

**OFFICE OF THE MANAGER AND CHIEF ENGINEER**

**DEPARTMENT OF WATER, COUNTY OF KAUA'I**

**MARK R. KNOFF, P.E., Ph.D. MANAGER AND CHIEF ENGINEER**

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Testimony of  
Mark R. Knoff, P.E., Ph.D., Manager and Chief Engineer  
Department of Water, County of Kaua'i  
Before the Senate Committee on Judiciary  
State Capitol, Room 204

February 23, 2021

The Honorable Senator Rhoads, Chair  
The Honorable Senator Keohokalole, Vice Chair  
And the Members of the  
Senate Committee on Judiciary  
State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Dear Chair Rhoads, Vice Chair Keokokalole and Members:

**Subject: SB1123, SD1, HB969 RELATING TO COUNTIES  
Senate Committee on Judiciary**

The Department of Water, County of Kaua'i respectfully submits the following testimony in strong opposition to SB1123, SD 1. The bill is an unfunded mandate that would require the Department of Water (DOW), County of Kauai to maintain infrastructure, not owned by DOW, at the expense of all other DOW customers. This places an undue financial burden on current water customers and would unjustly increase water rates. There is neither a direct nor indirect benefit to existing customers that would justify the increased rates that would result from maintaining DHHL water lines and appurtenances.

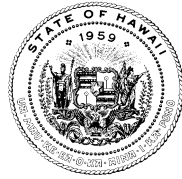
Thank you for your time and consideration of the DOW's testimony in opposition to SB1123, SD1.

Respectfully submitted,

Mark R. Knoff, P.E., Ph.D.  
Manager and Chief Engineer

cc: Honolulu Board of Water Supply  
Department of Water Supply, County of Hawai'i  
Department of Water Supply, County of Maui

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

JOSH GREEN  
LT. GOVERNOR  
STATE OF HAWAII

TYLER I. GOMES  
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON JUDICIARY  
DECISION MAKING ON FEBRUARY 25, 2021 AT 9:30AM VIA VIDEOCONFERENCE

**SB 1123, SD1, RELATING TO COUNTIES**

February 25, 2021

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports the original version of this bill and asks that this bill be amended to reflect the earlier version requiring counties within sixty days to maintain infrastructure, under specified conditions, as part of any housing development for DHHL. This bill was approved by the Hawaiian Homes Commission and included in the Governor's administrative package at our request. The amendments included in the current version of the bill is misplaced. The intent of this bill is for Counties to accept maintenance responsibilities via license within sixty days after state and county compliance requirements have been met relieving DHHL from incurring costs for a County responsibility.

In addition to developing new homesteads, DHHL also has other critical, albeit lesser known responsibilities. Like a county, DHHL maintains and repairs existing infrastructure (e.g. clearing of flood channels and drainage, roads and facilities maintenance, sewer emergencies and repairs, etc.) In certain counties, the county has either not accepted portions of newer infrastructure, or has stopped performing needed repair. One example is sewer systems. Act 227, SLH 2014, clarified and confirmed that operating and maintenance of sewer systems is a county function. However, DHHL continues to maintain the sewer systems on Hawaiian home lands in the interim until Act 227 can be fully implemented in subdivisions completed after the mid-1990's.

In DHHL's sufficient sums budget request, the following Administrative and Operating Costs for Repair and Maintenance of Infrastructure on Hawaiian Home Lands financed through State General Funds should be maintained by the County:

ISLAND	AREA or SUBDIVISION	MAINTENANCE TYPE	FY 2022	FY 2023
Maui	Kula	Maintenance	200,000	200,000
Maui	Leialii	Leialii Pkwy Maintenance	85,000	85,000
Maui	Waiehu Kou	Detention Basins	125,000	125,000
Maui	Waiehu Kou	Sewage Pump Station	80,000	80,000

