

PUBLIC HEARING

JUNE 3, 2026

A public hearing of the Council of the County of Kaua'i was called to order by Mel Rapozo, Council Chair, on Wednesday, June 3, 2026, at 8:35 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Lihue, Kaua'i, and the presence of the following was noted:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Fern Holland
Honorable Arryl Kaneshiro
Honorable KipuKai Kualii
Honorable Mel Rapozo

Pursuant to Hawai'i Revised Statutes Section 92-9(a)(4), because a video recording of this meeting is available online, this is to provide a link to the video recording (valid as of the approval date of these minutes): https://kauai.granicus.com/player/clip/3091?view_id=2&redirect=true. Additionally, meeting videos are available at: www.kauai.gov/Government/Council/Webcast-Meetings.

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

“Resolution No. 2026-16 – RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR PUBLIC USE TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS TO ‘ALIOMANU BAY, ANAHOLA, COUNTY OF KAUAI, HAWAI‘I, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN,”

which was ordered to print by the Council of the County of Kaua'i on May 13, 2026, and published in The Garden Island newspaper on May 20, 2026.

Council Chair Rapozo: Are there any registered speakers or remote testimony?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: There are no registered speakers and no written testimony.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Come on up. You will have three (3) minutes to speak. The green light will start, the yellow light means you have thirty (30) seconds left, and the red light means that your time is up. You can come back for a second three (3) minutes. State your name for the record.

JOHN MARQUES: John Marques. The mechanic shop that...

Council Chair Rapozo: Mr. Marques, this is for the condemnation of the property...

Mr. Marques: I know, but the mechanic shop that is going to be at that place is not a good outcome.

Council Chair Rapozo: You can testify on that when we get to the Budget item. This is for the public hearing for the condemnation of land in 'Aliomanu.

Mr. Marques: I have got a lot of things to say.

Council Chair Rapozo: It has to be pertaining to the 'Aliomanu land.

Mr. Marques: The Kalāheo Recreation Center—that place is a disaster. That place is hot. Why do you have to have to wear socks in a place like that for that event...whatever that event was this past weekend? It is not very good. You cannot drink anything in there. It is not good.

Council Chair Rapozo: I am sorry, because of the agenda posting, we can only talk about what is on the agenda. On the agenda today is on the purchase...

Mr. Marques: I know, but I am just telling you about...

Council Chair Rapozo: Yes, I know but I cannot let you talk about that because of the Sunshine Law. You can come up later when we bring up the Budget. I am sorry about that. How many people are here to testify on this today.

SHAYLYN KEHAUNANI ORNELLAS: *Aloha kakahiaka kākou. O Shaylyn Kahaunani Ornellas ko'u inoa. Wailuanui ho'āno mai au.* I apologize I am *ma'i* today. I just wanted to take a moment to explain to you how we got here. I am thrilled. I chaired the Public Access, Open Space, Natural Resource Preservation Fund Commission. I am the longest serving member on that commission. I am so happy that we are here today. I will give a little bit of historical background. This issue came to light many years ago when I was substituting at Kanuikapono Public Charter School. I did not have any children at home and so I decided to jump back into teaching after I left full-time teaching years before. It really saddened me to see

our *haumana* with their backpacks on their heads walking through the stream to get to the living classroom where they could study with Nalani and learn about *limu*, the reef, and the ecosystem that exists out there in ‘Aliomanu. Some of our little kindergarteners could not even...they are little...to hoist this backpack lunch...it just troubled me so deeply. When Nalani brought the issue to us, it just seems right. There has been, in the course of this journey, I believe three (3) landowners—willing and then not willing. It has been just a rollercoaster ride for us. I am really hopeful that we can take this to the finish line. There are thousands of students, visitors, and citizens of this ‘āina who benefit from the Hosea Lovell Foundation and the work that they do out there on the ‘āpapa. I fully support this Resolution so that we can go after this piece of property and we do not need to see our *keiki* and *kūpuna* walking in the stream anymore. I thank you so much for your support of this Resolution and *mahalo* for your time.

Council Chair Rapozo: Thank you and thank you for your work on the commission as well. Is there anyone else?

