

# **KILAUEA NEIGHBORHOOD ASSOCIATION**

POST OFFICE BOX 328, KILAUEA, HI 96754

January 26, 2009

Mayor Bernard Carvalho  
4444 Rice Street  
Lihue, HI 96766  
mayor@kauai.gov

RE: Conservation District Use Permit Application (CDUA) 3525  
Paradise Ranch, Lepeuli, Kauai

Aloha e Honorable Mayor,

The reef system at Ka`aka`aniu and the lateral ala loa paralleling it have been used for hundreds, if not, one thousand years. The County Larsen's Beach Right-of-Way, acquired in the past 30 years, augments and emphasizes the importance of this reef. There is much concern in the Kilauea community about the proposed CDUA at Lepeuli, which would significantly impact reef and restrict public access along the ala loa.

On October 16, 2009, members of KNA were threatened with potential arrest for intending to use the county maintained Right-Of-Way. County officials have had subsequent site visits with the applicant and county surveyors were to determine the location of county owned land. It has been 4 months since that visit. We do not yet have a clearly defined legal access to this important reef. Trail experts have relocated the county trail and have stated that it could be maintained and made ADA accessible within weeks without heavy equipment or the need for permits.

In the past, the Kilauea Neighborhood Association has been included for consideration on important community decisions. Many Kilauea area residents participated in former Mayor Brian Baptiste's Ka Leo Program, which included Ka`aka`aniu/Larsen's Beach Access as a priority. KNA was not included in the process of this CDUA decision which can majorly restrict reef access.

In order to avoid another situation like the Wailua Bike Path location at CocoPalms, please schedule a Public Meeting in Kilauea with the community before you make your decision and recommendation to DLNR. This decision is of great importance to many generations of Kauai residents; community input as well as traditional and cultural rights must be considered.

If this CDUA permit is approved, Community groups have expressed intention to pursue the appeal process through a Contested Case. There are many errors and omissions on the Paradise Ranch SMA permit application. The county needs to avoid another costly lawsuit by taking a hard look at this project.

Please schedule a community meeting in the Kilauea area before making your recommendation to DLNR/BLNR about the Paradise Ranch project to prohibit public access to Lepeuli. The next KNA meeting is scheduled for February 2, 2010 at 7 p.m. in the Kilauea Neighborhood Center. Please let us know if you can attend.

Thank you for your immediacy. The 180-day clock on this project expires on Feb 20, 2010, after which the permit will automatically be approved.

Sincerely,

Keone Kealoha  
President, Kilauea Neighborhood Association