

LYDGATE PARK – LIHI PARK BIKE & PEDESTRIAN PATH KE ALA HELE MAKALAE

Design Public Meeting #2

Monday, December 7, 2009

6:30 PM to 8:30 PM planned time

6:30 PM – 11:30 PM actual time

Kaua`i War Memorial Convention Hall Meeting Room

MEETING NOTES

WELCOME AND MEETING OBJECTIVES

Project team public communications consultant and meeting facilitator, Roxanne MacDougall, opened the meeting by welcoming the attendees and reviewing the objectives, which were:

- Provide rationale for the Mayor’s decision in support of the makai alignment at Wailua Beach
- Provide background information on the Lydgate Park to Lihi Park planning process from the inception of the Environmental Assessment Phase to the current status of the Design Phase
- Answer questions and receive feedback from community members in attendance

MAYOR’S OPENING REMARKS

The following is the text of Mayor Bernard Carvalho’s remarks:

Aloha and thank you for coming this evening. We are here to discuss a project that means many things to our community: it means access for all people on Kaua'i to our most treasured natural resources, regardless of age, economic status or ability. It represents our commitment to preserve that access for all generations into the future. It is already resulting in a healthier, more active community. It is already connecting us with other members of our community. It is taking us places we’ve never before been able to visit.

Ke Ala Hele Makalae is more than just a path. It is more than just a place to ride your bike or push your stroller. Ke Ala Hele Makalae is a reflection of our community...it is a gathering place and a resource where we can celebrate our connection to our natural resources: the aina, the ocean, the air that gives us life.

This meeting tonight was to have taken place five months ago. At that time, we were ready to proceed with the portion of the Path that will link Lydgate Park to the “Kapa‘a-to-Kuna Bay” leg. When I say “We”...I am referring to the County...the State Department of Transportation and the Federal Highways Administration...which are the

partners in this project. Representatives from all of these agencies...as well as the State Historic Preservation Division...are here tonight as well.

So at that time...last summer...the studies had been complete. The funding had been secured. We were ready to move along a makai route...which is what the Environmental Assessment recommended. And we were ready to meet with the public to make that report. But this meeting didn't happen back in July, and I'd like to take a few moments to explain why. On June 17, I had a meeting with representatives from the group Hui Na Maka`iwa o Wailua Nui Aho`ano. During that meeting, the group expressed serious concerns about the alignment of this section of the Path along Wailua Beach. Their concerns included issues regarding coastal erosion, archaeological assets and cultural issues.

At the time, I felt confident that our studies had dealt appropriately with these issues and had included comments from the County and State agencies tasked with addressing these concerns. Our planning process spanned more than three years...and included multiple public meetings, agency reviews and an open public comment period. However, I decided that these concerns that were being expressed deserved my careful review before moving forward. So this meeting...the meeting to explain how we were going to proceed...was postponed.

And I made a commitment to meet with these community members again...once we had fully reviewed the issue...to share with them personally how we would proceed. In early July, members of Kaua'i PATH requested a meeting with me and expressed their disagreement with the requested mauka route. They felt strongly that the studies were sound and that we should move forward as planned. On July 28...I met with representatives from State Department of Transportation...Federal Highways...our internal Task Force...and representatives from the Office of Hawaiian Affairs. OHA agreed to provide its comments regarding these issues within a month

In August, I met with members of the Sierra Club...who voiced concerns similar to the group I'd met with in June. In mid-August...we had another meeting with OHA to discuss the issues. We were expecting OHA's comments in late August. While waiting for OHA's letter...I consulted numerous times with State Highways, Federal Highways, our consultants, and our internal Bike Path Task Force. I also received many emails, letters and phone calls from members of the public...some of whom supported a makai route and others who supported a mauka route.

OHA's communication was finally received on September 9. In that letter...as you are probably aware...OHA reversed its earlier recommendation to align the path along Wailua Beach...and instead recommended that the Path take a mauka route in order to avoid the beach. This change in position was surprising to us. It was a complete reversal of what OHA told us during the E-A process which was that a large portion of the native Hawaiian community and cultural practitioners saw the bike path as an opportunity to (1) protect cultural sites and (2) to provide confirmed lateral beach access through the entire moku of puna on Kaua'I. And also that based on consultations that OHA had with cultural practitioners...we were informed that iwi kupuna are most likely to be found on

the Coco Palms property and for this reason placing the path along the drainage canal mauka of Coco Palms would be of major concern to OHA and the native Hawaiian community. Again...that was the original OHA position. We asked our consultants who had prepared the E-A to review the new OHA letter...and provide recommendations in light of all the information we had to date. We also asked the State Historic Preservation Division – or SHP-D – to review the OHA letter and provide its assessment of the makai versus the mauka route...given all of the information gathered during the E-A process. On October 19...SHP-D responded and disagreed with OHA...stating the mauka alignment had significantly greater potential to disturb historic sites than an alignment that would take the path makai of the highway.

