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GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
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ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N.S. CHANG
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Wednesday, February 26, 2025
10:03 AM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 1221, SENATE DRAFT 1
RELATING TO STORMWATER MANAGEMENT SYSTEMS**

Senate Bill 1221, Senate Draft 1 proposes amending Hawaii Revised Statutes (HRS) Chapter 46 to prohibit counties from permitting or allowing retention and detention ponds to be constructed except under certain conditions. It also proposes amending HRS Chapter 340E to require the Department of Land and Natural Resources to establish a monitoring and inspection program to increase safety at these ponds; to adopt rules to enforce safety violations; and to conduct a survey of all existing such ponds. The bill also appropriates funding for this program to establish two full time positions. **The Department of Land and Natural Resources (Department) recognizes the intent of this measure and offers the following comments.**

While the Department understands the need for regulations and standards to safeguard the public from potentially dangerous situations that may exist in retention and detention ponds, we do not believe this should be undertaken by the Department of Land and Natural Resources. These retention and detention basins are incorporated into the drainage system design and criteria, as provided for in each county's storm drainage standards. The Department therefore recommends that all counties be required to augment their existing standards by developing additional best practices for retention and detention basin designs.

Regarding Section 3 of this bill, HRS Chapter 340E references authorities of the Department of Health. In HRS 340E-1 Definitions, it is specifically clarified that "Department" means the Department of Health. As such, all references from Chapter 340E pertain to the authorities and duties of the Department of Health.

Mahalo for the opportunity to provide testimony on this measure.

SB-1221-SD-1

Submitted on: 2/23/2025 7:40:37 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Jillian Anderson	Testifying for Waikiki Neighborhood Board	Support	Written Testimony Only

Comments:

WAIKIKI NEIGHBORHOOD BOARD

Legislative Permitted Interaction Group

The Waikiki Neighborhood Board stands in **support** of SB1221 SD1.

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.

Hawai'i Senate
Ways and Means Committee



Re: SB1221

Dear Chairs Donovan Dela Cruz and Sharon Moriwaki,

On behalf of the Board of Directors of the Hawai'iian Lifeguard Association I am writing to express strong support for SB1222 and SB1221, that call for the implementation of measures to lower the likelihood of detention and retention pond drownings and aquatic injuries and establish inspection protocols to ensure proper maintenance of these ponds. This bill is a crucial step in reducing the incidence of drowning in our local population, particularly among our keiki.

Board of Directors

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Kekaulike Kealoha

Kirsten Hermstad
Executive Director

Ex Officio Legends

Ralph Goto
Brian Keaulana
Archie Kalepa
Mark Cunningham

Drowning is the number one cause of death for Hawai'i keiki ages 1 to 15, and poorly designed and unmaintained bodies of water contribute to this tragic statistic.

SB1221 addresses the maintenance, design and inspection of detention and retention ponds. The current bill requires the counties to enforce building codes for new ponds and provides a mechanism for the inspection of existing and new ponds going forward. Initially, the bill stated that the counties be required to perform the inspections, but after further discussion, it may make more sense for DLNR to perform inspections as they already have a process in place for inspecting reservoirs and dams.

Costs of remediation would be the responsibility of the landowner. Fines could be imposed to cover the cost of inspectors and administration to offset some or all of the costs.

We respectfully request that HB1233 be scheduled for a hearing in the Finance Committee. We stand ready to provide support or collaboration to work out any details of this bill in order to ensure that it moves forward.

By supporting this bill, we can take a significant step towards protecting our keiki and reducing the risk of drowning in our state. I urge you to support SB1221 and help make our community a safer place for everyone.

Thank you for your attention to this important matter.

Sincerely,

Mahalo

A handwritten signature in black ink that reads "Kirsten Hermstad".

Kirsten Hermstad
Executive Director

Hawaiian Lifeguard Association
P.O. Box 844
Kapa'a, Hawaii 96746
Tax Id 99-0308213
hawaiianlifeguardassociation.org

SB-1221-SD-1

Submitted on: 2/20/2025 11:30:43 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

I am writing in **strong support** of SB1221 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. I am also a Public Health Educator at DOH EMSIPSB in the area of drowning prevention but I am not representing DOH in this testimony.

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. And, among all the types of 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.