ISLAND	AREA or SUBDIVISION	MAINTENANCE TYPE	FY 2022	FY 2023
Oahu	East Kapolei II	Detention Basins (2)	30,000	30,000
Oahu	Kapolei	Homestead Maintenance	75,000	75,000
Oahu	Nanakuli	Princess Kahanu Rd. Rep.	30,000	30,000
Oahu	Oahu	Sewage Spill Response	150,000	150,000
Oahu	Oahu	Street Light Replacement	375,000	375,000
Oahu	Oahu	Scattered Location R&M	1,200,000	1,200,000
State	Statewide	Tree Maintenance/Control	500,000	500,000
Oahu	Waimanalo	Drainage Channel & Trees	38,000	38,000
Oahu	Waimanalo	Detention Basin	30,000	30,000
State	Statewide	Sign Replacement	255,000	255,000

Also in DHHL's sufficient sums budget request, the following Administrative and Operating Costs for Repair and Maintenance of Infrastructure financed through State General Obligation Bonds should be funded by the County:

AREA or SUBDIVISION	PROJECT COMPONENTS	FY 2022	FY 2023
Lalamilo	Road Improvements	100,000	
Puukapu	Roadway Improvements	2,000,000	
Waimanalo	Bell St. Drainage Improvements	1,000,000	7,000,000
Waimanalo	Dirt Drainage Channel	3,000,000	
Nanakuli	Concrete Spall & Fencing, Phase 2	2,000,000	
Nanakuli	PKE Concrete Spall & Fencing	1,500,000	
Islandwide	Sewerline remediation	4,000,000	4,000,000
Papakolea	Hillside Maintenance	250,000	
Papakolea	Detention Basin Restoration/Repair	780,000	
Waimanalo	Kumuhau Detention Basin Rest./Rep.	235,000	
Islandwide	Oahu: Operation, Maintenance, Rep.	3,000,000	
Statewide	R & M of Utilities in Existing	2,000,000	2,000,000
Statewide	R & M Sewer/Wastewater Infra.	5,000,000	5,000,000
Statewide	R & M Existing Infrastructure	8,000,000	5,000,000

Thank you for your consideration of our testimony.



**SB1123 SD1**  
RELATING TO COUNTIES  
Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hawai‘i

Pepeluali 25, 2021

9:30 a.m.

Hālāwai Keleka‘a‘ike

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The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB1123 SD 1, which would impose a 60-day time limit on a county to complete infrastructure maintenance for any Department of Hawaiian Homelands (DHHL) housing development, after receipt of a completed application for maintenance and approval by the county. By incorporating OHA’s comments on the former draft, SB1123 SD1 would ensure the State Historic Preservation Division (SHPD) has the opportunity to provide its concurrence on infrastructure maintenance activities if it would be required for permitted activities, and would allow for the tolling of the 60-day time limit to the extent needed to mitigate potential impacts to burials or historic sites.

SB1123 SD1, as drafted, reaffirms the HRS Chapter 6E protections for burials and historic sites. HRS Chapter 6E requires that SHPD be afforded an opportunity to comment on any development or construction activities that might affect historic sites or burials. HRS Section 6E-8 allows the counties, through their permit approval process, to ensure HRS Chapter 6E compliance. The present language of this measure clarifies this understanding on the rare occasions that SHPD review and comment would be required, and would allow time for historic preservation mitigation measures to be fully implemented. OHA appreciates that this current draft balances the need for the expedient maintenance of infrastructure serving DHHL lands with the need to protect precious and irreplaceable cultural sites and iwi kupuna, in the rare instances that they may be impacted by maintenance activities.

Mahalo for the opportunity to testify on this measure.

**SB-1123-SD-1**

Submitted on: 2/24/2021 8:16:17 AM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kamuela Werner	Individual	Support	No

Comments:

Aloha:

As a DHHL Beneficiary, I strongly support the intent of SB1123 SD1.

Me ke aloha,

Kamuela Werner