

**SB-1221-HD-1**

Submitted on: 3/15/2025 6:28:41 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jillian Anderson	Waikiki Neighborhood Board	Support	Written Testimony Only

Comments:

**WAIKIKI NEIGHBORHOOD BOARD**

*Legislative Permitted Interaction Group*

The Waikiki Neighborhood Board stands in **support** of SB1221 SD2 HD1.

While detention and retention ponds are important to manage stormwater and control flooding, it is also vital to monitor and inspect these ponds and prioritize public safety. In any circumstance we can avoid an accidental drowning, all efforts should be made to do so, and having the second highest drawing rate in the nation, we know we can and must do better. SB1221 is a step in the right direction to ensure retention and detention ponds statewide pose no risk for drowning incidents.



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

DATE: Tuesday, March 18, 2025

TIME: 2:15 p.m.

PLACE: VIA VIDEOCONFERENCE  
Conference Room 325

From: Lisa Dau, RN, Injury Prevention Coordinator  
Keiki Injury Prevention Coalition

RE: SB1221 SD2, HD1 Relating to Stormwater Management

My name is Lisa Dau, I am the Injury Prevention Coordinator with the Keiki Injury Prevention Coalition. The Keiki Injury Prevention Coalition's (KIPC) mission is to prevent and reduce injuries to children in Hawaii. I am writing testimony in **Support of SB1221 SD2, HD1 Relating to Stormwater Management**. SB1221 SD2 restricts counties from constructing retention and detention ponds, establishes safety requirements, mandates DLNR inspections, and requires a report to the Legislature while allocating funding for effective implementation.

Key reasons for my support include:

1. **Enhanced Public Safety** – By establishing safety requirements for retention and detention ponds statewide, this bill reduces the risk of structural failures and ensures the protection of residents and properties.
2. **Statewide Oversight and Accountability** – Requiring the DLNR to inspect these ponds ensures proper compliance and maintenance, preventing potential hazards before they escalate into emergencies.
3. **Data-Driven Decision-Making** – The mandated report to the Legislature will provide valuable insights into the effectiveness of these policies and inform future legislative decisions.
4. **Resource Allocation for Effective Implementation** – The establishment of positions and appropriation of funds demonstrate a commitment to properly enforcing these regulations and ensuring compliance.

In conclusion, SB1221 SD2 represents a crucial step toward enhancing the safety, sustainability, and regulatory oversight of retention and detention ponds in our state.

Sincerely,

Lisa Dau, RN, MBA, BSN, CPSTI

KIPC, Injury Prevention Coordinator

**SB-1221-HD-1**

Submitted on: 3/16/2025 7:18:03 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessamy Town Hornor	Hawaii Water Safety Coalition	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Poepoe, and members of the committee,

I am writing in **strong support** of HB1221 RELATING TO STORMWATER MANAGEMENT SYSTEMS as a bereaved family member who has lost loved ones to drowning, and as co-founder of the Hawai'i Water Safety Coalition and executive editor of the newly published Hawai'i Water Safety Plan.

Among all aquatic environments, retention and detention ponds are the most dangerous, so dangerous that they can be considered death traps without safety features such as fencing, signage and life bouys. They are especially dangerous for young children who are drawn to water, and even more so for children with autism who are 160 times more likely to die from drowning compared to the general population of children as they are drawn to water with no fear. Barriers to access around aquatic environments are the first layer of protection from drowning. Other layers of protection include signage and life bouys. Proper maintenance is also critical to prevent hazardous accumulation of water and mud. This bill reflects **best practices** that should be employed with new retention and detention ponds to mitigate their hazards, especially in neighborhoods and parks. As 'passive interventions' these safety features would be immediately impactful in preventing drownings in flood retention and detention ponds, and they would be an investment in public safety for generations to come.

As a bereaved mother I personally understand the catastrophic, lifetime impact of losing loved ones to drowning, a wholly preventable loss. Investments in safety and prevention are miniscule compared to the emotional, social, and financial costs of a single drowning. I ask you to support this bill in memory of Charlotte "Sharkey" Shaefer's so that no other family has to go through what her family has.

Sincerely,

Jessamy Town Hornor

Hawai'i Water Safety Coalition  
Mālama kekahi i kekahi ~ We take care of each other



Hawai'i State House Committee on  
Judiciary and Hawaiian Affairs

SB1221 – Relating to Stormwater Management Systems

**RE: Strong Support of SB1221**

March 18, 2025

The Council for Native Hawaiian Advancement (CNHA) writes in **support of SB1221** to implement critical safety requirements—such as fencing, signage, and inspections—for retention and detention ponds across the state. Modeled after recommendations released in the Hawaii Water Safety Plan, this bill is a common-sense solution to prevent drowning deaths.

These ponds, while being an important option for stormwater management, create significant safety hazards when not properly managed. Hawaii's drowning rate is the second worst in the nation for residents and the number one cause of death for Hawai'i keiki ages 1 to 15. The Hawaii Water Safety Plan shows that Native Hawaiian and Pacific Islander residents make up about 36% of the resident drowning deaths. This urgent problem is made even greater by climate change, which has created more frequent and intense rainfall resulting in increased use of retention ponds.