This bill reflects **best practices** that should be employed with new retention and detention ponds to mitigate their hazards. As 'passive interventions' these safety features will be immediately impactful in preventing drownings in flood retention and detention ponds. Improving the safety of retention and detention ponds is one of the first actions that we can implement from the Hawai'i Water Safety Plan to reflect a greater commitment to drowning prevention in our state.

Also, this bill is fiscally responsible. If another drowning occurs like Charlotte "Sharkey" Schaefers the state or county could be held liable again for millions, especially given the fact that there has already been a case demonstrating known risks. Most importantly, please support this bill in memory of Charlotte "Sharkey" Schaefers so that no other family has to go through what her family has.

Sincerely,

Jessamy Town Hornor

Co-founder, Hawai'i Water Safety Coalition
Mālama kekahi i kekahi ~ We take care of eachother

SB-1221-SD-1

Submitted on: 2/24/2025 9:03:51 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Allison Schaefer	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Vice-Chair Moriwaki, and WAM members:

I am writing in strong support of SB1221, which is named for and inspired by my 5-year-old daughter Charlotte “Sharkey” Schaefer, who drowned Feb. 4, 2004, saving a younger friend who was struggling in an improperly flooded detention pond.

My Sharkey would be alive today if the developers who built a rainwater detention pond in our community had put up signage and fencing and kept the drainpipe clear. The developers knew the detention pond drainpipe was 89% clogged, but rather than fix it, said in an email between themselves, that “the cost to fix it outweighed the liabilities.”

They were so wrong. After Sharkey’s death, my family was awarded a \$2 million wrongful death settlement, the largest at the time for the death of a child in Hawaii. Not regulating retention and detention ponds now exposes the state and counties to potentially even higher liability risks.

Moreover, drowning is costly, and prevention pays off. The Centers for Disease Control and Prevention (CDC) estimates that fatal unintentional drownings in 2022 in the United States cost a combined \$5.68 billion dollars, and the World Health Organization estimates that drowning prevention returns \$9 for every \$1 spent.

The costs in this bill are mostly borne by developers, but requiring fencing, a life buoy and signage would have a negligible impact on total construction costs. The other safety requirements are just part of good maintenance plans, and developers should already have factored these into their cost proposals.

While the Department of Land and Natural Resources will likely need some personnel support, they already have responsibility for dams, so adding kuleana for detention and retention ponds is not overly burdensome. The department/ state could recoup some costs of the safety, monitoring and inspection program by charging for inspections and could also consider levying fines and penalties. The survey allows for a phased in response to pre-existing retention and detention ponds. It requires a report and recommendation to next year's Legislature rather than an immediate financial solution.

Inspections are key for public safety, as well as to make sure that these detention and retention ponds are controlling flood waters rather than exacerbating the problem. The detention pond

where Sharkey died is now fenced; however, when I visited it on the 20th anniversary of her death last year it was filled with overgrown grass that covered half of the drain.

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.

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 is comprised of a broad network of water safety advocates 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 legislation an equity issue too. 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.

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. The latest version of the Ala Wai Flood Risk Management Project has one detention pond planned for the Ala Wai Golf Course: however, earlier variations of the plan contemplated building large detention ponds in Oahu parks, including Kapiolani Park, Makiki District Park, Manoa Valley District Park, Palolo Valley District Park. While these alternatives were considered for flood control, other alternatives were selected as it was determined based on feedback “that the use of public parks as detention facilities could reduce acceptability by the public.”

The public wants regulations around retention and detention ponds — and they deserve them. Drowning is the leading cause of death for our keiki ages 1 to 15, and our data shows that our keiki under the age of 7 are far more susceptible to drowning risks that occur outside of the ocean. Even the adults, who recovered Sharkey's body, could not make it out of that slippery, muddy, dark death pit on their own.

I should be celebrating Sharkey turning 26 a few weeks ago. Instead, I'm testifying to ensure that no other parent meets the hell that my family has experienced. Her absence is a loss that is felt every day because to lose a child is to lose your future. I have been on the sidelines watching as Sharkey's friends went to their first day of kindergarten. I missed seeing her adorned with lei as she graduated high school and college. I never got to see Sharkey come into her own power as she embarked on a career. She should have had the chance to fall in love, get married or find a partner and have children or build whatever life she wanted. This will never be Sharkey's legacy or mine.

On Friday it will be 21 years ago since Sharkey stood on the banks of a flooded and improperly maintained detention pond and watched a friend struggling.

She had a decision to make, and she didn't hesitate to do the right thing. Sharkey saved her friend.

