

## MINUTES

### **PUBLIC WORKS COMMITTEE**

**March 19, 2008**

A meeting of the Public Works Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Mel Rapozo, Chair, at the Historic County Building, Room 201, Līhu'e, Kaua'i, on Wednesday, March 19, 2008, at 9:38 a.m., after which the following members answered the call of the roll:

Honorable Mel Rapozo  
Honorable Shaylene Iseri-Carvalho  
Honorable Tim Bynum  
Honorable Ron Kouchi  
Honorable JoAnn A. Yukimura  
Honorable Bill "Kaipo" Asing, Ex-Officio Member  
Honorable Jay Furfaro, Ex-Officio Member

Minutes of the February 20, 2008 Public Works Committee Meeting.

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Yukimura, and unanimously carried, Minutes of the February 20, 2008 Public Works Committee Meeting was approved.

The Committee proceeded on its agenda items as shown in the following:

PW 2007-11            Communication (9/19/2007) from Shaylene Iseri-Carvalho, Public Works Committee Vice Chair, requesting that the Administration be present to discuss an action plan, timeline and cost proposal for the repair, removal, and/or maintenance of Kapa'a Beach Revetment.  
**(This item was deferred.)**

MEL RAPOZO, PUBLIC WORKS COMMITTEE CHAIR: Okay, also can you read 2007-12 as well. We'll take both items together.

PW 2007-12            Communication (9/19/2007) from Shaylene Iseri-Carvalho, Public Works Committee Vice Chair, requesting that the Administration be present to discuss an action plan, timeline and cost proposal for the repair and/or maintenance of Moanakai Road alignment/Fujii Beach Revetment.  
**(This item was deferred.)**

MEL RAPOZO, PUBLIC WORKS COMMITTEE CHAIR: Thank you very much. At this time I will suspend the rules and if we could have the Administration up.

There being no objections, the rules were suspended.

Edmond P.K. Renaud, Deputy County Engineer: Good morning, Chair and Councilmembers.

Mr. Rapozo: Good morning, thank you.

Mr. Renaud: Ed Renaud, Deputy County Engineer.

Mr. Rapozo: Okay, as you know, we are asking for an update and you know we've had, pretty much we've had the presentation. Ed, I think what we're interested in is figuring out or finding out what the action plan is, what happens going forward. Really, you know, we've seen all the pictures. We've seen the report. I guess for me I want to know what...

Mr. Kouchi: So let's go to page 15.

Mr. Rapozo: Yeah and that was my concern. I don't want to rehash the PowerPoint because like I said, we've seen all the pictures. What I want to see basically is what we're going to do, how much it's going to cost, where the money is going to come from and how long it's going to take. That's pretty much, unless the other members have other questions.

Ms. Iseri-Carvalho: Yes, I guess when I spoke to the County Engineer two days ago, he had indicated and really what I'm looking at is in light of the money bill that did come through, I believe it's on the agenda for next week as part of the \$6 million request, how does that funding mechanism tie in with the timeline and the action plan.

Mr. Renaud: Actually, the action plan is really, it's in that presentation, but I'll go over it briefly and I know we don't want to go over everything else because it's been said many other times on here. So, I'm just going to get to the point. I mean the action plan is really, we would have to consult with the attorney on signage and other recommendations, that's one. Procurement process, we have to go through that. We have no permit, so we would have to go through the whole thing as a new project and this is on both of them. The funding, I think we know the numbers, but I'll just go over it real fast. The Coastal Erosion Study is approximately about \$300,000 and the Design Cost for the construction is about \$200,000. So it is a total of about \$500,000 and...

Mr. Rapozo: Hang on real quick. The Coastal Erosion Study meaning we're doing another one? We're not relying on Chip Fletcher's?

Mr. Renaud: I think that is all part of it because the assessment we had from Oceanit, as a freebie, they came up with similar and what not. So now, first of all we need the money so that we can go forward. Now, where we're at on

using whose or what plans, I cannot answer that, you know.

Mr. Rapozo: Okay, well that's important because we funded the Coastal Erosion Study by Chip Fletcher already. So if you're asking for \$300,000 more to do a Coastal Erosion Study, I don't understand why we would be paying more for a study that we already funded. So, I think we need to get that answered.

Mr. Renaud: Okay.

Mr. Rapozo: Or are you proposing that we do a new, another one. Is Oceanit going to do a Coastal Erosion Study in addition to what Chip Fletcher is doing, I don't know.

Mr. Renaud: I would have to defer that, yeah, on that portion. Okay, on the timeline, if we can go there?

Mr. Rapozo: Yes, please.

Mr. Renaud: Okay. For this project...

Ms. Iseri-Carvalho: The timeline we do have, yeah...

Mr. Renaud: Okay, you have?

Ms. Iseri-Carvalho: ...as part of our slides.

Mr. Renaud: Okay, okay the timeline.

Ms. Iseri-Carvalho: No, no, I mean don't you have a slide that...

Mr. Renaud: Yeah, yeah, it's...

Ms. Iseri-Carvalho: ...an updated one?

Mr. Renaud: Okay, so it's all there.

Ms. Iseri-Carvalho: So maybe...

Mr. Furfaro: Is it the last slide in your proposal?

Mr. Renaud: Correct.

Ms. Iseri-Carvalho: If we put on for the public's benefit...

Mr. Renaud: Okay.

Ms. Iseri-Carvalho: ...it's easier if they see it.

Mr. Furfaro: Steph, if you put slide 16 up.

Ms. Iseri-Carvalho: You see, I guess my understanding with  
Mr. Fujimoto was that there would be an updated presentation from the  
presentation that we had done back in January.

Mr. Renaud: Mm-hm.

Ms. Iseri-Carvalho: So is this what you have here? Is that the updated  
PowerPoint presentation?

Mr. Renaud: It is an updated and basically it's...

Ms. Iseri-Carvalho: Yeah, cause it's...

Mr. Renaud: ...it's everything that was shared prior.

Ms. Iseri-Carvalho: ...oh, he just repeated it?

Mr. Renaud: Some of this is repeated, correct, and then, yeah  
but the time frame is different, yeah.

Ms. Iseri-Carvalho: Okay and that's what, I guess, I wanted, if that's  
okay, Mr. Chair, and if you can, so we're going to start with Kapa'a Beach  
Revetment?

Mr. Renaud: Correct.

Ms. Iseri-Carvalho: Okay, 'cause I see March 19, 2008...and I guess go  
to the last two slides.

Mr. Rapozo: Just the last two slides, just...

Mr. Renaud: Yeah.

Mr. Rapozo: No, that's not what we have.

Ms. Iseri-Carvalho: One more before that, Stephanie.

Mr. Rapozo: We don't even have that.

Ms. Iseri-Carvalho: I do.

Mr. Rapozo: Really?

Ms. Iseri-Carvalho: Which...

Mr. Rapozo: Well then I have the wrong one.

Ms. Iseri-Carvalho: The Kapa'a Beach one?