Without mitigation, these ponds are hidden hazards. Retention and detention ponds are usually located in the public areas of housing developments, in park spaces, often near playgrounds; without safety measures they often become attractive nuisances that are mistaken for recreational ponds. SB1221 does not ban retention or detention ponds, but instead incorporates responsible safety, maintenance, and inspection requirements. The presence of these ponds in public spaces, especially detention ponds with their intermittent presence, expose the public to increased risk, and impacts of climate change, which has led to more frequent and intense rainfall, further exacerbating the dangers posed by these ponds.

This measure will help ensure that these ponds are maintained and monitored, reducing the likelihood of drownings and other accidents. By implementing clear safety guidelines for retention and detention ponds, this measure will help prevent avoidable tragedies and reinforce our shared responsibility to protect lives. For these reasons, we humbly ask that you **PASS SB1221**.

Me ka ha'aha'a,

**Madelyn McKeague**  
Director of Advocacy, CNHA



**HAWAI'I LODGING & TOURISM**  
**ASSOCIATION**

*Testimony of Mufi Hannemann  
President & CEO  
Hawai'i Lodging & Tourism Association*

*S.B. 1221, SD2, HD1: Relating to Stormwater Retention Systems  
Committee on Judiciary & Hawaiian Affairs  
March 18, 2025*

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association (HLTA), the state's oldest and largest private sector visitor industry organization, in support of S.B. 1221, SD2, HD1, which seeks to implement critical safety requirements for retention and detention ponds across the state.

HLTA, alongside partners such as HHVISA, VASH, WIA, WBID, and HTA, convened the 7th Annual Visitor Public Safety Conference (VPSC) earlier this year, bringing together industry leaders, government officials, community members, and safety experts to address pressing safety concerns. Among the most urgent issues discussed was water safety, particularly in light of Hawai'i's alarming drowning statistics—the second highest in the nation for residents and the highest for visitors.

While Hawai'i's visitor industry prioritizes the safety of those who come to experience our islands, it is equally important to ensure that our local residents can live, work, and raise their families in a safe environment. This initiative is not just about protecting visitors—it is about ensuring the safety and well-being of everyone in our communities.

As an organization committed to the safety and welfare of all who live in and visit our islands, HLTA supports the Charlotte 'Sharkey' Schaefer's Inspection Law. This initiative aligns with our industry's longstanding commitment to safety, from ocean recreation to emergency preparedness, and now to stormwater management systems. By implementing clear safety guidelines for retention and detention ponds, this measure will help prevent avoidable tragedies and reinforce our shared responsibility to protect lives.

This bill is an important step toward making Hawai'i safer for all, and we commend the Legislature for recognizing the urgency of this issue. We urge the committee's favorable consideration of S.B. 1221, SD2, HD1

Mahalo for your time and consideration.

**SB-1221-HD-1**

Submitted on: 3/14/2025 4:57:53 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

**I FULLY SUPPORT this bill, and sincerely hope that you will, too.**

**The old saying about not closing the barn door after the horse has bolted cannot apply here.**

**The proverbial barn door MUST be closed before more lives are lost, like that of the heroic Charlotte 'Sharkey' Schaefer, the 5-year old who lost hers while saving her friend in an unfenced rainwater retention pond with an unmaintained clogged drainpipe.**

**It has been 21 years since that heartbreaking tragedy; so the time to 'close the darn barn door' is long overdue.**

**Please make up for lost time now in order to prevent more lost lives.**

**SB-1221-HD-1**

Submitted on: 3/14/2025 5:32:42 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

**Why does such a logical solution to a dangerous and proven life-threatening situation need legislation to make it happen?**

**It should just get done...period...full stop!**

**But here we are, needing to submit testimony to support a bill in order to save lives.**

**It is stunning to read the testimonies opposing or wanting to weaken this bill.**

**Please pass this long overdue solution so no other families will need to deal with a tragedy that should have, and could have, been prevented with proper signage, fencing, and maintenance of drainpipes in rainwater retention ponds.**

**Mahalo for your kind and yes, logical, consideration.**

**SB-1221-HD-1**

Submitted on: 3/14/2025 6:07:35 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Julie Arigo	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB1221, which is named for and inspired by Charlotte “Sharkey” Schaefer, who drowned Feb. 28, 2004, saving a younger friend who was struggling to survive in an improperly flooded detention pond.

This bill was modeled after recommendations recently released in the first Hawaii Water Safety Plan. The plan was written by the Hawaii Water Safety Coalition, which falls under the umbrella of the Hawaiian Lifeguard Association and consists of a broad network of water safety advocates across the state.

**SB-1221-HD-1**

Submitted on: 3/14/2025 9:02:00 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Julia Hope Chiles	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB1221, which is named for and inspired by Charlotte "Sharkey" Schaefer, who drowned on Feb. 28, 2004 while saving a younger friend who was struggling to survive in an improperly flooded detention pond near her home.

