

MINUTES

PUBLIC WORKS COMMITTEE September 17, 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, Lihu'e, Kaua'i, on Wednesday, September 17, 2008, at 10:08 a.m., after which the following members answered the call of the roll:

Honorable Shaylene Iseri-Carvalho
Honorable Tim Bynum
Honorable Ronald Kouchi
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro, Ex-Officio Member
Honorable Daryl W. Kaneshiro, Ex-Officio Member

There being no objections, the meeting was recessed at 10:08 a.m. The meeting was called back to order at 12:09 p.m., and proceeded on its agenda item as follows:

PW 2008-2 Communication (4/7/2008) from Committee Chair Rapozo, requesting that the County Engineer provide for discussion purposes an action plan, timeline, and cost proposal for the repair, removal, and/or maintenance of the seawall fronting the Pono Kai Resort in Kapa'a. **[This item was deferred.]**

MEL RAPOZO, PUBLIC WORKS COMMITTEE CHAIR: We only have one item PW 2008-2 and it's a communication from myself requesting the County Engineer be here for discussion on the Pono Kai seawall. Like I said earlier, we will be meeting with the Administration and hopefully the State officials as well, and they did submit a deferral letter. Initially I had intended for him to be here to explain the reason of the deferral. I was not aware of the meeting and I have just been made aware, so I will ask for a motion to defer.

Ms. Iseri-Carvalho: Before, yeah, okay.

Mr. Rapozo: Go ahead (inaudible).

Ms. Iseri-Carvalho: Before we defer, yes, I did have the opportunity to speak with the County Engineer. As of yet, this issue is still unresolved. We have the EA process still pending. The timeline that was initially proposed for return of that, which is in 2009, for me is unacceptable, which I communicated to the County Engineer. This item has been, really, on the agenda for the past two years and we are still at a stagnant point and have been for many months. What we do have differently is that we do have on-board our new Sea Grant personnel, Mr. O'Connell, who will be assisting us and the County Engineer in the issues that had been previously raised about the illegal seawall and the shoreline certification, as well as the permitting process on whether or not we will pursue a route of removal of the seawall, repair, and what kind of impact that's going to have and also the cost and where that cost is going to come from. As of now, the County

Engineer has still reiterated their position that they do not have the permits for the seawall and that has been one of the major setbacks in trying to move forward because nothing else can happen. No other permits can be issued for any repair or any construction on that area until we resolve the issue of the unpermitted seawall. So, with that we have also requested a communication with DLNR who is ultimately a person who has in the past advocated for a zero-tolerance policy and that's again the problem. Usually with a zero-tolerance policy, you need to remove the structure before DLNR will even engage in communications with you as to shoreline issues. We are hoping that once we get some clear guidelines from DLNR, Sam Lemmo, who is the head over there, and with the expertise of our newly created personnel, Sea Grant Mr. O'Connell, as well as the County Engineer and ourselves, we'll have a better understanding of this issue and we expect that within two weeks we would have these issues not necessarily resolved but at least some direction as to how the Administration is going to proceed. So, with that, unless there's any further discussion...

Mr. Rapozo: Thank you. I do want to suspend the rules.

Mr. Furfaro: There are members in the audience, yes.

Mr. Rapozo: Bruce.

There being no objections, the rules were suspended.

BRUCE PLEAS: Bruce Pleas for the record. Well, yeah, it's two years, we need to get something going here. But just if in your meeting tomorrow, I've noticed the erosion rates are not up for that area, I hope you will get hold of Dr. Fletcher and maybe he can put something together because that's a very important, you know, important part that needs to be in there because we need to look at how much this will erode theoretically over a time span if the wall is taken away. I also have met with Mr. O'Connell and I believe we have a very good person on board there. I think he'll be very helpful. He has a lot of experience from where he came from. So, I would really support the zero tolerance. I think that this needs to come down. We don't need to armor our shores any more and we need to get some information so that Pono Kai has some idea of how long their building's going to be there. And this is also an indication too of how far setbacks have to be with what's coming up in the future. And I really think the farther back in our construction and permitting that's coming up in the future that we really need to set very far back and we need to set these beach areas aside for residents to just live in. I mean, you know, just to go down and enjoy themselves for recreation. We need to stay as far away from the ocean as possible. Thank you.

Mr. Rapozo: Go ahead.

Ms. Iseri-Carvalho: Comment. Thank you, Bruce, for raising that. We did have an opportunity to attend one of the shoreline setback sessions at the

Planning Conference that I just returned from on Maui. And that session was presented by Dr. Fletcher. He did the entire country erosion or sea, I guess, sea level acceleration and then brought it down to the State of Hawai'i. We, of course, are still waiting for the aerials and their interpretation because we did contract with him to provide us that data. But clearly, you know, his bottom line was that we need to pursue aggressive legislation to assure that structures are well, you know, farther back from the ocean and that was his number one message. He also mentioned that, really, Kaua'i is the most aggressive in this area as far as having the furthest setback from the ocean and then second was Maui. Other counties have not even really addressed this issue in as serious of a matter as we have. So, we are doing better than other counties but clearly not doing enough to protect our shoreline. So, I appreciate your comments.

Mr. Rapozo: Thank you. Interestingly, that wasn't Dr. Fletcher's position here the last time he was here. He basically supported the construction of that wide concrete bicycle path at the Pono Kai area even after we knew that that shoreline certification was not valid. So, I guess, it...

