

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:            ) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-1,  
  ) SMA(U)-2015-6  
FRIENDS OF MĀHĀ'ULEPU                    )  
  ) DECLARATION OF BRIDGET HAMMERQUIST  
  )  
\_\_\_\_\_

DECLARATION OF BRIDGET HAMMERQUIST

I, BRIDGET HAMMERQUIST, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.  
2. I was born in Hilo in 1947, was raised on the Big Island until my family and I moved to Kaumakani, Kaua'i in 1964.

3. I currently reside in Kōloa on the island of Kaua'i.

4. I am president of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Friends of Māhā'ulepu" or "Petitioner"). Petitioner is based on Kaua'i and is comprised of Kaua'i citizens whose mission is the protection and preservation of a clean and healthful environment, including the protection of cultural resources and native species endemic to Kaua'i. Friends of Māhā'ulepū officers, directors, and supporters are and include Kānaka Maoli traditional and customary practitioners who utilize areas within, adjacent, and near to the subject property.

5. Attached as Exhibit "01" is a true and correct copy of O'Hare, Constance R., David W. Shideler, and Hallett H. Hammatt, *A Preservation Plan for SIHP # 50-30-08-680, a Lagoon Comprising Components of Debora Kapule 's Weuweu-Kawai-iki Fishponds at the Coco Palms Resort, Wailua Ahupua 'a, Puna District, Island of Kaua 'i TMK: (1) 4-1-003: 013*. Cultural Surveys Hawai'i, Inc., Kailua, Hawai'i (2013) via public records request pursuant to Hawai'i Revised Statutes (HRS) chapter 92F, on April 3, 2023 (excerpts).

6. Attached as Exhibit "02" is a true and correct copy of Letter from Susan Lebo, O'ahu Lead Archaeologist, State Historic Preservation Division, to David Shideler, Cultural Surveys Hawai'i, Inc., "Chapter 6E-42 Historic Preservation Review" Log No. 2013.5683, Doc. No. 1312SL19 (dated December 23, 2013) via UIPA request on November 13, 2023.

7. Attached as Exhibit “03” is a true and correct copy of excerpts of SSFM International, “Coco Palms Resort Traffic Impact Analysis Report Wailua, Island of Kaua‘i” prepared for Coco Palms Hui/ Agor Architects (February 9, 2015) obtained from Kaua‘i County Councilmember F. Cowden.

8. Attached as Exhibit “04” is a true and correct copy of excerpts of the Kaua‘i Planning Commission(“Commission”) meeting agenda from March 10, 2015 obtained via the Commission website available at [www.kauaigovonline.org/WebLink/DocView.aspx?id=1763178&dbid=0&repo=LF-IMAGING](http://www.kauaigovonline.org/WebLink/DocView.aspx?id=1763178&dbid=0&repo=LF-IMAGING).

9. Attached as Exhibit “05” is a true and correct copy of excerpts of the Commission meeting minutes from March 10, 2015 obtained via the Commission website available at [www.kauaigovonline.org/WebLink/DocView.aspx?id=1763310&dbid=0&repo=LF-IMAGING](http://www.kauaigovonline.org/WebLink/DocView.aspx?id=1763310&dbid=0&repo=LF-IMAGING)

10. Attached as Exhibit “06” is a true and correct copy of the Kaua‘i Planning Department letter to Coco Palms Hui, LLC, dated March 10, 2015 from Commission agenda packet, Jan. 24, 2023 obtained via the Commission website available at [www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING](http://www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING)

11. Attached as Exhibit “07” is a true and correct copy of excerpts of the Commission meeting agenda of August 11, 2015 obtained via the Commission website available at [www.kauaigovonline.org/WebLink/DocView.aspx?id=1763202&dbid=0&repo=LF-IMAGING](http://www.kauaigovonline.org/WebLink/DocView.aspx?id=1763202&dbid=0&repo=LF-IMAGING)

12. Attached as Exhibit “08” is a true and correct copy of excerpts of the Commission meeting minutes of August 11, 2015 obtained via the Commission website available at [www.kauaigovonline.org/WebLink/DocView.aspx?id=1763359&dbid=0&repo=LF-IMAGING](http://www.kauaigovonline.org/WebLink/DocView.aspx?id=1763359&dbid=0&repo=LF-IMAGING)

13. Attached as Exhibit “09” is a true and correct copy of the Housing Agreement (for Coco Palms), Document A-58830146, recorded at the Bureau of Conveyances on February 9, 2016.