Charlotte's drowning devastated her Mother, Father, Brother, extended family, friends, and those who knew her locally. Life for all of them changed forever that day. No family should have to live with the trauma and loss of drowning if it is preventable. The bill was modeled after recommendations recently released in the first Hawaii Water Safety Plan. The plan was written by the Hawaii Water Safety Coalition, which falls under the umbrella of the Hawaiian Lifeguard Association and consists of a broad network of water safety advocates across the state. These are people whose recommendations should be listened to and adopted.

This public health and safety issue is important enough to warrant a consistent statewide solution with standard protocols so that the warning mechanisms and regulations are easily identified, understood and incorporated across the state.

Drowning death rates for Native Hawaiians/Pacific Islanders are 1.5 times higher than drowning death rates for all ethnicities. Without mitigation, retention and detention ponds are hidden hazards. They are usually located in public areas of housing development, in park spaces, often near playgrounds - they are at risk of being mistaken for recreation ponds. These ponds are also used to make less desirable low-lying and wetland areas suitable for building. Native Hawaiians/Pacific Islanders often live in Hawaii's affordable housing developments, which elevates the need to address this as an EQUITY issue.

The costs in this bill are mostly borne by the developers and are minimal in the overall construction costs. The state and counties also could recoup some costs by charging for inspections. The requirement to survey PRE-EXISTING retention ponds and detention ponds requires a report and recommendation to next year's Legislature rather than an immediate financial solution.

Bluntly put - drowning is expensive. There are medical, productivity and potential LIABILITY costs. The human toll is incalculable.

I am writing in support of SB1221, which is named for and inspired by Charlotte “Sharkey” Schaefer’s, who drowned Feb. 28, 2004 saving a younger friend who was struggling in an improperly flooded detention pond.

Drowning is the number 1 - NUMBER ONE !!! – cause of death for Hawai’i’s children aged 1 to 15 years old. This is a disgrace for a state surrounded by water.

Everyone knows that the worst thing possible in this life is to lose a child. Sharkey Schaefer’s mother is one of my best friends. I have witnessed the lurking sadness that is always present in her mother and the anguish through the holidays into January and February (Sharkey’s birth date and death anniversary) after 21 years. It will never go away.

These past months – with more to come – my friend is not able to push away and compartmentalize this excruciating experience as she has done to survive and function during the past two decades. Now she keeps it at the forefront of her mind every single day as she fights to have laws passed in order to save the lives of our keiki – your keiki. To stop other mothers and fathers and siblings and grandparents and communities from going through what she is still going through. Don’t let her sacrifice be for nothing. Saving just ONE child will make all of this worth the effort and pain.

So, finally, a coalition was formed and the first Hawaii Water Safety Plan written by a network of water safety advocates from across the state.

Without mitigation, retention and detention ponds are hidden hazards. They are usually located in the public areas of housing developments, in park spaces, often near playgrounds — so they are at risk of being mistaken for recreational ponds. Retention and detention ponds also are used to make less desirable low-lying and wetland areas suitable for building so they are more often found in less affluent neighborhoods, making this an equity issue as well.

Last month, on the anniversary of her death, Sharkey's mother went for her annual visit to the memorial at the detention pond where her young heroic daughter died. What she found was shocking for a site that is known to have cost at least one young life, the drainage system was overgrown with 3-foot-tall weeds making the system useless. In just few days of rains like we experienced today there will once again be a lake - a hidden lake - a death trap for any child that passes by.

**THE KILLING MUST STOP.** It is that simple. As lawmakers you have the power and responsibility to create a statewide solution with standard protocols so that the warning mechanisms and regulations are easily identified, understood and incorporated across the state.

And for the bean counters: The costs in this bill are mostly borne by developers and are minimal in the overall construction cost. The state could also recoup some costs by charging for inspections. The requirement to survey pre-existing retention and detention ponds may take some personnel resources; however, it requires a report and recommendation to next year's Legislature rather than an immediate financial solution.

Drowning is expensive. There are medical costs, productivity costs, and potential liability costs. I would certainly sue anyone I felt was responsible for my child's death. The county, the state and the developers to start. Every death costs plenty but the human toll is enormous. I have seen it firsthand for 14 years.

Mahalo for your time and consideration.

Kat Wade

415-609-9602

**SB-1221-HD-1**

Submitted on: 3/15/2025 7:45:57 AM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jolene Allison	Individual	Support	Written Testimony Only

Comments:

Hello,

I am writing in support of SB1221, which is named for and inspired by Charlotte “Sharkey” Schaefer, my cousin's daughter, who drowned Feb. 28, 2004, saving a younger friend who was struggling to survive in an improperly flooded detention pond.

This bill was modeled after recommendations recently released in the first Hawaii Water Safety Plan. The plan was written by the Hawaii Water Safety Coalition, which falls under the umbrella of the Hawaiian Lifeguard Association and consists of a broad network of water safety advocates across the state.

The HWSC is working to reduce drowning in Hawaii, which has the nation’s second highest drowning rate for residents, and worse yet these dire statistics are led by our Native Hawaiian/Pacific Islander residents, who make up 27% of the population and 36% of the drowning deaths. Drowning death rates for Native Hawaiians/Pacific Islanders in Hawaii are 1.5 times higher than drowning death rates for all ethnicities. Drowning is the leading cause of death for Hawaii’s keiki ages 1-15, and Native Hawaiians/Pacific Islander children are dying at 3X the rate of all other ethnicities.

