



STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF EMERGENCY MANAGEMENT
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

**TESTIMONY ON HOUSE BILL 1794 HD2,
RELATING TO DISASTER RELIEF**

Before the Senate Committee on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

By

Luke P. Meyers
Administrator, Hawaii Emergency Management Agency (HI-EMA)

Aloha Chair Nishihara, Vice-Chair Wakai and Members of the Committee:

The Hawaii Emergency Management Agency (HI-EMA) **supports** House Bill 1794 HD2.

House Bill 1794 HD2 extends the lapse date of the appropriation for Kauai flooding disaster relief made by Act 12, Session Laws of Hawaii 2018, to June 30, 2023.

HI-EMA recognizes the importance for the continuation of appropriations provided by this measure.

Note: My comments represent HI-EMA concerns at the state emergency management level only. I would defer to the separate comment/testimonies of the county emergency management agencies, as they would be the jurisdictions impacted by this legislation at the local level.

Thank you for the opportunity to provide testimony on House Bill 1794 HD2.

Luke P. Meyers: Luke.P.Meyers@hawaii.gov; 808-733-4300

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**Tuesday, June 23, 2020
12:35 P.M.**

State Capitol, Conference Room 229

**In consideration of
HOUSE BILL 1794, HOUSE DRAFT 2
RELATING TO DISASTER RELIEF**

House Bill 1794, House Draft 2 proposes to extend the lapse date of the appropriation for Kauai flooding disaster relief and other areas of the State made by Act 12, Session Laws of Hawaii 2018, to June 30, 2023. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department sustained substantial damage to its facilities on Kauai and Oahu due to the heavy rains and flooding events in April 2018. The Department received Act 12 funds for recovery response for several locations and facilities and is currently implementing these projects. The additional time to complete the flood response work will be appreciated.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

COUNTY COUNCIL

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Ross Kagawa, Vice Chair
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Mason K. Chock
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Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

June 22, 2020

TESTIMONY OF MASON K. CHOCK
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 1794, HD2, RELATING TO DISASTER RELIEF
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Tuesday, June 23, 2020
12:35 p.m.
Conference Room 229

Dear Chair Nishihara and Members of the Committees:

Thank you for this opportunity to provide testimony in support of HB 1794, HD2, Relating to Disaster Relief. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council.

The 2018 floods caused tremendous damage to parts of the island of Kaua'i, and the community is grateful for the State Legislature's support to repair important infrastructure and rehabilitate farms. Completion of this work is necessary for the protection of the 'āina and the community's recovery. I urge your approval of the extension to June 30, 2023, in the lapse date of the appropriations made by Act 12, Session Laws of Hawai'i 2018.

Thank you again for this opportunity to provide testimony in support of HB 1794, HD2. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

MASON K. CHOCK
Councilmember, Kaua'i County Council

AMK:lc

HB-1794-HD-2

Submitted on: 6/22/2020 8:07:25 AM

Testimony for PSM on 6/23/2020 12:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Richards	Testifying for Hanalei Colony Resort	Support	No

Comments:

HB 1794 HD2- Tuesday June 23,2020

To: Commissionor on Public Safety, Intergovernmental, and Military Affairs

Aloha Senator Clarence K. Nishihara, Chair and Senator Glenn Wakai , Vice Chair

Hanalei Colony Resort and I fully support HB1794 HD2 in extending the Use of Funds encountered by Act 12/35.

While Kauai's North Shore has made significant progress since the significant and Historic Flood of 4/15/2018 there is a great deal of repairs to be completed.

Many of our northshore streams and watersheds need extensive clean up. We must protect all waterways and watersheds. There is still a great deal of debris to be cleared to protect our Taro Fields of Hanalei and to Ha'ena.

We ask that you help us protect our streams, waterways and to ensure the health and saftey of our residents and guest. We must protect our road repairs and continue to mitigate future flooding and damage.

We ask you to support the extension of ACt 12/35 funding by passing HB 1794 our of your committee.

