

Domian, Jesse

2017 APR 3 PM 9:09

From: Albert Nakaji <waltz@hawaiiintel.net>
Sent: Monday, April 03, 2017 2:55 PM
To: Planning Internet Mail
Subject: Message For Director Yee

Director Yee,

It was my pleasure to meet you at the meeting held at the Papaikou Community Center on March 17th. Thank you for the opportunity to receive our input and to share your thoughts as well.

I am forwarding you this email from Jack Lockwood, a retired USGS geologist and now consulting geologist in private practice. He was responding to my question and concern regarding the language contained within the Hamakua CDP relating to setback for cliffs. While I realize it is already 11:59 before the adoption of the CDP, I wanted to make one last attempt at making the language more meaningful and appropriate. I will also be meeting with Council Chair Poindexter to discuss this matter.

As a bit of background, I expressed concern over the language stating that a "licensed engineer" be required for determining whether a cliff was stable, and further suggested that this leaves open the possibility of any licensed engineer, including those completely unqualified and in an unrelated field (E.G., nuclear engineer, electrical engineer, systems engineers, bio-engineers, chemical engineers, etc), to serve as the "qualified" person. My concern was met with response from staff saying that they would not be qualified to determine who might be a qualified licensed engineer, so it was left unspecified. My thinking was that it is staff's responsibility to determine which qualifications (I.E., what kind of licensed engineer) was appropriate and necessary. To leave such determination unspecified would allow for too much of a "loop hole" and represents, essentially, dereliction of their duties.

To be clear, this is not meant to be criticism, but a sincere attempt to make this specific section effective for the intent.

I ask your consideration and appropriate action.

Thank you.

Never tell me "No can", only tell me how can.

"Any fool can criticize, condemn and complain - and most fools do." Benjamin Franklin

"When going through hell, keep going. If you stop, you'll be stuck there"

Some minds are like concrete. Thoroughly mixed up and permanently set.

There is an incredible number of people who are especially adept at the impossible. They can tell you a million and one reason why something cannot, or should not, be done. Then, there are a few who will tell you how something can possibly be done. Would you prefer to live your life believing only impossibilities, or to live a life of possibilities?

Albert A. Nakaji

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----- Original Message -----

Subject:Shoreline setbacks

Date:2017-04-03 12:34

From:Jack & Marti Lockwood <halepuhau@twc.com>

To:Albert Nakaji <waltz@hawaiiantel.net>

Cc:esther.imamura@hawaiiicounty.gov, bethany.morrison@hawaiiicounty.gov

Albert:

Thanks for alerting me to that proposed "Rule 11" change. Here is my reaction to this poorly worded and ambiguous proposed change about shoreline setbacks-(below) - use as you wish with County officials.

4.2.4 County Action Policy 19 Amend Planning Department Rule 11 to establish shoreline setbacks for the Hāmākua CDP Planning Area at the earliest stages of the land use planning and development process. The minimum shoreline setback from the top of cliff shall be either: a) No less than the height of the slope (cliff, or pali) (1:1 horizontal to vertical). In cases where the height of the slope is less than 40 feet, a minimum 40-foot setback shall apply; or, b) A minimum of 40 feet, plus a safety buffer determined by a coastal erosion study conducted by a licensed engineer, including a cliff stability analysis and/or a geological analysis.

First and of most importance: No one has ever defined what "cliff" means - nor where the "top of cliff" lies. Where there's 200' vertical cliff face (90 degree) with sharp dropoff that point is obvious - but what about a cliff with a 80 degree slope? 45 degree slope? 20 degree slope? Most "cliff" faces I have seen with 45 degree slopes or less are inherently stable, and 40' setbacks are more than enough - 20' adequate for 70 yr time spans envisioned. Trying to relate setbacks to "cliff height" alone is wrong - does that mean a relatively gentle, stable, vegetated slope with no signs of instability, that begins 300 feet above sea level should have a 300' setback? Safe setbacks at the 20' State minimum probably OK for that situation in most cases

Setbacks have to reflect the danger of mass failure of a cliff face - but "not all cliffs are created equal". Geologic factors affecting stability vary greatly, and must include assessment of evidence for recent cliff failure or of pre-collapse dangerous erosion.

So far as having slope stability conducted by a "licensed engineer", that is unfortunate. Only "Engineering Geologists" would be the sorts of engineers who might be qualified to make judgements. Geologists are not "licensed engineers" but with proper experience and geologist license would be better prepared than engineers for such determinations.

I hope these brief words are of use. I strongly feel that the proposed change to defining setbacks is inappropriate.

Jack

J. P. Lockwood