Without mitigation, retention and detention ponds are hidden hazards. They are usually located in the public areas of housing developments, in park spaces, often near playgrounds — so they are at risk of being mistaken for recreational ponds. Retention and detention ponds also are used to make less desirable low-lying and wetland areas suitable for building, Native Hawaiians/Pacific Islanders often live in Hawaii’s affordable housing developments, which elevates the need to address this as an equity issue.

The urgency to regulate is made even greater by climate change which has created more frequent and intense rainfall resulting in increased use of detention and retention ponds.

This public health and safety issue is important enough to warrant a consistent statewide solution with standard protocols so that the warning mechanisms and regulations are easily identified, understood and incorporated across the state.

The costs in this bill are mostly borne by developers and are minimal in the overall construction tab. The state and counties also could also recoup some costs by charging for inspections. The requirement to survey pre-existing retention and detention ponds requires a report and recommendation to next year's Legislature rather than an immediate financial solution.

Moreover, drowning is expensive. There are medical costs, productivity costs, and potential liability costs. The human toll is enormous.

Thank you for your support & consideration.

Sincerely,

Jolene Allison

**SB-1221-HD-1**

Submitted on: 3/15/2025 9:42:08 AM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sarah Fairchild	Individual	Support	Written Testimony Only

Comments:

I'm writing in support of SB1221 to have better management and oversight of our stormwater management systems. Retention and detention ponds can create hidden drowning hazards. They are often placed in parks and near playgrounds, places we think to be generally safe for our small children. During heavy rain and other flooding events, these ponds can fill with water where there was none the day before, or become much deeper than usual. With climate change causing more flooding and with increased pressure to build more housing, retention and detention ponds will continue to be a development tool. If we are going to place them in neighborhoods near houses, we need to provide proper warnings about the hazards they create, as well as safety rings so that bystanders can safely attempt rescue. We also need to hold developers and landowners responsible for making sure drainage systems are maintained. This will save lives.

**SB-1221-HD-1**

Submitted on: 3/15/2025 11:32:49 AM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruth Anne Tomlinson	Individual	Support	Written Testimony Only

Comments:

**Ruth Anne Tomlinson**

3950 N. Longview Ln. - B4755

Jackson WY 83001

United States

307-699-0932

ratomlinson@mac.com

March 15, 2025

I am writing in support of SB 1221.

My name is Ruth Anne Tomlinson, I am the aunt of Charlotte Schaefer. Charlotte was a vibrant 5-year-old whose life was cut tragically short on February 28, 2004. Charlotte drown in a faulty rainwater detention pond. There was no signage or fencing warning of the dangers. The pond drainpipe was 89% clogged causing the pond to fill to nearly 6 feet of water.

As a frequent visitor to Hawaii, I am concerned that drowning is one of the leading causes of childhood death in your state. Visitors to Hawaii are 8 times more likely to drown than locals. We need to ensure the safety of all establishing safety requirements for retention and detention ponds statewide.

To ensure the safety of both locals and tourists to your state, please support SB 1221.

Sincerely yours,

Ruth Anne Tomlinson

**SB-1221-HD-1**

Submitted on: 3/15/2025 5:15:44 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dan Worden	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I am writing in support of SB1221 which addresses the critical safety risks posed by retention and detention ponds in Hawai‘i. These ponds, while being an important option for stormwater management, create significant safety hazards when not properly managed. The presence of these ponds in public spaces, especially detention ponds with their intermittent presence, expose the public to increased risk. With the increasing impacts of climate change there has been a shift toward a greater reliance on these stormwater management systems, making it imperative that we implement comprehensive safety measures, such as proper fencing, signage, and routine inspections, to reduce potential hazards. Yet it is the impacts of climate change, such as more frequent and intense rainfall events, which further exacerbate the dangers posed by these ponds. SB1221, informed by the Hawai‘i Water Safety Plan, establishes essential safety protocols—such as fencing, signage, and inspections—to mitigate these risks. These measures will help ensure that these ponds are maintained and monitored, reducing the likelihood of drownings and other accidents.

Thank you for your consideration in support of SB1221.

**SB-1221-HD-1**

Submitted on: 3/16/2025 6:38:51 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Allison Schaefer	Individual	Support	In Person

Comments:

Aloha Rep. David Tarnas, Chair of the House Committee on Judiciary & Hawaiian Affairs, Vice Chair Mahina Poepoe and members:

Mahalo for hearing SB1221, which establishes safety and inspection provisions that are vital to making detention and retention ponds safer.

I know this because my daughter Charlotte “Sharkey” Schaefer paid the ultimate price. She drowned saving a friend who had fallen into a flooded and improperly maintained detention pond, where the developers/owners knew the pipe was clogged, and their choice not to fix it caused the flooding.

I understand that state lawmakers have a strong desire to manage costs in the current fiscal environment. I suggest making some amendments to this bill that will clarify and reduce the state’s cost burden by making clear the responsibilities that pertain to owners/operators of retention and detention ponds, who shall pay for inspections and face fines for not complying with the safety and inspection requirements.

