

SB 2521



STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
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**TESTIMONY OF ALFREDO LEE
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION**

**BEFORE THE SENATE COMMITTEES ON
AGRICULTURE AND HAWAIIAN AFFAIRS AND
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

February 7, 2008
2:45 p.m.

**SENATE BILL 2521
MAKING AN APPROPRIATION FOR
RESERVOIRS, DAMS AND DITCH SYSTEMS**

Chairpersons Tokuda and Inouye and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2521. The Agribusiness Development Corporation (ADC) fully recognizes the importance of maintaining dams and reservoirs to sustain Hawaii's agricultural industry. The ADC supports the intent of this bill provided that its passage does not replace or adversely impact the priorities in the Executive Biennium budget.

**TESTIMONY OF THE
COUNTY OF KAUAI
OFFICE OF THE MAYOR**

**TO THE SENATE COMMITTEES
ON AGRICULTURE AND HAWAIIAN AFFAIRS AND
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**TWENTY-FOURTH LEGISLATURE
REGULAR SESSION OF 2008**

**February 7, 2008
2:45 p.m.**

**TESTIMONY ON SENATE BILL NO. 2521, MAKING AN APPROPRIATION FOR
RESERVOIRS, DAMS, AND DITCH SYSTEMS**

**TO THE HONORABLE JILL N. TOKUDA AND THE HONORABLE LORRAINE R. INOUE,
CHAIRS, AND MEMBERS OF THE COMMITTEES:**

My name is Bryan J. Baptiste, Mayor, testifying on behalf of the County of Kaua'i (County).

The County strongly supports Senate Bill No. 2521.

The funds provided by the Bill would enable the County to study the feasibility of a unified management structure to ensure the continued viability of reservoirs, dams, and ditch systems in the County. With the exit of the plantations, many of the systems were buried or abandoned if their new owners did not need the water. As a result, what once was an efficient, cost-effective method of managing and distributing water to the island, has been dismantled. The demise of the systems has accelerated in recent years because rising land values, liability and the burden of operation and maintenance have increasingly caused owners to consider decommissioning. Testimony provided by others in my administration describe the importance of reversing this trend, and protecting and restoring the reservoirs, dams, and ditch systems, as they are essential to support agriculture, control flooding, and provide water for firefighting.

We believe that a unified management structure would assure a standardized, approved approach to many of the legal, regulatory, and usage issues facing owners, operators, and users of these systems. The essential characteristics of a unified management entity include being able to provide broad and appropriate representation for all stakeholders and be viewed as objective, having the appropriate status and credibility to make decisions to effect the changes necessary to operate and preserve the systems, and being committed to addressing efficiency and other system issues in future years. The study monies would enable the County to engage the expertise necessary to develop and implement such a structure. The results of the study would also be applicable to other

counties. We ask for your assistance in addressing this important issue.

We thank the Committees for the opportunity to present testimony on this matter.

**TESTIMONY OF THE
COUNTY OF KAUAI
OFFICE OF ECONOMIC DEVELOPMENT**

**TO THE SENATE COMMITTEES
ON AGRICULTURE AND HAWAIIAN AFFAIRS AND
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**TWENTY-FOURTH LEGISLATURE
REGULAR SESSION OF 2008**

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**TESTIMONY ON SENATE BILL NO. 2521, MAKING AN APPROPRIATION FOR
RESERVOIRS, DAMS, AND DITCH SYSTEMS**

**TO THE HONORABLE JILL N. TOKUDA AND THE HONORABLE LORRAINE R. INOUE,
CHAIRS, AND MEMBERS OF THE COMMITTEE:**

My name is Beth Tokioka, Director of the Office of Economic Development, testifying on behalf of the County of Kauai (County).

The County strongly supports Senate Bill No. 2521.

The Bill appropriates funds to the County to study the feasibility of creating an entity to manage, operate, and maintain reservoirs, dams, and ditch systems in the County.

