

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Friday, February 11, 2022
1:10 P.M.**

State Capitol Conference Room 229 & Videoconference

**In consideration of
SENATE BILL 3188
RELATING TO FLOOD MITIGATION**

Senate Bill 3188 proposes to authorize the appropriation of general obligation bonds to the Department of Land and Natural Resources (Department) for the purpose of implementing various flood mitigation capital improvement projects referenced in the "Makaha Valley Flood Mitigation Study Final Report" dated December 2014. **The Department respectfully opposes being designated as the implementing and expending agency.**

In accordance with Act 283, Session Laws of Hawaii 2012, the Makaha Valley Flood Mitigation Study was conducted to 1) Identify specific recommendations for the control of storm drainage throughout the study area to reduce recurring flooding to residences and businesses; 2) Provide an evaluation of the recommendations; and 3) Address other issues deemed necessary. In addition to providing a list of recommended flood mitigation projects, the study also identified several challenges for the proposed projects, including:

1. Many of the flood mitigation projects are located on private property.
2. Cost for these flood mitigation projects are significant and will range from \$83,000,000-\$118,000,000, based on 2014 estimates. Taking into account inflation, current cost estimates will be significantly higher.
3. On-going maintenance of these completed projects will be significant and will be difficult to manage on private property.
4. Major landowners / developers in the Valley may be able to implement projects and requirements should be stipulated for flood improvements of the overall drainage system for Makaha for future development.

The majority of lands in the Makaha Valley are privately owned, including the locations for the most of the proposed flood improvement projects. The Honolulu Board of Water Supply owns land in the upper watershed and the City and County of Honolulu (County) has jurisdiction of some of the roadways in the valley. The State of Hawaii Department of Transportation has jurisdiction of Farrington Highway.

According to §46.1.5 (5) (C), Hawaii Revised Statutes (HRS)

(5) Each county shall have the power to:

- (A) Maintain channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters;*
- (B) Remove from the channels, and from the shores and beaches, any debris that is likely to create an unsanitary condition or become a public nuisance; provided that, to the extent any of the foregoing work is a private responsibility, the responsibility may be enforced by the county in lieu of the work being done at public expense;*
- (C) Construct, acquire by gift, purchase, or by the exercise of eminent domain, reconstruct, improve, better, extend, and maintain projects or undertakings for the control of and protection against floods and flood waters, including the power to drain and rehabilitate lands already flooded;*

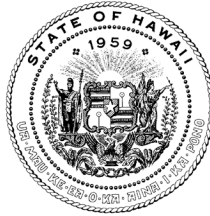
§46.1.5, HRS, authorizes the County to implement and maintain flood mitigation projects or when applicable, enforce the maintenance on a private party. Therefore, the Department believes the County is the more “appropriate” agency to take the lead in implementing flood mitigation projects. The County also has the authority to regulate development in the floodplain and require large developers to implement flood mitigation projects into their development plans.

Many of the streams and drainage features located on private property are not maintained by the property owner. Improved maintenance by the private property owners of these areas would greatly reduce the flood risks.

While the Department acknowledges the intent of this measure, if funding for the flood mitigation projects is approved, the Department recommends that the County be designated as the expending agency.

Thank you for the opportunity to comment on this measure.

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DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WATER AND LAND
ON
SENATE BILL NO. 3188

February 11, 2022
1:10 p.m.
Room 229 and Videoconference

RELATING TO FLOOD MITIGATION

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 3188 authorizes the Director of Finance to issue an unspecified amount of general obligation (G.O.) bonds for Makaha Valley flood mitigation projects for FY 23 and appropriates an unspecified amount of G.O. bonds for this purpose; and appropriates an unspecified amount of general funds for FY 23 to be expended by the Department of Land and Natural Resources for nonstructural and short-term flood mitigation measures at Makaha Valley and Lualualei on O'ahu.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

February 9, 2022

Attention: Lorraine R. Inouye and members of the Senate Committee on Water and Land

CC: Senator Maile Shimabukuro, City Council member Andria Tupola and Representative Cedric Gates

Hawaii State Capitol

415 S Beretania Steet

Honolulu, HI 96813

Regarding: Conditional support of SB 3188 “Relating to flood mitigation”.