I also suggest a second amendment to add revolving fund language to the bill so that the department can put the fees and fines into that fund to make the program self-sustaining in the future.

The tragedy of my daughter’s death underscores that this public health and safety issue is important enough to warrant a consistent statewide solution with standard protocols so that the warning mechanisms and regulations are easily identified, understood and incorporated across the state.

I strongly support SB1221 and I’m sure that the bill would work under the kuleana of the counties, and if the counties are your preference, I will not object. However, I suggest making a third amendment to return this bill to Senate Bill (SB) 1221 Senate Draft (SD) 2 version, which would give the Department of Land and Natural Resources responsibility for the inspections and the survey part of this bill. DLNR is a very appropriate agency for this bill given that its Engineering Division already is responsible for regulating, inspecting, and overseeing all dams and reservoirs in the State of Hawai‘i as authorized in Hawai‘i Revised Statutes Chapter 179D (HRS) and Hawai‘i Administrative Rules Title 13, Department of Land and Natural Resources, Sub-Title 7 – Water and Land Development, Chapter 190.1 – Dams and Reservoirs, (HAR).

Moreover, putting DLNR back in charge of the inspections and survey components of this bill would eliminate the need for the state to do cost shares with all four counties, which adds an extra layer of confusion and makes it more challenging for the state to control the spending.

Having the state do the inspections, also adds an extra layer of oversight, especially since DLNR already has kuleana for reservoirs and dams.

Senate Bill (SB) 1221 Senate Draft (SD) 2 funds two positions at DLNR, which would allow the agency to stand up more resources and additional expertise beyond their reservoir and dam program. While the state is worried about its fiscal responsibilities, funding positions is the best kind of expenditure as it stimulates the economy. Moreover, if inspection fees and penalties went into a revolving fund, this program could become self-sustaining.

DLNR's survey responsibilities should not be onerous as the Department of Health's (DOH) Clean Water Branch, under the authority of the Federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES), has already conducted much of the retention and detention pond survey. Note this bill only requires that the survey is used to make recommendations on how to address safety measures for pre-existing ponds and does not require an immediate financial solution.

I also wanted to pre-emptively discuss testimony that was submitted during the last hearing before the House Committee on Water & Land in case it comes before you. Hunt Development Group submitted a request to downgrade the safety requirements in this bill. Hunt Construction is the developer of the Navy housing where Sharkey died. They along with the U.S. Navy and some subcontractors paid my family a \$2 million wrongful death settlement, the largest in Hawai'i at the time for the death of a child. The parties did not implement safety precautions when they built the detention pond in our neighborhood. They also knowingly allowed a drain to remain clogged because wetlands mitigation was expensive.

Best practices across the nation recommend a multi-pronged safety approach for retention and detention ponds. Fencing is a must, but signage also is necessary to warn parents that these are not recreational and that detention ponds may flood, and retention ponds may rise. Installing ring buoys to help prevent secondary drownings in detention and retention ponds should someone breach the fence were a recommendation from Hawai'i's lifeguard community in the 2025 Hawai'i Water Safety Plan, released Feb. 6 by the Hawai'i Water Safety Coalition. The ring buoys work similarly to rescue tubes, which on Kauai dropped the percentage of drownings statewide by people attempting a rescue from 60% before rescue tubes were deployed to 13% after they were deployed.

The 5:1 sloping ratio again is a national best practice to help prevent secondary drownings by making it possible to get out of a flooded pond. Sharkey's death was considered a secondary drowning as she went into the pond to rescue another child. She pushed him out to the waiting arms of friends but drowned herself. A very likely reason is that the ledges of the pond had very steep drop offs. My friend Naomi Magneson, a trained lifeguard, found Sharkey's lifeless body near the drain grate. She managed to push Sharkey out of the water but then got stuck herself. It took the assistance of other adults to get Naomi Magneson out of the flooded detention pond,

which was filled with slippery mud and high grass. I last visited that pond on Feb. 28 for the 21st anniversary of Sharkey's death. It is filled with overgrown grass and weeds that once again are blocking the drains.

The detention pond that Hunt built where Sharkey died was very close to Navy housing and the playground in our neighborhood, and that proximity without the warning mechanisms made it an attractive nuisance for children. Now, Hunt, having been a party to my daughter's wrongful death, dares to make safety recommendations by asking you to eliminate the 100-foot buffer requirement along with the 5:1 sloping ratio.

I was disappointed to see that the Hawai'i Community Development Corporation (HCDA), which is working with Hunt in the Kalaeloa Community Development District, also submitted testimony in the last hearing pushing for lessened requirements. HCDA's testimony said it has been considering the joint use of detention or retention ponds as recreational areas to better integrate them into new urban communities such as Kalaeloa. This is a terrible idea unless they intend to have the flood-control ponds in a resort or golf course setting with security, in which case, this bill already allows for that exemption.

The HCDA says in their testimony that "appropriate design requirements and management plans would be incorporated into administrative rules and could be amended as necessary." I say, amendments are too late after a child dies, so let's do our best to protect Hawai'i's children now.