Sincerely,

Laura Richards, GM

Hanalei Colony Resort



NATIONAL TROPICAL BOTANICAL GARDEN

Chartered by Congress to Create a National Resource in Conservation, Research, and Education

June 21, 2020

TO: COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Aloha Senators Clarence K. Nishihara, Chair and Senator Glenn Wakai, Vice Chair,

The National Tropical Botanical Garden is in strong support of HB1794 HD 2. Extending the use of the funds encumbered by Act 12/35 which were for the recovery of the areas impacted by the unprecedented rain event that occurred on Kaua'i in April 2018 is critical for the continued of our community and our watersheds.

While Kaua'i has made significant progress in recovering from the devastating "rain bomb" which set a national record with 50 inches of rain over a 24-hour period, there are many very important projects that will need additional time to complete. Over the past 9 months I have been working closely with other community leaders, Representative Nadine Nakamura, and County Manager Mike Dahilig to define the remaining high-priority projects on the north shore and to help coordinate how the remaining balance of \$38 - \$40 million in Act 12/35 funds could be used.

Limahuli Garden and Preserve is a 1,000-acre property owned and operated by NTBG. It is located in Hā'ena one of the hardest hit areas on the island. While we have made a lot of progress in the recovery work in the Garden some of this funding is need to remove the 32,000 cubic yards of debris which FEMA estimated was deposited in Limahuli Stream during the April 2018 flood event! This debris remains a threat to the health and safety of the public and to the significant improvements made by the State in Hā'ena State Park!

While Limahuli is a good example, most of the funds are needed in Hanalei which is a major visitor destination and which provides 85% of the taro grown in Hawai'i. The 2018 flooding created extensive damage to stream intakes, storm debris, and overgrown hau and albizzia trees have reduced flow to taro fields by 40%. The remaining Act12/35 funding is critical to getting this area restored and mitigating future flooding. These funds are needed not only to clear streams of debris, but ensure the health and safety of residents and visitors, protect new roads and bridges from future damage, and prevent future flooding on the north shore.

In conclusion, please support the extension of the Act 12/35 funding by passing HB 1794 out of your committee. Please do not hesitate to contact me directly by phone or email should you have any questions about my testimony.

Aloha,

Chipper Wichman, Ph.D., FLS, President
NATIONAL TROPICAL BOTANICAL GARDEN

cc: Rep Nadine Nakamura

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

ATTN: CHAIR NISHIHARA & VICE-CHAIR WAKAI

TESTIMONY IN STRONG SUPPORT OF H.B. 1794, H.D. 2

Relating to Disaster Relief

June 23, 2020 at 12:35 pm

Conference Room 229

Dear Chair Nishihara, Vice-Chair Wakai, and Members of this Honorable Committee,

Mahalo for the opportunity to testify on behalf of the Wai‘oli Valley Taro Hui on the important issue of disaster relief for our County of Kaua‘i. Since the devastating floods of 2018, our small Hui of about a dozen farmers has been working closely with staff at the Department of Land and Natural Resources (“DLNR”), the County of Kaua‘i, and our senator and representative (in addition to rehabilitating our own farms) to resume the important work of kalo cultivation. Our mānowai, po‘owai, and entire ‘auwai systems were completely devastated. Our river changed course in what some have described as a thousand-year flood event. Many of us are Native Hawaiian and small family farmers who were born and raised on Kaua‘i. We continue to care for the same ‘āina that our families have stewarded for more than a century; for some, it’s been many centuries. Unless this bill passes, the necessary repair work to our water system will be difficult to complete before the funding lapses. Given the two years that have passed since the flood, we’d also like to note that the three year extension, to 2023, provides much needed time to complete repair work. **On behalf of the Wai‘oli Valley Taro Hui, we urge you to pass House Bill 1794, H.D. 2 to enable the restoration envisioned by the passage of Act 12 in 2018.**

As a Hui, it is our mission to support and enhance the mauka to makai biocultural resources in the Wai‘oli Stream and Hanalei Valley watersheds, protect the natural and cultural resources that enable traditional and customary Native Hawaiian practices, maintain habitat for endangered Hawaiian waterbirds, and engage the greater Kaua‘i community through educational outreach programs and initiatives relating to the farming of taro and community-based stewardship of water resources.

