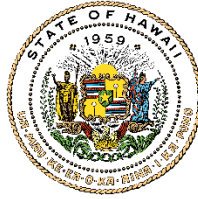


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
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
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committees on
WATER AND LAND
and
PUBLIC SAFETY

Tuesday, March 11, 2025
9:00 AM
State Capitol, Conference Room 411

In consideration of
SENATE BILL 1221 SENATE DRAFT 2
RELATING TO STORMWATER MANAGEMENT SYSTEMS

Senate Bill (SB) 1221 Senate Draft (SD) 2 proposes establishing new statutory provisions within Title 12, Hawaii Revised Statutes, to prohibit counties from permitting the construction of retention and detention ponds except under certain conditions. It also proposes requiring the Department of Land and Natural Resources (Department) to conduct a survey of all existing such ponds; to establish a monitoring and inspection program for these ponds; and to adopt rules to enforce safety violations at the ponds. **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 ponds are already incorporated into the drainage system design requirements, as provided in each county's storm drainage standards and additional requirements per county manuals, BMP Guides, and Management Plans. Currently, the City and County of Honolulu, the County of Maui, and the County of Kauai have these types of additional requirements, governing design, inspection and maintenance. Per discussion with the County of Hawaii, similar Standard Operating Procedures are currently being drafted, and are set to be released in 2025; these are expected to cover similar storm drainage requirements. While these existing guidance documents' requirements may not have all the desired design requirements, these are already in place and incorporated into the counties' permitting process.

The Department therefore recommends that all counties be required to augment their existing standards by developing additional best practices for storm water retention and detention basin designs.

Regarding Section 3 of this bill: The reference to HRS Chapter 340E is believed to reference authorities of the Department of Health drinking water standards, and is not the appropriate place for these requirements.

Regarding Section 4 of this bill: The Department notes that the Department of Health's (DOH) Clean Water Branch, under the authority of the Federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES), has already conducted much of the Survey discussed in this Section, and maintains an online database of these permits: <https://wpc-viewer.doh.hawaii.gov/>. Any additional retention and detention ponds not currently listed in this database could be added, thereby eliminating the need for a duplicative survey by either this Department or the counties. Furthermore, we understand that the NPDES permits include a maintenance and monitoring plan, with applicants required to report to DOH. While this reporting is primarily for pollutants, it could be modified to include a standard form that could then be relayed to the respective counties for their information and action.

Involving the Department of Land and Natural Resources in any of these stages would introduce unnecessary duplication and confusion into the existing permitting and inspection processes. Should the Legislature mandate that the Department take on this additional duplicative responsibility, we anticipate an initial project startup cost of \$3,000,000, and an annual operational budget of about \$1,600,000 to \$2,800,000 to duplicate the similar staffing of the county permitting agencies and DOH. These costs would dramatically increase if over 500 projects are inventoried and over 200 are regulated.

On February 4, 2025, your Committee on Water and Land considered House Bill (HB) 1233, largely similar to SB1221, and with similar testimony presented. This Committee then amended the measure to transfer administrative responsibility to the counties, as recommended by DOH. On February 12, the House Committee on Health endorsed your amendment (HB1233 HD1) and provided a funding mechanism, as HB1233 HD2. This approach properly provided for safety requirements funded by the State, but administered at the county level.

Accordingly, the Department therefore **strongly recommends** that SB1221 SD2 be rejected in its current form, and amended to be consistent with the language of HB1233 HD2.

Mahalo for the opportunity to provide testimony on this measure.

County-related guidance:

City and County of Honolulu:

https://www.honolulu.gov/rep/site/dfmswq/SW_BMP_Guide_REVISED_July_2017.pdf

County of Maui:

<https://www.mauicounty.gov/DocumentCenter/View/140181/COM-Stormwater-Management-Plan>

https://www.mauicounty.gov/DocumentCenter/View/79920/Rules_Design-Storm-Water-Treatment-BMPs?bidId=

County of Kauai:

<https://www.kauai.gov/files/assets/public/v/1/public-works/documents/kauai-storm-water-runoff-system-manual-unofficial-document.pdf>

SB-1221-SD-2

Submitted on: 3/8/2025 9:58:40 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

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.

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.