NALANI KANEAKUA: Good morning. Aloha Chair and Councilmembers. My name is Nalani Kaneakua. I am a lineal descendant of the Anahola Village, Anahola, Kaua‘i, also the president of the Hosea Lovell Foundation, and the program director for the Ko‘olau Limu Project. I did want to make a note. When I looked on the acquisition it says, “‘Aliomanu, Anahola.” ‘Aliomanu is a land division—one (1) of ten (10) in the district of Ko‘olau. That *ahupua‘a* is not a part of Anahola—I just wanted to clear that up. It is really small. It is one of the most...I think that only five hundred (500) acres is occupied by maybe one thousand two hundred (1,200) residents. It used to also be farmland. I do not know when it became a destination for Transient Vacation Rentals (TVRs). Excuse me?

Council Chair Rapozo: No. Go ahead.

Ms. Kaneakua: *Kalamai*. When that happened, a lot of our cultural practices diminished rapidly—when all of the homes along the coast were being built. We have used that area all our lives for gathering, for food, cultural practices, medicinal use, harvesting *limu*, and many other things. Some of the best memories came from fishing in that area...*paipai*. My dad had a *kāka* line. I did want to share some of the work that we have been doing in using that space. I value your time and others that are going to speak. This is what it looks like out there every time that we have a program. We have a handful—sometimes, up to fifty (50) students. They come and they learn about the area. They learn about conservation. They see erosion. They see that we cannot have access. They see no trespassing signs. They see “keep out”, “stay out”, etcetera, when all we really want to do is get the kids out there to learn about their culture and to learn about the area. Many of these kids have never collect marine debris, thank you very much, and create something out of it—something fun. Many of these children have never been on the

reef—ever. So, it is an experience for them when they get out there. That is the stream that we are talking about. One stream that feeds this entire bay area. It is very important that stream continues to flow to nourish the ocean.

Council Chair Rapozo: How many others are going to testify?

Ms. Kaneakua: I am going to “jam” really quick.

Council Chair Rapozo: If there are no objections, I am going to have her next three (3) minutes so that she can finish her presentation. Okay, go ahead.

Ms. Kaneakua: Thank you so much. We do *limu* presses, identify, and taste *limu*. We have women who are *lā‘au* practitioners. We have a variety—a range to include high school students. This is the area that we are talking about. Sometimes it is open depending upon the stream flow and depending upon the “king tides.” These are the kids in the water. They are cleaning our *limu* cages. This is my granddaughter who has to come with me. Again, these are visitors from Tahiti. I could go on and on. This is an activity that is very popular where they make *lei limu* and they get to wrap it around a *pohaku*. Groups come, they give an ‘*oli*, *mele*, or even say whatever they want to say. They get to go in the water and they get to plant. They plant *limu*. This is what the *lei* looks like. Again, we are right at the stream. We have brought thousands and thousands of people of all ages. We have held summer programs there to teach our *keiki* and even *kūpuna* who have not been back to that space. It is an ancestral awakening for them. When the *kūpuna* get there, are looking at the *limu*, and smelling the *limu*—they cry because that is what it means to them. We do not want to lose this. We want our *keiki* to come and see this place that their *kūpuna* want to walk through, get on the *āpapa*, to touch *limu*, and I support the acquisition to acquire through condemnation for this access that we can continue to provide this living classroom. This is really what it is for our future. We have got *hālau*—*keiki hula*, *kāne*. We have had Kumu Leina‘ala Pavao Jardin’s group. We have had summer programs. This is amazing. I wanted you to see this. This *limu* right here is called *limu ‘ele‘ele*. When we first started a three-week program, I noticed it. It was six (6) inches. The kids asked, “*Kumu*, what is this?” I said to them, “This is a green *limu* which is older than all of us put together.” It is one of the first *limu* ever put. If you look at the Kumulipo, if you are familiar with this, it was born. In three (3) weeks, we measured it, it had grown to sixty (60) inches. We could not believe what we were witnessing. I was just blown away. It was super thick. The water got clear. This is like the filter between the stream and the ocean. It cleans out the water. This *limu* was trying to get to the ocean. It had about another ten (10) yards. It was literally trying to get to the ocean and do their job in filtering the stream before it gets to the ocean. This was something really amazing. Some of the areas that we have to scale the side when we were being blocked off and groups that came through. I want to thank you so much for your time. *Mahalo nui. Aloha.*

Council Chair Rapozo: Thank you.

