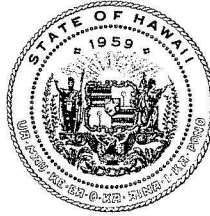
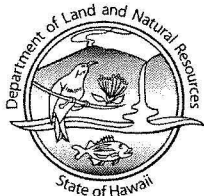


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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Chairperson  
Board of Land and Natural Resources  
Commission on Water Resource Management

Russell Y. Tsuji  
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Deputy Director - Water

Aquatic Resources  
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Commission on Water Resource Management  
Conservation and Coastal Lands  
Conservation and Resources Enforcement  
Engineering  
Forestry and Wildlife  
Historic Preservation  
Kahoelawe Island Reserve Commission  
Land  
State Parks

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**on House Bill 1898 – RELATING TO WATER**

**BEFORE THE HOUSE COMMITTEE ON FINANCE**

**February 25, 2008**

House Bill 1898 appropriates \$1,325,000 of general revenues for the dredging and installation of drain inlets, sediment devices and other modifications in Kaelepulu Pond in Kailua, Oahu. The Department of Land and Natural Resources (Department) is opposed to this measure due to the following:

Based on the limited description, the Department assumes that this project is for sediment control on the mauka portion of Enchanted Lakes, commonly referred to as Kaelepulu Pond. This is the location of an United States Army Corps of Engineers habitat mitigation project where the previous landowner agreed to restore wetlands and maintain them in perpetuity, in exchange for a permit to fill and build houses along Enchanted Lake. If this is the site intended for the proposed improvements, it would not be appropriate for state funding to take over this permit condition-maintenance requirement for the landowner.

Additionally, the rest of Enchanted Lakes is also privately owned by the Enchanted Lakes Residents Association.

As noted in the Department of Health's Report to the Twenty-Fourth Legislature, State of Hawaii, 2008, Pursuant to House Concurrent Resolution 261, House Draft 1, Regular Session 2006, the Department recognizes that the stormwater sewer systems which are contributing to the pollution loading in Kaelepulu pond are under the jurisdiction of the City and County of Honolulu (City). Also as noted in the second paragraph on page 19, the City and the Enchanted Lakes Residents Association have entered into an agreement for storm water discharges into the pond. Involvement in this area may lead the Department to infringe upon another agency's jurisdiction as well as an existing agreement between the City and a community association.

The Department opposes this measure and believes it is the responsibility of the City and private landowners to address.

## FINtestimony

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**From:** Windward Ahupua`a Alliance [info@waa-hawaii.org]  
**Sent:** Sunday, February 24, 2008 8:15 PM  
**To:** FINtestimony  
**Subject:** 2/25/2008 HB1898 10 am Agenda

**DISREGARD THE FIRST E-MAIL WHICH HAS THE WRONG BILL NUMBER IN THE BODY OF THE E-MAIL.**

Shannon Wood, *Interim President*  
**Windward Ahupua`a Alliance**  
P.O. Box 6366  
Kane`ohe, HI 96744  
Phone: 808/247-6366; Cellular: 808/223-4481 or 224-4496  
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**COMMITTEE ON FINANCE**  
**Rep. Marcus Oshiro, Chair**  
**Rep. Marilyn B. Lee, Vice Chair**

**PUBLIC HEARING**  
**10 am**  
**Monday, February 25, 2008**  
**Conference Room 308**

**HB 1898 - RELATING TO WATER**  
**COMMENTS WITH PROPOSED HD1**

Aloha:

My name is Shannon Wood, *Interim President* of the *Windward Ahupua`a Alliance* which has been working on water quality issues in the Kailua *ahupua`a* since 2002. We currently have one major project in the **Kapa`a Stream** and are proposing another one in the waterways between the flood control dike at **Kawanui Marsh's makai** edge and the **Coconut Grove** residential area.

The *Windward Ahupua`a Alliance's* position on providing public funding for privately-owned property is to oppose doing so unless the public is allowed access to the property - in this instance, **Ka`elepulu Pond** which is often referred to by its Western name of **Enchanted Lake**. The owners of the **Ka`elepulu Pond** whose properties are directly on the water have not allowed any outsiders onto/into it without permission for as long as I can remember.

However, **Ka`elepulu Pond** is absolutely critical in restoring the water quality of the streams, and more importantly, **Kailua Bay** itself. For that reason, **WAA** will be asking the newly-formed **O`ahu Land Trust** to put the purchase of **Ka`elepulu Pond** on its proposed projects list.

