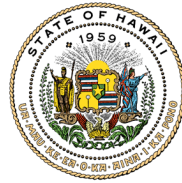


JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



State of Hawai'i
DEPARTMENT OF AGRICULTURE & BIOSECURITY
KA 'OIHANA MAHI'AI A KIA'I MEAOLA
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9560 FAX: (808) 973-9613

SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson



**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY**

BEFORE THE SENATE COMMITTEE ON TRANSPORTATION

**THURSDAY, MARCH 19, 2026
3:05 PM
CONFERENCE ROOM 229**

**HOUSE BILL NO. 2113, HOUSE DRAFT 1
RELATING TO NATURAL RESOURCES**

Chair Inouye, Vice Chair Elefante and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2113, House Draft 1. This bill appropriates funds for the removal of overgrown vegetation from the Kainahola Stream on Kaua'i. The Department respectfully provides comments.

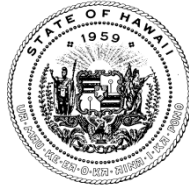
The Department complied with the court orders entered in the civil case cited in the bill by clearing the portion of Kainahola Stream located on land managed by the Department in 2024, to the extent permitted by the prior appropriation. The Department's land is designated as Tax Map Key: (4) 4-3-004:009 (Parcel 9).

The Department believes at least a portion of the stream still requiring clearing is on land managed by the Department of Transportation, Highways Division (DOT-Highways), as part of the Kapa'a Bypass Road and designated as Tax Map Key: (4) 4-3-004:008 (Parcel 8). The stream passes under a DOT-Highways bridge located on land adjacent to Parcel 8 before continuing on to the sea.

The Department is agreeable to being the expending agency and working with DOT-Highways on a contract to clear the stream on both Parcel 8 and Parcel 9 using the appropriation provided for in this bill, which the Department believes should be set at \$1,000,000.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
CURT T. OTAGURO
ROBIN K. SHISHIDO

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

Thursday, March 19, 2026
3:05 PM
State Capitol, 229



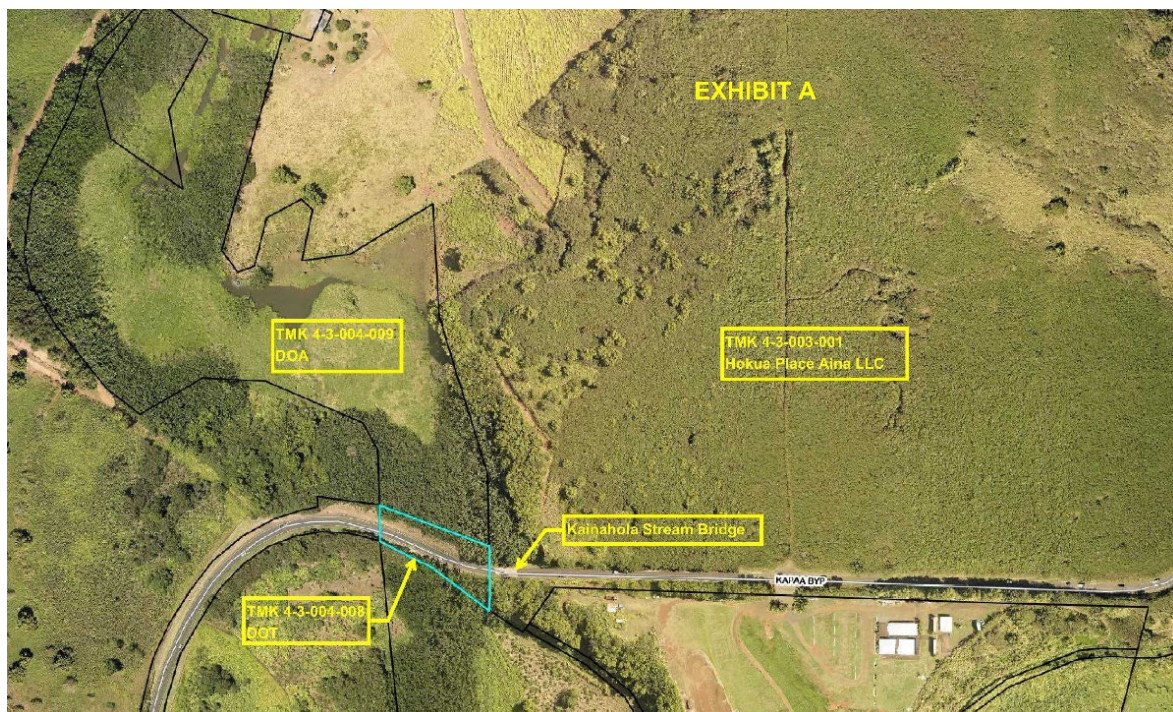
HB2113, HD1 RELATING TO NATURAL RESOURCES