My agency is charged with supporting agriculture, which we believe is an essential component of maintaining the economic and environmental health of the County. Historic water supply systems, such as reservoirs, dams, and ditches, provide access to traditional, cost effective water supplies, and must be preserved and protected to ensure the viability of agriculture. These systems were operated by the plantations, which needed the systems to store and deliver water for their crops. With the disappearance of the plantations, there are fewer owners willing to risk the substantial costs of maintaining, operating, and insuring these systems, especially if they have no need for the water. However, the water is still needed by other users, including farmers and ranchers.

In addition, the reservoir, ditch and dam systems provide protection from flooding. Reservoirs are detention basins, which hold storm flows temporarily, until the water can be released into the ditches and discharged under controlled conditions.

A water management entity could enable the reservoir, dam, and ditch systems to be operated in uniformly, safely, and cost-effectively for the benefit of owners and users. The study funded by Senate Bill No. 2521 will allow the County to engage experts to study the feasibility of establishing such an entity. If the findings are positive, they can be used

by all counties in addressing their agricultural and stormwater management needs.

We thank the Committee for the opportunity to present testimony on this matter.

**COUNTY OF KAUAI
FIRE DEPARTMENT**

**TO THE SENATE COMMITTEES
ON AGRICULTURE AND HAWAIIAN AFFAIRS AND
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**TWENTY-FOURTH LEGISLATURE
REGULAR SESSION OF 2008**

**February 7, 2008
2:45 p.m.**

**TESTIMONY ON SENATE BILL NO. 2521, MAKING AN APPROPRIATION FOR
RESERVOIRS, DAMS, AND DITCH SYSTEMS**

**TO THE HONORABLE JILL N. TOKUDA AND THE HONORABLE LORRAINE R.
INOUE, CHAIRS, AND MEMBERS OF THE COMMITTEES:**

My name is Robert Westerman, Kauai County Fire Chief, testifying on behalf of the County of Kaua'i (County).

The County strongly supports Senate Bill No. 2521.

The Bill appropriates funds to the County to study the feasibility of creating an entity to manage, operate, and maintain reservoirs, dams, and ditch systems in the County.

The County fire department relies on reservoirs as a source of water to fight brush and wildfires. Without these reservoirs our abilities to safely and expediently fight brush fires is greatly impacted. Our rural community suffers from large land tracts left fallow after 100 plus years of cultivation. Some of the irrigation systems and water retention systems have gone unmaintained and therefore have become a hazard themselves when they should be the hero. Our latest fire was in a remote west location of Kaua'i right in the middle of mountainous state lands fallow from years of no agricultural production. As air support finally arrived we soon discovered that all close reservoirs were dry. The closest water source was the ocean at several miles and several hundred feet in elevation difference. This creates additional problems time and fuel costs as the aircraft must fly around housing, and fuel costs as the aircraft must fly to higher altitude. We then asked for our wildland engines from Kōloa and Kapa'a, and our portable water tank for Kapa'a. At over 40 miles away it took several hours to arrive, place in service, and start use. Kaua'i unique in its beauty and rural culture also means other things, like limited manpower resources, and no dedicated helicopter. Since the military removed its helicopters from Kaua'i military support to civilian authority is limited or very costly and not time sensitive. With support from PMRF with

personnel and crew, support from a local helicopter company we were able to finally extinguish the brush fire and stop its spread after five hours of concentrated efforts.

The other side of the dilemma is when we have excess amounts of water runoff from heavy rains, again without the ditches, the irrigation systems, or the stream system maintained we have flooding in areas that we would not normally. Especially in the lower larger ditch systems that were designed to accept the large irrigation flows and retain and reuse in fields, or slowing percolate them back into the ground water, or be slowly pumped into the ocean overtime. This places additional burden on emergency services.

A water management entity would benefit the health and safety of the County.

We thank the Committees for the opportunity to present testimony on this matter.



KAUAI
*Chamber
of
Commerce*

February 5, 2008

FAX: 586-6719

To the Senate Committee on Agriculture and
Hawaiian Affairs/Intergovernmental and Military Affairs

Hearing scheduled for Thursday , February 7, 2008 at 2:45 p.m.

