

Thank you for the opportunity to comment on the proposed amendments to HAR 13-5.

1) Please notify me when the public meeting on Kauai is scheduled, and please consider scheduling an in person meeting on the westside of Kauai.

2) Known erosion issues caused by State owned Harbors:

The proposed amendments to HAR 13-5 should specifically address management of known erosion problems caused by State owned harbors, especially Kikiaola Harbor on Kauai. It would be a missed opportunity to not develop a long term process for the affected landowners to use to mitigate the consequences of the erosion caused by state harbors. The State has on numerous occasions acknowledged that the erosion at Kikiaola was caused by the construction of the harbor and studied a long term solution to the sand impounding and resulting erosion, but has not funded or planned a long term implementation of the solution. The proposed regulations leaves the impacted landowners to the west of the harbor at the mercy of the State's "commitment" to addressing the erosion its harbor has and continues to cause. Is the State going to address the issue, or is the State going to allow continued erosion protection to remain in place until the solution is implemented? Allowing the State to cause loss of land due to the unaddressed problems caused by the harbor while not allowing the affected landowners to protect themselves from the damage creates an untenable moral if not legal problem for the State.

This can be and should be addressed in the HAR 13-5 proposed Amendments.

For example, while I am not an attorney, I would propose adding this to the proposed regulations:

13-5-36 Replace with: State Owned Harbors and adjacent lands

**13-5-36 State Owned Harbors and adjacent lands**

Lands adjacent to State owned harbors that have been identified by The US Army Corps of Engineers or the State to be subject to accelerated erosion due to the effect of the State owned harbor shall be granted temporary permits for erosion protection systems until the State adequately addresses the threat to dwellings and structures that such erosion poses. In cooperation with the State Land Division, the Division of Boating and Ocean Recreation, the affected landowner, the US Army Corps of Engineers and other offices and agencies required, OCCL will develop a long term management plan for each identified Harbor and adjacent lands to mitigate the accelerated erosion caused by State owned harbors.

Of course, there may be better ways to acknowledge and address the special situation of people, like my wife and I, with lands affected by erosion caused by State owned harbors. The important thing, however, is that the final regulations actually address the issue since under the proposed regulations, landowners have little recourse except going to court to prevent the state-caused erosion and inaction from destroying their land and property.

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