John Fletemeyer, an aquatics expert with the International Water Safety Alliance, recently called attention to the hidden dangers of these ponds in an article for *Aquatics International*, saying that "among the types of aquatic environments, it can be argued that retention ponds are the most dangerous. Fletemeyer indicated that a reason is because these ponds often represented as lakes and people do not understand that they are not intended for recreational use.

While detention and retention ponds help manage stormwater and control flooding, mitigating risk for these systems is critical in minimizing threats to public health and safety. Simply put, without mitigation, these ponds are hidden hazards. Retention and detention ponds are usually located in the public areas of housing developments, in park spaces, often near playgrounds — so without safety measures they often become attractive nuisances that are mistaken for recreational ponds. They may help to make less desirable low-lying and wetland areas suitable for building, so they are more often found in less affluent neighborhoods. Native Hawaiians/Pacific Islanders often live in Hawai'i's affordable housing developments, which elevates the need to address this as an equity issue.

The urgency to regulate retention and detention ponds is great due to climate change, which has created more frequent and intense rainfall and resulted in the increased use of these flood control measures. The latest version of the Ala Wai Flood Risk Management Project has one detention pond planned for the Ala Wai Golf Course. While more were planned for parks, other alternatives were selected as it was determined based on publicly submitted feedback "that the use of public parks as detention facilities could reduce acceptability by the public."

This bill was modeled after several recommendations published in the first Hawai'i Water Safety Plan that was published in January and aims to address Hawai'i's drowning crisis. The plan was completed by the Hawai'i Water Safety Coalition (HWSC), which falls under the umbrella of the Hawaiian Lifeguard Association and consists of a broad network of water safety advocates across the state. The HWSC is working to reduce drowning in Hawai'i, which has the nation's second highest drowning rate for residents, and worse yet these dire statistics are led by our Native Hawaiian/Pacific Islander residents, who make up 27% of the population and 36% of the drowning deaths.

Drowning death rates for Native Hawaiians/Pacific Islanders in Hawai'i are 1.5 times higher than drowning death rates for all ethnicities. Drowning is the leading cause of death for Hawai'i's keiki ages 1-15, and Native Hawaiians/Pacific Islander children are dying at 3X the rate of all other ethnicities.

I implore you not to let my daughter's sacrifice be in vain. If a five-year-old can be a hero, we can all be heroes.

Hawai'i needs more water safety champions. Let's help Sharkey save more lives.

Thank you for your consideration.

Sincerely,

Allison Schaefer, Sharkey's mom

Hawai'i Water Safety Coalition, bereaved parent volunteer

[allisonschaefer@gmail.com](mailto:allisonschaefer@gmail.com)

**SB-1221-HD-1**

Submitted on: 3/16/2025 6:40:25 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Pamela Louise Ramsay	Individual	Support	Written Testimony Only

Comments:

My granddaughter Charlotte "Sharkey" Schaefers died from drowning, Feb. 28, 2004. It has been 21 years , but there is not a day that I do not think about her. She could swim like a fish and had the courage of a lion. Her heart was so big that this little hero did not hesitate to jump into a dirty, faulty retaining pond to save a younger pal. While the older children looked on, she pushed him up to safety, but struggling, lost the battle herself. Of all of my grandchildren, Sharkey was the child that was almost a perfect copy of myself, The way she walked, turned her head, rolled her eyes, and that dimpled smile. Her "I can do it" attitude along with her grandma kisses and sweet laughter are unforgettable. My only comfort is that she knew and loved God and I am sure is waiting to welcome me with open arms. Please consider passing this bill so that other grandmothers are not deprived of those warm earthly hugs.

**SB-1221-HD-1**

Submitted on: 3/16/2025 6:43:24 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
joshua schaefers	Individual	Support	Written Testimony Only

Comments:

I am the older brother of Charlotte "Sharkey" Schaefers, 5, who drowned Feb. 28, 2024, at an improperly maintained and flooded detention pond in Pearl City navy family housing. She saved her friend who was struggling in the water but died in the process.

Several of the children in our neighborhood were put at risk that day because the developers did not do the right thing. They knew that the pipe in the detention pond was 89% blocked but chose not to fix it.

The U.S. Navy has since fenced the pond where my sister died and requires it in housing. The state should adopt this standard too.

However, the U.S. Navy and its neighborhood managers have since allowed the inside of the pond where my sister died to become overgrown with grass that is once again blocking the drain. That's why inspections are key.

The cost of the fencing, signage, and ring buoy would be borne by the developer and are negligible in terms of the overall cost of constructing a subdivision and in terms of the work for the county permits. A change could be assessed for the inspections. The survey would require personnel time, but the costs should not be exorbitant, and DLNR would have to bring their findings back to the Legislature before there is any outlay to address improper maintenance, which also could be put back on the developers/owners by assessing penalties and fines. Maintenance for developers and owners already should be a budgeted expense.

Please pass this critical piece of legislation so that other Hawai'i children do not fall victim to these hidden hazards and other Hawai'i families do not lose loved ones. I miss my little sister every day.

**SB-1221-HD-1**

Submitted on: 3/16/2025 6:45:10 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sheila Hill	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB1221, which remembers one of Hawai'i's heros, little Charlotte "Sharkey" Schaefer, who drowned saving her friend.

