

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

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 HAWAIIAN AFFAIRS
HEARING ON FEBRUARY 3, 2022 AT 1:01PM VIA VIDEOCONFERENCE

SB 879 RELATING TO COUNTIES

February 3, 2022

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

The Department of Hawaiian Home Lands (DHHL) strongly supports this bill that requires counties within sixty days to maintain infrastructure, under specified conditions, as part of any housing development for DHHL. A similar measure was approved by the Hawaiian Homes Commission and included in the Governor's administrative package by request of our department.

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.) Increasingly, this responsibility is demanding a greater share of DHHL's financial and staff resources to address.

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 addition, until roadways are turned over to the Counties for maintenance, DHHL continues to be responsible for major pavement repairs, maintenance of street trees, sidewalks, street lighting, signage and striping. Recently, various communities have requested traffic calming and speed abatement improvements, such as speed bumps, electronic signs, flashing beacons and crosswalk improvements.

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 are provided for the Legislature's consideration. DHHL is open to discussing and collaborating with the applicable County for repair and maintenance work that can be more efficiently and cost effectively implemented. In

this manner, DHHL can concentrate its efforts and funds available on lot development and housing its beneficiaries. Below is DHHL's Sufficient Sums budget request for FY23.

ISLAND	AREA or SUBDIVISION	MAINTENANCE	FY 2023
Hawaii	Kawaihae	Water System Operation & Maint.	120,000
Hawaii	Laiopua Villages	Brush Clearing and Fire Breaks	50,000
Hawaii	Puukapu	Water System Operation & Maint	255,000
Kauai	Anahola	Water System Operation, Maint, Emerg	75,000
Kauai	Hanapepe	Fencing/Gate Install/Repair	
Kauai	PMKK and Anahola	Maintenance	75,000
Lanai	Lanai City	Maintenance	75,000
Maui	Kula	Maintenance	200,000
Maui	Lealii	Leialii Parkway Maintenance	85,000
Maui	Waiehu Kou	Detention Basins and Ditches	125,000
Maui	Waiehu Kou	Sewage Pump Station	80,000
Maui	Islandwide	Fencing/Gate Install/Repair	
Lanai	Lanai	Ground Maintenance	
Oahu	East Kapolei II	Detention Basins (2)	30,000
Oahu	Kapolei	Maluohai, Kaupea, Kanehili Maint	75,000
Oahu	Nanakuli	Princess Kahanu Road Repairs	30,000
Oahu	Oahu	Sewage Spill Response and Repair	150,000
Oahu	Oahu	Street Light Replacement	375,000
Oahu	Oahu	Scattered Location R&M	1,200,000
State	Statewide	Tree Maintenance/Control	500,000
Oahu	Waimanalo	Drainage Channel and Tree Trimming	38,000
Oahu	Waimanalo	Detention Basin	30,000
State	Statewide	Ground Maintenance	500,000
State	Statewide	Sign Replacement	255,000
		TOTAL	4,323,000

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 are provided for consideration by the Legislature. Similarly, DHHL is open to discussing and collaborating with both the applicable County and State agency for remediation, repair, maintenance and improvements of various infrastructure systems which can be more efficiently and cost effectively implemented. Below is DHHL's Sufficient Sums budget request for FY23, with emphasis on construction and remediation of existing improvements.

AREA or SUBDIVISION	PROJECT COMPONENTS	FY 2023
Hilo	Keaukaha Sewer Imp. – Masterplan/Cesspool	1,000,000
Ka'u	Ka'u Water System, Phase 2	1,000,000
Puukapu	Roadway Improvements	2,000,000
Ka'u	Ka'u Water System, Phase 3	1,000,000
Hilo	Keaukaha Road Imp. – Health & Safety	1,500,000
Puukapu	Puukapu Non-Potable Water System	500,000
Kawaihae	Kawaihae Water: Production, Storage & Trans.	1,000,000
Anahola	Anahola Dam & Reservoir Improvements	500,000
Kahikinui	Kahikinui Roadways	1,000,000
Keokea	Keokea Farm Lots Drainage System Imp.	500,000
Keokea-Waiohuli	Wastewater alternatives and feasibility study	1,000,000
Kalamaula	Kalamaula Water & Drainage System Imp.	1,000,000
Kalamaula & Kapaakea	Sea Level Rise Planning	250,000
Kalamaula/Kapaakea/ One Alii	Cesspool conversion	2,000,000
Papakolea	Papakolea Sewer Improvements Phase 2	15,000,000
Papakolea	Sewer Improvements – CM Services	2,000,000
Waimanalo	Waimanalo Bell Street Drainage Improvements	1,000,000
Waimanalo	Waimanalo Dirt Drainage Channel Imp, Phase 1	3,000,000
Waianae	Waianae Sewer Improvements	3,400,000
Nanakuli	Nanakuli Sewer Improvements	3,000,000
Waimanalo	Cesspool conversion	2,000,000
Waimanalo	Waimanalo Sewer Improvements	3,000,000
Nanakuli	Rehabilitation of School Seawall	1,000,000
	TOTAL	47,650,000