Testimony in Support of SB1221 SD2 Relating to Stormwater Management

March 11, 2025

Lisa Dau, RN, Injury Prevention Coordinator
Keiki Injury Prevention Coalition (KIPC)

COMMITTEE ON WATER & LAND

Rep. Mark J. Hashem, Chair

Rep. Rachele F. Lamosao, Vice Chair

Subject: Testimony in Support of SB1221 SD2 – Regulation of Retention and Detention Ponds
Dear Rep. Mark Hashem, Chair, Rep. Rachele Lamosao, Vice Chair, and committee members,

SB1221 SD2 restricts counties from constructing retention and detention ponds, establishes safety requirements, mandates DLNR inspections, and requires a report to the Legislature while allocating funding for effective implementation.

Key reasons for my support include:

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

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

Sincerely,
Lisa Dau, RN
KIPC, Injury Prevention Coordinator

The Keiki Injury Prevention Coalition's (KIPC) mission is to prevent and reduce injuries to children in Hawaii. <https://kipchawaii.org/>



Hunt Development Group, LLC
737 Bishop Street, Suite 2750
Honolulu, Hawai'i 96813
Office: 808-585-7900

Representative Mark J. Hashem, Chair
Representative Rachele F. Lamosao, Vice Chair
House Committee on Water & Land

March 11, 2025; 9:00 AM
Conference Room 411 & Videoconference
415 South Beretania Street

**RE: SB 1221 SD2– Relating to Stormwater Management Systems– COMMENTS,
REQUEST AMENDMENTS**

Chair Hashem, Vice Chair Lamosao, and members of the Committee:

Thank you for the opportunity to submit testimony offering comments on SB 1221 SD2, which prohibits counties from permitting or allowing retention and detention ponds to be constructed except under certain conditions and establishes safety requirements for retention and detention ponds statewide.

We recognize that the measure is aimed at mitigating risks associated with detention and retention ponds. We support the intent to improve public health and safety by establishing clear safety standards. However, we believe that some of the requirements may be overly burdensome in certain situations.

Specifically, we request amendments to exempt **detention or retention ponds having full perimeter fencing at least six feet high from the requirements** under section § -3 (a)(9) and (10) which require a side slope ratio of 5:1 and a buffer of at least 100 feet. The presence of adequate fencing should be considered a sufficient safety measure and allow for flexibility in the application of the side slope and buffer requirements.

We believe this amendment would maintain the overall safety objectives of the bill while reducing unnecessary costs and burdens on property owners in situations where adequate fencing is already in place.

We appreciate your consideration as we continue with plans for the Kalaeloa Community Development District.



**HAWAI'I COMMUNITY
DEVELOPMENT AUTHORITY**

547 Queen Street, Honolulu, Hawai'i 96813
Telephone: (808) 594-0300 Fax: (808) 587-0299
Web site: <http://dbedt.hawaii.gov/hcda/>

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

STERLING HIGA
CHAIRPERSON

CRAIG K. NAKAMOTO
EXECUTIVE DIRECTOR

Statement of
CRAIG K. NAKAMOTO
Executive Director
Hawai'i Community Development Authority
before the
HOUSE COMMITTEE ON WATER AND LAND

Tuesday, March 11, 2025
9:00 AM
State Capitol, Conference Room 411 & Videoconference

In consideration of
SB1221, SD2
RELATING TO RELATING TO STORMWATER MANAGEMENT SYSTEMS

Chair Hashem, Vice Chairperson Lamosao and members of the Committee.
The Hawai'i Community Development Authority (HCDA) respectfully offers **comments** on SB1221, SD2, for the committee's consideration. Generally, SB 1221, SD2 is intended to improve the health, safety, and welfare of retention and detention ponds by establishing design requirements and creating a regulatory and enforcement program within the department of land and natural resources. The intent and purpose of the bill is acknowledged, especially due to the tragic death of Charlotte "Sharkey" Schaefers, who drowned in a detention pond in 2004.

Comments

The counties currently regulate storm water management through rules relating to water quality and associated permits through the State of Hawai'i Department of Health. As a condition of development, the counties require the installation and maintenance of appropriate Best Management Practices (BMPs) to prevent the discharge of pollutants to municipal separate storm sewer systems and receiving waters. Furthermore, the City and County of Honolulu has adopted low impact development (LID) standards which require on-site, post-construction BMPs to reduce

stormwater runoff on certain projects, such as those of one acre or more in size.^{1,2} LID approaches are increasingly important to address climate change and scarce land and resources, and in some cases, detention or retention ponds may be the best and most sustainable design solution to address storm water runoff.

HCDA has also been considering the joint use of detention or retention ponds as recreational areas as way to better integrate them into new urban communities such as Kalaheo. Appropriate design requirements and management plans would be incorporated into administrative rules and could be amended as necessary. Safety concerns could also be incorporated into such rules.

