

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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
WATER AND LAND

Wednesday, March 30, 2022
1:00 PM

State Capitol, Conference Room 229 & Videoconference

In consideration of
**SENATE CONCURRENT RESOLUTION 199 / SENATE RESOLUTION 192
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 TO CONDUCT A STUDY OF WAIĀHOLE
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 Resolution 192 requests the Office of Planning and Sustainable Development (OPSD) to consult with the Division of Forestry and Wildlife (DOFAW) and the Commission on Water Resource Management (Commission) of the Department of Land and Natural Resources (Department) to conduct a study of Waiāhole Stream on jurisdictional obstacles, coordinated stream maintenance and flood hazard mitigation. **The Department appreciates the intent of these measures 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

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 of Hawaiian Home Lands, Hawai‘i Housing Finance and Development Corporation, City and County of Honolulu, and Waiāhole-Waikāne Community Association as active partners in this collaboration. The comprehensive scope of this study prescribes a very large task. 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 these measures.

SCR-199

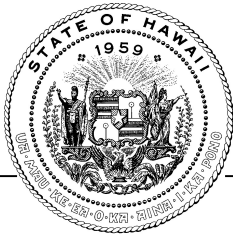
Submitted on: 3/29/2022 9:30:40 AM

Testimony for WTL on 3/30/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dean Uyeno	Testifying for DLNR-CWRM	Comments	Remotely Via Zoom

Comments:

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



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

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON WATER AND LAND
Wednesday, March 30, 2022
1:00 PM
State Capitol, Conference Room 229 and Via Videoconference

in consideration of
SCR 199 and SR 192
**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 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.**

Chair Inouye, Vice Chair Keith-Agaran, and Members of the Senate Committee on Water and Land.

The Office of Planning and Sustainable Development (OPSD), appreciates the intent of these resolutions and **offers the following comments with concerns on SCR 199/SR 192.** These resolutions request 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, 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 this 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 to take on the leading role for this stream maintenance and flood hazard mitigation study of Waiāhole Stream and would require additional funding to hire a consultant to address the study's goals.

Thank you for the opportunity to testify on these resolutions.



Ko`olau Foundation

P. O. Box 4749
Kane`ohe, HI 96744
malamapon744@aol.com

March 29, 2022

TO: Senator Lorraine Inouye, Chair
Senator Gilbert Keith-Agaran, Vice Chair
Members, Committee on Water and Land

FROM: Mahealani Cypher
Ko`olau Foundation

RE: S.C.R. 199 – Supporting a Study of Waiahole Stream Management & Maintenance

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Committee Members:

The Ko`olau Foundation strongly supports Senate Concurrent Resolution 199, which calls for a collaborative study of Waiahole Stream to address jurisdictional responsibilities and possible mitigations to deal with stream maintenance and flooding problems.

Our organization is primarily dedicated to traditional methods of stream maintenance – i.e., including the entire community surrounding and using the stream to malama this water way – but we believe this particular study is needed because of decades of problems with flooding from overflowing streams in the area.

Such flooding has created road blockages and potential threats to homes and farms adjacent to the streams in the area.

In addition, some confusion may exist as to which entity – state or county – is responsible for maintaining these streams.

Having these agencies initiate and execute a collaborative plan to clarify the jurisdictional issues as well as work together to brainstorm various mitigation proposals would be beneficial to our communities in this ahupua`a, and to commuters who travel along Kamehameha Highway through this area.

We also recommend that community members from this area also be invited to participate in these discussions, in keeping with traditional practices, as maintenance of an ahupua`a is the kuleana not only of the konohiki (government agencies) but also the residents of the ahupua`a of Waiahole.

We urge this committee to adopt this resolution.

Mahalo for considering our mana`o on this matter.

SCR-199

Submitted on: 3/29/2022 12:57:12 PM

Testimony for WTL on 3/30/2022 1:00:00 PM

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

Comments:

Senate Committee on Water And Land - Hearing on Wednesday 3/30/22 Conf. Rm 229

Aloha Chair Inouye, Vice Chair Keith-Agaran & Committee Members:

Mahalo for the opportunity to submit testimony in strong support of SCR 199: 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 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.

In March of 2020, the Waiahole-Waikane Ahupua'a were hit particularly hard with rains that caused substantial flooding and major impacts to riparian-zone farms (especially lo'i kalo). The level and nature of the flooding was magnified by a combination of overgrowth of hau forest along critical reaches of Waiahole stream and downed albizia trees that impeded and redirected stream impacts. This event also caused the closure of Kamehameha Highway at the Waiahole Bridge and backed up ingress/egress from Koolaupoko through Koolauloa and beyond for hours.

Climate changes have, over the decades, increased both the frequency and intensity of such flood events. At the same time, Waiahole & Waikane watersheds, along with Waiawa - on the leeward side of the Koolau summit - are known to represent perhaps the highest density of invasive Albizia trees on the island. To this end, there is a critical need for Watershed assessments to take place - the subject of this Concurrent Resolution. Waiahole Valley is substantially owned by/under the jurisdiction of the State of Hawaii and includes important watershed areas, small-rural-family farms, all feeding into the receiving waters of Class AA Kaneohe Bay. The resolution calls for a joint effort that would engage the State Office of Planning & Sustainable Development, the State Dept of Land & Natural Resources (and both the Division of Forestry and Wildlife and the Commission on Water Resource Management) - an appropriate consortium of agencies with whom the community can intersect with to achieve success in improved management.

Success with this initiative will yield important management information, transferable to other ahupua'a that face increasing infestation from alien species and intensifying weather impacts.

I urge this committee and the State Legislature to move this measure forward.

Mahalo for your consideration, John L. Reppun 808.277-

8686

Lifetime Windward resident; resident and farmer in Waiahole Valley; sub-area representative for the Waiahole-Kualoa area of NB#29, employed at KEY Project (Community Resource & Development Program).

SCR-199

Submitted on: 3/25/2022 10:00:37 AM

Testimony for WTL on 3/30/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

Given the amount of state ownership, Waiahole is not a very good example of jurisdictional obstacles, but this is a step in the right direction.