



March 31, 2025

Hawai'i House of Representatives
Committee on Finance

Re: SB1221, SD2, HD2

Board of Directors

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Ricky Alvarez
Vice President

Bridget Velasco
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Clark Abbey
Kekaulike Kealoha

Kirsten Hermstad
Executive Director

Ex Officio Legends

Ralph Goto
Brian Keaulana
Archie Kalepa
Mark Cunningham

Dear Chair Yamashita,

On behalf of the Board of Directors of the Hawai'iian Lifeguard Association I am writing to express strong support for SB1221 that calls for the implementation of measures to lower the likelihood of detention and retention pond drownings and aquatic injuries and establishes 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.

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.

By supporting this bill, we can take a significant step towards protecting our keiki and their families 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

Kirsten Hermstad
Executive Director

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

SB-1221-HD-2

Submitted on: 3/31/2025 7:42:12 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|----------------------------|--------------------|------------------------|
| Jillian Anderson | Waikiki Neighborhood Board | Support | Written Testimony Only |

Comments:

The Waikiki Neighborhood Board stands in **support** of SB1221 SD2 HD2.

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.

Council for Native Hawaiian Advancement
91-1270 Kinoaiki St., Bldg. 1
Kapolei, HI 96707

Hawai'i State House of Representatives

Committee on Finance

SB1221 – Relating to Stormwater Management Systems

RE: Strong Support of SB1221

April 2, 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



COMMITTEE ON FINANCE

Rep. Kyle T. Yamashita, Chair

Rep. Jenna Takenouchi, Vice Chair

DATE: Wednesday, April 2, 2025

TIME: 3:30 p.m.

PLACE: VIA VIDEOCONFERENCE
Conference Room 308

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

RE: SB1221 SD2, HD2 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, HD2 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, HD2 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



**HAWAI'I LODGING & TOURISM
ASSOCIATION**

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

*Senate Committee on Ways and Means
SB 1221 SD2 HD2: Relating to Stormwater Management Systems
April 2, 2025*

Chair Yamashita, Vice Chair Takenouchi, 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 SB 1221, SD2, HD2, which seeks to implement critical safety requirements for stormwater retention and detention ponds statewide.

Earlier this year, HLTA—alongside partners such as HHVISA, VASH, WIA, WBID, and HTA—hosted the 7th Annual Visitor Public Safety Conference (VPSC). This convening of industry leaders, public officials, and safety experts highlighted several urgent concerns, including Hawai'i's unacceptably high drowning statistics: the second highest in the nation for residents and the highest for visitors.

While Hawai'i's visitor industry remains committed to protecting the millions who travel to our islands, our efforts must also encompass the safety of our kama'āina. This measure ensures that both residents and visitors are protected by creating consistent, enforceable standards for stormwater systems that are often hidden dangers in our neighborhoods and public spaces.

HLTA is proud to support what is now known as the **Charlotte "Sharkey" Schaefer's Inspection Law**, named in honor of a young girl who tragically drowned in a Pearl City detention pond. Her story is a stark reminder of what's at stake and why timely action is needed.

This bill reflects our collective responsibility to do more—to ensure safety is embedded not only in our beaches and trails but also in the built infrastructure we often overlook. By supporting this bill, you are investing in a safer Hawai'i for all.

We respectfully urge the committee to pass **S.B. 1221, SD2, HD2**.

Mahalo for your consideration.

SB-1221-HD-2

Submitted on: 4/2/2025 12:03:52 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|-------------------------------|--------------------|------------------------|
| Jessamy Town Hornor | 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 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 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

SB-1221-HD-2

Submitted on: 3/31/2025 4:10:43 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Julie Arigo | Individual | Support | Written Testimony Only |

Comments:

I am writing in support of SB1221 named after Charlotte Sharkey Schaefer who died on 2/28/2004 saving a friend in an improperly flooded detention pond. The bill is modeled after recommendations recently released by the first Hawaii Water Safety Plan.

SB-1221-HD-2

Submitted on: 3/31/2025 5:15:53 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

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

Comments:

Aloha Representatives,

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 Hawaii'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 and provide the proper financing.

Mahalo,**John Deutzman****Waikiki**

SB-1221-HD-2

Submitted on: 3/31/2025 8:24:36 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Zach Edlao | Individual | Support | Written Testimony Only |

Comments:

I am writing in strong support of SB1221, inspired by Charlotte “Sharkey” Schaefer, who tragically drowned on February 28, 2004, while saving a friend in an improperly flooded detention pond.

