

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1713 HD2 SD1  
A BILL RELATING TO HAZARDS

PRESENTATION TO THE  
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

BY

MAJOR GENERAL ROBERT G. F. LEE  
DIRECTOR OF CIVIL DEFENSE

April 2, 2009

Chair Taniguchi and Committee Members:

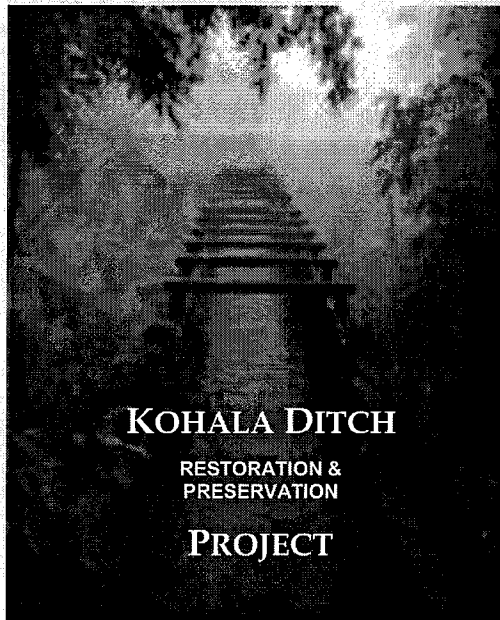
I am Bob Lee, Director of Civil Defense, State Department of Defense. I am providing testimony supporting the intent of House Bill 1713 HD2 SD1 particularly regarding Sections 1-3.

We are in full support of Section 4 of the proposed bill which extends the remaining appropriations under Act 78, SLH 2007 Regular Session, from July 1, 2009, to June 30, 2010.

Act 78 appropriations are being used for the 2006 Kiholo Bay Earthquake Disaster recovery effort. According to the Act, all unexpended funds will lapse on June 30, 2009. The balance of the appropriations is \$10,806,131. We expect to expend or encumber about \$2,563,606 of the funds by June 30, 2009, leaving a projected balance of \$8,242,525.

We need another year to complete repairs to earthquake-damaged facilities including agricultural irrigation systems and hazard mitigation projects on the islands of Hawaii, Maui, and Oahu.

Thank you for the opportunity to provide testimony that supports this measure.



## KOHALA DITCH

RESTORATION &  
PRESERVATION

PROJECT

A project to restore and preserve the historic Kohala Ditch to provide water security for farms, ranches, dairies, aquaculture, recreation and ecological stewardship throughout the 21<sup>st</sup> century; and to sustain the community traditions of the people of Kohala.

### COMMUNITY PARTNERS

USDA Rural Development Office  
State of Hawaii Civil Defense  
North Kohala Community Resource Center  
Surety Kohala Corporation  
Kamehameha Schools  
AT&T Foundation

### STEERING COMMITTEE

Ed Botelho  
Stephen P. Bowles  
Joe Carvalho  
Lance Caspary  
Kaeo Duarte  
Kama Dancil  
Kirk & Lani Eubank  
Cheri Gallo  
Gary Greenly  
Marc Kinoshita  
Ted Matsuda  
Herbert M. "Monty" Richards, Jr.  
Bill Shontell  
Shiro Takata

### STAFF

Rory Flynn

## THE KOHALA DITCH PROJECT

c/o 65-1230 Mamelahoa Hwy., Suite A21  
Kamuela, Hawai'i 96743  
Cell 808.895.0211

March 31, 2009

### RE: HB 1713, H.D. 2, S.D. 1, RELATING TO HAZARDS

Hearing: Senate Committee on Judiciary and Government Operations  
Senator Brian T. Taniguchi, Chair  
Thursday, April 2, 2009 – 10:15 a.m.  
State Capitol, Conference Room 016

Dear Senator Taniguchi and Committee Members:

We are writing in support of HB 1713, as amended in S.D.1, to extend the authority for emergency expenditures under Act 78, SLH 2007, throughout the fiscal year ending June 30, 2010.

As you know, Act 78 was adopted in response to the disastrous Kiholo Earthquake of October 15, 2006. One of the most destructive consequences of the earthquake was severe damage to the Kohala Ditch irrigation system, including the structural collapse of several flumes and much landslide debris. Flow of the Kohala Ditch providing 8-10mgd was suspended, causing severe losses to crops and livestock operations in North Kohala, including the Cloverleaf Dairy, one of the last two remaining dairies in Hawaii.

Since the earthquake, Hawaii State Civil Defense has performed ably to oversee the expenditure of Act 78 funds, as well as USDA funds and other private contributions supporting the Kohala Ditch restoration effort. Remarkable progress has been made to rebuild the Kohala Ditch. Tunnels have been cleared of landslide debris, flumes rebuilt and repaired, and a new dam/intake installed in the backcountry valley of Honokane Nui. However, the crisis is not over. Work remains to be done to prevent seepage loss in open ditch extending from the Kahei Road to the Hawi #3 Reservoir. Installation of a 24" pipeline will assure that water will reliably reach the dairy and other farmers in Kohala.

