



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

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Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
**HOUSE COMMITTEE(S) ON WATER & LAND AND CORRECTIONS, MILITARY, &
VETERANS**
Thursday, April 14, 2022
8:30 AM
State Capitol, Conference Room 430 and Via Videoconference

in consideration of
SCR 199 SD1

**REQUESTING THE OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT IN
CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES
FORESTRY AND WILDLIFE DIVISION AND COMMISSION ON WATER RESOURCE
MANAGEMENT, AND CITY AND COUNTY OF HONOLULU TO CONDUCT A STUDY OF
WAIAHOLE STREAM, IDENTIFY JURISDICTIONAL OBSTACLES TO COORDINATED
STREAM MAINTENANCE, AND OFFER RECOMMENDATIONS TO IMPROVE STREAM
MAINTENANCE AND FLOOD HAZARD MITIGATION POLICIES.**

Chairs Tarnas, and Ohno, Vice Chairs Branco and Ganaden; and Members of the House
Committees on Water & Land; and Corrections, Military, & Veterans.

The Office of Planning and Sustainable Development (OPSD) **offers the following comments with concerns on SCR 199 SD1/SR 192.** This resolution requests OPSD, in consultation with the Division of Forestry and Wildlife and the Commission on Water Resource Management of the Department of Land and Natural Resources, and City and County of Honolulu to conduct a study of Waiāhole Stream, identify jurisdictional obstacles for stream maintenance, and offer recommendations.

OPSD acknowledges the significance of the proper and natural function of Waiāhole Stream and the critical role it plays in the ecological, socio-economic, and material well-being of the communities of Waiāhole Valley. We also understand that flood conditions, during intense storm events, can pose a serious threat to Waiāhole Valley, its drainage basins, and may result in coastal inundation of these Windward O‘ahu communities. Stream maintenance and flood mitigation are critical challenges facing these communities. Landowners, human actions, and jurisdictional challenges may exacerbate preventative maintenance of the Waiāhole Stream basin.

The broad scope and complexity of stream management jurisdictions between City & County of Honolulu and state responsibilities and private landowners present challenges to meet the intentions for the study. At present OPSD has neither the resources nor staffing needed to effectively carryout this proposed technical analysis to inform the proposed study to the level and quality required. Therefore, we do have concerns over OPSD’s capacity conduct this study and would defer to the major landowners in the valley for their assistance and substantive expertise.

Thank you for the opportunity to testify on this resolution.

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 House Committee on
WATER & LAND**

**Thursday, April 14, 2022
8:30 AM**

State Capitol, Conference Room 430 Via Videoconference

**In consideration of
SENATE CONCURRENT RESOLUTION 199, SENATE DRAFT 1
REQUESTING THE OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT
IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL
RESOURCES FORESTRY AND WILDLIFE DIVISION, COMMISSION ON WATER
RESOURCE MANAGEMENT, AND CITY AND COUNTY OF HONOLULU, TO
CONDUCT A STUDY OF WAI AHOLE STREAM, IDENTIFY JURISDICTIONAL
OBSTACLES TO COORDINATED STREAM MAINTENANCE, AND OFFER
RECOMMENDATIONS TO IMPROVE STREAM MAINTENANCE AND FLOOD
HAZARD MITIGATION POLICIES**

Senate Concurrent Resolution 199, Senate Draft 1 requests the Office of Planning and Sustainable Development (OPSD) to consult with the Division of Forestry and Wildlife (DOFAW), Commission on Water Resource Management (Commission) of the Department of Land and Natural Resources (Department), and the City and County of Honolulu, to conduct a study of Waiāhole Stream on jurisdictional obstacles, coordinated stream maintenance and flood hazard mitigation. **The Department appreciates the intent of this measure and offers comments.**

The Department acknowledges that stream maintenance and flood hazard mitigation are important issues facing the Waiāhole Valley community and that landowner and jurisdictional challenges may stand in the way of proactive stream maintenance. State and City and County of Honolulu laws already exist specifically to address stream maintenance, which would help mitigate flooding due to debris blockage of stream channels.

Section 46-11.5, Hawaii Revised Statutes (HRS), states: "Notwithstanding any law to the contrary, each county shall provide for the maintenance of channels, streambeds, streambanks, and drainageways, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters; and for the removal from the channels, streambeds, streambanks, and

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

drainageways and from the shores and beaches any debris which is likely to create an unsanitary condition or otherwise 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 county expense, and any private entity or person refusing to comply with any final order issued by the county shall be in violation of this chapter and be liable for a civil penalty not to exceed \$500 for each day the violation continues; provided further that it shall be the responsibility of the county to maintain all channels, streambeds, streambanks, and drainageways unless such channels, streambeds, streambanks, and drainageways are privately owned or owned by the State, in which event such channels, streambeds, streambanks, and drainageways shall be maintained by their respective owners.”