This bill is based on recommendations from the Hawaii Water Safety Plan, developed by the Hawaii Water Safety Coalition (HWSC) within the Hawaiian Lifeguard Association. The HWSC aims to address Hawaii’s alarming drowning rates, particularly among Native Hawaiians and Pacific Islanders, who represent 27% of the population but account for 36% of drowning deaths. Their drowning rate is 1.5 times higher than other ethnicities, and drowning is the leading cause of death for keiki aged 1 to 15, with Native Hawaiian and Pacific Islander children at three times the risk.

Retention and detention ponds, frequently located near housing developments and parks, pose hidden dangers and may be mistaken for recreational areas. Many Native Hawaiians and Pacific Islanders live near these ponds, highlighting the need for equity in addressing this safety concern.

The urgency for regulation is compounded by climate change, leading to increased rainfall and heightened hazards associated with these ponds. A statewide solution with standardized protocols is essential for clear identification and implementation of safety measures.

The costs of this bill primarily fall on developers and are minimal compared to overall construction expenses. However, drowning incidents incur significant medical and liability costs, contributing to rising housing prices.

The human toll of drowning is immense, and it is crucial that we take action to protect our communities.

SB-1221-HD-2

Submitted on: 3/31/2025 10:06:26 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| 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 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 lives lost.

SB-1221-HD-2

Submitted on: 3/31/2025 10:09:42 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| 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 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.

With all due respect, this should be a no-brainer! Mahalo.

SB-1221-HD-2

Submitted on: 3/31/2025 10:59:46 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|--------------|--------------------|-----------|
| Allison Schaefer | Individual | Support | In Person |

Comments:

Dear Chair Yamashita, Vice Chair Takenouchi, and members of the House Committee on Finance:

I humbly ask for your support for SB1221, which establishes safety requirements for retention and detention stormwater management ponds.

The state in 2007 invested in standing up a dam and reservoir safety program, which is important, but the count isn't growing. There already are hundreds of retention and detention ponds in the state with many more expected each year.

It's past time to regulate retention and detention ponds. That's why retention and detention pond safety are addressed in several recommendations published in the first Hawaii Water Safety Plan, which was released in February by the Hawaii Water Safety Coalition (HWSC). The coalition falls under the umbrella of the Hawaiian Lifeguard Association and is comprised of a broad network of water safety advocates across the state. The plan has been accepted nationally as part of the U.S. National Water Safety Action Plan's call to action for states.

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.

This bill was inspired and named for my courageous daughter Charlotte "Sharkey" Schaefer, who drowned Feb. 28, 2004, saving a childhood friend who was struggling in a detention pond, which suddenly flooded because the pipe inside of it was 89% clogged. The clog turned an area of rolling hills between the playground and backyards in our neighborhood into a lake that was about a quarter of the size of a football field, filled with pitch black water, and slippery mud. Getting out of that death pit was impossible for a child, and even my lifeguard-trained friend who located my daughter's lifeless body and pushed it to the waiting arms of other adults could not get out of the flooded detention pond on her own.

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. 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 often found in Hawaii's affordable housing developments, which elevates the need to address this as an equity issue.

The urgency is made even greater by climate change which has created more frequent and intense rainfall resulting in the increased use of retention ponds, which are designed to hold water year-round, and detention ponds, which remain dry until a major rain. 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. Please note that while these alternatives were considered for flood control, other alternatives were selected as it was determined based on public feedback "that the use of public parks as detention facilities could reduce acceptability by the public."

Drowning is preventable, but we cannot stop drownings in Hawaii unless we prioritize solutions. Our math is bad when we put more value on saving dollars than we do on saving lives, especially the lives of our children.

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 Hawai'i. If that same injury happened today, it would likely cost upwards of \$8 million to \$10 million, potentially causing insurance rates to spike along with the price of rents and home construction.

Drowning is costly, and prevention returns \$9 for every \$1 spent, according to the World Health Organization. The costs of establishing a retention and detention pond program could be subsidized by charging for inspections and collecting fines for non-compliance. Developers will pay for the fencing, signage and ring buoy, which will be negligible to the other all cost of development. The other requirements are things that developers already should be doing and should already be in their cost analysis.

While Hawaii has many responsible developers/owners/operators, not all will do the right thing when no one is looking. My heart broke this past Feb. 28, the 21st anniversary of Sharkey's death, when I visited the detention pond where she died. It's now dry and fenced; however, it is filled with overgrown grass that is so high that it is blocking several of the drains.

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.

Hawaii needs more water safety champions. If my 5-year-old daughter could be a hero, we can all be heroes. Let's work to save more lives together.