14. Attached as Exhibit “10” is a true and correct copy of excerpts of the Commission meeting agenda of September 11, 2018 obtained via the Commission website available at [www.kauaigovonline.org/Weblink/PDF10/1272a6b8-6e88-4f1c-8413-98850c71b442/3087238](http://www.kauaigovonline.org/Weblink/PDF10/1272a6b8-6e88-4f1c-8413-98850c71b442/3087238)

15. Attached as Exhibit “11” is a true and correct copy of excerpts of the Commission meeting minutes of September 11, 2018 obtained via the Commission website available at [www.kauaigovonline.org/Weblink/PDF10/29297eef-769b-4844-add0-3a728414610c/3087257](http://www.kauaigovonline.org/Weblink/PDF10/29297eef-769b-4844-add0-3a728414610c/3087257)

16. Attached as Exhibit “12” is a true and correct copy of excerpts of the Commission

meeting agenda of November 13, 2018 obtained via the Commission website available at [www.kauaigovonline.org/WebLink/DocView.aspx?id=3087242&dbid=0&repo=LF-IMAGING](http://www.kauaigovonline.org/WebLink/DocView.aspx?id=3087242&dbid=0&repo=LF-IMAGING)

17. Attached as Exhibit “13” is a true and correct copy of excerpts of the Commission meeting minutes of November 13, 2018 obtained via the Commission website available at [www.kauaigovonline.org/Weblink/PDF10/af03a4af-37ce-44e8-8f65-fa4b73b9a6cd/3087261](http://www.kauaigovonline.org/Weblink/PDF10/af03a4af-37ce-44e8-8f65-fa4b73b9a6cd/3087261)

18. Attached as Exhibit “15” is a true and correct copy of excerpts of the Planning Department letter to Coco Palms Hui, LLC, dated December 31, 2018 from Commission agenda packet for the January 24, 2023 meeting, obtained via the Commission website available at [www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING](http://www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING)

19. Attached as Exhibit “16” is a true and correct copy of excerpts of the Commission agenda packet for the January 24, 2023 meeting, obtained via the Commission website available at [www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING](http://www.kauaigovonline.org/WebLink/DocView.aspx?id=3360460&dbid=0&repo=LF-IMAGING)

20. Attached as Exhibit “17” is a true and correct copy of excerpts of the approved Commission meeting minutes of January 24, 2023 obtained via the Commission website available at [www.kauai.gov/files/assets/public/v/1/boards-and-commissions/planning-commission/planning-commission-meeting-minutes/pc-01.24.23-open-session-minutes-approved.pdf](http://www.kauai.gov/files/assets/public/v/1/boards-and-commissions/planning-commission/planning-commission-meeting-minutes/pc-01.24.23-open-session-minutes-approved.pdf)

21. Attached as Exhibit “18” is a true and correct copy of excerpts of the Submittal for Item D-1 of the Board of Land and Natural Resources’ April 14, 2023 meeting, downloaded from the BLNR website *available at:* [dlnr.hawaii.gov/wp-content/uploads/2023/04/D-1.pdf](http://dlnr.hawaii.gov/wp-content/uploads/2023/04/D-1.pdf)

22. Attached as Exhibit “19” is a true and correct copy of the letter from Ka‘aina Hull, Director, Kaua‘i Planning Department, to Mauna Kea Trask, Cades Schutte, Subject: Department Determination DD-2024-7 Coco Palms Resort, Tax Map Key: (4) 4-1-003:004, 005, 007, 017; 4-1-005:014, 017, Wailua, Kaua‘i”, dated Oct. 6, 2023, filed as Exhibit “2” by Coco Palms Hui, LLC, November 6, 2023 as Docket 225 in Civil No. 1CCV-22-1495 (1st Cir. Ct), as well as the Declaration of John Day, filed with Coco Palms Hui, LLC’s Reply in Support of Motion to Dismiss, also filed November 6, 2023 as Docket 225 in Civil No. 1CCV-22-1495 (1st Cir. Ct).