HCDA is concerned that Section 46 of the bill will add another layer of regulatory approval on a project. No county shall issue a permit for a detention pond or retention basin meets the requirements in the bill and files an affidavit with the DLNR.

Specific Comments:

HCDA suggests that the design-specific requirements and the inclusion of DLNR in Section 2 be eliminated.

HCDA also suggests that a working group be convened with the counties to develop a roadmap and plan to introduce safety design requirements into detention and retention basins. HCDA is willing to participate in and be a member of the Task Force.

Thank you for the opportunity to provide our comments on this bill.

¹https://www.honolulu.gov/rep/site/dpptod/dpptod_docs2/DPP_Rules_Relating_to_Water_Quality_Eff_122402018.pdf

²https://www.honolulu.gov/rep/site/dfmswg/dfmswg_docs/SW_BMP_Guide_REVISED_July_2017.pdf



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

Committee on Water and Land
Senate Bill 1221, S.D. 2: Relating to Stormwater Management Systems

March 11, 2025

Chair Hashem, Vice Chair Lamosao, 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 strong support of S.B. 1221, S.D. 2, which seeks to implement critical safety requirements for retention and detention ponds across the state.

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

While our visitor industry prioritizes the safety of those who come to experience our islands, we must also ensure that Hawai'i remains a safe place for our local residents to live, work, play, and raise their families. This initiative is not just about safeguarding our visitors—it is about protecting everyone in our communities.

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

This bill is an important step toward making Hawai'i safer for all, and we commend the Legislature for recognizing the urgency of this issue. We urge the committee's favorable consideration of S.B. 1221, S.D. 2.

Mahalo for your time and consideration.

SB-1221-SD-2

Submitted on: 3/8/2025 5:18:23 PM

Testimony for WAL on 3/11/2025 9:00:00 AM

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 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.

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

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

SB-1221-SD-2

Submitted on: 3/8/2025 5:21:11 PM

Testimony for WAL on 3/11/2025 9:00:00 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 Hawai'i's heros, little Charlotte "Sharkey" Schaefer, who drowned saving her friend.

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

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

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

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

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

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

SB-1221-SD-2

Submitted on: 3/9/2025 7:39:21 AM

Testimony for WAL on 3/11/2025 9:00:00 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' Schaefers, the 5-year old who lost hers while saving her friend in an unfenced rainwater retention pond with a clogged drainpipe.

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

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

SB-1221-SD-2

Submitted on: 3/9/2025 7:42:45 AM

Testimony for WAL on 3/11/2025 9:00:00 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 bill 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 and yes, logical, consideration.

SB-1221-SD-2

Submitted on: 3/9/2025 11:24:41 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

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, 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 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.

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

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-SD-2

Submitted on: 3/9/2025 12:25:58 PM

Testimony for WAL on 3/11/2025 9:00:00 AM

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

Comments:

Aloha Rep. Mark Hashem, Chair of the House Committee on Water and Land, Vice Chair Rep. Rachele Lamosao, and committee members:

Mahalo for scheduling SB1221, relating to stormwater management, for a hearing on Tuesday. The safety and inspection provisions established in this bill are vital to make detention and retention ponds safer. I know this because my daughter Charlotte “Sharkey” Schaefer paid the ultimate price. She drowned saving a friend who had fallen into a flooded and improperly maintained detention pond, where the developers/owners knew the pipe was 89% clogged, and their choice not to fix it caused the flooding.

I understand that state lawmakers have a strong desire to manage costs in the current fiscal environment. I suggest making an amendment to this bill that will clarify and reduce the state’s cost burden by making clear the responsibilities that pertain to owners/operators of retention and detention ponds, who shall pay for inspections and will face fines for non-compliance of the safety and inspection requirements.

The current section reads:

§ -5 Rules; fines. The department shall adopt rules in accordance with chapter 91 to carry out the purposes of this chapter. Violations of this chapter shall be subject to administrative fines as determined by the department in accordance with rules."

This is what I suggest the section should read:

§ -5 Rules; fines; inspection fees. The department shall adopt rules in accordance with chapter 91 to carry out the purposes of this chapter. The department shall adopt reasonable inspection fees, which shall be paid by the owners or operators of the retention or detention pond. Violations of the safety and inspection requirements in this chapter shall be subject to administrative fines as determined by the department in accordance with rules. The inspection fees and fines shall subsidize the cost of the safety monitoring and inspection program.