Ms. Iseri-Carvalho: Hopefully he's learning.

Mr. Rapozo: Yeah, I hope so. Anybody else?

There being no one else wishing to speak, the meeting was called back to order.

Ms. Iseri-Carvalho: Oh wait, wait, Mr. Rosa.

Mr. Rapozo: Sorry.

There being no objections, the rules were suspended again.

JOE ROSA: Good afternoon, this time around. For the record, Joe Rosa. A lot of this beach erosion problems, I can say from my experience living here and working with DOT on shoreline things, that was a problem with the County in the '70s because at that time the County overseer for the Kapa'a District was Mr. Vernon White. God bless his soul, he's gone already. He was taking boulders and concrete slabs from the old Kapa'a baseyard back of the Mormon Church there and they were bringing it across in County trucks and putting it on the shoreline there to protect the erosion and those big ironwood trees from falling into the ocean. So that was way far back already. And after that, they sort of blamed it on the dredging of the proposed Kapa'a Natatorium, which is in front of the Kapa'a Neighborhood Center for those who are not aware of it. So, you know, again, erosion is a problem and is something I learned in school that it's the tilting of the axis of the earth. And from 1947 we had a problem near the Wailua River mouth. You look, all those boulders in that parking area there, up to the...almost Kamoia Road intersection. Then later on in '57 we had it right in front Coco Palms. The water was hitting right up to the roadway already. The same thing happened

in Kalihiwai. You know, what's causing it? There's no hardening of the shoreline. There's no (inaudible), no breakwaters, no seawall in Wailua Bay and also Kalihiwai Bay. It's nature. So, you know, I look at that, you cannot stop Mother Nature. You detour a little valley and you try to detour that natural stream in that valley, you got a flood. Those homes in the path of the natural stream got affected the most because nature will take its course. So, I see it that the problem to it is like we did out in Kekaha. I worked on the Kekaha seawall. The first time we didn't do it properly I must say, but the second time around we went to a minus six where we hit the coral ledge underneath and we built a retaining wall out at Kekaha. Maybe Bruce is aware of it. He's seen those walls now. It has survived and kept the roadway from washing out. So, those are the kinds of things sometimes you have to look into it. It's nature. And now you don't need to pay no big consultant to come and tell you that it's because you have the hardening over the (inaudible) or the seawalls or things that is causing erosion. Out in Wailua Bay, like I say, take a walk out there and you'll see if any of those things, those obstructions causing those erosion at that time, same thing with Kalihiwai Bay. Out at Anahola, they blame those people that had put a retaining wall to protect their property. Because I worked out there at one time with Mr. Murakami...God bless his soul, again, he's gone...

Mr. Rapozo: Mr. Rosa, hang on. Is there anyone else that wants to testify on this matter? If not, thank you. Can you cue up three more minutes. Thank you. Mr. Rosa, you get your second three minutes.

Mr. Rosa: Yeah, so, I worked with Mr. Murakami and we went and surveyed those properties out there because, hey, they wanted to know where the shoreline was so they could put a retaining wall. And at that time, it was a winter month, and that's when the ocean is at its worst to, you know, get into property and erode property. So, those people got to build their wall, but the erosion was going on in that 'Aliomanu first where the houses were. Now it moved up to the Lizama's and these other people's property. So, like as I say, in '47 it was near the Wailua River mouth, in '57 it was in front Coco Palms. So, those are the kinds of things, like I say, who can control it? I cannot. You cannot. It's nature. Somehow you cannot fool with Mother Nature. So, it's a problem for the County and you gotta look into it. If you're gonna do the wall, go down maybe minus six, set the baseline on your rock wall there and build it up as such because nature has its ways. Look at Kekaha, like I say, when I was fighting the sand and the water problem there, Polihale had a nice beach, sand about 500 feet out. But today again they facing that problem, but then the sand is back in Kekaha. So, who's going to control that? Those big geologists or whoever that you people going to hire for looking into it? It's something that we're faced with it and just have to try to do something. Beef it up or do something, not something permanent. Like the rock wall out in Kekaha, we didn't put no concrete or anything; it's just boulders set on top boulders. And we had a specified tonnage per boulder so that the ocean won't just tumble it on up and down. So that's about all I have to say and like as I say, it's been a County problem from way back in the '70s and those materials, some of it was dumped was slabs of

concrete that the County should keep around the place to prevent erosion on the highways or on the shoreline, whatever. And like as I say, at that time I know I was working on those bike paths in the back there and the County had that problem and I bow to Mr. Vernon White at that time. He was the County overseer in the Kapa'a District.

Mr. Rapozo: Thank you, sir.

Mr. Rosa: Thank you.

Mr. Rapozo: Any questions for Mr. Rosa? If not, thank you very much.

There being no one else wishing to speak, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Any comments or discussions before we entertain a motion to defer? If not, can I have a motion to defer?

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Kouchi, and unanimously carried, PW 2008-2 was deferred.

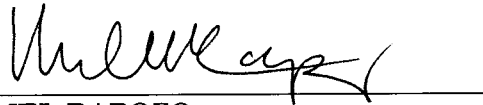
There being no further business, the meeting was adjourned at 12:21 p.m.

Respectfully submitted,

Wilma Akiona

Wilma Akiona
Secretary

APPROVED at the Committee Meeting held on October 15, 2008:



MEL RAPOZO
Chair, Public Works Committee