Mr. Renaud: Kapa'a, that's Kapa'a right there.

Mr. Rapozo: What we get? Two separate ones?

Ms. Iseri-Carvalho: Yeah, two separate. Okay, so I guess you can continue.

Mr. Rapozo: Yeah, please, go ahead.

Mr. Renaud: Okay, we need to secure the funding bill. We say it's going to take approximately 2 months and then the consultant for the coastal erosion study is estimated at 4-6 months; the coastal study and the recommendation and that's another 12 months; to bring on a consultant, the design consultant, would take 4-6 months again. I skipped one. The coastal recommendation to address the coastal erosion, we're saying 12 months, yeah and okay. The designing and planning, permitting, excuse me, because we have to go through all the permitting again, that's another 12 months. Construction procurement for a contractor we are saying estimated at 4-6 months, and to do the actual project, construction project, is 6 months. So we're looking at between 4 and 5 years to get this out of the block.

Mr. Rapozo: Ed, there's no way of getting this declared as an emergency because it's...

Mr. Renaud: We looked at everything and what we had from Iniki and everything, that's going to be very hard. Right now, Donald is in Honolulu. He's trying to look at, with the different agencies (DLNR, Sam Lemmo and whatnot, and the Corps) and to see if things can be reversed, but to be in all honesty, it's really hard right now.

Mr. Rapozo: And why, why would it, what is stopping us from making it, what is the, what's the reason that we cannot get an emergency declaration for erosion. The road will basically be in the water soon.

Mr. Renaud: Well, that's something that he is trying to determine with the Corps right now, you know. That's all I can say.

Mr. Rapozo: Yeah and I guess I'm not familiar with the process to...

Ms. Iseri-Carvalho: . . . deem an emergency.

Mr. Rapozo: ...declare something an emergency.

Mr. Renaud: Yeah, for us to do a declaration here, I don't think . . . because we have to go through the Corps and DLNR and all of that, it's not just a planning issue. It's the Corps and DLNR, so it's out of our hands and we have to go there first.

Mr. Rapozo: No, but for procurement. For procurement purposes, for us to be exempt from the procurement, how do we get something declared as an emergency?

Mr. Renaud: I guess that's where the Governor comes in, yeah?

Mr. Rapozo: Not the Governor. We've done it here...

Mr. Renaud: No, no we've done it here, but...

Mr. Ryan Nishikawa, Chief of Field Operations & Maintenance: The Finance Director.

Mr. Renaud: Yeah, the Finance Director. I guess that's the bottom...

Mr. Rapozo: Right.

Mr. Renaud: ...line.

Mr. Rapozo: So what I'm saying is have we explored that option? That road is the only road that services that homes. That is.

Mr. Renaud: Mm-hm.

Mr. Rapozo: I mean that's the only. Moana Kai Road and are we on...

Ms. Iseri-Carvalho: No, no, no, we're doing the Kapa'a Revetment...

Mr. Rapozo: Okay, well I mean we are discussing both.

Mr. Renaud: Okay.

Mr. Rapozo: We're discussing both and my concern is that erosion rates over there are quite active. I mean I think we know that.

Mr. Renaud: Kapa'a is from Pono Kai to fronting the library.

Mr. Rapozo: Right.

Mr. Renaud: Oh, excuse me, sorry. Kapa'a Park is really from Pono Kai to fronting the library in Kapa'a.

Mr. Rapozo: Right.

Mr. Renaud: Okay.

Mr. Rapozo: And wouldn't you agree that the erosion there is pretty aggressive? I mean haven't we put up signs? Isn't there sinkholes? Isn't there yellow, an orange net that prohibits people from crossing because it's a dangerous situation?

Mr. Renaud: Yeah, everything is up, everything is up.

Mr. Rapozo: Right, okay. So my point is and educate me because I thought it was as simple as the Finance Director calling it an emergency and backing it up with in fact the data that shows if we don't fix it soon that there may be some harm, some personal injury, some property damage, and we're looking at a 4-5 year window which is a long time, and at the time we start construction, the erosion will have eaten up quite a bit more property, in my opinion. I mean, it's just the way it is.

Mr. Renaud: Yeah, you're correct.

Mr. Rapozo: So, I don't know. Have we explored or is there a reason why the Finance Director has not declared it an emergency so we can at least quicken the procurement process.

Mr. Renaud: Um, I would have to defer that part, yeah.

Mr. Rapozo: Okay. Any other questions, real quick?

Ms. Yukimura: I just want to say I recall that the last time that County Engineer Fujimoto came and spoke, he said you folks had looked at the possibility of doing an emergency and had concluded that you didn't have the parameters to qualify for an emergency. That's what I recall him saying. And I also don't know that you can assume the coastal erosion rate without doing the coastal erosion study.

Mr. Renaud: That's correct.

Ms. Yukimura: So, I mean to me that's kind of an essential. You might, after you do that study, find that it's an emergency because in the next 2 years it's going to wipe out 50 feet or something; I don't know. But it seems to me

you'll need some kind of data to base your emergency determination on and from what I remember him saying, there wasn't that data to justify it.

Mr. Renaud:                    You're correct, yeah.

Mr. Rapozo:                    I remember that as well. I'm asking what was the data that we don't have. What is the reasons we cannot declare it...

Ms. Yukimura:                Coastal erosion rates, probably.

Mr. Renaud:                    That's what it is.

Mr. Rapozo:                    Not probably. I want to know. You guys asking for \$300,000 to do a coastal study which we already funded.

Ms. Yukimura:                Well, that's another issue and I think...

Mr. Rapozo:                    It's not, JoAnn.

Ms. Yukimura:                ...it's another question.

Mr. Rapozo:                    It's not another issue.

Mr. Renaud:                    That's correct.

Mr. Rapozo:                    If Chip Fletcher...

Ms. Yukimura:                No, that's what I mean. I agree with you on that point.

Mr. Rapozo:                    Well, that's my point. So that's what this update is for. It's to answer the questions and the last time I was here, Chip Fletcher was here or the response we got, I think Councilmember Furfaro requested the information, was that, I don't know, we never had enough good weather for the plane to go up to take pictures of some parts of our coastline. Now, I don't know how long it's going to take for whoever this new consultant and I'm assuming it goes out to another bid process where I don't know if Oceanit is even part of the equation any more. I don't know. But we going to go fund another \$300,000 so that the plane cannot go up, so we sit another 5 years waiting for good weather so we can take pictures. That's crazy. I guess before I approve \$300,000 for a coastal erosion study, I need to know where, what the status of the existing coastal erosion study is. That's crazy...

Ms. Yukimura:                Mm-hm, yes...

Mr. Rapozo:                    ...\$300,000 more...

Ms. Yukimura: ...I agree.

Mr. Rapozo: ...for a study that's already been funded and approved. So...

Ms. Yukimura: Mm-hm.

Mr. Renaud: So...

Mr. Rapozo: Mr. Bynum.