In the meantime, there is still much to do in resolving a wide range of restoration & remediation water quality issues in the Kailua *ahupua`a*. Therefore, we ask you to remove the contents of **HB 1898**

and substitute **HB 3341 - Relating to Water** which will help address both of my concerns. *Mahalo.*

SECTION 1: House concurrent resolution no. 261, H.D. 1 (2006) requested the department of health, with the assistance of the department of land and natural resources and the department of facilities maintenance of the city and county of Honolulu, to report to the legislature on the relationship between the various Kailua waterways, including the Kaelepulu pond, and the water quality and natural resources of Kailua beach and Kailua bay. This system consists of interconnected brackish estuarine waters, including Kawainui stream, Hamakua marsh, Kaelepulu canal, Kaelepulu pond, and Kaelepulu wetlands.

In the 1960s, the United States Army Corps of Engineers directed the natural flow to the Kawainui stream to be blocked by the construction of the flood control levee in order to reduce the threat of flooding to Kailua town. The city and county of Honolulu manages the Kawainui stream and Kaelepulu canal for drainage and flood control. The Hamakua wetlands is managed for endangered Hawaiian waterfowl habitat by the department of land and natural resources. The Kaelepulu pond and Kaelepulu wetland are private property, by virtue of their historical standing as a Hawaiian fish pond and a habitat for at least three endangered native Hawaiian waterfowl. While it is private land, both the State and the city and county of Honolulu dump runoff into Kaelepulu pond, as well as other waterways, including Kailua beach, Kailua bay, Hamakua marsh, and Kawainui marsh.

The Kailua waterways are listed on the State's clean water Act 303(d) list of impaired waters as not meeting water quality standards for nutrients, turbidity, and bacteria load. As a result, the Kailua waterways are presently being studied by the department of health. Since the time of the removal of the natural water flow from Kawainui marsh, the large majority of the water entering the Kailua waterways does so through storm drains under main separate storm sewer system four. Water flows from the Kailua waterways across the sand berm at Kailua beach and adversely impacts the quality of the near shore waters. The near shore waters are predominantly used for resident and tourist recreation.

The department of health's 2008 report to the legislature lists eleven reasonable approaches that may improve the water quality and natural resources of the estuary system and its residual impact on the beaches and waters in Kailua bay.

The purpose of this Act is to appropriate funds to address water quality and other issues facing Kailua waterways as follows:

- (1) For the department of land and natural resources to implement three of the eleven aforementioned approaches; and
- (2) For the department of transportation to plan, design, and construct measures to address water quality, siltation, and other waterway problems described in this Act.

SECTION 2. The department of land and natural resources shall:

- (1) Conduct an engineering study and an environmental assessment for the preliminary design and specification of measures to restore adequate water flow from Kawainui marsh to Kawainui stream using siphons, tunnels, pumps, or other appropriate measures;
- (2) Conduct a study to maximize the efficiency of the monthly stream mouth opening procedures as well as, improved procedures to respond to threats of flooding due to a blocked canal mouth. This study shall track the effluent plume from the stream mouth and elucidate the fate of state standard water quality parameters, such as turbidity, nutrients, and bacteria, within Kailua bay recreational waters; and
- (3) Design and implement measures to reduce the amount of polluted runoff delivered to Kaelepulu pond by redesigning and restoring the function of the Keopu flood basin, which receives waters from main separate storm sewer system four, and report to the legislature on those measures.

All studies and report directed by this section shall be transmitted to the legislature not later than twenty prior to the convening of the regular session of 2009.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$\_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2008-2009 for the department of land and natural resources for the purposes described in section 2 of this Act.

The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 4. There is appropriated out of the state highway fund the sum of \$\_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2008-2009 for the department of transportation to plan, design, and construct measures to address water quality, siltation, and other waterway problems mentioned in this Act; provided that the department of transportation shall:

- (1) Work in consultation with the department of health, the department of land and natural resources, and the city and county of Honolulu; and
- (2) Request that the city and county of Honolulu match any funds expended for these purposes considering the city and county of Honolulu contributes to the road run-off into the Kailua waterways.

The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2008.

## FINtestimony

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**From:** Bob Bourke [rebourke2003@yahoo.com]  
**Sent:** Sunday, February 24, 2008 12:42 AM  
**To:** FINtestimony  
**Cc:** Baron Gushiken; Kathy & John Kelly; Chuck Morrison; Chuck Burrows  
**Subject:** Testamony for HB 1898

February 22, 2008

Subject HB1898

Finance Committee Members:

This testimony is offered in favor of **House Bill 1898, Relating to Water Quality in the Kaelepulu Watershed** with modifications as made appropriate by a new study recently delivered to the legislature on this subject.