23. Attached as Exhibit “20” is a true and correct copy of excerpts of Applicant’s COCO PALMS HUI, LLC’s Annual Report, included in the Commission agenda packet of October 24, 2023 obtained via the Commission website available at [www.kauai.gov/files/assets/public/v/1/boards-and-commissions/planning-commission/planning-commission-meeting-agendas/2023-10-24-pc\\_agenda-packet.pdf](http://www.kauai.gov/files/assets/public/v/1/boards-and-commissions/planning-commission/planning-commission-meeting-agendas/2023-10-24-pc_agenda-packet.pdf)

24. Attached as Exhibit “21” is a true and correct copy of the file named: “Ex. H - Coco Palms Revised Parking Plan 9-26-23” circulated at the October 25, 2023 Kaua‘i Council Committee meeting and obtained from Kaua‘i County Councilmember F. Cowden. New parking lots and structures appear on the north and south ends of the fishpond/lagoons that appear to encroach on 20-foot buffer areas as required by the 2013 preservation plan described *supra* Paragraph 5.

25. Attached as Exhibit “22” is a true and correct copy of excerpts of the Sea Level Rise Exposure Area (SLR-XA) map of proposed Coco Palms resort areas, obtained from the PACIOOS interactive mapping tool accessed on November 16, 2023 available at: [www.pacioos.hawaii.edu/shoreline/slr-hawaii/](http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/)

26. Attached as Exhibit “23” is a true and correct copy of the Federal Emergency Management Agency (FEMA) flood zone map of proposed Coco Palms resort areas, obtained from the PACIOOS interactive mapping tool accessed on November 16, 2023 available at: [www.pacioos.hawaii.edu/shoreline/slr-hawaii/](http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/)

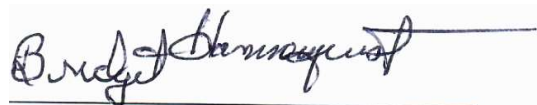
27. Attached as Exhibit “24” is a true and correct copy of the Kaua‘i tsunami evacuation zone map of proposed Coco Palms resort areas, obtained from the GIS layer accessed on November 16, 2023 available at: [kauai-open-data-kauaigis.hub.arcgis.com/datasets/KauaiGIS::kauai-tsunami-evacuation-zones/explore?layer=0](http://kauai-open-data-kauaigis.hub.arcgis.com/datasets/KauaiGIS::kauai-tsunami-evacuation-zones/explore?layer=0)

28. Attached as Exhibit “25” is a true and correct copy of excerpts of County of Kaua‘i Real Property database search returns for Tax Map Key Nos. (4) 4-1-06:026, 053, and 054, accessed November 16, 2023 *available at*: [qpublic.schneidercorp.com/Application.aspx?App=KauaiCountyHI&PageType=Search](http://qpublic.schneidercorp.com/Application.aspx?App=KauaiCountyHI&PageType=Search)

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kōloa, Hawai‘i

November 20, 2023



BRIDGET HAMMERQUIST  
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of:                    ) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-1,  
  ) SMA(U)-2015-6  
FRIENDS OF MĀHĀ'ULEPU                            )  
  ) DECLARATION OF ADAJO HAUNANI ROSSI  
  )  
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DECLARATION OF ADAJO HAUNANI ROSSI

I, ADAJO HAUNANI ROSSI, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I hold rights in a parcel on Koki Road, Kapa'a Hawai'i 96746, located at Tax Map Key (4) 4-1-002:019.
4. I am Kānaka Maoli. Both of my grandmothers lived on Kaua'i and I spent a lot of my time on Kauai in my youth.
5. I moved to Kaua'i from O'ahu. I have lived on Kaua'i with my family for 47 years.
6. I live in the Wailua house lots, which is a three-minute drive to the proposed Coco Palms hotel site.
7. My family and I own a parcel of conservation land on Koki Road. We grow kalo as an exercise of our Kānaka Maoli traditional and customary practice for personal consumption.
8. I was upset and disturbed by what I understand to be current hotel developers' decision to cut down more than 70 coconut palms from the conservation land parcel mauka of the hotel site, and almost as many from the fee simple land behind the old hotel remnant parcel. I personally observed these to be healthy trees.
9. The cleared vegetation has been dumped on nearly an acre of conservation land on Koki Road very near our kalo farm.
10. Attached as Exhibit "14" is a true and correct copy of the Kent Amshoff, Layton Construction, "Coco Palms Renovation Construction and Demolition Debris Management Plan" dated January 2023, obtained via email from the Kauai Solid Waste Division via email April 3,

2023 (“2023 demolition and debris plan”).

11. I understand the hotel’s demolition and debris management plan required the cut-down trees and other vegetative waste to be taken to Heart and Soul Organics in Moloaa, not dumped at the end of Koki Road on conservation land. This was not done.