DHHL requests the following amendments to this measure:

On page 1, line 14: replace “county council” with “county agency”

On page 2, lines 5-10: replace the definition of infrastructure to read as follows: “For the purposes of this section, “infrastructure” includes waterlines and appurtenances; storm drainage, including culverts and catch basins, sewer lines, and appurtenances; waste disposal and waste treatment systems; and roadway improvements, including pavement, gutters, curbing, sidewalks, street trees, signate, road striping, traffic calming measures and street lighting that connect to county infrastructure.”

Thank you for your consideration of our testimony.

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com




February 3, 2022

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Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer 

The Honorable Maile S. L. Shimabukuro, Chair
and Members
Senate Committee on Hawaiian Affairs
Hawaii State Capitol, Room 222
Honolulu, Hawaii 96813

Dear Chair Shimabukuro and Members:

Subject: Senate Bill 879: Relating to Counties

The Honolulu Board of Water Supply (BWS) submits the following comments on Senate Bill (SB) 879, which requires the counties to maintain infrastructure for any housing development for the Department of Hawaiian Homes lands within a specified time and under certain conditions.

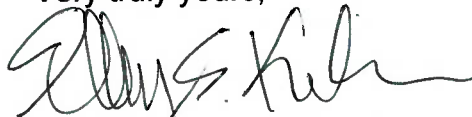
The BWS already maintains waterlines for DHHL subdivisions when water infrastructure is built to BWS standards and dedicated to BWS for maintenance. Main breaks are repaired immediately to reduce water loss and disruptions of water service.

The BWS is a semi-autonomous City department that is responsible for Oahu's critically important municipal (i.e., City-owned) drinking water supply systems island-wide. It is governed by a 7-member Board that is appointed by the Mayor and affirmed by the City Council. It was established to be financially self-sustaining depending primarily on revenue from water rates and charges, and not dependent on tax revenue. The single-focused Board has the authority to conduct long-range planning, approve the operating and capital improvement project (CIP) budgets, set policies for the department and to adopt water rates and charges without the City Council's approval.

The BWS is working well as a municipal water utility, providing safe, dependable, and affordable water to our community.

Thank you for consideration of your consideration of our testimony.

Very truly yours,


ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

SB-879

Submitted on: 2/1/2022 3:06:03 PM

Testimony for HWN on 2/3/2022 1:01:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kenneth R. Conklin, Ph.D.	Testifying for Center for Hawaiian Sovereignty Studies	Oppose	No

Comments:

In 2017 OHA cajoled the legislature into passing a law that forced heads of specified state and county departments to take a training course whose content and instructors are dictated by OHA. In 2018 OHA expanded its empire by requiring more government employees of additional departments to endure the OHA training. In 2021 OHA cajoled the legislature to pass a Gestapo-like bill to fire any government employees of certain departments who refused or negligently failed to submit themselves to OHA's propaganda training program. This year OHA/DHHL seeks to further expand its empire by reaching into every county government to force them to take jurisdiction over major components of infrastructure on DHHL lands and to pay for construction and maintenance of that infrastructure. The bill says "infrastructure" includes waterlines and appurtenances; storm drainage, including catch basins, sewer lines, and appurtenances; waste disposal and waste treatment systems; and roadway improvements, including pavement, gutters, curbing, sidewalks, street trees, and street lighting that connect to county infrastructure." Wow! OHA is already an octopus sticking its tentacles into numerous boards and agencies of the state government, participating in their decision-making and sucking money out of them every 90 days. Now OHA wants to force the counties to knuckle under too! All legislators are elected by the people of their counties. Stand up for your local governments. Fight back against the monster who's trying to devour the counties of Honolulu, Maui, Kaua'i, and Hawaii Island. Don't let the bully eat your lunch.

LATE



Environmental Caucus of The Democratic Party of Hawai'i

Tuesday, February 2, 2022

To: Senate Committee on Hawaiian Affairs
Hon. Maile S.L. Shimabukuro, Chair
Hon. Jarrett Keohokalole, Vice Chair

Re: **SB 879 RELATING TO COUNTIES**

Hearing: Wednesday, February 3, 2022, 1:01 p.m., via videoconference

Position: Strong Support

Aloha, Chair Shimabukuro, Vice Chair Keohokalole, and Members of the Senate Committee on Hawaiian Affairs:

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports this bill, which would amend HRS Chapter 46, relating to County government, to require that, "notwithstanding any other provision of law," the Counties would be required to provide and manage infrastructure for housing developments on Hawaiian Home Lands.