This bill, which establishes a detention and retention pond safety and inspection program, was modeled after recommendations recently released in the first Hawai'i Water Safety Plan. The plan was written by the Hawai'i Water Safety Coalition, which falls under the umbrella of the Hawaiian Lifeguard Association, and consists of a broad network of water safety advocates across the state.

You should listen to them. Without mitigation, retention and detention ponds are hidden hazards. This surprise element makes them among the greatest hazards, because you cannot protect your children from dangers that you do not know exist.

The urgency to regulate is made even greater by climate change which has created more frequent and intense rainfall resulting in increased use of detention and retention ponds.

Implementing this bill is not going to cost that much, especially when weighed against the lives of Hawai'i's children, who are struggling under the drowning burden. Drowning is the leading cause of death for Hawai'i's children ages 1-15, which warrants a response.

The costs in this bill are mostly borne by developers and are minimal in the overall construction tab. The state could recoup some costs by charging for inspections. The requirement to survey pre-existing retention and detention ponds may take some personnel resources; however, it requires a report and recommendation to next year's Legislature rather than an immediate financial solution.

Moreover, drowning is expensive. There are medical costs, productivity costs, and potential liability costs. The human toll is enormous. Hawai'i we have got to do better.

**SB-1221-HD-1**

Submitted on: 3/16/2025 11:39:48 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nick Dubovsky	Individual	Support	Written Testimony Only

Comments:

Aloha Rep. David Tarnas, chair of the House Committee on Judiciary & Hawaiian Affairs, Rep. Mahina Poepoe, vice chair of the House Committee on Judiciary & Hawaiian Affairs, and committee members:

I am writing in support of SB1221 which is aimed at Hawaii water safety and helping to prevent deaths by drowning.

This bill was inspired and named after a child hero, Charlotte “Sharkey” Schaefer, who drowned 21 years ago while saving her little friend who slid into a detention pond that suddenly flooded because the pipe inside of it was 89% clogged. The clog turned an area of rolling hills between the playground and backyards into a deathtrap lake of pitch black water and slippery mud banks.

Please help prevent more deaths in detention and retention ponds by supporting legislation that requires safety provisions and monitoring. While most Hawaii residents drown in the ocean, keiki under the age of seven are more susceptible to drowning in pools, bathtubs, retention and detention ponds and even puddles.

Detention and retention ponds are meant to hold storm water. Hawaii’s high drowning rate — the second worst in the nation for residents — necessitates developing retention and detention pond safety programs.

Without mitigation, these ponds are hidden hazards. Retention and detention ponds are usually located in the public areas of housing developments, in park spaces, often near playgrounds — so without safety measures they often become attractive nuisances that are mistaken for recreational ponds. They may help to make less desirable low-lying and wetland areas suitable for building so they are more often found in less affluent neighborhoods, making this legislation an equity as well. Data in the Hawaii Water Safety Plan shows that Hawaii’s Native Hawaiian and Pacific Islander residents make up about 27% of Hawaii’s population but about 36% of the resident drowning deaths.

This bill offers a common-sense approach to regulating retention and detention ponds. First it does not ban retention or detention ponds, and the safety, maintenance, and inspection requirements are things that responsible owners should utilize anyway. Secondly, it only applies

to new retention and detention ponds, which eases the burden of establishing a new program as well as the roll out.

We need to make sure that Charlotte's tragedy never repeats itself with another family in Hawaii, and the DOH is the best agency to take on this role.

Sharkey would have been 26 years old now. However, on February 28, 2004 she knew that it was the right thing to do to jump into the pitch black water of an improperly maintained detention pond to help her friend.

She had a decision to make, and Sharkey saved her friend.

I respectfully ask that you be the heroes that Sharkey was and pass SB1221.

Please help Sharkey save more lives.

**SB-1221-HD-1**

Submitted on: 3/17/2025 12:37:33 AM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gregory Misakian	Individual	Support	Remotely Via Zoom

Comments:

I strongly support SB1221 SD2 HD1.

I currently serve as the 1st Vice President of the Kokua Council, where we recently heard more about this important issue. I also learned more about this at a recent Waikiki Neighborhood Board meeting, where I serve on the board.

Many support this bill and understand its impact to help save lives.

Gregory Misakian

**SB-1221-HD-1**

Submitted on: 3/17/2025 5:05:17 AM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Melanie Harkleroad	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB1221, which is named for and inspired by Charlotte "Sharkey" Schaefer, who drowned on Feb. 28, 2004 while saving a younger friend who was struggling to survive in an improperly flooded detention pond near her home.

Charlotte's drowning devastated her Mother, Father, Brother, extended family, friends, and those who knew her locally. Life for all of them changed forever that day. No family should have to live with the trauma and loss of drowning if it is preventable. The bill was modeled after recommendations recently released in the first Hawaii Water Safety Plan. The plan was written by the Hawaii Water Safety Coalition, which falls under the umbrella of the Hawaiian Lifeguard Association and consists of a broad network of water safety advocates across the state. These are people whose recommendations should be listened to and adopted.

This public health and safety issue is important enough to warrant a consistent statewide solution with standard protocols so that the warning mechanisms and regulations are easily identified, understood and incorporated across the state.