After a full review of all of this information...including consultation with our consultants, our internal Task Force, State Department of Transportation and Federal Highways...I came to the decision to proceed with the path along the makai route. It was important to me to make good on the promise to the groups who had met with me back in June, July and August...and had taken the time to state their position and ask for more review. I promised I would meet with them again...once a decision had been made. So before making any public announcements...I scheduled a meeting with these three groups:

- Hui Na Maka-iwa o Wailua Nui Aho`ano
- Kaua'i PATH
- Sierra Club

An original date for that meeting was postponed once we were informed of a planned vigil at Wailua Beach. I want to make it clear that we were unaware of the vigil at the time that we tried to schedule that meeting...and we would never have intentionally tried to disrupt such an event. In fact, I had the opportunity to join the Hawaiian practitioners at Wailua Beach in the opening hours of that vigil...and I would like to acknowledge them for that effort to properly acknowledge that very special place.

We rescheduled our meeting with the three groups to Monday, November 23. And again, I want to make it clear that the intent of that meeting was to make good on my promise to the three groups that I would communicate back directly with them on our findings and conclusions. And you all know...at this point...that our intent...as expressed in that meeting...and in accordance with the findings of our environmental assessment...is to move forward with the makai alignment. I am well aware that there are a number of people in our community who do not agree with this decision. There is rarely an issue or a project of this magnitude where we will find 100 percent, total agreement. You will find people solidly on both sides of this issue...native Hawaiians included. Everyone's voice is important.

I am sensitive to the feelings of those who do not want to see this path on Wailua Beach. However, given all the information that I have...and the confidence that we have followed the processes and done the proper due diligence...I truly believe that this is the best plan...that will cause the least disruption and can be done in a way that is culturally-sensitive and environmentally-sound. Just as we have for other legs of the path...we will

take great care NOT to disturb anything we may find that is of archaeological interest. We will do an on-site survey prior to construction. We will do hand-digging and inspections at the most critical locations. If anything is found we will call the Burial Council and insure it is handled appropriately. This is what we did at Kapa'a Beach Park and it worked very, very well. And I want to make it clear that we are not required to take these steps...but we have and will continue to do so because we do care about the cultural sensitivities here.

This evening...we will provide you a comprehensive overview of the studies that have been done to date...so that you can understand how we have come to this conclusion. We will also talk about what the "next steps" are. This is not a decision I make lightly. It's a decision I know is not universally accepted. However...it's a decision that must be made...if we are to move forward and realize the dream of perpetual access that Ke Ala Hele Makalae represents. It is my hope that we can work together in a way that is "Pono"...and in a way that would make our ancestors proud.

PRESENTATION ON THE ENVIRONMENTAL ASSESSMENT PHASE PLANNING PROCESS AND OUTCOMES – Nancy Nishikawa, Kimura International

Attachment A includes the PowerPoint slides used for this presentation, which contain the majority of the information shared. In addition, Ms. Nishikawa shared the following information:

The first Environmental Assessment public meeting was held January, 2004. It was a scoping meeting, with maps. Attendees worked in small groups and drew on the maps, indicating preferred alignments, special places, etc. Three alternatives were arrived at from the input from this meeting. At EA public meeting #2, in March of 2004, the three alignments alternatives were reviewed – along the coast, on existing roads and highways, and mauka along the drainage canals. In June 2004, the County issued the draft EA and there was a public comment period. EA public meeting #3 occurred during that period. The consultants received 40 questions with comments, and 43 additional comments. During 2005-2006, the County considered the comments, dealt with compliance requirements and coordinated with the state Department of Transportation regarding upcoming highway improvements in the area of the path. In June of 2006, a Memorandum of Agreement was signed. The final EA was issued. In April 2007, with a FONSI or Finding of No Significant Impact. In May 2007 an fourth and extra public meeting was held to review any changes. At the completion of this EA planning phase, the project was awarded to a design consulting team.

The EA process was guided by many agencies, including Office of Hawaiian Affairs. OHA initially supported the makai alignment, along with other agencies and cultural practitioners. In mid-2009, OHA reversed its position. This did not affect the Memorandum of Agreement. Now there will be an archeological inventory survey and archeological monitors, as initiated by the Mayor. The project continues to receive the endorsement of the State Historic Protection agency, referred to as SHP-D. **SEE ATTACHED SLIDE PRESENTATION, ATTACHMENT A, FOR FULL INFORMATION PRESENTED BY MS. NISHIKAWA.**

PRESENTATION ON THE DESIGN PHASE PLANNING PROCESS AND OUTCOMES

Calvin Myahara, KSF, Inc, Lead Consultant and Merle Grimes, MDG, LLC, consultant Attachment B includes the PowerPoint slides used for this presentation, which contain the majority of the information shared. In addition, Mr. Myahara and Mr. Grimes shared the following information:

Calvin Myahara – The project has four phases: Bridge widening including the path (to be completed in 2010), the span from the bridge to the Coconut Marketplace, the Kawaihau spur and Papalooa Road to Lihi Park. (The map of the project was reviewed) (Archeologist recommendations and positions were reviewed, see slides).

