

February 6, 2008

Joint Committee on Water & Land and
Intergovernmental & Military Affairs
The Senate
State of Hawaii

LATE TESTIMONY

Testimony of
Honolulu City Councilmember Nestor Garcia
Senate Bill 3223
Regular Session 2008

Chairpersons Hee and Inouye, and members of the joint Committee:

Thank for you this opportunity to offer comments in support of SB3223.

When the island of Oahu experiences severe flooding, as does occur with some frequency, civil defense and other responding agencies are often perplexed in trying to determine legal ownership of certain streams, channels, ditches, and other flood control areas in order to effect proper mitigation measures.

It is common knowledge that flooding in past years caused serious property damage and even threatened lives. One important facet of preventing or minimizing such damage would be installing appropriate mitigation measures and ensuring the timely maintenance of these flood control areas. But in order to initiate such measures, the State and City & County of Honolulu requires accurate information on ownership of these properties. This is seriously lacking.

Recently, the Honolulu City Council passed Resolution 07-386 (attached,) calling for the formation of a multi-jurisdictional Task Force of City, State, Federal and Private organizations to identify issues relating to the ownership, care and maintenance of streams, channels, ditches, and other flood control facilities, and to develop an action plan.

Furthermore, I will be introducing a budget amendment to allocate up to \$250,000 for the creation of a Global Positioning System/Geographic Information System-based property ownership database to support task force efforts. The scope of this effort is too large for the City alone. DLNR's active participation would be vital to success, as would matching funds from the State.

Once the system is in place, critical State, County, and Federal agencies will be able to identify the ownership of such properties in a timely and correct manner. It would also enable all landowners to receive notification of their regular maintenance and care requirements, which could also help reduce or minimize their liabilities when flood conditions occur. In my view, as chair of the City Council committee with oversight for water management issues, this would be a major step forward in protecting life and property on Oahu.

Thank you for this opportunity to provide testimony.

Nestor R. Garcia, Councilmember
District 9 – Makakilo, Mililani, Waipahu



RESOLUTION

URGING THE FORMATION OF A MULTI-JURISDICTIONAL TASK FORCE TO IDENTIFY AND ADDRESS ISSUES RELATED TO THE CARE AND MAINTENANCE OF STREAMS, CHANNELS, DITCHES, AND OTHER FLOOD CONTROL FACILITIES.

WHEREAS, in addition to maintaining city roadways, sidewalks, storm drains, bridges, striping, city signs, outdoor municipal parking lots, bike paths, pedestrian malls, litter containers at bus stops/shelters, and downtown Honolulu parks, the department of facility maintenance ("department") is also responsible for maintaining city-owned streams, channels, ditches, and other flood control facilities, as well as enforcing requirements for the maintenance of privately-owned streams; and

WHEREAS, during fiscal years 2005-06 and 2006-07, and as projected for fiscal year 2007-08, the department has cleared or will have cleared approximately 170 streams, channels, ditches or other flood control facilities annually with little or no funds budgeted for such purpose; and

WHEREAS, the number and length of flood control facilities that will be dedicated to the city in coming years will increase with new development of properties throughout Oahu, especially in the central and leeward areas as directed by the city's development plans, causing an even greater strain on city resources if allowed to proceed without planning and funding for maintenance of these facilities; and

WHEREAS, during the discussion that occurred at the joint meeting of the council's committees on budget and transportation and public works held on October 25, 2007 on Resolution 06-168, CD1, that requested the department of design and construction and department of facility maintenance to assess the city's storm drain system and capacity and design a system maintenance program, members of the committees were informed that the administration was having difficulty identifying ownership and liability responsibilities; and

WHEREAS, at the same meeting, other committee members reported that the task of identifying ownership and liability issues was attempted by the state Commission on Water Resource Management a number of years ago, but was dropped because of the complexity of the matter; and

WHEREAS, due to the recent heavy rains and the importance of resolving this matter to further public health and safety, it is the council's desire to ensure that the owners are properly identified and that the streams, channels, ditches, and other flood control facilities are properly and prudently maintained by the owners of these facilities; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that a multi-jurisdictional task force be convened, which would include representatives from appropriate and responsible federal, state and local governmental agencies and representatives of interested private organizations, to assist the city to identify issues relating to the ownership, the care and maintenance of streams, channels, ditches and other flood control facilities, and develop a plan of action that addresses the issues and concerns raised by this task force; and

BE IT FURTHER RESOLVED that the following agencies shall provide knowledgeable and responsible representatives to serve on the task force:

- (1) the city department of facility maintenance (*maintenance*);
- (2) the city department of design and construction (*construction*);
- (3) the city department of budget and fiscal services (*vacant parcels*); and
- (4) the Honolulu Board of Water Supply;

and

BE IT FURTHER RESOLVED that the following agencies and organizations shall be requested to designate knowledgeable and responsible representatives to serve on the task force:

- (1) the state department of land and natural resources;
- (2) the state Commission on Water Resource Management (*streams*);
- (3) the University of Hawaii at Manoa (*hydrology*);
- (4) the United States Army Corps of Engineers;
- (5) the Land Use Research Foundation (*large landowners*); and
- (6) the Community Associations Institute – Hawaii Chapter;

and



RESOLUTION

BE IT FURTHER RESOLVED that the task force is requested to report its findings and recommendations to the council no later than 180 days following the adoption of this Resolution, including any proposed legislation needed to support the task force's recommendations; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the mayor, the director of facility maintenance, the director of design and construction, the director of budget and fiscal services, the chairperson of the state Board of Land and Natural Resources, the chief engineer of the Board of Water Supply, the chancellor of the University of Hawaii at Manoa, the Commander of the United States Army Corps of Engineers, Honolulu District, the executive director of the Land Use Research Foundation, and the executive director of the Community Associations Institute – Hawaii Chapter.

INTRODUCED BY:

[Handwritten Signature]

DATE OF INTRODUCTION:

DEC - 3 2007
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 07-386

Introduced: 12/3/07 By: NESTOR GARCIA

Committee: TRANSPORTATION &
PUBLIC WORKS

Title: RESOLUTION URGING THE FORMATION OF A MULTI-JURISDICTIONAL TASK FORCE TO IDENTIFY AND ADDRESS ISSUES RELATED TO THE CARE AND MAINTENANCE OF STREAMS, CHANNELS, DITCHES, AND OTHER FLOOD CONTROL FACILITIES.

Links: [RES07-386](#)

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| TRANSPORTATION AND PUBLIC WORKS | 1/10/08 | CR-23 (2008) – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. | | | | |
| COUNCIL | 1/23/08 | CR-23 (2008) AND RESOLUTION 07-386 WERE ADOPTED. | | | | |
| | APO Y | CACHOLA Y | DELA CRUZ Y | DJOU Y | GARCIA Y | |
| | KOBAYASHI Y | MARSHALL Y | OKINO Y | TAM Y | | |

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER