

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
FINANCE**

**Monday, February 27, 2012
1:00 P.M.**

State Capitol, Conference Room 308

**In consideration of
HOUSE BILL 2883, HOUSE DRAFT 1
RELATING TO MAKAHA VALLEY**

House Bill 2883, House Draft 1 proposes to appropriate an unspecified amount of general funds and directs the Department of Land and Natural Resources (Department) to conduct a flood study for Makaha Valley, Oahu. This study would: 1) Identify specific recommendations for the control of storm drainage throughout the study area to reduce recurring flooding to residences and businesses; 2) Perform cost-benefit analysis of the recommendation; 3) Provide an evaluation of the recommendations; 4) Include a timetable for implementation; and 5) Address other issues deemed necessary or relevant by the Chairperson of the Board of Land and Natural Resources. The Department supports the intent of this measure; however, has significant concerns regarding the cost implications to conduct such a study on the Administration's Executive Supplemental Budget request and future implementation of the recommendations.

In order for proper analyses, recommendations, and cost estimates to be made, detailed hydrologic and hydraulic modeling of the watershed would need to be performed, along with the collection of required topographic data and investigation and interviews relating to flood incidents and histories within the community. The Department estimates a study of this scope would cost approximately \$500,000. Without appropriate funding, the Department will be unable to implement and complete the study requested. Once contracted, such a study would take 12 to 18 months to complete, well beyond the requested reporting period.

Furthermore, a timetable for the implementation of the recommendations will be contingent upon available funding and actions of the appropriate government agencies or private parties that will have jurisdiction to implement these flood control measures. Preliminary investigation indicates that a significant amount of the landownership in the valley may be private and the Department raises concerns that may result from the proposed use of public funds for private purposes.

Thank you for the opportunity to comment.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
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Testimony in Support of HB 2883 HD1
To
The Honorable Rep. Marcus Oshiro, Chair
House FIN Committee
February 27, 2011 at 5:00 p.m.
In Conference Room 308

Chair Marcus Oshiro and Members of the FIN Committee:

Thank you for the opportunity to testify in strong support of HB 2883 that requires the Department of Land and Natural Resources to conduct a flood study of Makaha Valley.

Makaha has a serious flooding problem and the threat needs to be remedied as soon as possible before the next rainy season of winter storms and hurricanes in upon us.

I strongly urge this committee to appropriate adequate funds to fund the Makaha Valley flooding study. I plan on requesting funds to address the Makaha Region's flooding problem that is within the City's jurisdiction. Both the City and State must take responsibility and finance resolve to this flooding issue gone unabated.

Thank you for the opportunity to submit testimony in support.