Merle Grimes – A photo tour of the full project was presented, via maps and photos. A boardwalk was chosen because it is less impactful, good for sensitive habitats, has a multi-use surface, can be moved around trees and vegetation, leaves no damage if removed and no excavation is required. A landscape architect will guide extensive restoration through a landscape plan targeting native and indigenous plants. The main focus of the design team is safety. There will be improvements to streets and landscapes based on community feedback. There will be access to the Coconut Marketplace. The crossing of the highway at Lanikai is Via a light that is part of the highway improvement project. Residents helped guide landscaping and walls in their neighborhoods. Behind Foodland there will be fencing and landscaping for visual improvements. The path will provide access to shopping. On Moana Kai Street the path is on the mauka side of the road so that people can still park on the makai side, by the ocean (near Baby Beach). The Kawaihau connection will be a boardwalk structure, traversing the hill and lending an opportunity at the top of the hill for a Kamalani bridge – type project. There will be signage all along the path, regarding history, culture and ecology.

SEE ATTACHED SLIDE PRESENTATION, ATTACHMENT B, FOR FULL INFORMATION PRESENTED BY MR. MYAHARA AND MR. GRIMES.

QUESTIONS AND COMMENTS FROM NOTE CARDS COLLECTED FROM THE AUDIENCE, WITH RESPONSES TO QUESTIONS

Attendees were able sign up before the meeting, in order to present their comments to the Mayor, consultants and audience. In addition, questions were solicited from the audience, via the use of note cards. The cards were collected and questions were addressed alternately with the audience comments. Due to the large number of those wishing to speak, it was decided to hold the remaining question cards. The consultant committed to getting answers to all questions and including them in the meeting notes, which would be posted on the County website. The following are summations of the key points of the speakers and the questions that were answered during the meeting. Mayor Carvalho sat on the front row and listened to all presentations and speakers.

- Q - What happens if people say “No”? We lose \$8 million? Government will do it anyway, right?
- A - The County of Kaua‘i is coordinating with the State Department of Transportation and the Federal Highway Administration to assure that the designated ARRA funds for the bike path are obligated.
- Q - What is the cost from Lydgate to Wailua Beach?
- A- The cost is approximately \$1.4 million.
- C - I agree with the Mayor’s decision. It is important to honor cultural sites and iwi, but it is important to honor living kupuna and give them access to the beach. Please discuss the health and safety issues of having a pedestrian path (and bike path) adjacent to a transportation corridor. Safety of adults and children would be protected with a makai path instead of pedestrians walking on shoulders of the road if no path were present
- 2 Q’s - If this is a meeting to discuss two sides of an issue, then why is it that apparently all of the presenters represent placing the path on the makai side of the highway?
I would like to understand the purpose of this meeting. Would you please clarify that very important point? Please address whether this meeting is to:
1. explain and justify a decision that has already been made. Or
 2. to receive public input with some possibility of coming to another decision.
- A - The purpose of this meeting was to provide updated information about the entire phase from Lydgate Park to Lihi Park in Kapa`a. This was the second of two planned public meetings related to the design phase of the project. In light of the controversy about the Mayor’s decision to follow the recommendation of the Environmental Assessment and keep the path on Wailua Beach, this meeting was also intended to provide further information that guided his decision. Approximately 50 attendees were able to give the Mayor direct feedback. In addition, questions were collected on note cards and will be answered in the meeting notes, which will be published on the County website, www.kauaigov.org.
- Q - Who is on the Mayor’s “internal advisory committee?
- A - Parks and Recreation Director Lenny Rapozo responded in the meeting:
The Mayors Task Force for Ke Ala Hele Makalae includes the Director of Parks and Recreation, Director of Finance, Director of Planning, a County Attorney and a construction manager from the Department of Public Works.
- 3 Q’s - Is the fill, on both sides of the path, concrete?
Describe the beach vegetation makai and mauka. I thought the boardwalk was adjacent to the road and you would not want vegetation on the makai side.
Talk about similar beach boardwalks. Did sand blow on it? Was it affected by waves or wind?
- A - Consultant Merle Grimes responded in the meeting:
There will be vegetation restoration, including nau paka and native trees. There is be no concrete used at all. The sand is a reality to be dealt with. It can be mitigated by height of the boardwalk and by vegetation. The boardwalk must be maintained, like all of the path. The maintenance so far by the Parks Department has been excellent.

The spaces between the boards will also allow sand to fall through. The material will be a recycled plastic, with a surface that provides some traction and is ADA approved.

Q - Will the Mayor authorize a Cultural Assessment in addition to the Archeological Inventory Survey?