Drowning death rates for Native Hawaiians/Pacific Islanders are 1.5 times higher than drowning death rates for all ethnicities. Without mitigation, retention and detention ponds are hidden hazards. They are usually located in public areas of housing development, in park spaces, often near playgrounds - they are at risk of being mistaken for recreation ponds. These ponds are also used to make less desirable low-lying and wetland areas suitable for building. Native Hawaiians/Pacific Islanders often live in Hawaii's affordable housing developments, which elevates the need to address this as an EQUITY issue.

The costs in this bill are mostly borne by the developers and are minimal in the overall construction costs. The state and counties also could recoup some costs by charging for inspections. The requirement to survey PRE-EXISTING retention ponds and detention ponds requires a report and recommendation to next year's Legislature rather than an immediate financial solution.

Bluntly put - drowning is expensive. There are medical, productivity and potential LIABILITY costs. The human toll is incalculable.

I know this family personally. Charlotte was full of life and drown trying to save another child. This Bill 1221 needs to pass.



**SB-1221-HD-1**

Submitted on: 3/17/2025 9:59:31 AM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
L. Richard Fried, Jr.	Individual	Support	Written Testimony Only

Comments:

As the attorney for Charlotte "Sharky" Schaefer; it was concluded after many depositions and other pretrial discovery that her death was totally avoidable had the measures in the bill been in place. I write in strong support of SB 1221 to hopefully prevent such a tragic death from ever happening again. Rick Fried

## **SB-1221-HD-1**

Submitted on: 3/18/2025 12:15:23 AM

Testimony for JHA on 3/18/2025 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Grant Yamamoto	Individual	Comments	Written Testimony Only

Comments:

Testimony Regarding SB1221: Storm Pond Safety Program

As a retired State of Hawaii employee who worked with the Department of Accounting and General Services until 2023, I would like to offer my perspective on Senate Bill 1221. While I no longer represent DAGS officially, my years of service have given me valuable insight into state operations. I feel compelled to address concerns regarding the proposed placement of a storm pond safety program within the Department of Land and Natural Resources (DLNR), specifically addressing the testimony of Ms. Allison Schaefer.

## **Why DLNR Is Not the Appropriate Agency**

1. **Duplication of Existing County Functions:** This program would replicate functions already established at the county level. Rather than creating an entirely new program within an unrelated state department, we should strengthen existing county initiatives.
2. **Misalignment with DLNR's Mission:** DLNR's core purpose is to protect and enhance Hawaii's natural resources. While dam safety falls within their purview, storm pond drowning prevention does not align with their expertise. If a state-level program is deemed necessary, the Department of Health—which already manages drowning prevention programs—would be the logical choice. Yet DOH has already testified that the counties would be better positioned to handle this responsibility. There is no reason this ever should have been pushed over to DLNR, an agency even more inappropriate than DOH.

## **Response to Ms. Schaefer's Testimony**

I deeply respect Ms. Allison Schaefer's dedication to improving storm pond safety following the tragic loss of her daughter 21 years ago. However, I find her evolving position on DLNR's involvement concerning in that she may not have a clear grasp of government functions:

1. At the initial hearing, she made no mention of DLNR.
2. Later, she indicated she would be happy with either county or DLNR oversight.
3. Now at this hearing, she strongly advocates for DLNR, despite DLNR's own testimony that they lack the appropriate expertise.

Ms. Schaefer has not respected DLNR's own testimony at the House Water and Land hearing, at which it was clearly stated:

- DLNR is not the appropriate agency for this program
- Their dam inspection expertise does not translate to storm pond safety measures

Additionally, Ms. Schaefer has questioned the grant-in-aid funding mechanism without substantiation. As someone with extensive experience in such funding processes, I can attest that her concerns are unfounded.

In sum, I am mystified why Ms. Schaefer is muddying the water of this bill by arguing so strenuously that it should assign responsibility to DLNR so clearly inappropriately.

## **Financial and Practical Considerations**

DLNR estimates this program would cost approximately \$30 million over the next decade—funds that would largely duplicate existing county efforts. This raises serious questions about responsible use of taxpayer resources.

Further, the concept that Ms. Schaefer raises of "kuleana" (responsibility embraced willingly and with humility) is inappropriate here. Forcing an unwanted program on an unwilling department would create an ineffective division staffed by employees who recognize their work as redundant, and out of alignment with their mission—this is an unwanted burden, the opposite of kuleana, and hardly a fitting legacy for Ms. Schaefer's daughter.

## **A More Effective Alternative**

It's worth noting that since the tragic incident in 2004, there have been no further storm pond drownings, suggesting current county oversight is effective. During this same period, however, Hawaii has experienced over 1,000 drowning deaths, primarily at unguarded beaches.

Redirecting the proposed \$30 million toward beach lifeguards, over ten years, would likely save far more lives. I believe Ms. Schaefer would also not want her daughter's legacy to be an expensive duplicative program with little impact on lives, rather than meaningful drowning prevention efforts that could protect many more families from similar tragedies.

As both a former state finance employee and a concerned taxpayer, I advocate for allocating our limited resources where they will have the greatest life-saving impact.

Mahalo for your consideration.