

KAUA‘I PLANNING COMMISSION
SUBDIVISION SESSION
May 24, 2022

DRAFT

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua‘i was called to order at 8:31 a.m. The following Commissioners were present:

Mr. Gerald Ako

The following Commissioners were excused:

Mr. Melvin Chiba
Mr. Francis DeGracia

The following staff members were present: Planning Department - Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Dale Cua, Kenneth Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Support Clerk Arleen Kuwamura

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Subdivision Committee Chair Gerald Ako called the meeting to order at 8:31 a.m.

Mr. Hull: Alright Chair, it’s 8:30 a.m. We are ready to start.

Chair Ako: Good morning, everyone. Thank you for coming. Thank you for coming and being here. I will now call to order the May 24, 2022, meeting of the Subdivision Committee of the Kauai Planning Commission.

ROLL CALL

Chair Ako: Mr. Clerk, will you now please call the roll.

Mr. Hull: Commissioner Chiba. Commissioner Chiba is not present and excused. Commissioner DeGracia. Commissioner DeGracia is not present and excused. Mr. Chair, you do not have quorum.

Chair Ako: Seeing that two commissioners are presently excused, pursuant to Commission Rule 1-2-10 G, we are unable to meet a quorum to take action at today’s Subdivision Committee meeting. We may however, pursuant to Hawaii Revised Statutes Section 92-2.5 E, accept oral testimony from the public on any agenda item. No debate, discussion or action on any agenda item can occur today and can only be taken up when the committee meets with a quorum. However alternatively, anyone here today to testify in person, by phone or on Zoom may

preserve their testimony until the next scheduled meeting of the committee at which time we anticipate taking up the same agenda items.

Mr. Hull: With that Mr. Chair we have no members here in person signed up to testify on any Subdivision Committee item. Are there any members here attending in person that have not signed up but would like to testify on any Subdivision Committee agenda item at this time? Seeing none, I'll turn it over to the virtual public. Myles, do we have anybody who has called in by phone?

Mr. Hironaka: Good morning, Mr. Chair, can you all hear me?

Mr. Hull: Yes.

Mr. Hironaka: We do not have anyone that has joined us either by phone or by Zoom, so I'll be turning the matter back to, no wait, hold on we have one attendee. Okay we have one attendee that has just joined us by Zoom. Let me call upon this person. So, we are at the public testimony portion. We will be turning to those that have elected to join this meeting by Zoom. I will recognize the attendees one by one and then promote you as a panelist. Once you click the join as panelist you will be able to click the start video button and also unmute yourself. I will begin and call upon Kiara Lorenzo Rodrigues. Would you like to testify?

Ms. Rodrigues: Yes.

Mr. Hironaka: Okay, go ahead. You have 3 minutes.

Mr. Hull: Just for clarification, Kiara, this is on the Subdivision Committee agenda. Would you like to testify on a Subdivision Committee agenda item? The Planning Commission agenda will follow at 9:00.

Ms. Rodrigues: Okay, so this is not for the Kukuiula Development?

Mr. Hull: No, my apologies, the Kukuiula has, there are proposed subdivision applications on the Subdivision Committee agenda.

Ms. Rodrigues: Yes, yes, yes for the 51. Okay, yes, I would like to testify for this.

Mr. Hull: Okay you have 3 minutes, ma'am.

Ms. Rodrigues: Okay, first of all I would just like to set my intentions and just say that I am here to just speak for the lahui and to just keep Hawaiian lands for Hawaii. First of all I would just like to start with the 51 proposed subdivision at the Koloa lot. Where I would like to start was with that development being made, it would then affect the access that we have to the harbor, first of all, and to talk about how all the drainage of those subdivisions would then go into the harbor not only affecting our wildlife but affecting our access which Hawaiians already have so little. I'd also like to talk about the endangered species that are there in the caves and to give you the Hawaiian names of pepepe makaole which is the cave wolf spiders and the uku nohu ana

which is the amphipod, the Kauai cave amphipod, and those are both federally protected. And we want to know when the last I guess report was made and what that information was. I know that this claims to be private lands, but does that not mean that the owners of those lands are supposed to still protect it? And I'd also like to just speak on all the iwi kupuna that are there and how a lot of people lately have been saying that there are no iwi there but we know that that's not true. I just want to make sure that we can still have cultural access for our practitioners because we know it's used for prayers and for burials. So, it's hard for us to see these things go up and not have any access to it especially as a lineal descendant of these iwi. I want to make sure that my children will still have access. And for me I come from the Big Island, but we know in time of the war of ukona that a lot of outsiders came to fight and they eventually died in these lands. So, for me my connection is still there because I may be from the Big Island but I do have lineages that went and died there and are buried there. So what I just want to make sure and to let the panel know is that we're still here, we're still fighting and we want everyone to just realize that Hawaiians have huge cultural impact on this place and we want to be able to protect it. That's all. Mahalo.

Mr. Hull: Thank you for your testimony.

Ms. Rodrigues: Thank you.

Mr. Hironaka: Ms. Rodrigues, do you wish to testify on any other agenda item?

Ms. Rodrigues: No, that is it right now. The next meeting. Thank you all. Have a wonderful day. Thank you for your time.

Mr. Hironaka: Mr. Chair we do not have any other testifiers either by phone or by the Zoom platform, so I'll turn the meeting back to you.

Mr. Hull: Is there anyone in the public, in person that would like to testify? We have one.

Mr. Esaki: I have a question.

Mr. Hull: Sorry, go ahead Dennis.

Mr. Esaki: Isn't there an alternate member to the Subdivision Committee is question number one.

Mr. Hull: There is no discussion that is going to be occurring, Mr. Esaki. There is only one commissioner present and there is no quorum to conduct business, but we are taking public testimony if you would like to provide testimony.

Mr. Esaki: No, that's just a technical question. I thought you guys had alternate members sometimes. Also, another question is can the full Commission act without the subcommittee recommendation?

Mr. Hull: I understand we don't anticipate the full Commission having quorum either.

Mr. Esaki: Okay, thank you.

Mr. Hull: Seeing that we have no further testimony being provided virtually or by phone, is there anybody in the audience, again last call, that would like to testify, you have 3 minutes, in person testimony. Looks like we have one. Go ahead Mr. Trask.

Mr. Trask: Aloha, thank you, Director Hull, Commissioner Ako. On behalf of Kukuiula Development Company LLC, I would just like to note for the record, with respect to the I believe it's Ms. Rodrigues' testimony, address that Kukuiula acknowledges and recognizes its obligations and this commission's obligation under PASH, Public Access Shoreline Hawaii versus Kauai County Planning Commission or PASH, as well as Ka Pa'akai O Ka'Aina versus Land Use Commission, State versus Hanapi and Kukuiula is sensitive and acknowledges its obligations with regards to the practices of traditional and customary rights as it goes to its development. However, Kukuiula is not interested in fighting and is looking to speak with and consult all native Hawaiians in this area who claim such rights and will follow all its obligations as required by law. I just want to say that I don't want the impression to be that Kukuiula does not understand these rights, its responsibilities, or is not sensitive to the native Hawaiian people. That's all. Thank you.

Mr. Hull: Is there anybody else in person that would like to testify on any subdivision committee agenda item? Seeing none, Mr. Chair.

ADJOURNMENT

Chair Ako: Seeing that there is no additional testimony at this time, I will adjourn this meeting of the Subdivision committee.

Chair Ako adjourned the meeting at 8:42 a.m.

Respectfully submitted by:



Duke Nakamatsu,
Secretary

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.