Sincerely,

Allison Schaefer, HWSC bereaved parent volunteer

allisonschaefer@gmail.com

SB-1221-HD-2

Submitted on: 3/31/2025 11:01:18 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| 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.

Sincerely,

Pam Ramsay

SB-1221-HD-2

Submitted on: 3/31/2025 11:09:46 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|------------------------|
| joshua schaefer | 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, including me, 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. No one standing on the banks of the detention pond that day will ever forget the pain of my sister's drowning. We have all carried it for years.

The U.S. Navy has since fenced the pond where my sister died and requires it in housing. The state and counties should adopt this standard too. Adding signage and a ring buoy as recommended in the Hawai'i Water Safety Plan written by the Hawai'i Water Safety Coalition would add even more protection.

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.

Sincerely,

Joshua Schaefer

SB-1221-HD-2

Submitted on: 3/31/2025 11:10:32 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|--------------|--------------------|-------------------|
| Gregory Misakian | Individual | Support | Remotely Via Zoom |

Comments:

I strongly support SB1221 SD2 HD2.

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

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

Gregory Misakian

SB-1221-HD-2

Submitted on: 3/31/2025 11:13:20 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| 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 Hawai'i's heros, little Charlotte "Sharkey" Schaefer, who drowned saving her friend.

This bill, which establishes a detention and retention pond safety 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 an urgent 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 and establishing fines and penalties.

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-2

Submitted on: 3/31/2025 11:44:07 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

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

Comments:

Aloha,

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-2

Submitted on: 4/1/2025 1:03:19 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| 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. 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 Hawai’i 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.

As for the financial costs? 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-2

Submitted on: 4/1/2025 4:12:09 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|--------------|--------------------|------------------------|
| 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

April 1, 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-2

Submitted on: 4/1/2025 4:29:25 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------------|--------------|--------------------|------------------------|
| Melanie Harkleroad | Individual | Support | Written Testimony Only |

Comments:

I am writing in support of SB1221, which is named for and inspired by Charlotte Schaefer, who drowned Feb. 28, 2004, saving a younger friend who was struggling to survive in an improperly flooded detention pond. I knew her and this bill is very important to her family and the community. Without mitigation, retention and detention ponds are hidden hazards. 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. Please pass this bill the human toll is enormous.

SB-1221-HD-2

Submitted on: 4/1/2025 4:46:01 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------|--------------|--------------------|------------------------|
| 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.

My beautiful Goddaughter, Charlotte Paige, was full of sunshine. She was my little sunshine. She had a smile that would light up a room. She was loved and is missed by many. I have no doubt that she is a saint with a little /S/. She did everything with love, exuberance, and gusto. I can only imagine what she would have done with her life. Imagine is the key word; I will have to imagine her first communion, her confirmation, her first boyfriend, her first kiss, her first dance, her high school graduation, her college graduation, her wedding, her first child.....because I never knew the last time I hugged and kissed her on my wedding day on December 6, 2003 would be my last time to see her alive. If I had known I would never have let her go.

The photos I am including are of her and myself from my wedding day, beautiful and full of life. She was having the best time with my other beautiful flower girl. She was living her best life. That dress she is wearing is also the one which she was buried in down to the tiara.

Charlotte "Sharkey" Schaefer, 5, would presumably 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 in her community into a lake. You cannot protect your children from hazards that you do not know exist.

The last time I had the privilege to talk to her was on her birthday, January 18, 2004. She had just turned 5. The next phone call I received was from my best friend telling me my Charlotte was dead. I will never forget that day. Sharkey died Feb. 28, 2004, while saving a friend from drowning. The message of heroism reverberates through my life because of her, remembering that if a 5-year-old can be a hero, we can all be heroes. Let us help Sharkey keep saving lives.



SB-1221-HD-2

Submitted on: 4/1/2025 7:15:58 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Brandi McLaws | 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 is modeled after recommendations recently released in the first Hawaii Water Safety Plan. The Hawaii Water Safety Coalition, which is responsible for writing the plan, is working to reduce drowning in Hawaii, due to having the nation’s second highest drowning rate for residents. Native Hawaiian/Pacific Islander residents, who make up 27% of the population, also result in 36% of the drowning deaths. Drowning currently is the leading cause of death for Hawaii’s children ages 1-15.

Without mitigation, retention and detention ponds are hidden hazards. They usually are 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.