The public hearing was in recess from 8:50 a.m. to 9:05 a.m. for technical difficulties.

Council Chair Rapozo: Please restart Mr. Lidner's time.

JEFF LINDNER: Jeff Lindner, for the record. *Aloha* Councilmembers. You can see the map. It would have been nice to see a plan. It has been ten (10) years, and they are ready to do it. It would have been nice to see how they would do it. You can see there is...it just says "ten (10) foot," but see the ten (10) feet will go along right here. I guess in terms of parking is another question. It is not that I am not supporting the condemnation. That is fine. I would like to save you some money, maybe. I have lived there for forty (40) years, and no one has ever stopped me from going through there. I do not think you can condemn if someone lets you go through the property. Before you spend a lot of money doing it...and the thing is that it is already there and everyone can already go through it. Are you getting it?

Council Chair Rapozo: Does he have a pointer?

Mr. Lindner: This is the map and you can see the bridge was right there. The top of the last parcel on the right with the blue around it is where the road stops. They have all of this. That road is the County's road. I thought it would be good for people to see that. That should have been included. To also explain that the ten (10) feet is along the river on the north. If you are looking at it you have the other side and the road ends there, too. The thing is, have people complained about not being able to go through there? Oh, people have been told not to? Okay. Really? It is documented, okay. I am just saying that you can also get a use of it...an indefinite use with an agreement. People are using it. Okay. I think there is an agreement. Are you saying that people should not be using it now? Okay.

Council Chair Rapozo: This public hearing is just one-sided and just for clarification, the reason this condemnation is moving forward is because they have been unable to get an agreement. That is the reason.

Mr. Lindner: Okay. Then I would say that on the parking—someone should address the parking because that is an issue, too. Okay.

Council Chair Rapozo: Got it. Okay, thank you.

LONNIE SYKOS: For the record, Lonnie Sykos. I am in support of this because I think back to the late 1970s and 1980s when the public turned out en masse over the fifteen (15) years or so—hundreds of thousands of people in Hawai'i—turned out for beach access. I lived on Maui at the time. It was huge. We

would get ten thousand (10,000) people show up as the beach access was attempting to be blocked by resort development and parking lot expansions. Hawai'i State...I do not remember when it was...in the late 1970s or early to mid-1980s maybe...the Hawai'i State Supreme Court ruled that Hawaiians have a right of access to their natural resources. The constitution, by forbidding discrimination based on place of origin and ethnicity, that applies to everyone. Everyone in the State of Hawai'i has the right of access for cultural reasons—fishing. I was born in Oklahoma. I have a right to go fishing. I am grateful that the Hawaiian community did not sue us, which we are certainly liable for a lawsuit regarding the access to the ocean. I would guess that this condemnation procedure is a less expensive way to go about this than it would be to go to trial over civil rights violations, basically. I am totally in support of this. I would just make the observation that I question the County's negotiating with the landowner. I know people in shoreline conservation organizations that say the owner of the property is very involved in environmental issues. I do not know...offer to name the trail after them. Whatever their name is—memorial trail. Then, there are no legal expenses and it is a done deal. Do it quick. This is just an idea. Condemnation should be the last, not the first thing that the County does to get possession of property. Thank you for pursuing this.

Council Chair Rapozo:
testify?

Thank you. Is there anyone else wishing to

BRUCE HART: For the record, Bruce Hart. I am for this. I am always for beach access. I would like to say that everyone needs to be aware that I think that there are a lot of property owners that would welcome allowing passage through their property if the proper respect was shown. Please, to everyone who uses this access once we acquire it, remember to be respectful. It is not a trail to go down and make trouble. Do not leave any trash. Do not be too loud. Other than that, there is beach accesses all over the island. When I first came here in the early 1970s there were a lot of places that you could go that did not have a particular beach access. I have seen it erode to the point that we have to do something like condemnation in order to be able to get access. This has happened in other places in the mainland. If you go back and study the history of this issue in California, you will see some real violence over this issue. We do not have that here. We can take to heart the fact that we have an *aloha* attitude and that everyone should be able to get to the beach or any other place that has cultural value or just as a value because they enjoy it. Thank you.