Mr. Bynum: I want to make sure we separate the two issues in our discussion right here, that, so I want to start with the Kapa'a Beach Park Revetment, the, and we have discussed this here before and I have notes and a memory about the answers we received previously and I concur with Councilmember Yukimura that what I heard was the Pono Kai seawall would be an emergency, the one at Moana Kai and the beach revetment didn't meet the criteria for an emergency and we would go through normal processes in terms of funding, but in regards to the Kapa'a Revetment, there is a history here. We have a letter from DLNR, November 7, 2006 where they recommend removing the revetment at the same time we remove the pavilion there and note that we have an opportunity to do managed retreat because there isn't a high value structure that's threatened by the erosion there. And so then I heard the answer very clearly and it's in our budget coming up that they wanted to do a coastal study of this particular area from the Pono Kai or the canal there because it's a unique coastline; it has this burrow pit that was dredged in the past and there is clearly an accelerated beach erosion in the area. So they want to do, before they started removing revetments, adding beach sand, doing that kind of thing, they wanted to have a study specific for that area to determine what, you know, what is the best course of action in the Kapa'a, in that whole area, but that they did intend to address both issues, but that we, that it wasn't an emergency situation and that we had time. That's what I heard. Is that correct?

Mr. Renaud: That's correct.

Mr. Bynum: Okay, so...

Mr. Rapozo: Hang on.

Ms. Iseri-Carvalho: Can I...

Mr. Bynum: May I continue?

Ms. Iseri-Carvalho: Well, you're saying that's correct. Mr. Renaud, where in your minutes does it say that because it doesn't say anything about Pono Kai being an emergency. Because if it was an emergency, it wouldn't be following

the same money bill process as the Kapa'a Ocean One-Year Field Study and the Kapa'a Beach Shoreline Protection Design and Permit. So, you know, when you're saying is that correct, when you say yes, it means that it's correct to every statement he made and that is not accurate at all.

Mr. Renaud: I'm saying correct that the coastal study plan has to be made before we can determine moving any rock off that Kapa'a Beach area.

Ms. Iseri-Carvalho: Okay, so clarify. I mean instead...

Mr. Renaud: Yeah...

Ms. Iseri-Carvalho: ...of just saying yes, you know, say...

Mr. Renaud: Excuse me.

Ms. Iseri-Carvalho: ...yes to that answer because it's not coming accurate when you're saying that it's yes to everything that he said because that is clearly not the case...

Mr. Renaud: You're correct.

Ms. Iseri-Carvalho: Because it would be contradictory to what you guys are asking for.

Mr. Rapozo: So, I guess the Pono Kai is not emergency. We did not get emergency...

Mr. Renaud: Well, we not talking about Pono Kai.

Mr. Rapozo: Well, no we are 'cause that's what he said and we need to, we're talking about both items.

Mr. Renaud: Yeah, we talking, okay, yup.

Mr. Rapozo: So, I mean 'cause I was under the impression that from the last time, as Councilmember Yukimura said, that it was not. We could not meet the parameters for emergency. And Mr. Bynum just stated that Pono Kai was an emergency. We did qualify and I don't recall that. I remember no emergency. We tried and we cannot and that was the purpose for my question today based on what, can't we get the declaration. So...and if you don't know, just state you don't know because, you know, I don't want to...

Mr. Renaud: No, I defer that.

Mr. Rapozo: I know Donald is not here and he called me

yesterday to say he was not going to make it and, you know, that's always a problem when we don't have the people that can answer the questions at these meetings. I mean, it's, you know, it's just frustrating. Go ahead Mr. Bynum.

Mr. Bynum: Thank you. To continue, at the beginning of my statement I said it's important that we clarify, you know, first of all Pono Kai is not on the agenda. Moana Kai and Beach Revetment at Kapa'a...

Mr. Rapozo: Hang on. Does the beach revetment in Kapa'a include Pono Kai? It does not? The Kapa'a Revetment doesn't?

Mr. Renaud: No, not in this one.

Ms. Iseri-Carvalho: Wait, but then...

Mr. Rapozo: Where, where does it show up? Where does the Pono Kai issue come up.

Mr. Renaud: I guess when we talk about Pono Kai.

Mr. Bynum: Pono Kai is not on the agenda...

Ms. Iseri-Carvalho: Well, didn't you just bring it up?

Ms. Yukimura: As a way to...

Ms. Iseri-Carvalho: You just brought up Pono Kai.

Ms. Yukimura: ...distinguish the two.

Mr. Rapozo: Hold on, hold on. Let me, okay. I was under the impression that the Pono Kai Project was going to be included in the Kapa'a Beach Revetment Project.

Ms. Yukimura: Mr. Chair, if you look at the Bill 2255, which is the \$6 million that's being allocated to some of these...

Mr. Rapozo: We not...

Ms. Yukimura: ...projects.

Ms. Iseri-Carvalho: We not talking...

Mr. Rapozo: ...doing the Bill today. We're doing...

Ms. Yukimura: I, I know, but...

Mr. Rapozo: ...this updates on the Revetment...

Ms. Yukimura: I just want to say that I'm trying to be helpful here. It shows the Pono Kai seawall emergency repairs as a separate item from the Ocean Study and the Moana Kai Shoreline Design Permit. So, arguably, the issue before us, based on the agenda item (1) that Ocean Field Study and the Moana Kai Shoreline Design Permit, those are the two issues right now on the agenda, right?

Mr. Rapozo: Okay, well, then I stand corrected and we will not discuss Pono Kai at this point. Go on Mr. Bynum.

Mr. Bynum: So what is on the agenda is Moana Kai and Kapa'a Beach Revetment, and Moana Kai, I heard from previous testimony, didn't meet the criteria for an emergency, but there is an action plan, you know, through the normal process to address both Moana Kai and the Kapa'a Beach Revetment. And a part of that plan is this coastal study of the area, in this area from Lihi all the way to past Kapa'a Beach Park, to look at what are the specific things that are occurring there in terms of coastal erosion to come up with a reasonable plan for the Kapa'a Beach Park, right? Have I got that right, Ed?

Mr. Renaud: Correct.

Mr. Bynum: Okay, so, you know, I understand the issue at Moana Kai and I think that that plan is a reasonable one based on the information you've gotten from Oceanit and the decision you've made. At Kapa'a Beach Park I hear that there's a need to understand the coastal processes in this specific area and that's what this beach, what this funding is requested for in order to be determined what is the appropriate things to do at Kapa'a Beach Park, and, you know, I understand that. My final question has to do with the interim and this is that right now at Kapa'a Beach Park there are things that I'm uncomfortable with. There's exposed pipes, there's an old foundation that is being increasingly eroded and those things are safety issues. That's the reason we have orange tape up there and it's not related to whether we put the revetment out or not and I've asked Parks and Public Works to please come up with a plan to deal with those issues because those pipes, that foundation, all of that, I believe, can be removed and then allow the coastline to do its thing there, but get rid of those. I mean there's a cable and I've taken pictures over the last year and a half and you can see the progression and so it's been over a year that I've been asking for the short-term to remove those issues there that I, you know, that DLNR said we have the latitude to do that and so I just, in this transition between Parks and Public Works, I haven't gotten an answer from either about who can deal with those short-term safety issues now because they exist at present and they're getting worse. It's sad to see the orange fences go up in yet another place and I don't, I think we can deal with that in the short-term. So, it may not be today that you have an answer, but I really ask that Public Works and Parks figure out who can address those exposed pipes, that exposed foundation, and the exposed cables. There's like, looked like electrical cables right there in the

surf-line. In terms of the presentation you're giving about your action plan and timeline for Moana Kai and for the Kapa'a Beach Revetment, I understand it, I heard it last time and I think it's a reasonable and prudent way to proceed. Thank you.