**TESTIMONY ON SENATE BILL 2521, RELATING TO MAKING AN APPROPRIATION
FOR RESERVOIRS, DAMNS AND DITCH SYSTEMS**

TO THE HONORABLE COMMITTEE CHAIR AND COMMITTEE MEMBERS:


My name is Randall Francisco, President of the Kauai Chamber of Commerce.
Our membership includes nearly 450 members, 650 representatives and comprises
of about 87% small business owners. I am testifying on behalf of the Kauai Chamber of
Commerce who is in support of this bill.

The County of Kauai has asked the Kauai legislative delegation to introduce this bill
Which would provide for funding for a study that could ultimately lead to a private entity
which could manage dams and reservoirs on behalf of owners who are sensitive to liability.
If a non-profit entity could take over management of our dams and provide necessary liability
insurance, we could potentially prevent the situation we are seeing now with the Ka Loko and
Twin Reservoirs.

We would appreciate your support of this bill. I can be contacted for additional information
at 245-7363 or email at randall@kauaichamber.org

Aloha.

Sincerely yours,


Randall Francisco
President



**East Kauai
Water Users' Cooperative**

4334 Rice Street, Suite 202
Lihue, Kauai Hawaii 96766
Phone: 808-246-6962
Fax: 808-245-3277

TO: Senator Jill. N. Tokuda February 5, 2008
Chairperson, Agriculture and Hawaiian Affairs Committee
and
Senator Lorraine R. Inouye
Chairperson, Intergovernmental and Military Affairs Committee

RE: **Testimony on SB 2521 – Thursday 2/7/08, 2:45pm, Room 224**

Chairpersons Tokuda, Inouye, and Members of Committees:

My name is Jerry Ornellas. I am the president of the East Kauai Water Users' Cooperative.

The East Kauai Water Users' Cooperative is in favor of SB 2521, which would provide for a feasibility study on the creation of a private or governmental entity to manage, operate and maintain reservoirs, dams and ditch systems in Kauai county.

Reservoirs, dams and ditch systems are essential to agriculture projects which support sustainability and independence in our island's food supply. Since the abandonment of agricultural water systems by Amfac in 2000, farmers, ranchers and cooperatives have taken over these systems out of necessity and have struggled to maintain their economic viability. Any potential assistance that the government may provide the current owners and operators of these water systems is worthy of exploration.

I respectfully ask for your support and passage of this bill.

East Kauai Water Users' Cooperative

Jerry Ornellas, President

LATE

testimony

From: phil green [phil@kauaiorganicfarms.com]
Sent: Wednesday, February 06, 2008 7:16 PM
To: testimony
Subject: SB2521

Committee on Agriculture and Hawaiian Affairs
Senator Jill N. Tokuda Chair
Hawaii State Senate

Re: SB2521 (Reservoirs) Hearing on February 7, 2008, 2:45 PM

Chair and Committee Members:

As a farmer in Kilauea I support SB2521. We need to keep Ka Loko Reservoir and other reservoirs active for the current and future generations dependent upon these treasured resources.

Aloha,
Phil Green
Kauai Organic Farms
P.O. Box 86
Kilauea, HI 96754
808-651-8843

LATE

testimony

From: Jason Donovan [preserveparadise@yahoo.com]
Sent: Wednesday, February 06, 2008 9:33 PM
To: testimony
Subject: Hawaii Needs SB2521

Committee on Agriculture and Hawaiian Affairs
Senator Jill N. Tokuda Chair
Hawaii State Senate

Re: SB2521 (Reservoirs) Hearing on February 7, 2008

Aloha Senator Tokuda,

The many members of Kauai based organizations: Save Our Seas (www.saveourseas.org) (5013c) and Sustain Kauai, (www.sustainkauai.com) are all in strong favor of SB2521. It's so critical for the island of Kauai and the State of Hawaii to do everything possible to preserve, conserve, and restore all existing fresh water resources.

Water is life, and it's our duty and your duty to make sure it keeps flowing for future generations.