Council Chair Rapozo:
testify?

Thank you. Is there anyone else wishing to

Mr. Lindner: I would like to recognize the woman before me and a couple of other speakers who made it very obvious that people need to be out in nature. I understand that. I guess I would disagree with the last speaker in the

sense that there is a taking. Something has been taken. When we are taking then there is a balance of that taking—particularly with real estate. Even if there is someone who did not go there, there are a lot of people who will testify that they allowed access...as far as I understand, if you let them. The other thing is that taking is sometimes good and sometimes bad. This, to me, looks more like an event of something that they are doing something. Again, it is good that something is happening, but it is not that big of a deal because everyone is going through it anyway. I totally support the fact that land has been taken. The other thing is that there is a top. Who wants a top? There is not rising. There is a hierarchy. If there is a top, there is a hierarchy. Something has to rise up in the land development rights. It is very tightly controlled and concentrated. That is part of this problem when people come up and exhibit that need for the land. Thank you.

Council Chair Rapozo:
testify?

Thank you. Is there anyone else wishing to

SHELEA KOGA: Good morning, Shelea Koga on behalf of the Public Access, Open Space, Natural Resource Preservation Fund Commission. I am a Public Access, Open Space, Natural Resource Preservation Fund Commission Planner. I will give you a brief history on how the Public Access, Open Space, and Natural Resource Preservation Fund Commission came to recommend the condemnation of a portion of this property. It first started when this proposal came to the Public Access, Open Space, Natural Resource Preservation Fund Commission in about 2017. Originally, they were proposing to acquire the whole property. When looking at the property, there is one (1) dwelling on it and a garage. If the property itself has a dwelling on it and we use County money for it, we have to get an environmental assessment (EA) that can take anywhere from two (2) to three (3) years and can range upwards to one hundred thousand dollars (\$100,000)—at that time. The Public Access, Open Space, Natural Resource Preservation Fund Commission took a look at the proposal and believe the best course of action was to preserve public access to just acquire an easement along the stream that people were already traditionally using to access 'Aliomanu Beach. During this time, we were in talks with the property owners. As Commissioner Ornellas had shared earlier, there were multiple owners throughout the years—maybe about three (3). This last owner that we were in talks with was originally willing to give the County an easement, but they did have concerns. They shared their concerns with us. The County responded to them addressing their concerns and then it went silent for a little bit. The County reached out to them again, still asserting the position that we have addressed their concerns and heard no response from them. We kept emailing, sending certified letters, and phone calls to them, which they were still not responding to. Finally, on January 28, 2025, the owners responded to us with an email which basically said that they were unable to grant an easement to the County at this time, but remain committed to supporting the community by continuing to allow respectful pedestrian access to the beach. While this is good that they are allowing people to access the

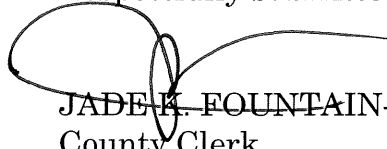
beach, we need to ensure that if a new owner comes in, that they will not stop people from accessing the beach. That is the concern. That is why the Public Access, Open Space, Natural Resource Preservation Fund Commission is recommending condemning a portion of the property to 'Aliomanu Beach as a public beach access to be used for gathering and cultural rights. That wraps up the history. Jodi Higuchi Sayegusa and I are here to answer questions you may have.

Council Chair Rapozo: There will be no questions today because it is a public hearing, but I am sure there will be some or could be some at the Committee Meeting. Thank you. Is there anyone else wishing to testify? If not, this public hearing is now closed. Thank you, everyone.

(Note: No one from the public testified on the Communication via written testimony or oral testimony taken at the beginning of the meeting via the Zoom remote technology platform.)

There being no further public testimony on this matter, the public hearing adjourned at 9:20 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', written over the printed name.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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