A - The mayor has authorized the Archaeological Inventory Survey only. A cultural impact assessment was done for the transportation corridor. This project is a subset of that. There was a project-specific Section 106 process done.

Q - Why is the path going mauka instead of Makai at Waipouli Resort?

A - There is no direct connection on either the north or south makai side of the Waipouli Resort.

Q - It has been said that the boardwalk will be easily movable. How will 32 piles, 60 feet apart be moved? How will the boardwalk be attached to the helical piles?

A - These helical piles are "screwed in" and can be "screwed out" in a similar manner. A smaller equipment with rubber tires can be used. The boardwalk is bolted to a cable that is connected to the helical pile. The bolt and nut just needs to be removed to disconnect the boardwalk.

Q - Will a local contractor develop this path with local workers? Wailua is the Kings Highway, no touch.

A - The construction phase of the project will be bid per State and Federal procurement law.

Q - Why were DHHL beneficiaries not included? They have a Wailua Regional Plan, 1000 homes mauka.

A - DHHL commented on the Draft Environmental Assessment by letter dated July 6, 2004. In that letter, DHHL stated:

We have reviewed the Draft Environmental Assessment sent to us by your consultant, Kimura International, and do not have any specific concerns regarding this phase of the bike/pedestrian path or how it will impact Hawaiian home lands (HHL).

Q - I only saw the list of benefits or pros for the path. I would like to know the list of cons that were found and considered in this decision and plan.

A - A list of concerns raised by opponents of the makai alignment were also included in the PowerPoint presentation, as follows:

- The region of Wailuanuiaho'ano is a significant, beloved, and revered place deserving of the highest respect.
- Beach should remain intact for future generations to enjoy.
- Lack of information about the extent of the Mahunapu'uone burial ground.
- Prudence of installing path in area subject to coastal processes (erosion, rising sea level) is questioned.

- Q - I was shocked that the Wailua Beach Park IS NOT on the list of Historic Sites, as referred to by the “106” process. Why?
- A- The National and State Registers of Historic Places are official lists of historic places worthy of preservation. The National register is under the jurisdiction of the National Park Service; the State Historic Preservation Officer is the keeper of the State register. Before property is added to either or both lists, it must undergo a formal process of nomination, review, and evaluation according to register criteria. This has not been done for any site on Wailua Beach or for the beach as a whole.
- Q- OHA position changes between 2005 letter and 2009. Is this being perceived by the County and state as a problem? Is there anything wrong with a change of position?
- A- The federal and state environmental assessment processes are defined by laws with specific time requirements.
- Q - “Boardwalk” engineering sounds like big pieces breaking loose. How is this being anchored? Is this a wise investment? Look at Coco Palms now – across the highway is a reference.
- A – All the pieces are either bolted or welded together and then bolted to helical piles that prevent it from being washed away.
- Q - Guardrail between highway and makai path? Trees good.
- A - There will be a barrier between the path and roadway whenever they are adjacent to each other. There is an existing rock wall that is between the path and the highway for a substantial length along the beach. For the remainder of the areas in which the path is adjacent to the roadway we place a new barrier between the path and the road. The only areas where there are no barriers are the entrances and exits from the parking lot.
- C - Public hearing process is not a pono process for Hawaiian cultural consultation. Should have held a separate meeting with Hawaiian community. I feel let down by Hawaiian Consultation as presented. It seems like a set-up.
- Q - The Mayor mentioned hand-digging for the piles. How can you hand dig 13 feet deep?
- A – It is possible to dig that deep. However, we will consult with experts in the field to determine how deep to explore.
- C - According to cultural practitioners, the Hawaiians marked their graves by coconut trees. Whatever happened to rest in peace?
- Q - How many feet deep will pre-testing go to determine the presence of burials?
- A – We will consult with experts in the field to determined how deep to explore.
- Q - If the makai alignment is maintained, can the archeological monitor be someone mutually acceptable to both sides?
- A- The archaeological monitor(s) will be contracted in accordance with the County’s procurement policies. Every effort will be made to select monitors who have the

necessary technical qualifications, knowledge of legal and administrative requirements, and cultural integrity.

Q - Will parking at Baby Beach be eliminated by the path?

A - The path will be on the mauka side of Moanakai Road and will have little to no affect on the parking on the makai side of Moanakai Road.

C - Did you know that this path and the unsightly information stations will destroy the natural beauty of Kaua`i?

Q - Why were SHP-D's recommendations favored over OHA's?

A - Deputy County Attorney Mauna Kea Trask responded at the meeting:

It is good that all sides have come together to address this issue. There has been some misinformation. The area behind Coco Palms, is sacred, as well all know. The chiefs were not buried in that area or in the sands. There were buried in higher grounds. When Coco Palms was built, they found over 87 burials mauka. Through 2004, no Iwi kupuna (bones) had been found in the beach area. In 2004, during the environmental assessment process, the understanding was that many cultural practitioners advised not to go mauka, but rather to go makai with the path alignment. There is a process and if bones are found, work will stop and appropriate process will occur.