Mr. Rapozo: Thank you. Councilmember Iseri-Carvalho, then Yukimura.

Ms. Iseri-Carvalho: Yes, okay. Do you have before you the presentation that was done on October 10, 2007? Okay, what I had spoken specifically with Donald about was that there would be an update here today based upon the presentation that was done on October 10, 2007. We are now over 5 months later and we have basically submitted the same thing except that what we have done is now extended the timeline from approximately 3 years to now 5 years. The same thing is here. It's action plan, consult with County Attorney on signage, and I'll go one by one. We'll go with the Kapa'a Beach Revetment first. And basically the action plan back on October 10<sup>th</sup>, which is 5 months ago, was to consult with the County Attorney. I would like to know when was that consultation done and what has resulted from that consultation because we've been here waiting for 5 months. We've actually had this on the agenda every 2 weeks. It keeps getting deferred and yet I was expecting that there would have been some progress that had been made today in light of the 5 months and in light of the fact that it was I, the one, who brought this issue to the forefront of the Public Works Department on these three issues to try to assure that we stopped the erosion in that area. We had been told that the erosion had been escalating and accelerating from 5 feet to even more now just based on observation. It could be a lot more, actually. So, I guess this is my problem. What have we done from October 10, 2007 when we had the Public Works Department here with their action plan that said they were going to consult, that said that they were going to schedule work as a CIP Project, that gave their timeline. Back here it was secure consultant for \$100,000. Why now we're looking at a consultant for \$300,000? You know, we talk about the design and permitting, over here it's 12 months. We look on the new one, it's now design and permitting 4-6 months and 12 months. I think these numbers are consecutive, right, when you talk about 2 months, 4-6 months, right? So you keep adding those numbers on. So it looks like just for design and permitting, we're talking about 18 months when we had previously had 12 months, and we still had wasted, I believe, 5 months from October 10<sup>th</sup> till today because it doesn't seem that there's been any update except that a money bill has been floating for this project. We look at construction procurement, that stayed the same, and construction 6 months stayed the same. I'd like to know why there are these changes in the numbers on the timeline. And, you know, again, these questions were all basically given to Donald. So it was not like these questions were going to be a surprise today that I was going to ask because I had spoken specifically to him what I expected in the presentation in light of the fact that he was not going to be here. I said, you know, I understood that he wasn't going to be here. My understanding was he told me he was going to go on vacation. But I said that somebody here should have all these answers which he indicated to

me that they were going to have these answers. And so, you know, today we come here and really, you know, it's unfortunate because, you know, basically they're just standing in. You know, don't shoot the messenger kind of idea. But, you know, really, this was one of the things that I felt was very, very important and to see that, you know, we're now 5 months down the road and there hasn't really been any action to the action plan or any implementation of the action plan, it's really disheartening because we are losing a lot of land area there. Now, we move on to, what is the status right now of Kapa'a Beach Revetment? What do we have that currently exists in that area that we have done any action on subsequent to October 10<sup>th</sup>.

Mr. Renaud:                      Actually, there's nothing. Nothing really. I mean the only thing is Public Works talking to, excuse me, Public Works talking to DLNR, Corps, you know, those people and that's it, yeah.

Ms. Iseri-Carvalho:            Okay, so but were there signage that had been put up?

Mr. Renaud:                      I haven't seen any. I'm not sure.

Mr. Rapozo:                      Let's go back to what the plan said back in October. Did we consult with the County Attorney on signage.

Ms. Iseri-Carvalho:            Well that he said he don't know. He gotta go look.

Mr. Renaud:                      I can't answer that.

Mr. Rapozo:                      Okay.

Ms. Iseri-Carvalho:            And then signage? You're not sure. My understanding was they were going to be putting on more permanent signs and more permanent barriers to assure that there would be a more safe environment in that area in light of the fact that especially with the bike path and with the soccer players, the kids all around in that area. So I guess what we'll do is, I mean, you know, it's unfortunate because we should, I guess, eventually this matter will get deferred again so that we can get all these questions answered. My next question has to do with Moana Kai. Now as to...

Ms. Yukimura:                    Can we finish Kapa'a Revetment first?

Mr. Rapozo:                      Sure. Any other...

Ms. Yukimura:                    I think it'll give us...

Mr. Rapozo:                      ...questions on the Kapa'a Revetment?

Ms. Yukimura: ...You were...

Mr. Rapozo: Mr. Bynum and then...

Ms. Yukimura ...I think you said...

Mr. Rapozo: Oh, I'm sorry. Okay, yeah, that's right. I'm sorry, Yukimura and then Bynum.

Ms. Yukimura: So I want to follow up on Councilmember Rapozo's question because it does concern me that we're going to spend \$300,000 for a coastal erosion study and I wondered if (1) Public Works has talked to Planning about the status of the existing coastal erosion study at Planning and whether it might not be the most cost effective to just do an addendum to that contract and utilize the data, hopefully, already gotten and expertise and, you know, start up already theoretically having been put into place, whether there is not a more cost effective way to get this coastal erosion study done for this particular stretch of coastline because that is the additional time that, you know, Councilmember Iseri-Carvalho is asking about. The move from 3 years, which was your October 10<sup>th</sup> time frame, and then your timeline given to us today to 4-5 years is really that coastal erosion study plus the time to make the recommendations. That's the addition, you know, of time and it's understandable to a certain extent. I mean, your action plan in October was to schedule work as CIP Project, money to be determined, and you have given us this Bill 2255 which has now itemized the different CIP amounts that you need for funding. So, you know, we're 6 months into the 8-month period that you had scheduled for securing funding and it's before us now and I'm...I'm thinking we're going to pass this within 2 months, but this coastal erosion study seems like a duplication in part unless you guys have really spoken to Planning and you know that, I mean you've really coordinated that, and you have looked for ways we could leverage that study to do this stretch of coastline. And I guess that's the unanswered question for me and it impacts the amount of money and the amount of time. So we really, I would like to have that, those answers if possible. Well, actually, I mean I feel like I need them before I vote on the CIP package.

Ms. Iseri-Carvalho: That's right.

Mr. Rapozo: Well, this will not get out of the committee until we get those questions answered. Mr. Bynum.