Testimony in Support of HB 2883

Dear Chairperson and Committee Members,

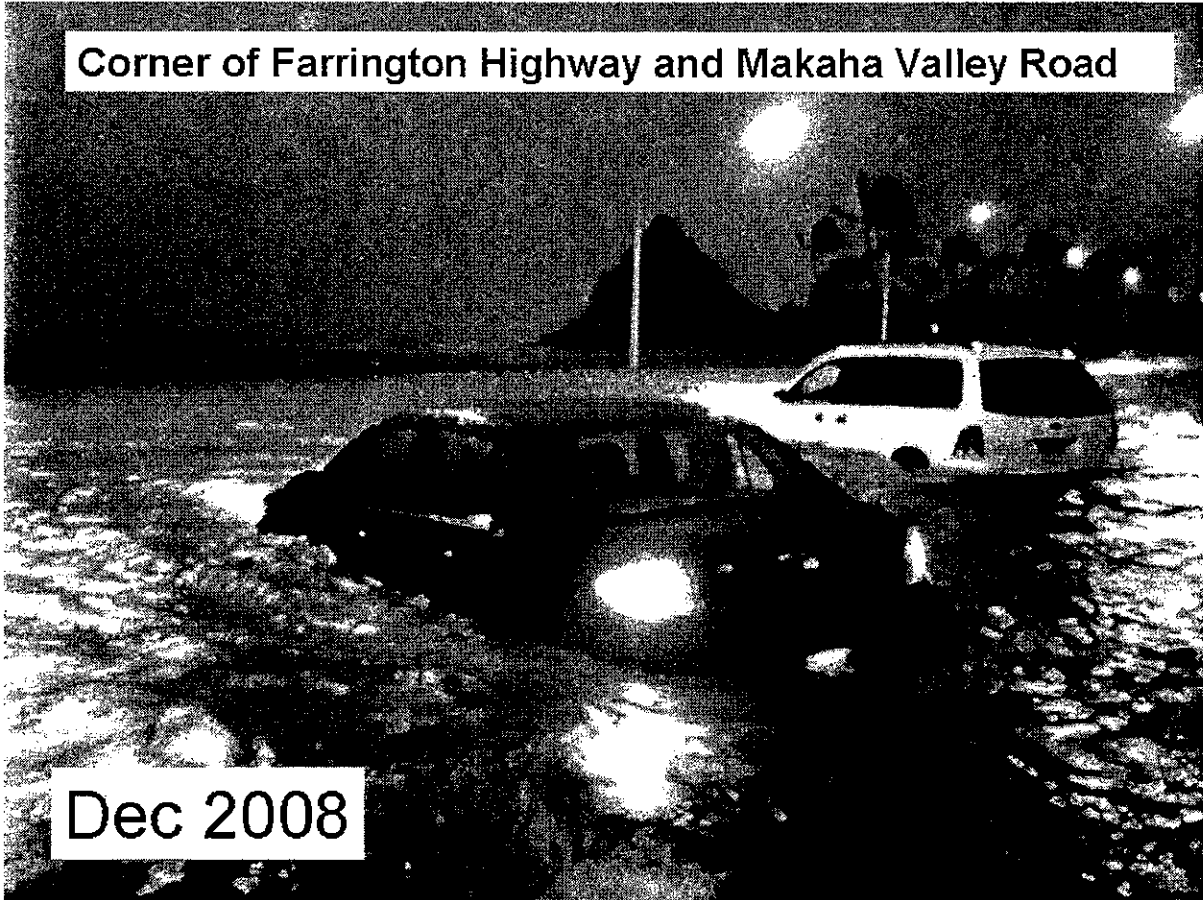
I strongly support passage of HB 2883 primarily because I and my neighbors believe Makaha is susceptible to dangerous and uncontrolled flooding. Passage of this bill will provide an accurate understanding of the drainage and flooding problems that exist in Makaha Valley and will provide an essential assessment of the dangers affecting current and future residents and businesses within the valley.

- A drainage system was built in the upper elevations of Makaha Valley in the 1970s and early 1980s. The system was approved by the C&C of Honolulu, although "as built" drawings do not match the developer's original "approved" engineer plans.
- The Makaha drainage system was intentionally built to divert water flowing off the surrounding mountains to Makaha stream on the western side and Eku stream on the eastern side of the valley.
- The BWS/C&C purchased the 4,009 acres surrounding Makaha valley in 1987, including the Makaha Valley drainage system that protects the valley.
- The Makaha drainage system failed during heavy rains in 1996/97 and flooded many properties below it, including severe damage to the Makaha Valley Towers. The portion of the system that protects the Towers was eventually repaired by the C&C.
- The same drainage system on the eastern side of the Valley also failed in several areas during the 1996/97 flooding, primarily damaging only undeveloped properties directly below it. Breaches of this system and any inspections that might have been made were not reported but aerial photos clearly show significant damage occurred.
- On Dec 11, 2008, a short but heavy rain storm in Makaha Valley caused severe flooding in Makaha Heights including Mauna Olu Estates, Makaha Valley Plantations, Kili Drive, Makaha Valley Road, Makaha Valley Country Club and Makaha Resort Golf Courses as well as Makaha Marketplace and homes, business and properties throughout Makaha Valley. Virtually all of these flood waters originated from the Makaha valley drainage system located on BWS/C&C property.
- The BWS performed routine maintenance on portions of the drainage system on the eastern side of the Valley up until and after the 2008 flooding, but in June 2009 the BWS claimed it has no responsibility for fixing or maintaining the drainage system.
- Over the years, the condition of the Makaha drainage system has deteriorated. The system will not repair itself and flooding risks are geometrically increased as flood waters reach the lower elevations of the Valley and place the high density homes and businesses in danger. Until these repairs are made, unsafe conditions will place Makaha residents and businesses at great risk for loss of life and property.