Q - Is the Mayor's archaeological study going to be an archeological inventory survey to identify the extent of the mahunapu`uone? (spelling?) If burial site extends makai of Kuhio Highway, will the island burial council have a chance to preserve it in place without a bike path over it?

A - The study area for the Archaeological Inventory Survey (AIS) is the linear area directly affected by the makai path alignment. It is not the purpose of the AIS to identify the extent of Mahunapu`uone. In the event that burials are found, representation the Kaua`i Island Burial Council will be necessary.

Q - In the long list of organizations, I saw all were government agencies, except for the Hawaiian Cultural Museum headed by Kehau Kekua and Pohaku Nishimitsu. -of these last the first is not in agreement and Pohaku is not physically present. Why weren't other kupunas and kumus included?

A - In addition to organizations headed by Kehau Kekua and the late Pohaku Nishimitsu, several other non-governmental organizations were consulted, including: Na Kahu Hikinaakalā (caretaker group), Kaua`i Historical Society, Historic Hawai`i Foundation, Hui Malama I Na Kupuna O Hawai`i Nei, and Friends of Lydgate Park. At the time scoping meeting for the Section 106 process were held in 2004, the names of no other individuals or organizations were put forth.

Q - Is the auto traffic road clear of burial problems, so it can be a bikeway on the new road on the mauka side?

A- Doug - The State Historic Preservation Division has stated their preference that the path avoid goind mauka of Kūhi`ō Highway in the area of Wailua Beach and that a muka alignment has greater potential to disturb historic sites.

Q - Is there a diameter/depth tradeoff with auger anchors 8 by 2 feet vs. 13 feet by 10 inches?

A - There is a trade off. From research that was done, it is unlikely to come across burials 9 to 13 feet deep. Most of the burials are within the top 4 feet or so. So a wider excavation within the first few feet is more likely to disturb any burials that may be there.

Q - Does accretion or sand removal depend on size rather than time?

A - Accretion or sand removal is dependent on time. At this time boardwalk and helical pile system have little or no effect on sand movement.

COMMENTS FROM MEETING ATTENDEES, DURING THE MEETING

The following is a paraphrased summation of the comments and key points made by the audience members who spoke during the meeting.

Comment (C) – Address cultural difference in burial practices. Hawaiian’s did not mark their graves like other cultures, including European, do. The knowledge about burials is in the chants. Hawaiians did not have cemeteries. You should have signs that say “You are now walking on Hawaiian graves”.

C – I love the path, but why don’t we listen to the Kumu and Kupuna? We are guests, privileged to share this area. WE don’t own the sand and dunes, which are sacred. We must revere Hawaiian culture. We should listen. Be respectful. Couldn’t there be an alternative path?

C – The path is well used. We should remove the highway and the restrooms before we think about the path. I support the makai alignment. I thank all who have worked so hard on this.

C- I am holding a petition with 336 signatures, collected by Kaua`i Path, in support of the coastal alignment. We support the Mayor.

C – I have been walking Hawaiian coasts for 50 years. Development has been forcing people away from the coast. We should keep the path on the coast whenever possible or as close as possible to the coast.

C – I volunteer for Lydgate beach clean-ups. I thought it was already ascertained that no bones were located in the beach area. Or that if bones were found, they would be taken care of. This process is not new. It started in 2004. I want everyone to work together. We have volleyball, parking, and bathrooms on the beach. This path just lets people get from point A to point B.

C – It is a sacrilege to put a bike path anywhere in Wailua. Historical records tell of grave sites. This is of deep importance. Regulations prohibit federal funds for projects that interfere with cultural practices of indigenous people.

C – I acknowledge the Mayor, staff, Kaua`i Historical Society, John Lydgate, Friends of Kamalani Playground and Lydgate Park, and caretakers of the Wailua heiau, (and others) These people have given so much of their time to the care of these areas. I also acknowledge Kimura International, who kept the caretakers in the loop in this whole process. Anywhere we

go in Wailua will have an impact. The question is where will have the least impact? The highway will be four lanes. Kids on the side of the road, I worry about them. Children and tourists must use this area to get from Kapa`a to the Lydgate area.

C – President of Pu`uwai Canoe Club: I have concern for the children. 37% of Hawaii high school students are overweight or moving in that direction. 50% of those will develop diabetes. We have a national epidemic of obesity affecting Hawaii. Let's not let our differences interfere with our responsibility to our kids. Most kids, not involved with athletic programs, do not have anything to do after school.

C – I am a former student of Larry Saito, who told me that without vegetation, there would be no sand on the beach. I just wanted to share this information.