Mr. Bynum: Thank you. Again I don't see an inconsistency between your timeline offered in October and now. It says then that we'd secure funding, it was going to take, and that would be part of the 2008-2009 fiscal year and that would take 8 months. Six months have passed and now your timeline says 2 months. So, we planned on securing the funding during the budget process. And the other things that have changed, I believe, have been discussed here or at least I was aware that the coastal erosion study, you know, that you are requesting

\$300,000 when you looked closely at what the issues were. The other thing that I understand, and correct me if I'm wrong, is that we do have a pending coastal erosion study island-wide from Chip Fletcher and the reason for that is to determine shoreline erosion rates for permitting under our new shoreline setback bill. This is a more specific question. It's about what is the coastal erosion processes that are occurring, not just what's happening, but why is it happening, how do we mitigate it, what are the, you know, it's a different question. I think Councilmember Yukimura's suggestion that we see if there's overlap with the two studies, but they're very different questions that we're seeking answers to, and if there's an overlap and there's some savings involved, that's a reasonable thing to explore. But, and then the other thing that I know has occurred is that orange fence. I walk Kapa'a Beach Park regularly and, you know, I've seen that the fences have gone up and signage has gone up. I believe there's signage addressing the safety concerns there that I've expressed previously. I don't think we have to wait 5 years to address those safety concerns, however. Those are things that we can do in-house, I believe, and I'd like further discussion about that. So, thank you.

Mr. Rapozo: Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: Ah yes, where is, Ed, the Waiākea Canal?

Mr. Renaud: Waiākea Canal is just right by the library.

Ms. Iseri-Carvalho: That's the library. Okay and where is the Moikeha Canal?

Mr. Renaud: It's the next one over.

Ms. Iseri-Carvalho: The next one over where?

Mr. Renaud: Past, I mean...

Ms. Iseri-Carvalho: By Lihi?

Mr. Bynum: By the Lihi.

Ms. Iseri-Carvalho: Right, so when we're looking at the areas that, you know, you guys are saying here that you're requesting the ocean study, we talking about the area from Kapa'a all the way to the Lihi, which includes Moana Kai and includes, well a portion of Moana Kai, I guess it would include Pono Kai, up to that. So to say that Pono Kai was not part of this Kapa'a Beach is not true because it's Kapa'a Ocean, the field study that's part of the action plan that's on the agenda refers to that area. One of the other issues that had been brought up back on October 10<sup>th</sup> was that within one month, and I got the minutes here, after even October 10<sup>th</sup>, that was the plan, that they were going to put up signs at Moana Kai Road because of the sinkholes. Okay, and then here, it says on, and to your

knowledge, have the signs gone up at Moana Kai?

Mr. Renaud: I don't know off-hand. I just know that the holes were . . .

Mr. Nishikawa: No, they have not.

Ms. Iseri-Carvalho: Yeah, 'cause I was just there last week and I know that they are not there and I turned to the Public Works committee minutes of January 23, 2008 where we brought this up again. Mr. Fujimoto: "Right now, we're working with the Police Department and we just got the authorization from the Police Chief to put signs, no parking signs along Moana Kai just to limit our liability, just in case of these sinkholes." Ms. Iseri-Carvalho: "I'm sorry, at what stage are we at that. I know you had talked with the Police Department." Mr. Fujimoto: "I think we just got that sign last week, so we're in the process of making the signs. Again, you know, because a Chief's authority is limited to one year, we will be asking to extend the signage. So the question is when will those signs be put up?" Ms. Iseri-Carvalho: "On the Kapa'a Beach Revetment portion at Moana Kai, do you think that the signs should be up? What kind of timeline are we talking about? A month? Yes, within a month." You know, and that, you know it's now 2 months later, but it was also brought up from October 10<sup>th</sup>. So, you know, again, as part of the action plan, signage was one of those issues. Where are we on that?

Mr. Nishikawa: As far as the signage, that's my fault. I mean, I thought it went up; I didn't follow up; I take blame for that. I checked with my guys last week and I was told that it didn't go up. It should have gone up about...

Ms. Iseri-Carvalho: ...months ago.

Mr. Nishikawa: ...I forget when we got the Police Chief's approval.

Ms. Iseri-Carvalho: It looks like from here, 2 months ago.

Mr. Nishikawa: It could have been in January or so, and again that was my, that's my fault for not following up.

Ms. Iseri-Carvalho: So, when do you expect, in light of you learning about this condition, when will those signs be placed?

Mr. Nishikawa: Yes, hopefully by next week. Our crew chief on the sign crew right now he's out on sick leave. As soon as he gets back, we'll put those signs up.

Ms. Iseri-Carvalho: Okay, and thank you. I appreciate your candor on this area because again after I had reviewed the minutes, you know I went out

there to check if the signs were there and they weren't. So I appreciate you making the effort to get those signs up as soon as possible. Thank you, that's all I have for now.

Mr. Rapozo: Thank you. Any other questions? Mr. Furfaro.

Mr. Furfaro: Yes.

Mr. Rapozo: We're on the Kapa'a Revetment right now.

Mr. Furfaro: Yes. I, as a non or ex-officio of your committee, but as I'm looking through finance pieces associated with the budget that was just put in, first of all, I want to say that I think Councilwoman Yukimura raises a good possibility of having some economic benefit if we do some of the shoreline study as part of 'Aliomanu. But you have in front of us, yet to be heard and not on today's agenda, a money bill for a little over \$6 million of which we've identified some additional study work for this Kapa'a Revetment. But if I look through the bond money as well as the 2008-2009 submitted Capital Plan, there is only a carryover balance of \$170,000 on the Pono Kai Revetment wall design and plans and as I go through the General Fund, there's a, this is as of February 29<sup>th</sup>, there's about \$38,000 left uncommitted on the 'Aliomanu portion. I see no other scheduled CIP projects that reflect the estimated for the actual work and I don't mean to say anything more than, gentlemen, I think we need to go back and kind of re-evaluate some of these financial pieces, how they're tying in. I remember Donald suggesting that the first thing we do is revisit the shoreline erosion study. I remember that clearly and then these money bills coming back over to us. But if you had put in on page 16 the timeline and I'd try and tie the timeline to the money request. They're not connecting, gentlemen. So, that's my only comment, Mr. Rapozo.

Mr. Rapozo: Thank you. Any other questions regarding Kapa'a Beach Revetment? Or Moana Kai? Go ahead.

(Inaudible – not speaking into the microphone.)

Ms. Iseri-Carvalho: ...about the signs and they're going to address that.

Mr. Asing: If not, I have a question.

Mr. Rapozo: Go ahead, Mr. Chair.

Mr. Asing: You intend to ask for an update on the Planning...

Mr. Rapozo: I was going to actually have staff get Planning over here. I'm not going to do that because it's not fair to Planning, but I will definitely .

..  
Mr. Asing: No, I mean have them follow up.

Mr. Rapozo: ...have them here at the next committee meeting.

Mr. Asing: Okay.

Mr. Rapozo: Definitely.

Mr. Asing: Because I think that's...

Mr. Rapozo: It's critical.

Mr. Asing: Critical.