Thank you,

AL Frenzel, (808) 343-4916

Corner of Farrington Highway and Makaha Valley Road



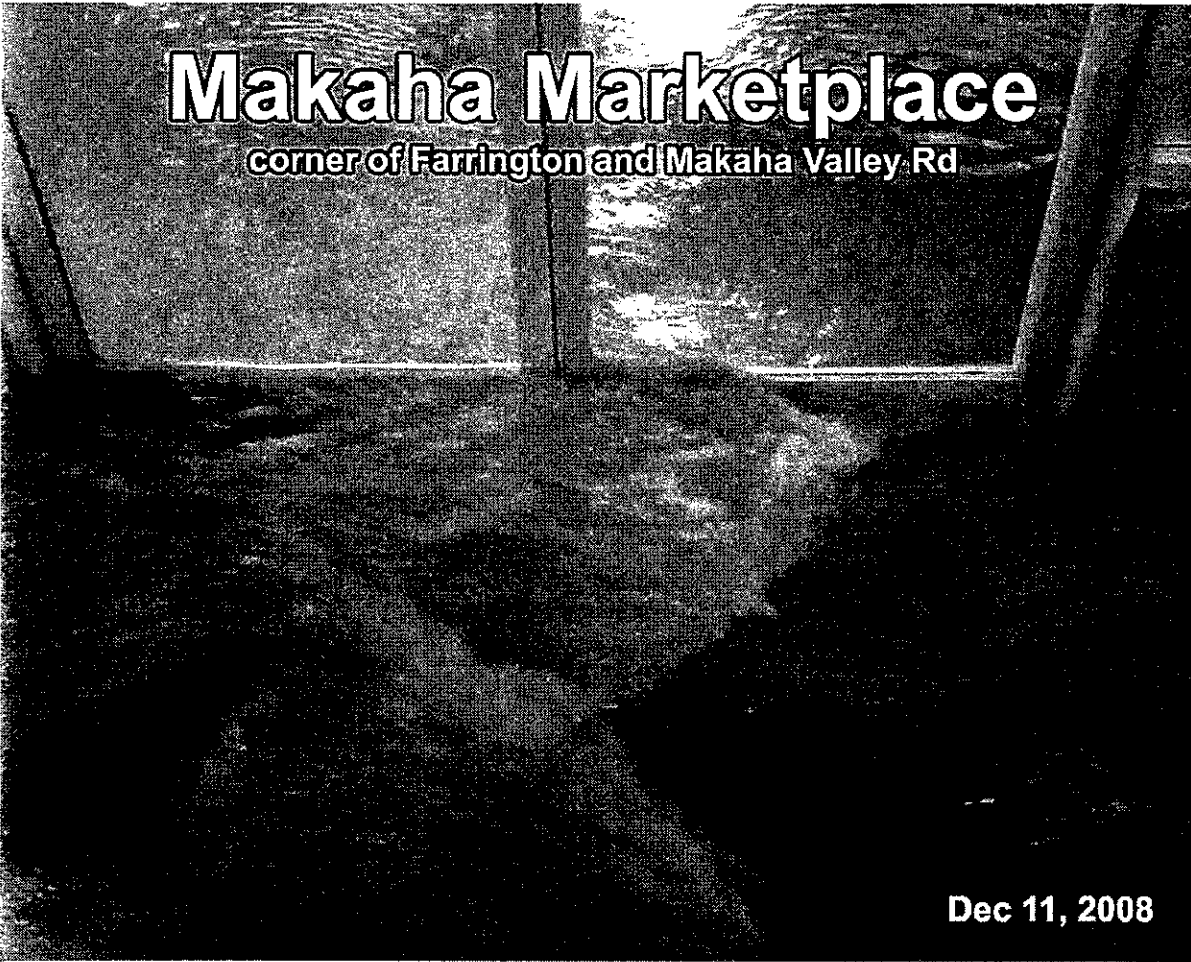
Dec 2008

Makaha Resort Golf Course



Makaha Marketplace

corner of Farrington and Makaha Valley Rd



Dec 11, 2008



BWS Drainage System – Filled with Debris

Aerial Photo February 1997



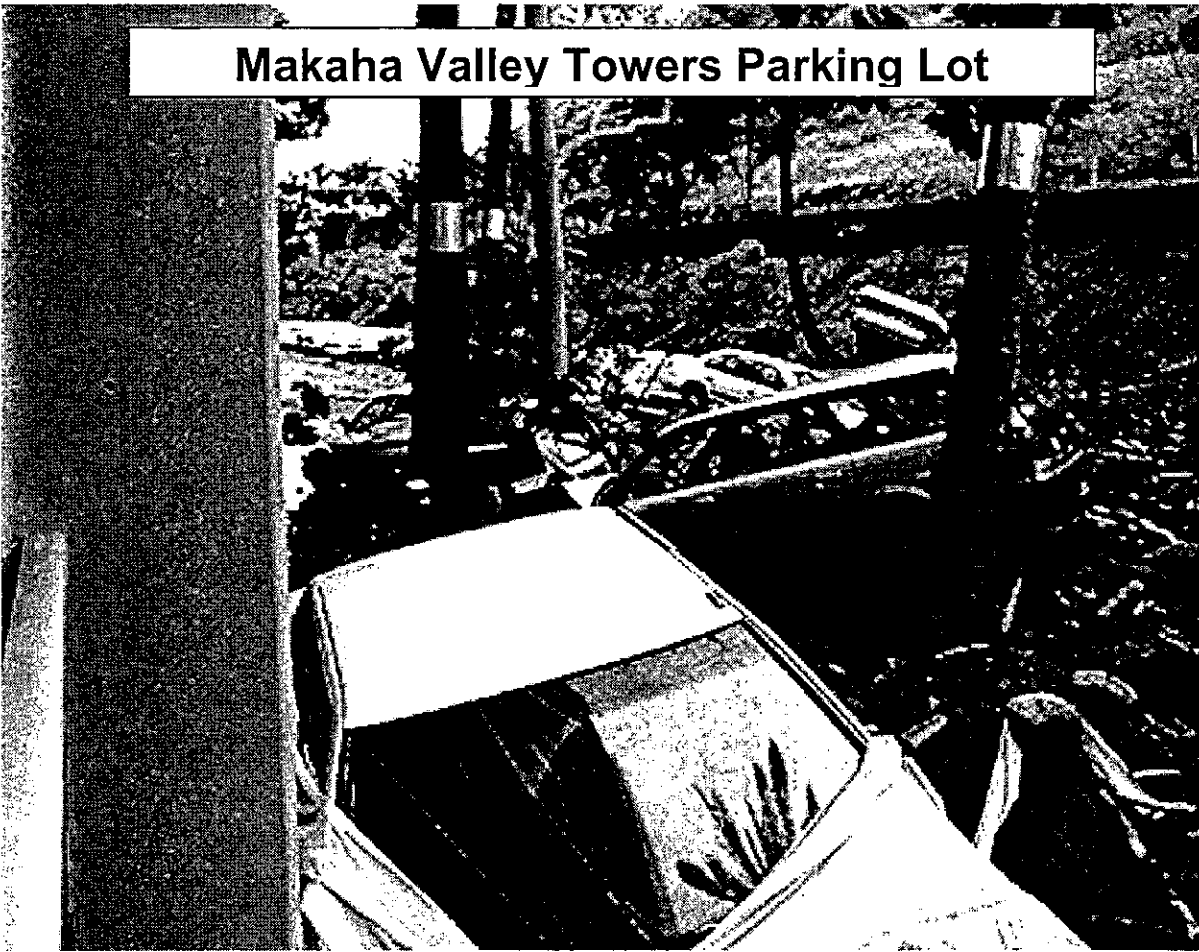
Makaha Valley Towers Lobby



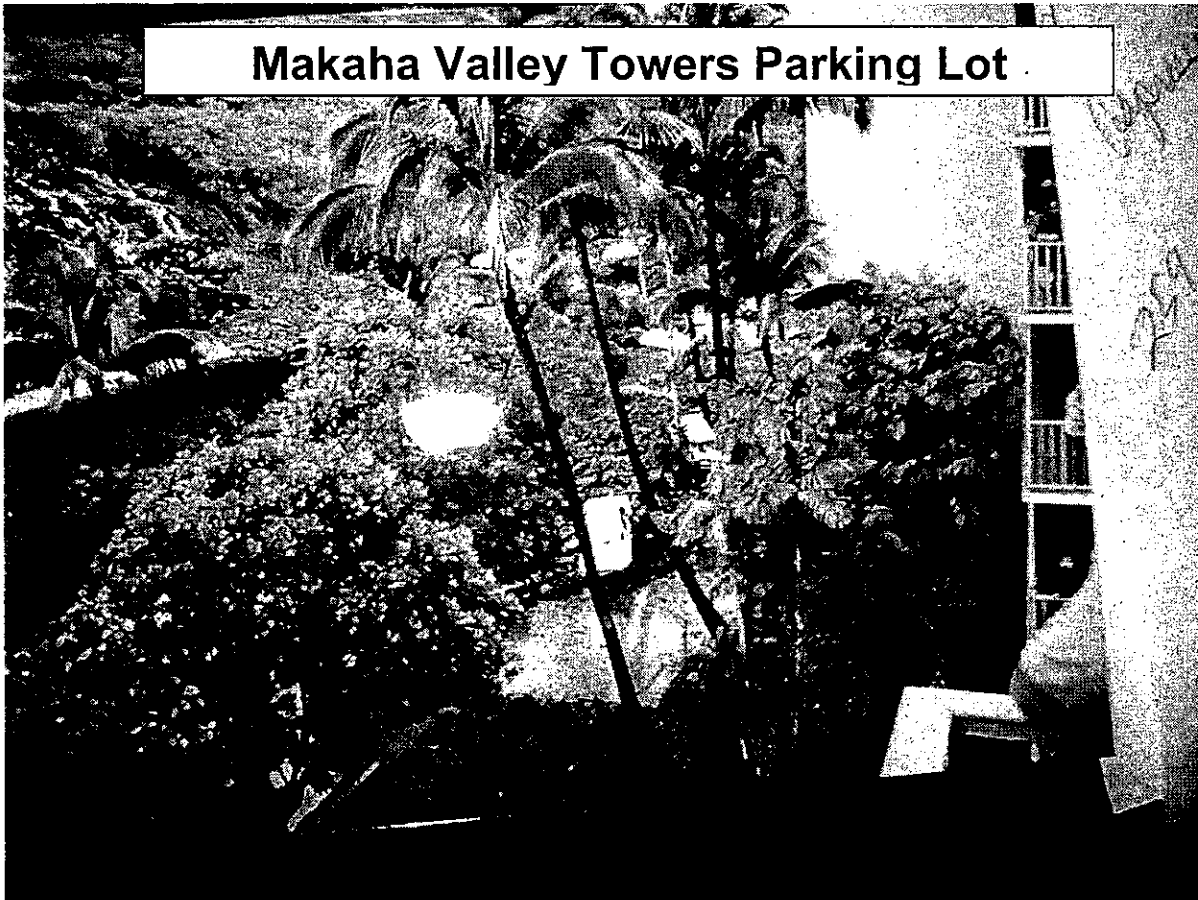
Makaha Valley Towers Parking Lot



Makaha Valley Towers Parking Lot



Makaha Valley Towers Parking Lot



Makaha Valley Flooding Issue in support of HB2883

- The Makaha Valley Incorporated (The Developer) constructed a drainage system for upper Makaha Valley in the 70s and early 80s as a requirement of the Makaha Valley Development. The system was approved by the C&C, however the "as built" drawings do not match the original engineer's (Parks Engineers) plans.
- The Makaha Valley Drainage system as designed by the original engineers was built to divert water flowing off the surrounding mountains to Makaha stream on the Western side and Eku stream on the Eastern side.
- The BWS/C&C acquired 4,009 acres surrounding Makaha valley in 1988. Located on this land is the Makaha Valley Drainage system, protecting the valley during heavy rain storms from severe run-off and flooding.