Section 41-26.3, Revised Ordinances of Honolulu, and Section 46-11.5, HRS, requires landowners to maintain streams and remove silt, vegetation, debris, and other items that may interfere with the natural flow of the water. Stream channel mouths are cleaned at a minimum of once every five years (flood prevention related maintenance only). The City and County of Honolulu maintains that streambank cleanup is the responsibility of property owners. The County enforces clean-ups by giving 30-day notice, by cleaning the stream itself and billing the owner, and/or by contracting the cleanup and billing the owner.

It is unknown to the Department whether these laws are regularly enforced. Multiple landowners present issues that may prevent coordinated, effective, and timely stream maintenance activities. Nonetheless, affected landowners should take *kuleana* for the maintenance of their lands and streams. As such, the Department suggests adding the Department’s Land Division, Department of Hawaiian Home Lands, Hawai’i Housing Finance and Development Corporation, City and County of Honolulu, and the Waiāhole-Waikāne Community Association as active partners in this collaboration. Additional landowners may include Agribusiness Development Corporation and various private landowners along the Waiāhole Stream channel and its tributaries. The comprehensive scope of this study also prescribes a very large task, which seeks a rather unreasonable completion date of early 2023. Given the limited Commission and DOFAW staffing resources, the Department would contribute accordingly to this proposed study. The Department defers to OPSD on whether they have in-house resources or would need funding to hire a consultant to complete this complex and thorough study.

Thank you for the opportunity to testify on this measure.

SCR-199-SD-1

Submitted on: 4/13/2022 7:27:12 AM

Testimony for WAL on 4/14/2022 8:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------------|
| Neal Fujii | DLNR | Comments | Remotely Via Zoom |

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

SCR-199-SD-1

Submitted on: 4/13/2022 7:01:09 PM

Testimony for WAL on 4/14/2022 8:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|-------------------|
| John L Reppun | Individual | Support | Remotely Via Zoom |

Comments:

Aloha Chair Tarnas/Committee Members:

I submitted testimony when this item was heard on the Senate side and continue to support the measure as it comes through the House. My concern with respect to saddling the appropriately named agencies named in this reso is the need for funding to accompany such a task - the task of addressing flooding and the impact of invasive species such as albizia that threaten watersheds and compound the issues around watershed and riparian stewardship needed. On O'ahu, the threat from trees such as albizia is most intense, per assessments done by the Koolau Mountain Watershed Partnership, in Waiahole-Waikane, Kahana on the Windward side and directly across the Koolaus on the leeward side in Waiawa.

Please move this measure forward. Our community of Waiahole stands ready to participate and strategize; our hope is for discussion (and actions outlined thereby) to be coordinated by State Planning and Sustainability folks and include the Commission on Water Resource Management & DLNR's Division of Forestry and Wildlife.

Mahalo, John L. Reppun, Waiahole Valley resident/farmer, member of NB #29 (representing this subdistrict), lifetime windward resident.

808.277-8686

Please forward me a link such that I can participate virtually in this hearing on 4-14-22

SCR-199-SD-1

Submitted on: 4/13/2022 7:39:43 PM

Testimony for WAL on 4/14/2022 8:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Kathleen M Pahinui | Individual | Support | Written Testimony Only |

Comments:

Aloha -

This study will help set the stage for all stream management and maintenance on the island. We desparately need this work,

Mahalo,

Kathleen Pahinui

SCR-199-SD-1

Submitted on: 4/13/2022 9:07:57 PM

Testimony for WAL on 4/14/2022 8:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Jeb Bassett | Individual | Support | Written Testimony Only |

Comments:

I am supportive.

SCR-199-SD-1

Submitted on: 4/13/2022 9:38:03 PM

Testimony for WAL on 4/14/2022 8:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ella Siroskey | Individual | Support | Written Testimony Only |

Comments:

i SUPPORT THIS BILL

SCR-199-SD-1

Submitted on: 4/13/2022 11:52:15 PM

Testimony for WAL on 4/14/2022 8:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Ann Mello | Individual | Support | Written Testimony Only |

Comments:

I support this