I strongly support SB1221 and would like to highlight some key changes from HB1233, the retention/detention pond bill that you previously heard and passed out of your committee. SB1221 clearly establishes both safety and inspection requirements. The largest difference is that SB1221 designates the Department of Land and Natural Resources as the department in charge of the survey and inspections. DLNR is a very appropriate department, as the Flood Control and Dam Safety Section of the Department of Land and Natural Resources, Engineering Division already is responsible for: regulating, inspecting, and overseeing all dams and reservoirs in the State of Hawaii. DLNR also has expertise in administrative rule making and compliance.

Inspections are key for public safety, as well as the survey, which phases in a way to make sure that detention and retention ponds are controlling flood waters rather than exacerbating the problem. The flooded detention pond where Sharkey died is now dry and fenced; however, when I visited it Feb. 28 on the 21st anniversary of her death it was filled with overgrown grass that blocked the openings of the drains by at least half. The survey in this bill allows for a phased-in response to addressing pre-existing retention and detention ponds. It requires a report and recommendation to next year's Legislature rather than an immediate financial solution.

SB1221 requires the counties to add a few requirements to their current permitting process, which will not create additional costs for them, or require a cost share with the state like HB1233. The counties simply must adopt the checklists in SB1221 for their permitting and verify that the developers/owners/operators have complied. The developers/owners/operators will pay for the fencing, ring buoy and signage, which will be negligible in the overall costs of a development. The other safety requirements are just part of good maintenance plans, and developers should already have factored these into their cost proposals.

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 Hawai'i Water Safety Plan shows that Hawai'i'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 retention and detention ponds is great due to climate change, which has created more frequent and intense rainfall and resulted in the increased use of these flood control measures. The latest version of the Ala Wai Flood Risk Management Project has one detention pond planned for the Ala Wai Golf Course: 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 publicly submitted 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 Department of Health 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.

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.

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. 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.

Thank you for your consideration.

Sincerely,

Allison Schaefer, Sharkey's mom

Hawaii Water Safety Coalition bereaved parent volunteer

allisonschaefer@gmail.com

SB-1221-SD-2

Submitted on: 3/9/2025 6:44:20 PM

Testimony for WAL on 3/11/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelley Evans	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 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.

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 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 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.

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.

SB-1221-SD-2

Submitted on: 3/9/2025 9:43:19 PM

Testimony for WAL on 3/11/2025 9:00:00 AM

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

Comments:

I am writing in support of SB1221, which is named for and inspired by Charlotte “Sharkey” Schaefer, who drowned February 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.

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.

If a 5-year-old can be a hero, we can all be heroes. Let's help Sharkey keep saving lives.

SB-1221-SD-2

Submitted on: 3/9/2025 11:52:39 PM

Testimony for WAL on 3/11/2025 9:00:00 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. 28, 2004 saving a younger friend who was struggling in an improperly flooded detention pond.

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

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

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

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

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

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

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

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

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

Mahalo for your time and consideration.

Kat Wade

415-609-9602

SB-1221-SD-2

Submitted on: 3/10/2025 1:02:53 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

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

Comments:

I strongly support SB1221 SD2.

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

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

Gregory Misakian

SB-1221-SD-2

Submitted on: 3/10/2025 1:23:15 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

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

Comments:

Thank you for hearing this bill.

Thank you, too, to those who have supported it for years.

Having read the bill and the testimony to date, I offer my full support.

Please pass this bill.

Thank you again.

Marcella Alohalani Boido, M.A.

Moili'ili

SB-1221-SD-2

Submitted on: 3/10/2025 9:45:17 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Beth Allison	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.

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

Let's put safety first!

Thank you.

SB-1221-SD-2

Submitted on: 3/10/2025 10:14:54 AM

Testimony for WAL on 3/11/2025 9:00:00 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-2

Submitted on: 3/10/2025 10:15:45 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

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

Comments:

Thank you for receiving my testimony in support of SB 1221 Relating to Stormwater Management Systems. This bill establishes common sense safety requirements and the appropriate monies to be able to ensure that monitoring happens This bill will save lives.

I attended the funeral of Charlotte "Sharkey" Schaefer. 5 year olds have small caskets. She was a hero in every sense of the word, saving a friend from drowning because of an unmarked and unmonitored detention pond.

Please pass this measure.

SB-1221-SD-2

Submitted on: 3/11/2025 6:37:02 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

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

Comments:

I support this initiative.