Mr. Rapozo: It's, I can tell you I will not support \$300,000 for another study and I know what Mr. Bynum said about it's a different process, but it's not. It's, as I understood when we approved the money for Mr. Fletcher, Dr. Fletcher, that's what that study is. It determines the problem areas and so forth and, you know, I guess I'm just confused right now because I thought we were in the process of getting that study and there's no sense debating that issue unless Planning is here 'cause nobody here can answer that question. So, we'll just table that coastal study until we get some information from Planning.

Mr. Asing: Okay, great, thank you.

Mr. Rapozo: Go ahead, Councilmember Yukimura.

Ms. Yukimura: Regarding Fujii Beach and Moana Kai Road, I'm looking at your presentation and basically your action plan, now we discussed the signage, so that's going to be taken care of. But then the next step would be your design and permitting which is \$200,000 that is presently in this Bill 2255, and then you have a projected construction cost of \$1.75 million. Is, and I think this is somewhat piggybacking on Councilmember Furfaro's question, but is this construction money in the CIP budget proposal? Or is this something that is going to be asked for in a year or what is your timetable for design? Oh wait, I see it here. Design and permitting 12 months. So, are you envisioning then coming back with a CIP request next year?

Mr. Renaud: I can't answer that.

Ms. Yukimura: Okay, then that is the question that's not an...I mean that we would like answered.

Mr. Renaud: Yup.

Ms. Yukimura: ...as a follow-up.

Mr. Rapozo: Thank you. Any other questions? Good, thank you.

Ms. Iseri-Carvalho: Okay, thank you. We'll be sending over...

Mr. Rapozo: Definitely.

Ms. Iseri-Carvalho: ...updated communication and can we assure that the County Engineer is present at the next meeting. It's pretty unfair to have Ed come and try to relive the whole history of this project from 8 months ago.

Mr. Rapozo: You did good though, Ed. I apologize for the...

Mr. Renaud: I'm okay.

Mr. Rapozo: ...tone, but you know, some, can you imagine us on this side. This is an issue that's been around for awhile and it just, for some reason. You see we don't change our meetings every month or every week. It's always on a Wednesday unless it's a holiday or some other circumstance. So, you know, I would expect, and this is not going out to you, this is going out to the people across the street that's listening right now, I would expect that when we pay a department at a 100 plus thousand dollars a year that on the Wednesdays in their calendar it's blocked off for County Council. That's just, I think it's just a courtesy. I think it's professionalism. I think it's an obligation to the public and this is not the first time and let me just say this, and this is not to you again, Ed. Unfortunately, in fact, you can go sit down, Ed, thank you very much. Because I know you, poor guy. Are you working or you coming in on your day off?

Mr. Renaud: I'm working.

Mr. Rapozo: Oh, okay. That's a dedicated troop coming in with a broken leg. But I will, I will recess the committee if we don't have a, if the County Engineer is not here. I will recess the committee and we will stay at recess until he comes here and that is a commitment that I will make for next meeting, at the next committee meeting. Mr. Bynum.

Mr. Bynum: Public testimony?

Mr. Rapozo: Yeah, I'm gonna do that, but you had your hand up. Is that what you wanted. Okay, well I saw Mr....

Ms. Iseri-Carvalho: Pleas.

Mr. Rapozo: ...Pleas, please.

Mr. Bruce Pleas: In the first place for the record, you'll probably have better luck in this than we've had with Kekaha Garden Park. It's been 30 years for that. The \$300,000 for a coastal erosion study, I was here when Dr. Fletcher was

here and everything.

Mr. Rapozo:                      So was I.

Mr. Pleas:                      Planning Department is going through that. It seems repetitive to me too. We could ask Dr. Fletcher to go ahead and fast track this area, which basically is what you did when he was here. He knows this is an area of concern. So, that to me is just another waste of money. Three years to build on this time frame? How much is going to be left? What's the erosion rate there? We were quoted before it was 5 feet a year. You talking 3 years, another 15 feet. What are we going to do? Put the wall, whatever you put up out 15 feet farther? What's, this is, this is just...

Mr. Rapozo:                      It'll be in the soccer field.

Mr. Pleas:                      Yeah, yeah, you know, I mean and what's going to come up during that time? You're talking \$1.7 million for construction of one? You're talking millions and millions and millions. The Council and Administration has to decide what you're going to do. Are you going to fortify the entire coastal plain of this island to the tune of hundreds of millions of dollars and then maintain that? Or are you going to do what I have suggested or another plan that maybe you can come up with? We need to admit that we are eroding. Can we afford to protect the whole island? And people say well, where do I live. I live at 6 feet above mean sea level, okay. It's going to affect me and I will expect, if you're doing this and everything, to come protect me too and I expect a lot of people in the plains will expect that. What I have suggested and the only reasonable and logical way I can see is for the County to work with the State for relocation of our people and businesses in the coastal plain. We have to look far in the future and set aside lands above 100 feet above sea level that we can move people to and set those aside. The General Plan says you can set aside land for agriculture. We can set aside land. We need to set, think of the future and set aside areas so that if it does come to a big melt, it may or may not, but if it does and we have to move or if a tsunami comes in and we have multiple tsunamis and people have to go somewhere, we can have a place already designated for people to go to because (a) you can't afford to buy these lots and the resorts down there. So...

Ms. Yukimura:                      It would be pretty cheap...

Mr. Pleas:                      Yeah, but the cheap will be nothing because the only thing it will be worth is a park and it'll be, so, you know, this is, this is what I'm just throwing out to you. But this is a lot of money to be spent and remember what Dr. Fletcher and Dolan said. If you put a revetment wall here, you got problems on both sides. So you're just going to have to continue to go.

Mr. Rapozo:                      Thank you.

Mr. Pleas: Thank you.

Mr. Rapozo: Mr. Bynum, a question?

Mr. Bynum: Good morning, Bruce.

Mr. Pleas: Good morning, Tim.

Mr. Bynum: You know, I've been looking at this issue since 2006 and so first of all I want to say, you know, my understanding is Dr. Fletcher's study for coastal erosion tells us how the coastal is eroding. The study that Public Works is asking is asking why it's eroding and what should be our, what should we do about it in this area. So, I see those two very different questions. How much erosion is occurring is one question. Why and what do you do is a more complex question. In this document from 2006 from the Office of Conservation and Coastal Lands and I believe Dolan wrote this document, he says regarding Kapa'a Beach Park, "Since the following revetment is no longer protecting any structures and appears to be having adverse environmental effects on the beach, it is the Office of Conservation and Coastal Lands recommendation for removal of the revetment simultaneously with the demolition of the pavilion. This may be the most cost effective solution as well. The present situation provides an opportunity for managed retreat from the shoreline. With no major improvements landward of the shoreline, erosion should be allowed to naturally migrate landward in order to preserve the beach. A managed retreat strategy would be complemented by the addition of compatible beach sand to the system and this might be accomplished in coordination with the current State effort to dredge the Waiākea Canal to the south and bypass some of this material to the beach fronting the park that's underway." And so what they're saying is, that were this, I doubt very seriously the recommendations are going to be to harden the shoreline. The recommendations are going to be allow the shoreline to take its natural course because we don't have a major structure to protect there. You know, allow the...