I support SB 3188 (https://www.capitol.hawaii.gov/session2022/bills/SB3255_.htm) with a caveat and I encourage you to explore this testimony and ask that you support this initiative, being mindful of the caveat specified.

Caveat

At any time when public funding is utilized for infrastructural improvements, no private individual, party or entity should be permitted to co-opt or meld or consolidate private infrastructural improvements utilizing the public funded project. Ie; If a ditch is dug for a storm water drain using public funding, no private entity should be permitted to utilize that same ditch in the furtherance of their interests without at least contributing in part to the cost of digging that ditch.

Mahalo

Pete Meinster, concerned resident Makaha

SB-3188

Submitted on: 2/9/2022 3:09:15 PM

Testimony for WTL on 2/11/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
austin salcedo	Individual	Comments	Yes

Comments:

I SUPPORT INTENSIONS OF SB#3188 WITH RESERVATIONS AS FOLLOWS: I APOUSE AND PROTEST AGAINST PORTION SB#3188 SUBSECTION 3 PARAGRAPH (NOHOLIO RD) RECOMMENDS DELETION/STRIKEOUT OF ENTIRE SUBSECTION 3.

AS LANDOWNER, I PERSONNALLY DO NOT HAVE PROBLEM. THE STORM WATER PONDING PROBLEM ON NOHOLIO ROAD, HAD OCCURED AND AS A RESULT OF FAILED DUTIES BY CITY DEPARTMENT OF PLANNING & PERMITTING, AT THE TAX PAYERS EXSPENSE, TO OVERLOOK AND ALLOW FOR MAKAI LANDOWNERS TO BUILD (2 EACH) CONCRETE ROCK/TILE WALLS ON HISTORICAL NATURAL STORM DRAIN PATHWAY, CROSSING NOHOLIO RD. THAT BLOCKS STORM-WATER PATH CAUSING LARGE PONDING. MY VEHICLE'S IS ABLE OVERCOME THIS OBSTICLE.

I APOUSE & PROTEST OF ANY AND FUTURE UNDERSTATED UTILITIES/SEWER PIPING INSTALLATION INFRASTRUCTURE ON NOHOLIO ROAD, I PROTEST OF ANY SORT OF UNDERSTATED AND UNDERMINING THE LANDOWNER'S TAX PAYER'S. FOR THE PURPOSE OF NEW CONSTRUCTION PROPOSALS TO BENEFIT PRIVATE DEVELOPERS AND JOINTLY GOVERMENT ADVENTURE BUSINESS DEALS.

SB-3188

Submitted on: 2/9/2022 4:57:42 PM

Testimony for WTL on 2/11/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Johnnie-Mae L. Perry	Individual	Comments	No

Comments:

SB 3188 Relating To Flood Mitigation

COMMENT: OPPOSE Pa’akea Road in SB 3188. This long-standing flooding on Pa’akea Road goes back when Senator Maile Shimabukuro was a representative and Hanabusa was the senator. Now it is 2022 and 2 studies ago, still Pa’akea Road flooding continues, and thousands of monies of taxpayer’s monies gone without any flooding mitigation, but only studies. What a rip off to taxpayers!

Majority of the rain run-off is from the Navy property therefore causes the major flooding on Pa’akea Road and as a result impact the nearby farmers and residences. Including the disruption of the resident’s daily lifestyle.

Private ownership of Pa’akea Road should be transferred to the Navy to deal with the flooding mitigation and not the city and state. Illegal dumping, speeding, and fatalities is a chronic problem for decades on Pa’akea Road. Navy ownership will solve the flooding, illegal dumping, and speeding of decades of problems, and clean-ups by community groups and Councilmember Tupuola.

SOLUTION: Transfer of ownership of Pa’akea Road to the Navy, period. That would be a cost saving for the private owner, city, state, and taxpayers and not a liability!

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2022-2023 for the following short-term flood mitigation projects, referenced under Section 5.2 of the "Final Lualualei Flood Mitigation Study for Lualualei, Waianae, Oahu, Hawaii" dated April 7, 2017, as follows:

(2) \$ for channel cleaning at Ulehawa stream watershed – Hakimo Road, Pa’akea Road.

Thank you for the opportunity to testify on SB 3188.