Senate Committee on Transportation

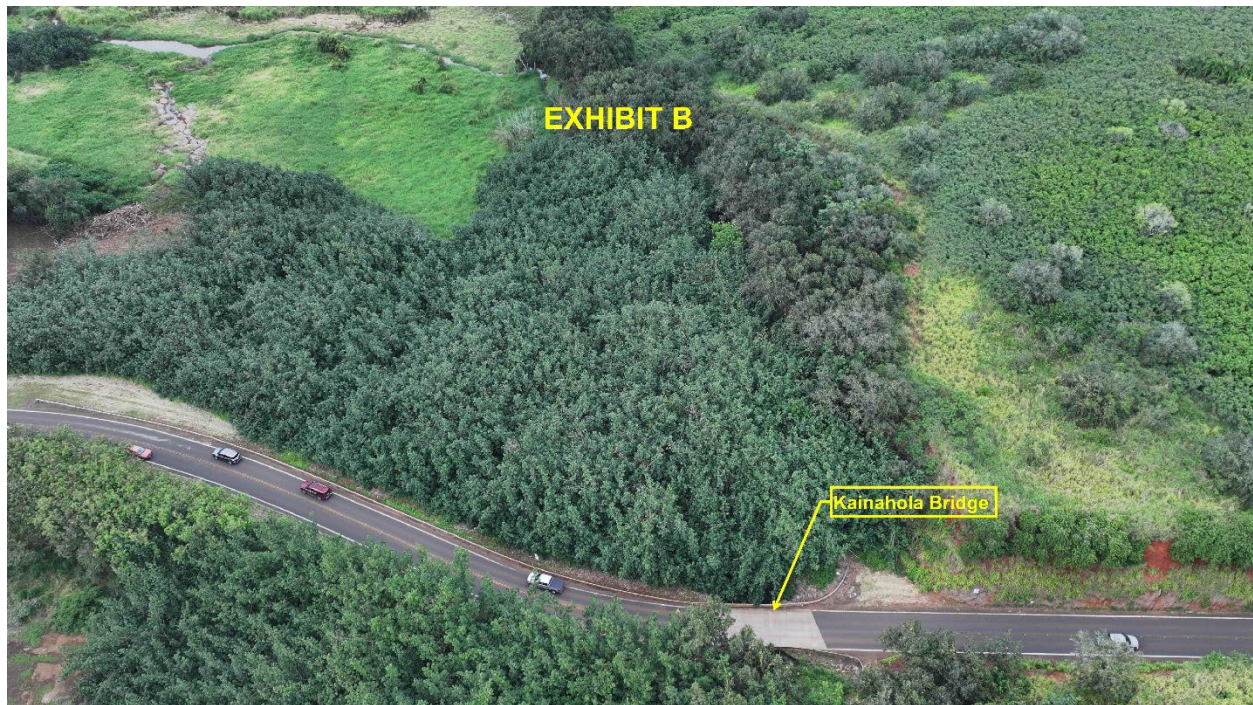
The Department of Transportation (DOT) offers comments on HB2113, HD1, which appropriates funds for vegetation removal within the Kainahola Stream drainageway upstream of the Kainahola Stream Bridge along the Temporary Kapa'a Bypass.