Accordingly, we urge your committee to adopt HB 1713 to assure that unspent Act 78 funds may assist in these critical repairs to the Kohala Ditch irrigation system through June 30, 2010.

Provision of state funds may assist also in obtaining matching federal funds. In his letter dated January 13, 2009 to our committee, Senator Daniel K. Inouye stated: "While I am delighted with the progress to date, I am fully aware that there is much more to be done... I remain committed to assisting the community in a full restoration of the Kohala Ditch so as to spur the long term well-being of the entire community."

Thank you for your faithful consideration of our ongoing emergency.

KOHALA DITCH PROJECT STEERING COMMITTEE

Dale and Susan Hebel

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Kaneohe, HI 96744  
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[dalehebel@hotmail.com](mailto:dalehebel@hotmail.com)

March 31, 2009

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS  
Senator Brian T. Taniguchi, Chair

Dear Senator Taniguchi,

We are property owners at 47-156 Iuii St. Kaneohe, HI. Above our property there are 2 large monkey pod type trees with branches that overhang our property. These trees are situated on property owned by Genshiro Kawamoto. The trees are very large and sit on the edge of a steep precipice, overlooking the rear of our property. This area is experiencing erosion due to rain runoff from Kawamoto's property. Over the years this has exposed the tree's roots and it is apparent that a safety issue has developed. If one or more of these trees falls in the direction of our property it would certainly cause considerable damage and possibly bodily injury or death.

Periodically, we receive very high south winds (upwards of 80 mph), caused by storms and enhanced by the mountain effect. These winds are potentially the most dangerous since it blows towards properties that line the hill; however any strong winds could pose a threat coupled with heavy rain.

We have tried to contact Mr. Kawamoto since 2004 with no success. He is a "non-responsive" property owner. Further he prohibits access onto his property thereby limiting action by property owners.

Our concerns cover three primary areas:

- trimming of overhanging branches (minimum action)
- possible removal of the trees
- maintenance of drainage swale on Kawamoto's property to reduce runoff onto downhill properties

These trees have become a safety issue and therefore we support HB 1713 introduced by Representative Jessica Wooley to address this dangerous situation. We are not the only ones in this position. There are other residents, in the area that would benefit from passage of this bill. Many of these residents (especially those on fixed incomes), do not have the monetary means to address this problem so help would be greatly appreciated.

We appreciate the opportunity to comment on HB 1713 and look forward to a favorable decision to provide protection for Hawaii residents.

Mahalo,

Dale & Susan Hebel

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**From:** gregory pang [gregoryp@hawaii.edu]  
**Sent:** Wednesday, April 01, 2009 4:06 PM  
**To:** JGO Testimony  
**Subject:** The Committee on Judiciary and Government Affairs - HB 1713  
**Attachments:** Tree1.jpg; Tree2.jpg; Tree3.jpg

To:  
The Committee on Judiciary and Government Affairs  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice-Chair

My Name is Gregory Pang and I am sending this email for my father, Richard Pang who lives at 47-112 Kam Hwy, Kaneohe.

This is in regards to the safety hazards on lands where private landowners (in this case Mr. Kawamoto) cannot be contacted and has large trees and branches over hanging my fathers backyard (enclosed are some pictures of the hazard). There is a large branch that has broken and is hanging held up by vines into my fathers back yard. We have tried to pull it down but was unsuccessful at doing it. As you can see it is slowly rotting away and will eventually fall into the yard and maybe his roof. The tree(s) are on his property and there is a safety issue about branches and possibly the tree falling on his house.

My father is 85 years old and is on a fixed income and cannot do the trimming himself or afford to have tree trimmers come and cut the tree branches over hanging the property. A family down the street had the tree trimmers come and trim the trees for a cost of over 10K and tried to send the bill to Mr. Kawamoto but was not able to get a response.



As you can see from the photographs the branch is at least 40 ft plus above the yard. We support the house bill 1713 relating to hazards proposed by Rep. Jessica Wooley as a possible solution to this problem.

This problem is not only about my fathers backyard it is a common problem on many properties bordering Mr. Kawamoto's property in the area. After going to the Neighborhood Board we have found that it is a problem that

has been going on for years and may other property owners are in the same situation and need a solution to this safety issue.

I was given a direction on resolving this problem but the city (Donivan Dela Cruze's office stated that it was not city property and DLNR stated that it was not state property and we had to resolve it with the landowner (Mr. Kawamoto) who was impossible to find a contact for him or his representative. This is where I met and talked to Rep Jessica Wooley who is proposing this bill to help many people with similar safety issues with adjacent property owners that cannot be contacted or are unresponsive.