In our view, the human environment fundamentally includes housing, and housing is one of the scarcest resources in this State. We believe that reasonable, adequate housing is a fundamental human right.

Like many other people who believe in fundamental fairness, we are dismayed that Hawaiians have had to wait, collectively, for a hundred years for small parcels of land for housing to be made available to them, often on relatively undesirable properties after more politically powerful people and entities received prime parcels.

We also recognize that one of the most serious barriers to distribution of house lots under the Hawaiian Homelands program has been the lack of suitable infrastructure to serve those properties – water, sewer, roads, and electricity primarily. This bill attempts to address this barrier by requiring the Counties to ensure that such infrastructure is provided and properly administered.

We fully expect the Counties to respond to this bill by stating that they are fiscally overburdened, and that this responsibility for infrastructure should more properly be borne by the Department of Hawaiian Home Lands, or the Office of Hawaiian Affairs, or the State government as a whole. We look forward to learning their views on this issue.



Environmental Caucus of The Democratic Party of Hawai'i

February 3, 2022

Page 2

The bottom line remains, however, that these infrastructure improvements, among other things, are long overdue to the Hawaiian community.

Mahalo for the opportunity to testify,

Melodie Adaja

Alan Burdick

Co-Chairs,
Environmental Caucus of the
Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com

Mobile: 808-258-8889

February 1, 2022

Senate Committee On Hawaiian Affairs
Senator Maile S.L. Shimabukuro, Chair
Senator Jarrett Keohokolole, Vice Chair

Testimony in Support of SB-879

Aloha Chair Shimabukuro, Vice Chair Keohokolole, and members of the Committee,

I'm Homelani Schaedel, a beneficiary residing in Malu'ohai, a homestead leader in Kapolei, and an advocate for the Hawaiian Home Lands Trust.

If you live in the Villages of Kapolei and need a streetlight repaired, you call Hawaii Housing & Finance Development Corporation (HHFDC). If you live in Malu'ohai or Kaupe'a, which are homesteads, you call Department of Hawaiian Home Lands (DHHL).

For the past twenty (21) years, DHHL contracts vendors (as funding permits) for replacement and/or maintenance of our streetlights, street signs, , curbs, sidewalks, and tree trimming along our connector streets in our homestead.

To date, DHHL has spent over \$500,000 of Trust funds just on our homestead; and there are fifteen (15) other homesteads on O'ahu, nine (9) that are older. DHHL's annual estimated cost for repair and maintenance of infrastructure for O'ahu is \$3 million dollars.

Current DHHL administration have been in the process of upgrading aging infrastructure on our lands statewide; like the Papakole'a sewer system which the city stopped servicing in 2012 and hillside stabilization to meet current County standards. The estimated 2022 cost for repair and maintenance of infrastructure on our lands statewide is \$176 million dollars.

Over ten (10) years ago, I testified before the Hawaiian Homes Commission (HHC) that DHHL should not exercise allowable "expedited land use approvals" for residential development projects, and should follow County standards for design, planning, permitting and construction.

To expedite the transfer process, I hope you will please consider changes noted in red below:

- . Page 1 – Line 14: completed application **“including a Certificate of Completed Inspection”** or other documentation executed by the appropriate county officer.
- . Page 2 – Line 2: at the time of **“Permit issuance”** instead of construction
- . Page 2 – Line 3: infrastructure is **“inspected and”**approval

Passage of this bill, at this time, is crucial! Transferring responsibility of future infrastructure maintenance of completed residential developments projects by DHHL to respective Counties in a timely manner will result in cost savings to DHHL and HHFDC.

Mahalo for this space and your time to share my mana'o with you.

SB-879

Submitted on: 2/2/2022 12:15:18 PM

Testimony for HWN on 2/3/2022 1:01:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shirley Swinney	Individual	Support	No

Comments:

Aloha Chair Shimabukuro, Vice Chair Keohokalole and members of the Committee,

My name is Shirley Swinney, and I am a Native Hawaiian resident of Hawai‘i. **I STRONGLY SUPPORT SB879**, which gives counties jurisdiction over the infrastructure of the Department of Hawaiian Home Lands housing developments in their boundaries under specific conditions. The infrastructure improvements DHHL implements for housing, such as roadways, can and is regularly accessed and utilized by the general public. The huge maintenance cost for infrastructure improvements severely hampers DHHL ability to provide more homes for wait-listed beneficiaries.

Please **PASS SB879** giving counties jurisdiction over infrastructure of DHHL housing developments.

Mahalo for this opportunity to testify on this measure.