



April 19, 2021

(via email: counciltestimony@kauai.gov)

Kaua`i County Council
4396 Rice Street, Suite 209
Lihu`e, HI 96766

RE: Resolution 2021-13 For Condemnation (Acquisition of Easement by Eminent Domain for the County Multi-use Path)

Aloha Council Chair Kaneshiro and Council Members:

The Wailua-Kapa`a Neighborhood Association (W-KNA) board does not support the county's proposed \$24,300 investment to acquire a coastal easement along Islander on the Beach Resort in order to build the Multi-use Path in that location.

There is already lateral public access along the county-owned Beach Reserve (TMK 4-3-002-001) which traverses along the Islander property (see page 2, Figure 1). This is an area valued by those seeking quiet enjoyment of the coastline and it is an area experiencing significant coastal erosion.

The shoreline erosion is documented in the May 2016 State Certified Shoreline Map (KA-410) which was prepared for the Path and includes the Beach Reserve. The map shows shoreline delineations for the years 2007 and 2014 which clearly illustrate a retreating coastline. Yet, the County Planning Commission approved the Path's Special Management Area Use Permit SMA(U)-2018-3 and Shoreline Setback Variance Permit SSV-2018-1 to deviate from the shoreline setback requirement, involving several coastal Waipouli properties including the Islander.

Since then, the coastal erosion continues – it is shrinking the habitat for the endangered Wedge-Tailed Shearwaters (currently nesting here) and for the Hawaiian Monk Seals that haul out to rest. Erosion is shrinking the narrow buffer between them and the high level of activity that comes with the proposed Path and fast-moving bikes. It is likely that the U. S. Fish and Wildlife Service would find this route unacceptable. Furthermore, there was no site-visit assessment by a NOAA representative for the Path's SMA permit process.

Although W-KNA is a strong supporter of the Path and values its connectivity, it must be recognized that this coastal corridor is not appropriate. We hope Council members will take the opportunity to walk through this area and see the environment firsthand. We also encourage the county to revisit the makai route along Aleka Loop Road which we believe was one of the alternatives in the 2014 Environmental Assessment for the project.

We understand that the logistics to complete Phase C&D of the Path are complicated. However, for a better understanding of the "big picture", we would appreciate information about two related concerns:

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- a) Has the Kaua'i Coast Resort at the Beachboy granted an easement to the County yet? We understand that they prefer a makai route along Aleka Loop Road.
- b) What is the status of the Path through the undeveloped Coconut Beach Resort which was to be built by its owners SPD II Makaiwa Resort Development LLC? Because this developer is still facing lawsuits from unpaid contractors and investors, how will the County proceed?

Again, W-KNA does not support Resolution 2021-13 for condemnation to acquire a coastal easement along Islander on the Beach Resort. This actively eroding coastline is too narrow to adequately accommodate the Multi-use Path. Should you have any questions, please contact me at rayneregush@aol.com. Mahalo for your consideration.

Sincerely,



Rayne Regush, Chair
 On behalf of the W-KNA Board of Directors

P.S. Council has likely received written testimony from residents F. & L. Marsh with “Wailua-Kapa`a Neighborhood Association” typed on their April, 11, 2021 letterhead. However, this is a misrepresentation, as neither individual has served on the W-KNA Board since the board’s inception in 2008.

FIGURE 1 – Shows the existing lateral public access area along the county-owned Beach Reserve (TMK 4-3-002-001) which traverses multiple resort properties including Islander on the Beach.



FIGURE 2 – Photo dated 4.17.2021 shows the close proximity of the coastline to the existing 5-foot wide sidewalk (left side behind two palm trees) at Islander at the Beach Resort. The Shearwater signage (lower right corner) indicates a nesting site.



FIGURE 3 – Photo dated 7.24.2017 shows impacts of King Tides to the County Beach Reserve makai of Kaua`i Coast Resort at the Beachboy, and the close proximity of erosion to the existing 5-foot walkway which is located within the shoreline setback area or “no-build zone”.

