



WAILUA - KAPA'A
NEIGHBORHOOD
ASSOCIATION

February 22, 2014

(VIA EMAIL: dhaigh@kauai.gov &
lkurisaki@kimurainternational.com)

Doug Haigh, Chief Building Division
County of Kaua'i, Public Works Department
4444 Rice Street, Suite 175
Lihu'e, HI 96766

RE: Draft EA for Bike/Pedestrian Path Phase C & D - Waipouli

Aloha Mr. Haigh:

As stated in the DEA, the County will be seeking Shoreline Setback Variances (SSV), and we are writing to object to any variances along the coastline fronting the undeveloped resort parcels owned by Coconut Beach Development (TMK 4-3-002:015 and 016) and Coconut Plantation (TMK 4-3-007:007).

Shoreline setbacks serve a real and critical purpose in protecting our beaches, our recreational ocean access, our coastal wildlife, and even our coastal developments. It is in no one's interests to compromise that protection with variances, for any reason.

The DEA inappropriately takes the position that these currently undeveloped resort parcels referenced above will be built simply because they were granted permits. But this is not a given, and the expiration dates of these County SMA Use Permits need to be included in the DEA. Furthermore, Coconut Beach Development cannot build within the 100-foot Open District and therefore a shoreline setback without a variance is available for siting the Path.

The Path should not be located within the shoreline setback through these two parcels, it must be aligned landward of the setback, based on current Certified Shorelines, otherwise negative impacts will occur. It will:

- 1) impede recreational use of the public beach which is based on the high water mark where evidence of the high wash of the waves is known to exceed the pre-existing foot paths through the Ironwoods;
- 2) eliminate a mature stand of Ironwood trees that provide shade and beauty, and whose roots secure the coastal berm protecting the land/beach seam, and the back-beach dunes;
- 3) thwart the haul-out activities of the endangered Hawaiian monk seal and threatened green sea turtles and other flora/fauna active here, and hinder birdwatchers and those who enjoy observing wildlife;
- 4) constrict yet another traditional and well-used fishing and diving beach down to a mere ribbon of land between resort traffic, a "bicycle freeway" and the sea; and
- 5) infringe on cultural and social traditions within the coastal environment.

Hawaii's long-established, environmentally proven, and legally sound shoreline protections should not be side-stepped with variance permits, setting the bar for future development variance requests at a new low.

Coastal lands on Kaua'i are perhaps our most mutable and therefore precious asset. We request that the County not seek a SSV for the above referenced TMKs. Thank you for your serious consideration of this matter.

Sid Jackson, Secretary
On behalf of the W-KNA Board of Directors

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"We treasure our rural community"

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