Two sessions ago the legislature requested information from the Department of Health through House Concurrent Resolution 261, House Draft 1, of the 2006 Hawaii State Legislature Regular Sessions:

REQUESTING THE DEPARTMENT OF HEALTH  
 WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND  
 NATURAL RESOURCES AND THE DEPARTMENT OF FACILITY  
 MAINTENANCE OF THE CITY AND COUNTY OF HONOLULU TO  
 REPORT TO THE LEGISLATURE ON THE RELATIONSHIP BETWEEN  
 VARIOUS KAILUA WATERWAYS, INCLUDING THE KAELEPULU POND,  
 AND THE WATER QUALITY AND NATURAL RESOURCES OF KAILUA  
 BEACH AND KAILUA BAY

This request resulted in a report to the Twenty-fourth Legislature prepared by the Environmental Health Administration Department of Health and delivered to the Legislature December 2007. A number of facts were brought forth in this report including the following:

- This system consists of interconnected brackish estuarine waters including Kawainui Stream (aka Hamakua Canal), Hamakua Marsh, Kaelepulu Canal, Kaelepulu Pond, and Kaelepulu Wetland
- Natural flow to the Kawainui Stream was blocked by construction of the flood control levee under direction of the Federal U.S. Army Corps of Engineers in the 1960s to reduce the threat of flooding to Kailua Town
- The City and County of Honolulu manages the Kawainui Stream and Kaelepulu Canal for drainage and flood control
- The Hamakua Wetlands is managed for endangered Hawaiian waterfowl habitat by the DLNR
- The waters of the Kailua waterways are listed on the State's Clean Water Act

303 (d) List of Impaired Waters as not meeting water quality standards for nutrients, turbidity, and bacteria load, and are presently under study by the DOH

- Since the time of removal of natural water flow from Kawainui Marsh, the large majority of the water entering the Kailua waterways does so through storm drains under MS4 (main separate storm sewer system) permits to the City and the State DOT
- Water flows from the Kailua waterways across the sand berm at Kailua Beach and adversely impact the quality of the nearshore waters that are heavily used for resident and tourist recreation.
- The City undertakes scheduled monthly efforts to clear sand from the stream mouth

The waterways include Kaelepulu Pond which is private property by virtue of its historical standing as a Hawaiian fish pond and is managed by the Enchanted Lake Residents Association. The Kaelepulu Wetland is private property by virtue of its historical standing as a portion of a Hawaiian fish pond, is highly valued as habitat for at least three endangered native Hawaiian waterfowl and is managed by the private land owners. These private lands are integral with the public waters and function as part of the City's storm drain system.

The report defined eleven implementable actions that would reasonably be expected to improve water quality within the Kailua waterways and Kailua Beach into which these waters flow. Several of these actions may be undertaken as part of existing State or City management initiatives. Three key recommendations, however, require funding to further investigate and begin implementation. These recommendations are to improve water circulation through the system, reduce pollutant loads to the system, and to better understand Public Health impacts of these waters to Kailua Beach. To implement these recommendations the following three actions are proposed:

- 1) Conduct an engineering study and an environmental assessment for measures to restore adequate water flow from Kawainui Marsh to Kawainui Stream using siphons, tunnels, pumps, or other appropriate measures.
- 2) Investigate the feasibility of modifying the existing Keopu Flood Control Basin to utilize this basin as a means to capture sediments before they enter the Kailua Waterways system.
- 3) Conduct a study to maximize the efficiency of the monthly stream mouth opening procedures as well as improved procedures to respond to threats of flooding due to a blocked canal mouth. This study will also track the effluent plume from the stream mouth and elucidate the fate of State Standard Water quality parameters (turbidity, nutrients, bacteria) within Kailua Bay recreational waters.

These recommendations have received overwhelming public support and will be of great benefit to the entire Kailua Community as well as the thousands of tourists visiting the Kailua Beach.

This testimony has the full support of the Enchanted Lake Residents Association and is respectfully submitted.

Robert E. Bourke, Board Member  
Enchanted Lake Residents Association

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## FINtestimony

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**From:** Cindy Turner [Cindy@HotPixels.com]  
**Sent:** Sunday, February 24, 2008 10:16 AM  
**To:** FINtestimony  
**Subject:** Testimony: HB1898

RE: HB1898 Relating to Water

I am writing to urge your support for HB1898.