This tree issue has been in the news paper and 6 oclock news on 2 tv stations, this is a safety issue with large trees and even large rocks breaking and falling onto the roofs of houses - not like the more cosmetic problems that people are having with the Kawamoto properties at other neighborhoods.

I will try to be at the hearing on tuesday if i can but please do not kill this bill as there seems to be many large landowners who are very hard to get in contact with to remedy property safety problems.

If you need more pictures or information please feel free to email me or contact me at work at 956-0914 or cell at 375-8669. My parents number is 239-8401.

thanks you  
Gregory Pang  
Richard and Laura Pang

April 1, 2009

The Committee on Judiciary and Government Affairs  
Senator Brian T Taniguchi, Chair  
Senator Dwight Y Takamine, Vice-Chair

RE: House Bill 1713  
Meeting April 2, 2009; 10:15AM, Conference Room 16

Dear Senators Taniguchi & Takamine;

I am writing to provide my comments on the tree hazards on Mr. Kawamoto's property in Kahaluu. I live next to Mr. Kawamoto's conservation land and am very concerned about the condition of the trees next to my property and the ramifications to my property when they eventually snap and fall. They are heavily laden with vines. A few branches have already snapped but haven't fallen all the way as the vines are still holding them up. The last windstorm snapped a whole tree but we were fortunate that the tree fell along side the property line and did no damage. I am afraid that I will not be lucky next time and a tree or heavy branch will fall into the side of my house, on the roof or on my deck, which will result in major damage.

I am looking out my window right now and there is one branch starting to extend toward the window and is only about 10-12 feet away. The vines are creeping out to the end of the branch, which will most likely to cause it to snap sometime this year.

I had a landscape contractor over this weekend and she surveyed the area. Her comments included that the vines are causing the trees to weaken which will make them susceptible to disease and bug infestation. This will then most likely spread to other surrounding trees, which includes the neighbor's trees and plants also.

I have sent a certified letter to Mr. Kawamoto's address on file to get him to address the problem but it came back unclaimed.

Everyone is aware of Mr. Kawamoto's lack of concern for his properties and the fact that no one is able to find him to address the issues. Eventually a major accident will occur due to his lack of concern. When it does, whom will we go to for help and compensation? Will it cause us to lose our homes because we can't afford to repair them or because we are injured and unable to work? Can we look to the City, County or State for help & assistance since we have made you aware of the problem and potential liabilities?

Please allow this bill to pass, as it is desperately needed. You are also welcome to come by to view the overgrowth.

Thank you for listening.  
Deborah Isaacs, Owner  
47-321 Mawaena St.  
Kaneohe, HI 96744  
808-239-4298

TO: Judiciary and Government Operations Committee  
Senator Brian T. Taniguchi, Chair

FROM: D. Keala Naluai, President  
Malama O Kamali'i Makamae  
PO Box 4982  
Kaneohe, HI 96744  
808.386.2216

DATE: Hrg. Date: Thursday April 2, 2009 10:15 a.m.

SUBJECT: SUPPORT for HB1713 HD 2 - Relating to Hazards

Aloha e Kakou,

My name is D. Keala Naluai and I respectfully request that your committee support this measure for the safety of our windward community and citizens in imminent danger at their residences and all of Hawaii's citizens in similar situations.

Negligence by various property owners throughout Hawaii, in the last few of year, have resulted in danger, property damages, including tragic deaths and severe injuries to innocent neighbors and visitors, due to the lack of property owners' up-keep and maintenance of their "next-door" properties.

Such negligence by careless residence and agencies (e.g. Pflueger on Kauai, State/City agencies, property owners in Manoa, Nu'uuanu, Kalihi, etc.) caused devastating effects to human lives and families unnecessarily.

In this New Year 2009, with the continuance of inclement weather and natural disasters, which may cause more man-made and/or natural erosions, shifting of earth on hillsides, and toppling of huge trees to further cause devastation to human lives, please make an end to such irresponsible conduct by property owners. Please do your duties to assist Hawaii residents, pursuant to appropriate statues, which govern the safety of your public tax-paying constituents and citizens, by enforcing actions and cost reimbursements on negligent property owners, who are endangering their neighbors' lives and properties.

If this should be happening to you and your family, would you sit back and KNOWINGLY RISK your spouse, children, family and friends' lives that live on or visit your property? You have the laws to protect your citizens from such behaviors of negligent individuals, use them to impose sanctions, mitigations, costs clean-up reimbursements and others actions deemed necessary to protect and save lives and properties in all of Hawaii. Let us not have our people suffer more-over than economic and natural disasters already plaguing us all at present.

Thank you for this opportunity to testify.