I implore you to do the right thing too. If a five -year-old can be a hero, we can all be heroes.

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

Sincerely,

Allison Schaefer

allisonschaefer@gmail.com

SB-1221-SD-1

Submitted on: 2/20/2025 5:54:41 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
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 rain and flooding events, these ponds can fill with water where there was previously none the day before, or become much deeper than they usually would be. 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-SD-1

Submitted on: 2/21/2025 12:20:42 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
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-SD-1

Submitted on: 2/21/2025 12:26:20 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
joshua schaefers	Individual	Support	Written Testimony Only

Comments:

I am the older brother of Charlotte "Sharkey" Schaefer, 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 even knowing that my sister died in this detention pond has since allowed the inside of it to become overgrown with grass that is once again blocking the drain. That's why inspections are key.

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-SD-1

Submitted on: 2/21/2025 12:50:41 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Rankin	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. 4, 2004 saving a younger friend who was struggling in an improperly flooded detention pond.

This bill 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.

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 too.

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 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.

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

I urge you to pass this bill.

Respectfully,

Cynthia Rankin

SB-1221-SD-1

Submitted on: 2/21/2025 2:15:02 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelley Oates-Wilding	Individual	Support	Written Testimony Only

Comments:

I am strongly in SUPPORT of this bill SB 1221. This is long overdue and the dedication and journey "Sharkeys" mom has travelled to ensure the safety of others is incredible. This is just a start and exactly the type of water safety our kids need to life and thrive in our wonderful unique environment.

any further questions please contact me Shelley Oates-Wilding Ikaika' WATERMANS.

SB-1221-SD-1

Submitted on: 2/21/2025 3:04:33 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Julienne Arigo	Individual	Support	Written Testimony Only

Comments:

I support SB1221, inspired by Charlotte “Sharkey” Schaefer, who tragically drowned in 2004 while saving a friend from a hazardous detention pond. This bill reflects recommendations from the Hawaii Water Safety Plan, created by the Hawaii Water Safety Coalition and the Hawaiian Lifeguard Association, to address the dangers of retention and detention ponds, often located in public spaces and vulnerable communities.

These ponds are hidden hazards, especially with increased rainfall due to climate change. SB1221 calls for statewide regulations to ensure safety and prevent accidents. While the costs are minimal, the bill’s broader benefits—reducing drownings and related expenses—make it a vital public safety measure.

SB-1221-SD-1

Submitted on: 2/21/2025 6:15:14 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Sumithra Balraj	Individual	Support	Written Testimony Only

Comments:

Senate Bill 1221 establishes safety requirements and appropriates funds for the Department of Land and Natural Resources to inspect retention and detention ponds statewide.

Charlotte "Sharkey" Schaefer, 5, would be alive today if the developers who built a rainwater detention pond in her community had put up signage and fencing and kept the drainpipe clear. The drainpipe was 89% clogged and overnight turned rolling hills

I am writing in support of SB1221, which is named for and inspired by Charlotte "Sharkey" Schaefer, who drowned Feb. 4, 2004 saving a younger friend who was struggling 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.

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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 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.

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

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SB-1221-SD-1

Submitted on: 2/21/2025 10:32:40 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Charissa Toyooka	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. 4, 2004 saving a younger friend who was struggling in an improperly flooded detention pond.

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

SB-1221-SD-1

Submitted on: 2/21/2025 12:37:31 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
John Deutzman	Individual	Support	Written Testimony Only

Comments:

Aloha Senators,

It's likely that most of your constituents are not aware of the shocking data connected with drownings in our State. Drownings are the number one cause of death for Hawai'i's children, the number one cause of injury- related death for our visitors and one of the top causes of death for all Hawaiians.

I'm a Waikiki resident who spends at least three hours a day in the ocean bodyboarding and have witnessed multiple drownings in my small section of town. I'm also a friend of Allison Schaefer , the veteran news reporter, who tragically lost her 5 year old daughter Charlotte "Sharkey" Schaefer, 5, who drowned Feb. 28, 2004, saving a childhood friend who had fallen into an improperly maintained and flooded retention pond.

I urge you to support SB1221.

Mahalo,

John Deutzman

Waikiki

SB-1221-SD-1

Submitted on: 2/21/2025 1:26:44 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
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 a clogged drainpipe.

