I just wanted to know whether you support what we are doing at Hideaways since that is directly what this is. Yes, okay.

Ms. Cummings: When it comes to Hideaways, how many of you know how many parking stalls leads to the access to Hideaways?

Councilmember Cowden: Not enough. There are about eight (8) or nine (9).

Ms. Cummings: I counted ten (10). I went there recently to count. There are ten (10) parking stalls. I also did a little study. You have to be there at least by 8:00 a.m. if not, by 9:00 a.m. or 10:00 a.m., it all gets filled up.

Committee Chair Kaneshiro: I have a follow-up question from Council Vice Chair Chock.

Councilmember Chock: *Mahalo*, Roslyn. I think you answered my question. Your main concern and what you want us to advocate for is more parking to the access points, correct?

Ms. Cummings: Correct.

Councilmember Chock: Okay. *Mahalo nui*.

Committee Chair Kaneshiro: Are there any further questions from the Members? Roslyn, stay on. You wanted to testify on the Kukui'ula CFD, right?

Ms. Cummings: Yes, and I also wanted to talk about the infrastructure grant that you are requesting for the Kōloa area. That is what I wanted to talk about. Can I also ask, does this limit access if you wanted to take our horse down into these places? Do you know any stipulation of us being able to ride our horses down on what is called public access?

Committee Chair Kaneshiro: Regarding Hideaways, I do not know if anybody rode their horse down there before. I think you have to look at the safety of that. I do not believe it is a horse-access trail. I think it is more for pedestrians. I think it might be a little bit dangerous. In the past, it was really dangerous even for a pedestrian to walk down. That is why we are trying to perpetuate and maintain an improved access.

Ms. Cummings: Okay. If my son, who rides his horse everywhere wanted to tie his horse there and walk down, then that should be fine? I am just trying to figure out the limitations of what we have available to access these

places without having to drive. I am trying to make a point why driving and parking is important as well.

Committee Chair Kaneshiro: Okay. Note taken.

The hearing proceeded as follows:

(Written testimony was received and a registered speaker requested to testify regarding this agenda item.)

Committee Chair Kaneshiro: We received one (1) piece of written testimony and one (1) speaker this morning. Given that, this public hearing is now adjourned.

There being no further testimony on this matter, the public hearing adjourned at 9:03 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ks