Mr. Rapozo: Tim, is there a question in this?

Ms. Iseri-Carvalho: Yeah.

Mr. Rapozo: Because there's a question...

Mr. Bynum: I'm answering the question...

Mr. Rapozo: No, no, no...

Mr. Bynum: ...that he...

Mr. Rapozo: That's for later. I'm, I'm, this is for questions on the speaker and not the discussion. We can have that in the discussion.

Mr. Bynum: So do you understand that, Bruce?

Mr. Pleas: Yes.

Mr. Bynum: Okay. So I don't think it's going to result in an effort to harden the shoreline.

Mr. Pleas: We'll see.

Mr. Rapozo: Any more questions for Mr. Pleas? We can discuss.

..

Mr. Pleas: Yeah, you guys have a long day.

Mr. Rapozo: ...this issue in discussion, but we're going to hear it again and I just want to make sure so Mr. Pleas can go get a comfortable seat. Do you have any questions for him? If not, thank you, Mr. Pleas.

Mr. Pleas: Thank you.

Mr. Rapozo: Anybody else want to testify? Not? We'll call the meeting back to order and now we'll open up for discussion and...

The meeting was called back to order, and proceeded as follows:

Mr. Bynum: Thank you. You know, I appreciate this opportunity to discuss this. We've discussed it several times. I think that what I'm interested in at Kapa'a Beach Park are the short-term, you know, right now we have exposed pipes, exposed wires and an exposed foundation. That's what's causing the short-term safety concern and I hope that Public Works and Parks will address those concerns quickly. The larger concerns are going to take longer to make a thoughtful decision about how to manage the coastline in this area. I think that these are complex issues and I understand the difference between a study that shows how much erosion is occurring and a study that says why is it occurring and what should be the appropriate mitigation efforts, and so I understand this and we'll see if we get more answers in the future. Thank you.

Mr. Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Ms. Yukimura: Yeah, I think we've seen that there's been some progress along the timeline projected and there's been some failure, for example with the signs. But it seems like the next follow-up are those questions that remain unanswered today and, Chair, you've said that we're going to send a communication.

Mr. Rapozo: We will and just to let you know, the pipes, the cable, the cement, all of that stuff that's there today was there when we did a site visit back...when was that?

Ms. Iseri-Carvalho: With Oceanit which was July 31<sup>st</sup>.

Mr. Rapozo: July of 2007 and we were assured that that was going to be removed and it's just, it's just,...

Ms. Iseri-Carvalho: July 31, 2007.

Mr. Rapozo: ...it's frustrating. Because it is a public safety, public health issue and, you know, in response to the comments that were made by, I guess that was Dolan, was that Dolan, Mr. Bynum, that you read from?

Mr. Bynum: I believe he wrote this report.

Mr. Rapozo: Right...

Mr. Bynum: It was under Sam Lemmo...

Mr. Rapozo: And he specifically said, that was in 2006, he specifically said that there should be no development, no construction landward of the shoreline. But what did we do? We built a bike path, right along there. And in fact, the original route was within 15 feet of the erosion line. So, you know, it's, we gotta basically practice what we preach. We gotta put our money where our mouth is. You know, you cannot take one and not the other. You want to protect that shoreline, let's do it. Mr. Pleas, you bring up a really good point about eventually we'll have walls right around the island, otherwise, we'll have no island. I mean if you think about it, that's really what's going to happen. Because if you put up a wall, exactly what you said. You put up a wall in front the beach park, guess what? On both ends of that wall you increase the erosion. And so you gotta put another wall, and another wall, and another wall, and eventually, you know, we look like a lake at a resort golf course that they golf at for golf tournaments. You know around the lake they have this beautiful wall and it's a nice lake and we'll have that around the whole island. Otherwise, you won't, the erosion gets aggressive when you start playing around with the shoreline and that's what's happening in Kapa'a. Five feet a year and we going wait 4 years? I mean and this is four years today and that's, we've already exceeded the first time.

We have, don't know if we even talked to the County Attorney yet. So, it's frustrating. I'm sure you can sense it in my voice, but you know what? I'm actually getting used to this, not having a Department here that can answer the questions, coming here asking for \$6 million but can't answer the questions. Well, it's real simple. You know, you just don't get my support. The problem is when you end up with a \$17 million surplus, that's what happens. We start looking for things to do.

And you start asking for things, we don't need 300 grand for another survey. You know, we don't need that. Why? You know, well let's just fire Chip Fletcher and let's go hire somebody who can do it, if that's the case. Two years for good weather on Kaua'i? I don't buy that excuse, you know. And you would think that our Planning Department would be on that so that the plane could go up and if you can't get it done, buddy, you just lost your contract. We'll go find somebody else that can do it. It's amazing how they did Maui. What? Is the weather that different in Maui than it is here on Kaua'i? I doubt it. I think we, I don't, I just don't know what's going on and that will be one for staff if you could please take note. We, I want Planning here to address that specific update because it relates to this and we don't need a new agenda item. We just want to add that question to this agenda item as it pertains to the coastal erosion study that is being requested by Public Works. I think more and more I'm finding that, you know, our Departments don't talk to each other. You know, they don't. And what a big sell. When Chip came up and talked to us about the erosion study, you know, that, you know, I asked him to come. I saw him in Maui and said what a phenomenal idea. Get the erosion study and we can know exactly where we're at. And he came, he, what a sales pitch and we hired him and yet we still haven't gotten anything. So, it's frustrating. And then to come up here and tell me that this is not an emergency. Believe me, in my short five years here, I've seen emergency declarations for much less than this. So, I don't believe that we can say this is not an emergency when you talking about an area that's eroding 5 feet a year, that's encroaching into a road that only one road services those residents. If that road goes, how does, how do the people get home? By boat? Anyway...any more, I'm sorry I took up so much time, but I'm frustrated. I've been gone a week, came back and recharged, and what a welcome home. Go ahead Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: Yes and I appreciate this being on the agenda. It had come back from May 30, 2007 was when we started really intently reviewing this issue, which is now almost a year and we seem to be really still at the same place. We've had interactions with the Administration. At that time, there was a change and in fact, the County Engineer had then shifted all of this work to Mr. Carvalho, who actually had gotten a lot of the work done and then now I understand it's back at Public Works and it really shows when there's this kind of shift and there's not some continuity with project managers or project administrators that follow through with the projects. You know, I have a whole timeline history of our communication with the Parks and Recs Division and that's when they took over in May 30, 2007. We sent over a communication regarding a memo on June 6<sup>th</sup> about the discussions we had on May 30<sup>th</sup> regarding the Pono Kai seawall and the deteriorating Kapa'a Beach Revetment in light of the fact that the bike path had just been laid at that point. And so when we talk about Dolan's report where he had indicated that there may not be or should not be an instance where there would be any shoreline hardening because there's no structure to protect, well, right after that we laid another structure which is the bike path to protect. So now, we're using funds to protect something that shouldn't have been