In a few days, it will be 21 years since the tragedy; so the time to 'close the door' is long overdue. Please make up for lost time to prevent future lost lives.

SB-1221-SD-1

Submitted on: 2/21/2025 2:09:57 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
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 bil in order to save lives.

It is stunning to read the testimonies opposing this bill. Give us a break with the 'If can can; if no can, no can' mentality. Those opposing this know full well that it CAN be done, so enough with the weak excuses already.

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 consideration.

SB-1221-SD-1

Submitted on: 2/21/2025 4:16:37 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
ashley lee	Individual	Support	Written Testimony Only

Comments:

I appreciate the opportunity to provide my testimony about the critical need for safety measures when developing drainage ponds. These ponds serve a vital role in managing stormwater and preventing flooding, but they also pose significant risks to public safety if not properly secured.

One of the most important safety measures is clearly visible signage. Warning signs can alert people—especially children—of potential dangers such as deep water, sudden drop-offs, or strong currents after heavy rainfall. Signage should be placed at all entry points and along pathways leading to the pond to ensure maximum visibility.

Another key measure is installing protective fencing around drainage ponds. Unsecured ponds can be attractive to children, pets, and unsuspecting individuals. Fencing acts as a crucial barrier, preventing accidental drownings and unauthorized access. It is especially important in residential areas, parks, and school zones, where children are more likely to play nearby.

Beyond signage and fencing, additional precautions such as vegetative buffers, sloped embankments, and emergency access points can further enhance safety. Proper maintenance and routine inspections should also be prioritized to ensure these measures remain effective.

There have been far too many tragic incidents involving drainage ponds, many of which could have been prevented with proactive safety planning. By implementing these measures, we can protect our communities while maintaining the effectiveness of stormwater management systems.

I urge you to support policies that require signage, fencing, and other safeguards for drainage ponds. Thank you for your time and consideration.

SB-1221-SD-1

Submitted on: 2/21/2025 5:12:58 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Rachel Coel	Individual	Support	Written Testimony Only

Comments:

As a parent, concerned citizen, pediatrician, and founding member of the Hawaii Water Safety Coalition, I am writing in support of SB1221, which is named for and inspired by Charlotte “Sharkey” Schaefer, who drowned Feb. 4, 2004 saving a younger friend who was struggling 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.

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 too.

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 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.

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

Please vote in favor of SB1221. Thank you.

Sincerely,

Rachel Coel, MD, PhD

SB-1221-SD-1

Submitted on: 2/21/2025 7:31:30 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Jan Allen	Individual	Support	Written Testimony Only

Comments:

I support establishing safety measures for ponds, etc. Especially since 2 children drowned in one.

Mahalo,

Jan Allen

SB-1221-SD-1

Submitted on: 2/23/2025 7:10:13 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Dan Worden	Individual	Support	Written Testimony Only

Comments:

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 Hawaii. 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, and impacts of climate change, which has led to more frequent and intense rainfall, further exacerbating the dangers posed by these ponds. SB1221, informed by the Hawaii 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.

I urge you to support SB1221. Thank you for your consideration.

SB-1221-SD-1

Submitted on: 2/24/2025 6:12:11 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Nick Dubovsky	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB1221 which is aimed at Hawai'i 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 Hawai'i 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. Hawai'i'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 Hawai'i Water Safety Plan shows that Hawai'i's Native Hawaiian and Pacific Islander residents make up about 27% of Hawai'i'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 Hawai'i, 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 a 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-SD-1

Submitted on: 2/24/2025 9:19:24 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheila Hill	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB1221, which remembers one of Hawaii'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 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.

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 Hawaii's children, who are struggling under the drowning burden. Drowning is the leading cause of death for Hawaii'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.

SB-1221-SD-1

Submitted on: 2/25/2025 9:58:23 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

I strongly support SB1221 SD1.

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.

I am submitting testimony as an individual, but I am aware that many support this bill.

Gregory Misakian

LATE

SB-1221-SD-1

Submitted on: 2/25/2025 7:15:52 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Kat Wade	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB1221, which is named for and inspired by Charlotte “Sharkey” Schaefer’s, who drowned Feb. 4, 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 Hawaiian 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 world 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.

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 too.

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 tab. 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.

Moreover, drowning is expensive. There are medical costs, productivity costs, and potential liability costs. The human toll is enormous. I have seen it first hand for 14 years.

Mahalo for your time and consideration.

Kat Wade

415-609-9602