12. I and my family and neighbors are very concerned about the traffic that is going to enter from Apana Road and Kuamoo Road exiting onto Apana Road and Koki Road and then onto Kuhio Highway. This traffic will make it difficult to conduct our kalo farming operations off of Koki Road.

13. In 1982, at the time of the first hurricane, the population of Kaua‘i was approximately 22,000.

14. In 1992, Kaua‘i’s population was a little over 30,000. Today there are more than 74,000 permanent residents on Kaua‘i, substantially increasing the population density of this small island. Tourism adds many more persons on a regular basis to Kaua‘i roads.

15. The increased population has created what the locals refer to as the “Kapaa Crawl”. The traffic congestion has noticeably increased and it feels like it has doubled since 2016.

16. I frequently drive by the proposed hotel property and am familiar with its environment.

17. I use the beach and shoreline fronting the resort property, including by the proposed Seashell restaurant for swimming, recreation, and peaceful contemplation. An influx of further crowds drawn to the area for the proposed resort would infringe on my use and enjoyment of the shoreline area.

18. I have seen the high wash of the waves flowing and close to the portion of Kuhio Highway that is makai of the proposed hotel site. There is no room between the high wash of the waves and Kuhio highway to install a restaurant, restaurant patio, or a driveway loop for the proposed shuttle.

19. Crowds of visitors at the coastal areas near the proposed hotel, and runoff and rubbish going into the shoreline impacts the health of the nearshore areas, and therefore my ability to use and enjoy gathering and other Kānaka Maoli cultural practices in this area.

20. I have observed several species of native sea birds that come and land on the site and the fish pond.

21. Building a large hotel resort would affect the ability of these native birds to use the

fish pond, especially its banks as they currently do. It is well known in the community that there are no plans to protect the native species that have come to rely on the vacant lands mauka of the destroyed hotel.

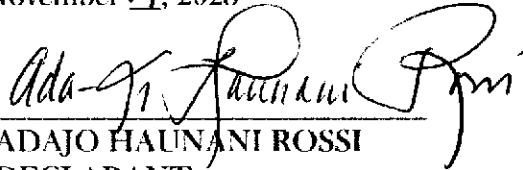
22. It is well known in the community that this site can no longer support a hotel. The Wailua waste water treatment plant and pumping station right near the hotel pollute the air with fecal odors almost every day. We can't drive by this area without smelling it. Also, how can the sewage from a 350 room hotel with employees and guests be added to an area where the waste water plant and pumping station are already in disrepair and operating at capacity?

23. I work as an event planner and I am personally aware that we have a serious shortage of staff on the island. Many of our businesses including places where people buy coffees, sandwiches, dinners to take home etc, close early and/ or are closed for several days of the week due to a lack of staffing. The labor force needed to service a large resort hotel does not exist in our present population, which means the hotel may try to import laborers. This will exacerbate our existing affordable housing shortage on Kaua'i.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 19, 2023

  
\_\_\_\_\_  
ADAJO HAUNANI ROSSI  
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of: ) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-  
FRIENDS OF MĀHĀ'ULEPU ) 1, SMA(U)-2015-6  
)  
) DECLARATION OF LISA M. NAKAMURA  
)

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DECLARATION OF LISA M. NAKAMURA

I, LISA M. NAKAMURA, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live on 321B Koki Road, Kapa'a Hawai'i 96746, located at Tax Map Key (4) 4-1-006:012.
4. I live very close to the former Coco Palms hotel property.
5. This area is already too crowded, particularly with vehicular traffic. Traffic is so heavy that it is hard for me to drive to the North Shore or Līhu'e.
6. Applicant COCO PALMS HUI, LLC (Applicant) proposed adding shuttles to take their patrons to the beach and other places. That will make traffic worse on Koki Street where I live, which is directly behind the resort onto which their traffic is supposed to traverse.
7. Wailua Beach, which lies makai of the proposed hotel, has been disappearing with sea level rise and erosion.
8. I have seen the high wash of the waves come up very close to Kuhio Highway. The shuttle round-about Applicant wants to build near the old Seashell restaurant would not be able to be placed above the high wash of the waves and Kuhio Highway. There is no room.
9. The seabirds that enjoy the grasses near the old Seashell restaurant would be displaced if Applicant attempted to rebuild that restaurant and patio.
10. It has been 31 years since the hotel operated. It is well known in the community that the hotel site is a mess and an eyesore.
11. Most people in the community would very much like to see it become a park or



grounds that people can walk on with maybe a cultural site where we can remember the historic Wailua. We don't need another large hotel. It just won't fit on this location anymore. Too much has changed.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 12 2023