Immediately after the first flood in 2018, our water supply was totally cut off. With the help of numerous volunteers, we were able to restore minimal water flow that allowed us to continue farming, but in no way was the volume close to the pre-flood conditions. All of our equipment was damaged by the flood, and some of us have still not been able to replant our fields. Those of us who were able to repair our fields still faced a 3-4 month delay with far lower yields. I am currently down 40% compared to my pre-flood production and as a result, I had to return to my career as an engineer for a contractor on Kaua‘i. It was not my wish or my plan to do so, but it was necessary to financially support my family. I still continue to work on the farm on a part-

time basis with the hope that once our water system is repaired, I can complete the recovery and return to farming full-time. Other farmers in our Hui have similar stories.

Currently, we have boulders the size of trucks impeding our water supply, and we cannot remove those by hand. Over the last two years, we have continued to have our water supply cut off by additional weather events because of how severely our system was damaged. Despite the work and cooperation of federal, state, and county agencies and multiple emergency proclamations, the contract for vital repairs to our Native Hawaiian irrigation system was just finalized this month and funding is about to be released (or perhaps may just have been released). This means that even though we've secured the necessary permitting as a Hui, we have been unable to begin the critical work to restore the stream and our individual farms that Acts 12 and 35 contemplated.

We write to express how important the passage of this bill is as it directly impacts our farms, families, and livelihoods. In February 2020, the Board of Land and Natural Resources voted to issue our Hui a revocable permit for water use from Wai'oli Stream for our kalo farms and a non-exclusive perpetual easement to access and maintain our irrigation system on State lands. Together with the proposal to extend the Act 12 lapse date in this bill, we will be able to move forward with the recovery process, two years later. We hope to work with DLNR and use a portion of the disaster relief funds to repair the significant damage to Wai'oli Stream and help to protect everyone who is downstream from future flood and weather events.

Because of our location, we are the first people to be affected by changes in the Wai'oli Stream. As a Hui, we recognize the importance of implementing mitigation measures to reduce any risks posed by future weather events. Aside from any additional negative impacts we may suffer as a Hui, further flooding, landslides, and river shifts pose a significant threat to the health, safety, and welfare of the larger town of Hanalei.

For these reasons, we urge you to pass House Bill 1794, H.D. 2, with a three year extension, so that we may continue to work with the DLNR and our elected representatives, to clean Wai'oli Stream and continue farming as we have for generations.

Mahalo for your time and consideration.

Reid Yoshida

President, Wai'oli Valley Taro Hui

Kaua'i, Hawai'i

r-yoshida@hotmail.com

June 21, 2020

To the Committee on Public Safety, Intergovernmental, and Military Affairs

Dear Chair Nishihara and Vice Chair Wakai,

Thank you for your assistance after the record flooding in April, 2018 devastated the north side of Kauai. I support passage of HB1794 HD 2, as it is vital to the continued recovery efforts. Although much progress has been made, the area still has stream debris that needs to be cleaned and bridges and roads that needs repair.

Sincerely,

Peter Morimoto

Kapaa resident

HB-1794-HD-2

Submitted on: 6/22/2020 12:23:48 PM

Testimony for PSM on 6/23/2020 12:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hermina Morita	Individual	Support	No

Comments:

Aloha Chair Nishihara and Vice Chair Wakai: I am writing in support of House Bill 1794, House Draft 2 to extend the lapse date for the appropriation of Act 12 funds. Although it has been over two years since the devastating April 2018 floods, that event changed the flow of water in many of Kauai's north shore streams and rivers. As much of the initial work done after the flood was to remove debris and for public safety reasons, there was still a need to understand the changed hydrology and planning that would make repairs long lasting to help mitigate damages from future flood events. Unfortunately, it has taken some time for the planning and the vetting of key projects that can help make this area more resilient in its recovery efforts. I know the Kauai community would truly appreciate your consideration for this extension. Mahalo, Mina Morita, P.O. Box 791, Hanalei, HI 96714

HB-1794-HD-2

Submitted on: 6/22/2020 2:16:02 PM

Testimony for PSM on 6/23/2020 12:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mehana Vaughan	Individual	Support	No

Comments:

Aloha mai Kā• kou,

Mahalo for this opportunity to submit testimony as a private citizen on HB1794, HD2 extending the lapse date of the appropriations made by Act 12, Session Laws of Hawaii 2018, to June 30, 2023, for flooding disaster relief for Kauai and other areas of the State. Effective 6/29/2020. (HD2) This bill is important to our Kaua'i communities, because so many people have worked so hard to secure funding for needed work to be completed after the floods and only now is the funding being released. Please extend the lapse date for the bill so that vital work to restore Kaua'i streams and auwai systems, enhance food security, resilience and safety for future floods can be completed. Mahalo for your time and attention to this important matter. And mahalo also for returning to work in person this week, and for all you do for our Hawai'i nei.