C – We have seen all the glossy words on the screen, but do we really understand them? I read the EA. There never was an EIS or a burial treatment plan done. It's the law. The Memorandum of Agreement is between government entities, the "foxes", the County, State and Federal governments. This is not right. I read the letters from kumus who objected, but in the EA their comments were condensed into small boxes, out of context. This is not fair. OHA did not want to be part of the MOA. The second OHA opinion is not inconsistent. They just came to their senses. The process was flawed. The path is a sell-out to tourism. People who are for the makai path are not being culturally sensitive, no matter what they say. This is not possible.

C – Representative of a non-profit focused on native Hawaiian health and wellness: I am here to talk about meaningful consultation, under 106 requirements. These have not been met by this project. This must be with native peoples. Federal highways told me this has not been met. Things become contentious in trying to deal with this because for native Hawaiians it is kapu to talk about sacred things. Cultural practitioners hold the mana`o and this is not to be discussed in forums like this, which do meet community consultation requirements, but not native Hawaiian consultation requirements. Our job is to enforce the laws. The government's job is to do the same thing. Stakeholder meetings with informed native Hawaiians do not meet the consultation requirements. Protocols need to be developed sooner than later. We must still do this. Let's hold the Mayor to his accountability to uphold our right to meet with registered Hawaiian organizations and kupuna.

C – Kumu hula and cultural practitioner who helped organize the vigil on Wailua Beach: I have opened my remarks with a Hawaiian chant about my roots, inviting my ancestors, going back 700 years. This is who I am. We sing "Hawaii Aloha" and many don't realize it includes "Hawaii, my home of the sands of my birth. My home on the plains of the bones". The iwi kupuna of our ancestors are not a part of the past. People who have moved here have chosen to be a part of this land, where our people have been from time immemorial. Our ancestral knowledge has been squashed down over countless generations. This is where the disconnect is. I was fine with this bike path project until I heard that it was going to be build on the sand. We have never done this. How can we do that? If there was ever a question about what is the right decision, go back and look at what our kupuna did. Did they ever mistreat the iwi kupuna? Never. Native consultation is so important. I am just angry, insulted. To hear my name listed as

one consulted, in front of the County Council. I was never interviewed about this and I was insulted. In 2003, I was called by Cultural Services Hawaii in regard to a cultural assessment for possible relief routes from Wailua to Waipouli to Kapaa. That is what I talked about, not the beach. If anyone had taken the time to talk to me about the beach, I would have talked to them. The area is called the Great Sacred Wailua. The sand dunes that conceal the bones. How much information do you need? Look at the place names the kupuna named them hundreds of years ago, so that we would know how to malama them. Pu`uone means sand. It is not maka, as County Attorney Trask has said. It covers from Coco Palms grounds to the ocean. If you are not familiar with Hawaiian funerary practices of the kupuna, you do not have the right to say there are no iwi there. The vigil was put together in less than a week, not to protest nor convince anybody. It was a stepping forward of cultural practitioners. This is a lifestyle, my religion. I cancelled all my hula classes tonight and told my students that this meeting is hula night. Wailua is so significant to our practice. All the knowledge of what is pono is in the chants. I implore you not to rush this forward. Mahalo for coming to the vigil (the Mayor and Director of Parks and Recreation). Development in Hawaii needs to include the mana`o (thoughts and opinions) and the ike (intelligence and knowledge). Sand dunes are a living system. I am not going to tell you find the bones. They are there. Ancestors deliberately buried in the sand. Ivi disintegrate and become part of the sand and connect us with our original ancestors. They never constructed anything on the sand. I have no problem with recreation and enjoyment of the sands. But no foreign material, anchors, pilings, drills into the sand. 13 feet. You will hit iwi kupuna. This is not what is supposed to happen. Revisit this. Find common ground. Please do not stuff this down our throats. I humbly ask you to respect. We know what is pono. Our connection with the iwi, our cultural traditions are all we have left. Our physical culture is our being. The sands are out of the question. I will do my best to support the things that people can participate in, but here are some things that you just have to respect. Mahalo for hosting and to all of you for coming. You need to speak to people who can guide and steer so that so much time and money are not wasted.

C – Student of the previous speaker: The kanaka o iwi. No one here knows better than they do. We have been pushed all the way to fight for the sands. Sad. It is more than special to me to protect the sands. I was literally born in the sands. My family camped on the beach for my first six years. In the Kumu Lipo, 4th stanza, it speaks of “the family that crawls in the sand”. This is the honu. The turtle is born in the 4th stanza. The birthing cycle of the honu goes on to the beach, into the vegetation. Where the path is supposed to go. This is no better than driving on the beach. What is the difference?

C – Kaua`i Path board member – I am not going to say what I had planned to say, after hearing these 2 speakers. It is important to me to do the right thing. The path is important to me. I don't assume to know everything. I am saddened by the us and them of this situation. Hawaii issues always have been important to me, for years. If I thought there were burials in the sand, I would certainly not support a path there. It seems better to me to go makai, but I don't know everything. I do care quite a bit. I am honored and glad to have heard the last two speakers. I'd like to hear more. We need to be heartfelt and that's how we need to progress, to listen to each other.