  
\_\_\_\_\_  
LISA M. NAKAMURA  
DECLARANT

BEFORE THE KAUAI PLANNING COMMISSION

COUNTY OF KAUAI

STATE OF HAWAII

In the Matter of the Petition of: ) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-  
FRIENDS OF MAHA'ULEPU ) 1, SMA(U)-2015-6  
)  
) DECLARATION OF RACHEL FLATT  
)

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DECLARATION OF RACHEL FLATT

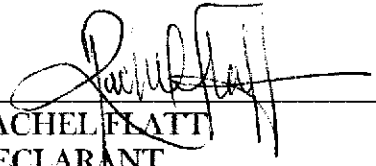
I, RACHEL FLATT, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MAHA'ULEPU, a nonprofit corporation ("Petitioner").
3. I live on 372 Likeke Place, Kapa'a Hawaii 96746, located at Tax Map Key (1) 4-1-006:056.
4. I live very close to the former Coco Palms hotel property.
5. I am familiar with the environs of the proposed hotel. I use and enjoy these environs for recreational purposes and as part of the quality of my life.
6. This area is already too crowded, particularly with vehicular traffic. Adding more congestion will compromise my quality of life and introduce further stress to my ability to go and come from my home.
7. Construction and demolition in the proposed hotel site will negatively impact our environment. There is a high water table in this area. I understand there are plans to install underground-parking, which would require pumping to ensure the parking garages do not flood, particularly during the rainy season and at high tide. Even before 1992, the previous parking garage flooded. Runoff from flooding will make nearby Waihua beach muddy and brown, killing our reefs and native wildlife.
8. I am also concerned about increasing the density in the proposed hotel location, which is in a tsunami evacuation zone, a flood zone, and partly in the Sea Level Rise-Exposure Area. Kauai has limited resources to respond to emergencies - ambulances, paramedics, police, fire-first responders - and putting more people, including tourists, in this area will likely overstretch those resources.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November \_\_, 2023

  
\_\_\_\_\_  
RACHEL FLATT  
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of: ) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-  
FRIENDS OF MĀHĀ'ULEPU ) 1, SMA(U)-2015-6  
)  
) DECLARATION OF MARVIS KERR  
)

DECLARATION OF MARVIS KERR

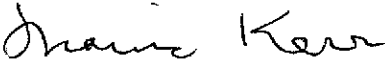
I, MARVIS KERR, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live on 377 Iikeke Place, Kapa'a Hawaii 96746, located at Tax Map Key (4) 4-1-006:068.
4. I live very close to the former Coco Palms hotel property.
5. I am familiar with the environs of the proposed hotel. I use and enjoy these environs for recreational purposes and as part of the quality of my life.
6. This area is already too crowded, particularly with vehicular traffic. The increase in population on the Wailua-Kapa'a area, including since 2015 when the hotel redevelopment was proposed, has now made our town the largest on island. The density and demand on infrastructure will be too much for our community and we will lose what little quality of life we enjoy.
7. I understand there are plans to rebuild the Seashell restaurant makai of Kuhio Highway. This is infeasible because much of this area is covered at high tide and there is no area to build a beach/driveway loop without encroaching on the shoreline.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawaii

November 19, 2023

  
\_\_\_\_\_  
MARVIS KERR  
DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of: ) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-  
 FRIENDS OF MĀHĀ'ULEPU ) 1, SMA(U)-2015-6  
 )  
 ) DECLARATION OF RALPH NISHIMOTO  
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DECLARATION OF RALPH NISHIMOTO

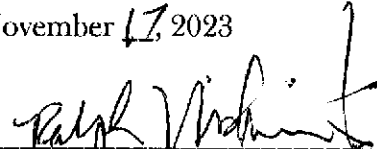
I, RALPH NISHIMOTO, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live on 4621 A Haleilio Road, Kapa'a Hawai'i 96746, located at Tax Map Key (4) 4-1-006:010. I live very close to the old Coco Palms hotel property.
4. I was the wedding photographer for their chapel. Though I loved my job with the hotel and have fond memories, the population in our area has outgrown the need for this hotel.
5. Traffic in our area by the hotel is already very bad and the congestion would get much worse if the hotel were rebuilt.
6. It has been 31 years since the hotel stopped operating. The area would serve the community much better as a park or community garden where we can grow food.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 17, 2023