- From Aerial photographs we are aware that the drainage system failed during heavy rains in 1996/97, flooding many properties below it, including extensive damage to the Makaha Valley Towers.
- The drainage system on the Western side of the valley directly above Makaha Valley Towers was repaired by the BWS/C&C after the 1997 rains.
- The same drainage system on the eastern side of Makaha Valley, also failed in several areas in floods of 1996/97. The system was never repaired. In 2008 another severe storm further destroyed portions of the system (West and East sides) causing extensive flooding of properties, homes and businesses from the top of the valley down to Farrington Highway.
- The BWS had performed routine maintenance on limited portions of the drainage system on the eastern side of the Valley up to and after the 2008 flooding. They have currently ceased to do any further maintenance.
- In June 2009 after the storm, concerns were raised by area residents and monetary damages claimed from the BWS, the BWS has claimed "no responsibility for fixing or maintaining the drainage system situated on their property." Currently there is a lawsuit between BWS vs 3 property owners and Mauna Olu Association. (I am not involved in the lawsuit).
- Over the years, the condition of the drainage system has deteriorated each time the valley receives rain storms. The Makaha Valley Drainage system needs to be repaired to acceptable engineer designs and a long term maintenance and monitoring program installed. This is a safety issue and requires urgent attention.
- It is my concern along with numerous other Makaha Valley residents, that in the event of a severe rain storm or prolonged rainy period we may experience life and property endangerment created by the inadequate performance of the Makaha Valley Drainage System. The residents of Makaha Valley cannot wait for a lawsuit that may take years to be

finalized, before any action is taken to determine the condition of the Flood System and take the necessary steps.

- Vic Gustafson, Interim Vice Director of State Civil Defense, recently made the following observation at a meeting held to discuss flooding issues on the Leeward Coast.

"Act 76 from the 2009 session authorizes any state agency as directed by the Governor to inspect flood hazards, such as berms, ditches, and clogged streams on private property, and give the landowner 10 days to fix the problem. If the property owner fails to fix the problem, the state can do it and bill the owner or put a lien on their property,"

As tax payers and residents can we not expect the same from our government?

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