C – If you are buried in a certain area, would you allow a sidewalk to be put on the grave? I am asking you people because I was the one who exhumed the 87 bodies for Mrs. Guslander (former

owner of Coco Palms Resort.) There are a lot of graves in the beach, but you will never find them at four feet. It has to be 10 feet. Sea level. Mrs. Guslander didn't have any problems, because she respected our kupuna. The people I exhumed were not ordinary Hawaiians. They had bigger skulls and longer shin bones. They were all buried sitting up, facing east. I don't want the path to be in that area. It is full of graves. My mana`o to everyone. Please respect our kupunas, back 400 years. When you seek consultation, you should ask us, the kupunas. I am 84 years old. 57 years on Kaua`i. I know it better than the place of my birth on the Big Island. WE must malama our ancestors.

C – Native Hawaiian Legal Corporation attorney: We litigate on behalf of Hawaiians. There have been several cases regarding threats to iwi kupuna, including the Brecia case. Several lessons learned on what to look for. Many laws in Hawaii are founded on traditional and customary usage. Those principles have been carried forward since the kingdom, through all the forms of governance, to statehood. The Supreme Court said that customs that still exist are to be protected. All governments have absolute duty to know the customs and the impact that development will have on them. And to take reasonable steps to protect them. A law was passed regarding burials. The statute says for a known burial site, you must first do a reasonable inquiry on where the site is, then take a treatment plan to the local burial council. They get the first opportunity to determine what should be done. Preserve in place or move. This is not a recommendation. It is a determination, early enough so that redesign can occur. There is a known burial ground here. From the fish ponds to the sea. There are historical records. There is a duty to find out the extent of the burial site, go to the burial council. This should have been done years ago. There is a law. I urge you to exercise caution and respect what you have heard tonight, because it does have legal meaning.

C – We must plan for the future, the Hawaiian Homelands housing development south of the Wailua River. These people will need a safe path to Wailua Beach and beyond. All sand is sacred in Hawaii, not just Wailua sand. Presently Wailua Beach has recreational uses, parking, bathrooms, already there. How is walking on a dedicated path any different? The path is for everyone. WE owe it to our kupuna and keiki to have safe passage. We have a responsibility.

C – I appreciate how this issue has caused much learning about what Wailua means. The culture is being rejuvenated through this issue. The December 4 public meeting #1 was similar to this one. Same PowerPoint. In that meeting, the majority of the speakers were opposed to the path on the beach and nothing happened. Nothing changed. Why have community meetings if it doesn't matter what people say. This is the same as the Super Ferry meetings/situation.

C – My grandfather Lydgate set up the Kaua`i Historical Society expressly to preserve Wailua. I agree with all who have spoken. There have been many improvements to Lydgate Park over the years. It is now safe, sparkling and accessible. It is a wonderful thing what the path has done to give kids access to the Lihue, Wailua, Kapaa corridor. It all comes together at the Wailua River. The continuation of the path is important. We must be sensitive to the negative cultural impact, but we have to widen the road at the chokepoint in Wailua. It is dangerous.

C – Sierra Club spokesperson – It is not too late to change the decision and follow through with a community process that is more inclusive and culturally comprehensive than the excellent outline

presented tonight. Few people oppose the path, but there are serious concerns about its placement at Wailua Beach. Environmental, cultural. A less than satisfactory EA process. Recent storm waves washed debris beyond the vegetation line. Waves have crossed the highway. The County granted a set back variance for the path, but the next high wave event may show the folly of this decision. The process was flawed. No archeological inventory study or cultural assessment. Thank you Mr. Mayor for authorizing now the archeological inventory. Kumu and kapuna statements were incorrectly documented by the consultants. Show us more detail on the pros and cons of each alternative route. Provide more description to the public in this and future phases of the path, so that people can better understand. In the Aug 5 meeting with the Mayor, assurances were given that a stakeholders meeting would be convened. We assumed we would work together in that meeting to strategize solutions and engage in meaningful discourse regarding a preferred route. This is what we thought would happen. We were very disappointed when we met with you again only to hear your decision to keep the path on the beach. Disappointed to learn that kumu and kupuna who are most knowledgeable about Wailua were not invited to share with you. Protocol required that more attention be given to them. We ask that you convene a stakeholders meeting as promised to insure omissions don't occur again.

C – I support the Mayor's decision. I am a longtime Sierra Club member. He did what he should have done. Go information and carefully evaluated it. I applaud him as a thoughtful and decisive leader. I surveyed path users regarding dogs on the path. I heard many success stories – weight loss, older people now able to use the path again. They are grateful for the path, like me. The path is important to many people.