  
 \_\_\_\_\_  
 RALPH NISHIMOTO  
 DECLARANT

BEFORE THE KAUA'I PLANNING COMMISSION

COUNTY OF KAUA'I

STATE OF HAWAII

In the Matter of the Petition of: ) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-  
 ) 1, SMA(U)-2015-6  
FRIENDS OF MĀHĀ'ULEPU )  
 ) DECLARATION OF IVAN AKO  
 )  
\_\_\_\_\_ )

DECLARATION OF IVAN AKO

I, IVAN AKO, declare under penalty of law that the following is true and correct.

1. I make this declaration based upon my personal knowledge, information and belief.
2. I am a member of Petitioner FRIENDS OF MĀHĀ'ULEPU, a nonprofit corporation ("Petitioner").
3. I live in the home I was born in at 342 Makani Road, Kapa'a Hawai'i 96746, located at Tax Map Key (4) 4-1-014:043, a mile from the old Coco Palms hotel property.
4. I am Kānaka Maoli and was born on Kaua'i.
5. I worked in the hotel and visitor industry through Hurricane Iwi (1982) and Hurricane Iniki (1992). My father, Valentine Ako, who passed away in 2020, worked at Coco Palms from at least 1970 until the time of Hurricane Iniki for R.J. Munro.
6. My father would talk about his work with R.J. Munro, the general contractor that worked on the Coco Palms hotel construction. He remembered how challenging it was to maintain the underground parking lot because of the water that would flood into the hotel with heavy rains or high tides. There were pumps that operated regularly in the underground parking. My dad was responsible for making sure the pumps were working. The same problems with a high water table, flooding, and consequent erosion and runoff to nearshore areas would likely plague any future hotel in this location.
7. My father would also share his thoughts on what would happen to the old Coco Palms hotel site. He felt strongly that there should be anymore construction or excavation on the parcel because of the burials on site, the iwi kūpuna. These iwi were unearthed during construction by R.J. Munro and reinterred after carpenters milled wooden boxes for them to be reinterred in. My father personally prayed over the 87 separate sets of iwi unearthed and reinterred. He said during the ceremony, he and other Hawaiians, promised the iwi kupuna that

they would never be disturbed again. Other Hawaiian practitioners came and did ceremonial protocol for the re-burials and the hotel management at the time agreed to maintain those graves.

8. I learned from my father - that iwi kūpuna should not be redisturbed by future construction. He also reiterated his belief that we need to respect and honor our kupuna in their place of rest. I share his belief and cultural practice.

9. I am concerned about the congestion and the added traffic to this area particularly in the event of any emergency. The only egress out of the proposed resort is through Haleilio Road or Kuamoo Road. Either option has severely negative impacts on local residents, including myself.

10. Both the old hotel site and our Wailua waste water treatment plant would both be sitting ducks in the event of another hurricane, seriously degrading our river and ocean waters with the debris and run off that would be caused by even a large king tide combined with heavy rain storm, which we now experience on Kaua'i. The entire area is in a tsunami evacuation zone and a flood zone.

11. I have observed such serious beach erosion that I question how a 350 room resort could even be built on the site without major environmental harm. I appreciate the need to protect and keep our environment safe and clean.

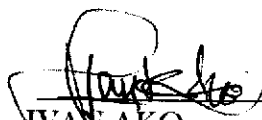
12. While my dad and I share intimate memories of our time at the Coco Palms Hotel, that time has past and nature has changed our beach, our water table, and our population has grown to the point where our waste water treatment plant cannot take care of those of us that are already living here full time without regular noxious gases being emitted that smell like feces with spills into our bay.

13. The County should not let this area be further damaged for further hotel redevelopment.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 20, 2023

  
\_\_\_\_\_  
IVANAKO  
DECLARANT

BEFORE THE KAUAI PLANNING COMMISSION

COUNTY OF KAUAI

STATE OF HAWAII

In the Matter of the Petition of:	) Permit Nos. Z-IV-2015-8, PDU-2015-7, V-2015-
	) 1, SMA(U)-2015-6
<b>FRIENDS OF MĀHIĀ‘ULEPU</b>	)
	) <b>DECLARATION OF MICHAEL FOSTER</b>
	)

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**DECLARATION OF MICHAEL FOSTER**

I, MICHAEL FOSTER, declare under penalty of law that the following is true and correct.