Ke aloha nui no,

Dr. Mehana Blaich Vaughan

Halele'a community member

Associate professor of community based watershed management

Department of Natural Resources and Environmental Management, UH Manoa

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

ATTN: CHAIR CLARENCE NISHIHARA & VICE-CHAIR GLENN WAKAI

TESTIMONY IN STRONG SUPPORT OF H.B. 1794 HD2

Relating to Disaster Relief

June 23, 2020 12:35 PM in Conference Room 229

Dear Chair Nishihara, Vice-Chair Wakai, and Members of this Honorable Committee,

First, I'd like to thank each of you for being present today, and for your tireless efforts to mālama the people of this State during what has been a most challenging time for us all. Your commitment to service is greatly appreciated and I am grateful for this opportunity to provide support for this critical piece of legislation.

As I am sure each of you are keenly aware, the COVID-19 pandemic and the global response necessary to mitigate the virus's toll on human health and wellness has placed our State's economy in peril. While each of you retain the task and responsibility of responding to the immediate threats related to the pandemic, you each also have the privilege to support those in our community who are contributing to securing the robust systems necessary to protect the health, safety, and welfare of the people against threats like extraordinary weather events. Your support in this regard is the reason I am submitting testimony today.

In 2019, as a law student in the Environmental Law Clinic at the William S. Richardson School of Law, I saw first-hand the extent of the remaining work in areas that sustained extensive damage as a result of the torrential rains in 2018. Perhaps more importantly though, what I observed was the tremendous collaboration that took place in order to prevent and minimize the impact of current or future flooding. Particularly in Kauai, when working with the Wai'oli Valley Taro Hui, I saw collaboration between community members, state and county elected officials, and people across state and county departments and divisions, a feat I had not seen before, and have yet to see since. I mention this to comment on the commitment that each of the parties mentioned above evidenced in their efforts to restore water flow in support of local farmers. Farmers, whose livelihood pre-COVID-19 was severely limited (by the 2018 flood damage), and whose contribution to the state's local food supply and economic fabric remains essential. Efforts that address economic recovery and access to local food, such as the collaboration I noted above, are the ones that will be supported by the passage of House Bill 1794 H.D.2.

Of extreme importance in this regard is the three-year extension provided. The support of the Legislature is pivotal to securing funding, which will enable the successful completion of ongoing work. The uncertainty of food security and economic viability have been increasingly highlighted in the wake of the COVID-19 pandemic. House Bill 1794 H.D. 2 presents each of you with an opportunity to face the uncertainty presented by the pandemic with surety, by affirming your support the long-standing commitment of your colleagues in elected office, and community members and county and departmental collaborators.

For these reasons, I urge to you pass House Bill 1794 H.D. 2.

Thank you for this opportunity to testify, and again for your unwavering commitment to serve the people of this State.

Sincerely,

Rachel James, Esq.

Class of 2019, William S. Richardson School of Law

HB-1794-HD-2

Submitted on: 6/22/2020 4:12:47 PM

Testimony for PSM on 6/23/2020 12:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
nathaniel tin-wong	Individual	Support	No

Comments:

Aloha mai kakou,

My family farms taro in Wai'oli, and we have property in Kalihiwai, both are north shore Kauai areas heavily impacted by the 2018 flood events. While many efforts were funded post flood, there have been NO (0) projects that have looked at these two streams in an attempt to mitigate future floods, promote resilience, address invasive species clogging and damming our streams, etc. We still desperately need these funds to better understand our streams and implement restoration, education and resilience measures. To drive this point home, every north shore stream has had a hui and/or non-profit submit such resiliency proposals to the County. I authored one on behalf of the Wai'oli Taro Valley Hui.