The water quality of Kaelepulu Pond has been seriously degraded by storm drain runoff and the cutting off of water flowing into the pond from Kawainui Marsh.

Government engineers unintentionally created these problems years ago. Technology has advanced and solutions are now available that will either stop or reverse the damage that has been done to Kaelepulu Pond and Kailua Beach and Bay.

By appropriating the money requested in this bill you will be facilitating actions which will help restore the natural flow of water and improve the water quality in Kailua's waterways. Mullet will again be able to swim into the freshwater pond -- a vital part of their life cycle. Three species of endangered Hawaiian Waterbirds will have improved habitat and a better chance of surviving as a species.

Our children and our children's children will be able to enjoy cleaner, healthier and more natural Kailua waterways -- like the Kailua waters that I played in many years ago when I was young.

Mahalo,

Cindy Turner

Cindy Turner  
1460 Kiukee Place  
Kailua, HI 96734 USA

Phone: 808-261-2179  
FAX: 808-261-2697  
Email: [cindy@hotpixels.com](mailto:cindy@hotpixels.com)  
Website: <http://www.hotpixels.com>



## **FINtestimony**

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**From:** Info@kaelepuluwetland.com  
**Sent:** Sunday, February 24, 2008 11:17 AM  
**To:** FINtestimony  
**Subject:** HB 1898 - Please support this vital bill

Good morning,

I urge you to support House Bill 1898 to re-direct the water flow from Kawanui Marsh through the waterways that lead to Kailua Beach Park.

It is essential for several reasons:

### **Flood Control**

Before the Army Corps diverted of the water, there was a continual flow of fresh water into the bay at the Beach Park. When heavy rains came, this trickle would turn into a wider stream, and prevented flooding naturally.

Because there is no natural flow, last year the Fire Department and Red Cross had to respond to several floods in the area across from Kailua Beach Park. The City and County now excavate the sand dune once a month, but it is not enough.

A restored natural muliwai, with a natural water flow, will mitigate a lot of these expensive interventions.

### **Pollution Control**

Every time the C&C bulldozer opens the sand berm after a heavy rain, the Beach Park is closed to locals resident and visitors alike, due to an outflow of accumulated pollutants. These are primarily non-point-source pollutants such as road run-off, lawn fertilizer run-off etc.

A constant stream flowing into the ocean would not allow these pollutants to accumulate to the concentrations that require beach closings. Remember, these pollutants go to the ocean regardless. It is much better when they are diluted and not dangerous.

### **Ecosystem Restoration**

The Kailua Waterways for part of a complex ecosystem that has been seriously degraded by the water diversion. There are many species of fish and other organisms that have a life cycle requiring a stay in brackish or fresh water. Lets take the mullet for example. the stream used to be alive with mullet. This important food fish needs the brackish and fresh water upstream before it returns to the sea.

Although the monthly berm openings allow some salt water and fish to flow into the waterways, wave action sometimes closes the opening in a matter of days. A natural stream that is open most of the year is much more effective. It's very much a question of timing.

### **Invasive Species Control**

When *Selvenia molesta* was discovered in Kailua's waterways several years ago, it took a huge effort of volunteers to eradicate it. According to biologists in Florida, this was the only successful eradication they had heard of. The prevailing thought is that the influx of salt water was key. *Selvenia* could not tolerate the salinity.

This is not the only invasive plant that is kept at bay. As manager of the Kaelepulu Wetland Bird Preserve, we protect three species of endangered Hawaiian water birds. We must constantly clear invasive plants from the habitat, and the salinity is a natural ally.

This affects not only Kaelepulu wetland, but also Hamakua Wetland, which is a very important resource for Kailua.

### **Predator Control**

In recent years, it was learned that the imported American Bullfrog is a major predator of the endangered Hawaii Stilt chicks, sometimes swallowing two at a time. At Campbell National Wildlife Refuge they have started a massive trapping program, with huge success. At Kaelepulu Wetland we also trap, but we noticed that as salinity increases, the bullfrogs disappear. A more constant brackish water quality may have positive effect on endangered bird populations.

While the flood control issues of the original water diversion have certainly been achieved, we're now seeing some un-intended consequences.

I believe that this bill will have a very positive impact on the environmental issues, while still maintaining the flood protection of the Coconut Grove area. In fact it may even greatly reduce the flood danger suffered by residents across from Kailua Beach Park in this past year.

Hugo de Vries  
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