7. I make this declaration based upon my personal knowledge, information and belief.
8. I am a member of Petitioner FRIENDS OF MĀHĀ‘ULEPU, a nonprofit corporation (“Petitioner”).
9. I live on 384 Likeke Place, Kapa‘a Hawai‘i 96746, located at Tax Map Key (4) 4-1-006:060. I live very close to the old Coco Palms hotel property.
10. Traffic is very heavy in this area. This area is already too crowded, particularly with vehicular traffic. The increase in population on the Wailua-Kapa‘a area, including since 2015 when the hotel redevelopment was proposed, has now made our town the largest on island. It is already difficult to get to Lihue or to the North Shore.
11. There is no access to Wailua beach without crossing the already very heavily traveled Kuhio Highway. There is no area at the beach to install a new shuttle driveway-tumaround. Adding a shuttle stop on the side of the road would interrupt the already impacted traffic flow and worsen traffic conditions.
12. The high water table that impacted the old Coco Palms parking structure is likely worse today because so much of Wailua Beach has disappeared under water making an underground passage to the beach difficult if not impossible.
13. The plan to add shuttles for hotel guests to go to and get from the beach will make the already congested Kuhio Highway even more difficult to travel on. It is already difficult to travel on Kuamoo Road and Haleilio Road. I have personally seen a significant increase in the traffic congestion over the past 5 years. While the additional lane in front of the hotel site on Kuhio Highway has helped that traffic some, the roads merging with Kuhio Highway are very congested and not much improved. I can't imagine being able to travel to and from my home if a

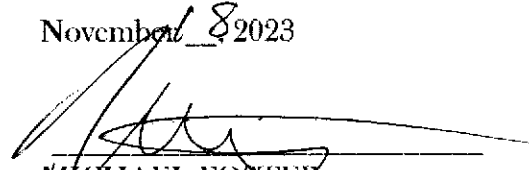


350 room resort is built with the employee and guest cars that will be added to our streets.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kapa'a, Hawai'i

November 8 2023

A handwritten signature in black ink, appearing to read "Michael Foster", written over a horizontal line.

MICHAEL FOSTER  
DECLARANT

## Declaration of Sophronia Noelani Josselin

1. I, Sophronia Noelani Josselin, declare that I am a resident of the County of Kauai, State of Hawaii.

2. I reside at Kapa'a, County of Kauai, State of Hawaii.

3. I make this declaration based upon my personal knowledge and observations. I am competent to so declare.

4. I am familiar with the area shown in Exhibit A, attached hereto and incorporated herein, which is an architectural drawing of RP21 Coco Palm's proposed shuttle bus turn around at Wailua, Kauai, Hawaii.

5. I am informed and believe that the drawing was submitted to the County of Kauai Building Department for permitting by RP21 Coco Palms architect, Ron Agor.

6. I am informed and believe that the area designated as Coco Palms Shuttle Bus Turn Around on Exhibit A is located on the north end of the County of Kauai Wailua Beach Park.

7. I am unaware of the County of Kauai granting a lease, license, or permit to RP21 Coco Palms for a shuttle bus turn around at this location.

8. Below the Turn Around on Exhibit A, in small print, are the words "Public Parking Area."

9. Based on my personal observations, the public has used the area shown in Exhibit A for parking. There is barely enough area for six vehicles to park in this area, let alone a shuttle bus turn around.


10. Last week, during high surf at Wailua, I observed the wash of the waves go into the area shown in Exhibit A as Shuttle Bus Turn Around and Public Parking Area. See Exhibit B, which is a true and correct copy of a photo I took a few days ago at the parking area.

11. Based on my personal observation, the wash of the waves at high tide frequently reaches the area designated for the shuttle bus turn around in Exhibit A.

12. RP21 Coco Palm's Seashell Restaurant, as shown on Exhibit A, encroaches upon the State parcel identified as RP 7613. I have observed the reach of the waves wash over the State parcel and reach the bottom of the stairs at the Seashell Restaurant during high tide and high surf events.

I, Sophronia Noelani Josselin, declare under penalty of law that the foregoing facts are true and correct to the best of my knowledge.

DATED: Lihue, Hawaii, November 19, 2023.

  
Sophronia Noelani Josselin  
11/19/2023