We support SB2521

Mahalo,

Jason & Channon Donovan
Sustain Kauai / Save Our Seas

LATE**testimony**

From: Keone Kealoha [keone@malamakauai.org]
Sent: Wednesday, February 06, 2008 4:31 PM
To: testimony
Cc: Chris Jaeb; Mark Selz; Keone Kealoha; Gary Seals
Subject: SB 2521 Support

Senator Jill N. Tokuda, Chair
Senator J. Kalani English, Vice-chair
Agriculture and Hawaiian Affairs Committee

Keone Kealoha
Malama Kaua'i
4900 Kuawa Road, Kilauea, HI 96754
(808) 828-0685

Thursday, February 7, 2008
Support of SB 2521, MAKING AN APPROPRIATION FOR RESERVOIRS, DAMS, AND DITCH SYSTEMS

Aloha kakou,
My name is Keone Kealoha and I am the Executive Director of Malama Kaua'i, a sustainability 501(c)3 organization based in Kilauea, Kaua'i.

I am offering written testimony in support of SB 2521, a bill that seeks an appropriation to study how we can keep our reservoirs, dams and ditches open and operational for our agricultural users while reducing or removing the liability of the land owners and the state through the creation of the appropriate management entity.

The lack of such an entity is the exact reason why the Kaloko water system farmers are currently in jeopardy of loosing their farms. I have worked with the main farmers directly for more a year and we are still in a quandary as to how we will be able to keep their ag water flowing. Just a few months ago the DLNR, fearful of liability (triggered in part by a letter from the attorneys of one of the land owners also concerned about liability) voted to revoke the sole diversion permit supplying the majority of water in the Kaloko Reservoir. Without this diversion the Kaloko system will cease to be a functional agricultural water source and some of the same farmers have stated publicly that they will be forced to sell their farms and move away. I also have a dialogue with Tom Hitch, owner of Kilauea Irrigation Company and current operator of the Kaloko system who confirmed directly that the loss of this permit would indeed signal the demise of this water system.

We cannot let this stand as we have to power to bring the solution to bear.

Aside from the Kaloko farmers, the Kaloko system also feeds several smaller reservoirs including the Waiakalua Reservoir. With the lack of water flowing, Waiakalua is on the verge of drying up as it receives its water directly and indirectly via seepage from Kaloko. Out of fear, local area residents formed a non-profit call Save Waiakalua to do what they might to the Kaloko system functioning but do not have the resources nor the expertise to drive short term solutions. They have however identified that Waiakalua provides the habitat for three species of federally endangered birds and this may be a cause for seeking further action to restore the diversion.

Again, with the proper entity managing the water system these issues could all be addressed as they would be the sole focus of such an entity rather than a part time endeavor by a few caring residents.

Without the proper funds to study and implement the appropriate solution we are not doing all we can to find the best resolution to this problem. I truly feel that a small investment now can save an invaluable resource for our future generations. To rebuild or even replace portions of this already functional and existing water system would easily reach into the tens of millions. I urge you to make the smart investment in prevention now, rather than the larger investment treatment later.

Please support SB 2521, the health of the land is the wealth of the people.

Mahalo nui for your time and consideration on this matter,

Keone Kealoha

2/6/2008

Keone Kealoha
Director

Malama Kaua'i

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808.634.8174 Mobile

808.828.0485 Fax

Email: keone@malamakauai.org

<http://www.MalamaKauai.org>

LATE

testimony

From: Shunt@aol.com
Sent: Wednesday, February 06, 2008 6:54 PM
To: testimony
Subject: RE: SB 2521

Committee on Agriculture and Hawaiian Affairs
Senator Jill N. Tokuda Chair
Hawaii State Senate

Re: SB2521 (Reservoirs) Hearing on February 7, 2008

Aloha Senator Tokuda,

We the residents and members of Save Waiakalua, Kilauea, Kauai are in favor of SB2521. Many of us have been property owners along Waiakalua stream and Waiakalua reservoir for over twenty five years. Some of us have been farmers and nursery owners and others are environmentalists. It is our objective to restore the normal flow of water to Waiakalua Stream and Reservoir and to preserve the natural habitat and environment that depends on these waters. We filed letters with the DLNR last September regarding the need to investigate water storage and usage in this region partly due to the impact of Kaloko. As of this date we have not received any information. We believe that this feasibility study would be beneficial.

We believe that the storage of our excess stream water is important for many reasons and this study could help quantify this fact.

We support SB2521

Mahalo,

Save Waiakalua Group
Steve Hunt
Shunt@aol.com

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)