Our communities are ready to take these funds and use them for exactly what they were mandated for. The County of Kaua'i has, in hand, shovel ready projects for 5 stream projects for these funds.

1. Hanalei River
2. Wai'oli Stream
3. Waipa Stream
4. Wainiha Stream
5. Limahuli Stream

At this time of COVID-19 our Kauai communities are feeling the double impact of flood recovery with the global pandemic. By releasing these funds for their intended use you are also injecting funds directly into the community, supporting and diversifying jobs in one of the areas of Hawai'i most economically impacted by the loss of tourism. Using these funds for their intended purposes will help the north shore of Kauai increase flood resiliency and support our communities through the economic effects of COVID-19.

Please, please, release these ACT 12/35 funds to the County of Kauai for their intended purpose of flood recovery. Our communities need them now as much, maybe even more, than ever.

Mā• Iama,

Dominique Leu Cordy

HB-1794-HD-2

Submitted on: 6/22/2020 5:59:36 PM

Testimony for PSM on 6/23/2020 12:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
helen raine	Individual	Support	No

Comments:

I would like to offer my full support for this bill to extend the lapse date for this critically important funding. Kauai has suffered, and continues to suffer, from severe 'rain bomb' events, which have serious consequences for people, property, infrastructure and wildlife habitat. This funding will ensure that our community is able to carry out the appropriate assessments to ensure that we find solutions to this persistent flooding. As we grapple with the impacts of climate change, it is very important for us to be able to plan for the future while dealing with the flooding of the present, and to ensure that a sustainable plan is put forward that helps the local community, wildlife habitats and the native hawaiian species that depend upon them in the long term, as sea levels rise and storms intensify. Many thanks for your consideration.

HB-1794-HD-2

Submitted on: 6/23/2020 10:46:22 AM

Testimony for PSM on 6/23/2020 12:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne Kauhi	Individual	Support	No

Comments:

HB-1794-HD-2

Submitted on: 6/23/2020 12:19:59 PM

Testimony for PSM on 6/23/2020 12:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexa Deike	Individual	Support	No

Comments:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

ATTN: CHAIR NISHIHARA & VICE-CHAIR WAKAI

TESTIMONY IN STRONG SUPPORT OF H.B. 1794, H.D. 2

Relating to Disaster Relief

Tuesday, June 23, 2020 at 12:35 p.m.

Conference Room 229

My name is Alexa Deike and I am a student at the William S. Richardson School of Law. I respectfully urge Chair Nishihara, Vice Chair Wakai and Members of this honorable committee members to pass House Bill 1794, H.D. 2.

Over two years ago, disaster struck the island of Kaua'i. This devastating flood destroyed the water intake of the Wai'oli Valley Taro Hui's irrigation system to their taro fields. Even though some flow has been temporarily restored, small storms have the power to cut the supply of water again and the farmers cannot recover and replant until the intake system is completely rebuild. The farmers have been working closely with the Department of Land and Natural Resources and the County of Kaua'i to start the repair work. House Bill 1794 H.D. 2. is critical to enable the restoration envisioned by Act 12 in 2018. Unless this bill passes, the necessary repair work to the water system will not likely be completed.

This spring, the COVID-19 pandemic is a disaster that hit every community in Hawai'i. It showcased our need for alternatives to the tourism industry and to strengthen sustainable agriculture. The work of the Wai'oli Valley Taro Hui is an example of taro cultivation practiced in a traditional manner, which is protected in the State Constitution, in the Water Code, and under Hawai'i case law. These mandates ask for the utmost protection of taro cultivation. In Hawai'i's quest to recover from this latest disaster, we have to make sure our existing structures of sustainable agriculture are thriving before we allocate funds to new endeavors. I urge you to vote today to support the important work of taro cultivation in Wai'oli Valley so that farming, and these communities, can continue to be a model of indigeneity and sustainability for the generations yet to come.

I appreciate the opportunity to briefly share my thoughts and express strong support for the work of the Wai'oli Valley Taro Hui.

Mahalo for your time and consideration,

Alexa Deike