Johnnie-Mae L. Perry

Resident of Waianae

SB-3188

Submitted on: 2/10/2022 11:43:37 AM

Testimony for WTL on 2/11/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sophie Flores Manansala	Individual	Support	Yes

Comments:

February 10, 2022

SB3188 - Testimony

Senator Lorraine R. Inouye - Chair

Senator Gilbert S.C. Keith-Agaran - Vice Chair

Senator Maile Shimabukuro

My name is Sophie-Flores Manansala

Property: 87-1117 Paakea Rd. Waianae, HI 96792

Thank you - Senator Maile Shimabukuro and Cedric Gates - Representative for bringing this "Paakea Flooding" issue to the forefront once again.

I witnessed first hand the torrential flood on January 1st of 2022. Today, the roads are cleared and dry but there are a few properties still with stagnant standing water.

This type of flooding has occurred in past years and has been addressed a number of times by past politicians conducting studies. Reference - Lualualei Flood Study Executive Summary (Contract number DACA83-98-D-0018) dated September 2001 and another 117 page study Final Lualualei Flood Mitigation Study (Contract number W9128A-12-D-0005) dated April 7, 2017.

We are now into 2022 and nothing, absolutely nothing has been done to address this flooding problem. Monies were appropriated to fix some of the Lualualei flooding but nothing on behalf of the Paakea issue.

To tell you the truth...I am reluctant to even write up this testimony because I have done so much through the years to bring this issue to the forefront for someone to take this matter seriously enough to do something about it.

The root of this problem is the NAVY who occupies thousands of acres from the mountains to the fence bordering Paakea, Iliili and Mailiili - dispensing their flood waters via culverts into

these roads hoping that the water will find its way to the ocean. Yes, this was doable perhaps in the 40s and 50s or even 60s but with growth in the population of the communities using Paakea and other roads it isn't doable today or even 10 or 20 years ago. Thus, the studies and findings I referenced. Several recommendations were proposed in the studies but nothing became of them.

I implore this Senate to do something. Paakea Road turns into Lake Paakea where residents cannot leave their homes. The dip on Paakea was a scene of submerged cars that had to be towed. People who relied on the Bus service could not get to work because even the bus could not traverse the high flood water.

I suggest picking the lowest hanging fruit of the recommendations from the studies. Solicit and engage people in the community if you have problems coming up with some actions. But please do something.

Sincerely and Respectfully,

Sophie Flores-Manansala

sophiem@hawaii.rr.com

808-542-5025

SB-3188

Submitted on: 2/11/2022 8:54:10 AM
Testimony for WTL on 2/11/2022 1:10:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
gina salcedo	Individual	Comments	No

Comments:

SUPPORT INTENSIONS OF SB#3188 WITH AMENDMENTS WITH RESERVATIONS: FOR THE PASSYEARS. THE PROJECT DEVELOPERS HAVE ALWAYS BEEN ATTEMPTNG FOR A FREERIDE WITH GOVERNMENT OFFICIALS FOR PERSONAL GAINS. THS WILL ALLOW FOR OTHER PLAN DIVIATION AND UTILITIES TO BE INSTALLED WITHIN THIS CONTRUCTION DITCH MADE, THAT WILL BE FAVORABLE TO PRIVATE DEVELOPER'S. UNDER SB#3188 SUBSECTON-3 PARAGRAPH (NOHOLIO RD). RECOMMEND DELETION/STRIKEOUT OF ENTIRE SUBSECTION 3. WE LANDOWNER'S HAVE NO PROBLEMS CONCERNNG THIS SUBSECTION-3. THE CITY DEPARTMENT OF PERMITTING AND PLANNING ALLOWED CONSTRUCTIONS OF MAKAI LANDOWNERS TO BUILD (2 EACH) CONCRETE ROCK/TILE WALLS ON HISTORICAL NATURAL STORM DRAIN PATHWAY, CROSSING NOHOLIO RD. THAT BLOCKS STORM-WATER PATH CAUSING LARGE PONDING.

THIS SUBSECTION-3 PARAGRAPH (NOHOLIO RD). HAVE NOT BEEN IN DISSUSION WITHIN THE PAST YEAR DURING ANY OF THE WAIANAE NEIGHBORHOOD FULL BOARD OR COMMITTEE MEETINGS. NO COLLABORATION OR TRANSPARENCY. LEAVE ALONE NOHOLIO ROAD