C – I appreciate the way the Mayor has handled this. Seeing families, seniors, children on the path. I think all land is sacred. We do have concrete now in Wailua. It's a mess. The path would be an improvement. However, I ask if we can lay the path without the deep spikes? And put it even closer to the highway? Are there better ways to do this?

C – I was a Coco Palms employee for 25 years. I have been a Wailua resident for 39 years. I was honored at the vigil that the Mayor asked me to share with him. I missed the path meetings due to obligations to travel to Oahu during that time. I was concerned about putting the path on the beach. I was always against that. There must be a compromise.

C – Chairman of the Surf Rider Foundation – We are a coastal environmental protection group with 65 chapters nationwide. All chapters oppose building on the beach. This is not wise, ecology and engineering issues. The beach is part of the ecosystem, it links the land and sea. Don't mess with it. People come to Hawaii to see natural beaches. It does not make sense to build permanent structures on the sand. This is an engineering issue. Could lead to seawalls that then completely erode the beach. No beach left. We must not set this precedent. Goodbye beach.

C – I am not against the path. I am against the path on the beach, adamantly. Devastating that Hawaiian practitioners with special knowledge and cultural expertise were never consulted. To deny their voice at the recent stakeholder meeting was unwise and unjust. These sands are long known to have burials. I was shocked, saddened by the plans. These are the "Sand dunes that conceal the bones", the Hawaiian name. The mauka route road already exists, was long-used. Just because other desecration occurred doesn't give anyone the right to continue it. Native

Hawaiians should be part of the decision-making. OHA does not support this. Kumus express urgency to listen, learn and respect.

C – This process here is ho`oponopono. I really know this area well. I have seen its evolution. I avidly use the path. I get much pleasure from it. I see lots of local and elderly users. It is spiritually, emotionally and physically uplifting. It is a privilege to have the path. This is not an easy decision. Lots of valuable information has been shared tonight. We should ensure that we continue the path.

C – I have lived in Wailua my whole life. I came to know how sacred the area is. The kupuna and kumu know. All know there will be an impact. I think it would be huge. This is a known cultural heritage site. We are a nation of law. Law is black and white. Knowingly, willfully violating the law if path is on the beach and in this process. Follow the law. Look into your heart. You know this is sacred. I love the bike path, all bike paths. I biked this area before the path was started.

C – I am very sensitive to issues about iwi and access. At Kealia, we knew the path was coming. We brought the community together to give their opinions. How many of you showed up? This is all about process. If you don't show up, that is tacit consent. We at Kealia tried to make an impact on the plans. Money has been allocated for this project. Where were you? Where were people then? It is frustrating. I had to learn how to present myself because of my anger and frustration at watching use lose everything that we have. Do we understand the process? The bottom line is where were the people when you were presented with the opportunity to be heard? I have concerns about the safety of the crosswalk at Kuamoo if we go mauka. I have a proposal. If we lose the beach, then Coco Palms becomes a Hawaiian cultural center. We get access to beaches behind hotels. We must find win/win situations to resolve this. Look for win/win. Something in exchange. What is the win/win? Money is in place. I am not here to disrespect anyone. But there is a process. I took the time to learn it. This path is going to benefit tourism and business. I know that. But we have to go through a process and negotiate a win/win. There is due process.

C – I work for a non-profit focused on Hawaiian health, 11 years. There is chronic disease in Native Hawaiian population. Classes don't work. The path is used by so many people every day. Safe travel. I came to defend the decision. Tonight I learned a lot and I want to learn more about the path in Wailua.

C – Representative of Native Hawaiian cultural organization – How has this process gotten this far, from 2004? Our organization did not take part in the process. We were excluded. We have a right by law to be included. It is incumbent on the federal government to include us now. The adverse affects letter came out in 2004, not 2006 as was stated tonight by the consultant. Our organization submitted a letter, but our rights were not considered. These lands are called historic properties and they have had cultural practices there for many years. The law covers this. The Mayor is well to do an Archeological Survey. I heard him say this tonight. Not just regarding iwi kupuna. Re also being a historic property. Wailua Beach would qualify as a National Historic Site if it went through the process. Important information was not included in order to get things through the approval process, with the least amount of information. I am

insulted. The process was not pono. It was underhanded, in order to come out of it with what you want. Section 106 applies here. You need to come through us, in a pono way. It is very political, as I was told. AnEIS, instead of 3 EAs, would have given the answers. The state is very much a part of this. I have pieced it all together. It should be. Includes the relief route, the highway plans. The Wailua corridor is a National Historic landmark. Changes will degrade it. The 106 process should occur. Flawed process. Should bring the federal, state and county agencies to the table. If you had done the studies, you would not have gotten this far.

MAYOR'S CLOSING REMARKS

The Mayor addressed the remaining participants at 11:30 PM and committed to getting together with his team and reviewing all the information and points of view presented this evening. He said he would make no promises, but that he held this meeting in order to learn and would review what he had learned.