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

Thank you,

Brandi McLaws

SB-1221-HD-2

Submitted on: 4/1/2025 9:39:56 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| 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 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 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-2

Submitted on: 4/1/2025 10:13:35 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Letha DeCaires | Individual | Support | Written Testimony Only |

Comments:

Thank you for this opportunity to submit testimony in support of SB1221 SD2 HD2 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 is a wise step for community protection. It provides a statewide solution with standard protocols so that the warning mechanisms and regulations are easily identified, understood and incorporated throughout the state while keeping the impact of "costs" low.

The cost of a drowning is not measurable in monetary amounts to families and loved ones. The cost of drowning in litigation is expensive to all parties involved, including state properties. This proposed legislation fits the needs of being responsive to all the parties involved, developers, the state, and our community.

Please pass this measure today.

SB-1221-HD-2

Submitted on: 4/1/2025 10:54:26 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------------------|--------------|--------------------|------------------------|
| Marcella Alohalani Boido | Individual | Support | Written Testimony Only |

Comments:

Chair Yamashita, Vice-Chair Tskeuchi, and Members of the House Committee on Finance,

Thank you for hearing this bill.

SB 1221, "Sharkey's Law," has my strong, enduring, adamant **support**.

For your sakes, I hope you never go to the scene of a preventable drowning of small children. I have. My father, the late Dr. Vernon G. Boido, M.D., had the task of pronouncing dead the victims of drowning in the Koloa district..

He took me with him one day, when I was about fifteen. As always, firefighters, the first responders, stood around the deceased in a ring, preventing spectators from seeing anything or coming close.

The human fence parted to let my father through. Briefly, I glimpsed a small shape on the ground, under a blanket. So small.

Two little boys had drowned in Lawai. One was five, the other was six.

We called the place where they drowned a reservoir, but I think it was probably a pond. After the large, well attended funerals, the community made its outrage known to the plantation.

Too late for these little ones, a fence was put up.

Deaths like these are entirely preventable. No family, no community, no first responders, should be traumatized by any more of these deaths.

Fencing and good maintenance are the right and responsible thing to do. It is shameful that a law is required. It is, however.

Those two little boys died in the middle 1960s. I have never forgotten them.

Let us put an end to these tragedies.

Please pass SB 1221.

Thank you.

Marcella Alohalani Boido, M.A

Moili'ili

SB-1221-HD-2

Submitted on: 4/1/2025 10:56:11 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Kelley Evans | Individual | Support | Written Testimony Only |

Comments:

I am writing in support of SB1221 which establishes safety requirements withing the counties so that retention and detention ponds are safeguarded statewide.

SB-1221-HD-2

Submitted on: 4/1/2025 12:12:45 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|------------------------|
| Sumithra Balraj | 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.

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.

Moreover, drowning is expensive. There are medical costs, productivity costs, and potential liability costs, which contribute to higher-housing costs.

The human toll is enormous.

SB-1221-HD-2

Submitted on: 4/1/2025 12:19:19 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| 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. The impacts of climate change, which has led to more frequent and intense rainfall and again the intermittent presence of detention ponds, 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.

SB-1221-HD-2

Submitted on: 4/1/2025 12:40:51 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

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

Comments:

Aloha,

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.

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.

Moreover, drowning is expensive. There are medical costs, productivity costs, and potential liability costs, which contribute to higher-housing costs.

The human toll is enormous.

Please vote in support of SB1221. Thank you.

SB-1221-HD-2

Submitted on: 4/1/2025 1:36:01 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| 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 the bravest child I have ever known, 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 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.

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.

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 Hawai‘i’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.

Moreover, drowning is expensive. There are medical costs, productivity costs, and potential liability costs, which contribute to higher-housing costs.

The regulation, monitoring and reporting costs to prevent more drownings are small in comparison.

I urge you to pass SB1221 and provide any and all necessary funding to ensure a safe, carefree environment for Hawaii's keiki.

Thank you,

Cynthia Rankin

Aloha!

I am writing in support of SB1221! I am Luke's Mom from Luke's Law. When I heard about this bill I was wondering where this was for Luke so many years ago! We can do this now!

Luke has autism as you know. What is one of the things that Individuals with Autism are attracted to? Water! Everytime I hear the news a child is missing I immediately think WATER! We have an opportunity to do something within our means to change these awful outcomes for all our Keiki in Hawaii. I am embarrassed to say Luke, who is Native Hawaiian, can not swim. I can't believe these dangers exist to Sharkey, Luke and all our Keiki. It is in our power to stop this!

Respectfully submitted,
Gerilyn Pinnow (AKA Luke's Mom)
M.Ed

SB-1221-HD-2

Submitted on: 4/1/2025 3:33:15 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|---------------------------|
| Frank Schultz | Individual | Support | Written Testimony Only |

Comments:

I support this initiative.