there to begin with. So, it's unfortunate that it worked out that way because we had that study and report done by oceanographers back in 2006 before the bike path was laid, after the structures were continually falling into the ocean. We have a follow-up on June 8, 2007 from the Administration again requesting these questions on the impact and how we are going to address the safety issues. We have another communication back to them on June 21, 2007. We sent over additional questions that weren't answered previously. They returned and then it's still not answered. So on June 25<sup>th</sup> we sent a whole set of questions. Again, how are we going to proceed with the fencing and with the posting of warning signs. We then get a response on June 27<sup>th</sup> when there's a request by the Department of Public Parks and Recreation to do a report as to what the current status is of those two areas. We then follow up on July 3, 2007, July 6, 2007, with another communication, July 12<sup>th</sup> we're asking them to get experts there to evaluate the situation. We finally receive approval on July 18<sup>th</sup> within a week. We do a p.o. on July 25, 2007 for Oceanit. It is then when Councilmember Rapozo and myself attend with the experts, the park experts, as well as the Deputy County Engineer at that time who was Kylan Dela Cruz, and we receive a report almost immediately thereafter on August 14<sup>th</sup>.

So this item, I mean we've been working extremely, I guess, stringent deadlines to assure that we're protecting our shoreline. So we received the draft evaluation. The next day they briefed the Council on August 15, 2007 about their final report as to what kinds of recommendations that they are going to do in those areas. We continue with another communication as to who's going to be the lead on this project on August 21, 2007. We then scheduled another visit back to these three site areas with the Army Corps of Engineers and that is myself and the Vice Chair or Chair of the Committee Rapozo with the Army Corps of Engineer **Joy Animizu** again discussing the permitting process, how we can expedite all of these, planning and design of the work that needs to be in that area. We have a final report that is presented on September 12, 2007. We then follow up with a . . . we have learned at this point that it has been transferred back to the County Engineer and then on October 10, there's an action and plan line which is based upon the questions that the Council had sent over and it comes out with a pretty good action plan. It's just that we never really took the time to try to implement it as quick as possible because then there's a lot of deferrals in-between until January 23, 2008 where we have a meeting and there's some discussion that we will be within a month putting up the signs, we will be consulting with the County Attorney on all of these areas as to our (inaudible) liability and what kinds of barriers we need to put up to protect the public.

We then receive subsequent to that on February 1, 2008, a letter from the Administration requesting \$2.65 million for Pono Kai, 'Aliomanu, Kapa'a Ocean Study, Moana Kai, and Kapa'a Beach Shoreline. Let me remind you that this \$2.65 million, there was a question as to why we could not use bike path funds to pay for this so that we could get the 80/20 match, whereas now we're paying 100% of the cost of the field studies, of the temporary barriers, of the plans and specifications of

the design. We're paying now, and the permitting process, we're paying 100% of these costs now. Did these conditions exist prior to the bike path being laid? Of course. We know that because we've had experts that have gone out before the bike path was laid. So, clearly there was an opportunity for us to secure bike path money so that we would not now be burdened by this extremely high cost, but it's something that we gotta do if we want to protect our beach, this is what we gotta do. So, it's unfortunate now that we're now stuck with 100% of the bill and now stuck basically in building a structure to protect the bike path because as we've learned, that bike path without these structures in place could be in the ocean within a period of several years. And did we know that that could happen? Of course. We knew that. The experts have told us that and yet now here we're back in 2008 starting with the design process and looking at a construction timeline of 5 years. As construction timelines go, we all know that they don't necessarily fall within that timeline, that it's extended many times. We know what the costs are going to be. It's exploded now. This \$2.65 million doesn't even include the construction cost of all of the issues that had we known prior to the bike path being constructed, of course. And yet, we're now going to be funding 100% of these costs. So it's unfortunate. It seems like we've put the cart before the horse knowing that, you know, we knew about all of these issues. We've, the Council, taken an aggressive stance in trying to assure the protection of the shoreline for over a year with communications within a period of 3 days, less than a week in trying to get the experts here, trying to get emergency procurement to assure that we don't lose any more of the land that we've lost within the last past several years. So, while it's quite unfortunate, we are at this situation.

Now I'm hoping that at the next meeting you would think that this was a great opportunity for the Engineering Department to come in with their action plan so that when they come in and ask for the funding for these projects for the money bill, that all of those issues would have been addressed and it would have been a no-brainer to allocate the funding whereas here, you know, we have again a whole bunch of unanswered questions. Many items that had been raised 6 months ago are still unfulfilled. I hope that the Administration thinks of these projects as seriously as we do and allocate the amount of resources and time so that we can really expedite these projects to assure again the protection of the shoreline. So, thank you. I would ask, I have a bunch of questions to send over. I don't know if we're sending over one communication, Mr. Chair, on these issues. Maybe that would be best instead of having multiple questions going over, but I do have, you know, at least 15 questions to send over based on our discussion today.

Mr. Rapozo: Yes and it will be one communication, so if you could have all your questions to staff by this Friday. So communi...Friday's a holiday. Okay, by Monday and so we can get the communication across to give them ample time to respond at the next committee meeting. Any other comments?  
Mr. Kouchi.

Mr. Kouchi: Just so everybody knows I'm still here, I'll be

supporting your recommendation, Mr. Chairman.

Mr. Rapozo: Thank you. Anything else? If not, I will entertain a motion to defer.

Councilmember Iseri-Carvalho moved to defer PW 2007-11 and PW 2007-12, seconded by Councilmember Yukimura, and unanimously carried.

Mr. Rapozo: Thank you and that was for PW 2007-11 and 12. And that ends the Public Works Committee. We stand...

Ms. Iseri-Carvalho: Oh, okay, Mr. Chair, before you end your committee, may I request that an agenda item be posted specifically for the Moana Kai. It appears to have been dropped and I'm not sure why.

Mr. Rapozo: Pono Kai.

Ms. Yukimura: Pono Kai.

Ms. Iseri-Carvalho: I'm sorry, Pono Kai.

Mr. Rapozo: Thank you for that.

Ms. Iseri-Carvalho: I'd like to request the money bill and maybe they can, you know, be partners so that we have some relationship with the money bill.

Mr. Rapozo: Thank you very much. Staff if you could take note of that. If you could add the new one for Pono Kai so we can discuss that. Thank you. Committee adjourned.

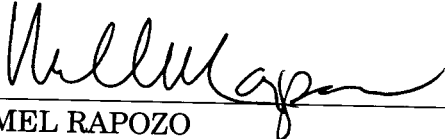
There being no further business, the meeting was adjourned at 10:43 a.m.

Respectfully submitted,

*Wilma Akiona*

Wilma Akiona  
Secretary

APPROVED at the Committee Meeting held on April 16, 2008:

  
MEL RAPOZO  
Chair, Public Works Committee