DOT would like to clarify jurisdictional responsibilities in the project area. As shown in Exhibit A, DOT owns Tax Map Key (TMK) (4) 4-3-004-008 along the Temporary Kapa'a Bypass; however, the Kainahola Stream Bridge itself is located on adjacent TMK (4) 4-3-003-001, which is privately owned land. DOT's maintenance responsibility is limited to approximately fifty (50) feet upstream and downstream of the bridge structure.

Maintenance within this area is already scheduled for May 2026 and will be completed by DOT's Kaua'i District Maintenance Section using existing highway funds.



The majority of overgrown vegetation identified in this bill is located outside of DOT's jurisdiction, primarily on TMK (4) 4-3-004-009, owned by the Department of Agriculture (DOA), and portions of privately owned land (TMK (4) 4-3-003-001), as illustrated in Exhibit A and confirmed by recent drone imagery (Exhibit B, dated March 6, 2026).



Given these ownership boundaries, DOT recommends that any appropriated funds intended for vegetation clearing upstream of the bridge be directed to DAB, which has primary responsibility for the affected parcel. Coordinating funding with the appropriate landowner will ensure more efficient project delivery and avoid duplication of effort.

DOT has obtained a preliminary contractor estimate indicating that clearing of the upstream vegetation could be completed for approximately \$500,000 subject to site access constraints, particularly within marshland areas.

DOT remains committed to maintaining safe and functional drainage infrastructure within its jurisdiction and will proceed with scheduled maintenance activities accordingly.

Thank you for the opportunity to provide comments on this measure.

KURT R. BOSSHARD

ATTORNEY AT LAW
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LATE

March 18, 2026

Bill #HB2113, HD1 Relating to Natural Resources

Honorable Senators:

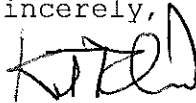
I write here in support of the funding request contained in the above referenced Legislation and the amendment to revert the funding to the Department of Agriculture & Biosecurity (DAB), the appropriate Agency. I've attached here my correspondence dated 2/10/26 and 2/25/26.

There is a serious flooding issue in this drainageway. Also attached here are drone photos taken of the drainageway on 3/13/26. These pictures highlight the impact of flood waters to the properties adjoining the State property. Further downstream, just above Kainahola bridge the hau bush obstruction poses an immediate threat to the integrity of the Kapaa Bypass Highway. The loss of use of that bridge (as has been the case with the nearby Wailua Bridge) would be of immeasurable harm to the entire Island. Kauai's businesses, residents, and tourist cannot afford any further cost and congestion of such a catastrophe.

The requested funds that are to be spent will open up many acres of useable farm land (much of it for taro production), remediate stream habitat, and satisfy the concerns of property owners adjacent to these State lands whose properties are flooded.

Thank you for your consideration of the foregoing.

Sincerely,



KURT BOSSHARD

KB:rsnh

Attachments

KURT R. BOSSHARD

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February 10, 2026

Bill #HB2113 Relating to Natural Resources
DAB; Kainahola Stream; Appropriation (\$)

Dear Committee chairs and members,

Thank you for considering this letter in support of the passage of HB2113. For many reasons well known to your body, the significance of the free flow of Hawaii's stream water is at the fore of public discussion and through this Bill accomplishes public action. The lands adjacent to Kainahola Stream have provided a "breadbasket" for Kauai's East side. Its waters have provided sustenance to its kuleana owners and other native farmers who did not receive the benefit of kuleana ownership. Significant efforts/strides to restore the acreage along the stream are ongoing. Due to the Legislature's prior support and the Department of Agriculture's obtaining the best "bang for the buck", a hau bush wasteland has begun returning to the historic cultivation of taro and other farm products. A final funding to the Department of Agriculture from the State Legislature is necessary in order to remove the last significant stand of the vegetative obstruction adjacent to the Kapaa Bypass Bridge. Without this funding, the Kapaa Bypass Bridge is at risk of failure from mauka flooding. And, without this funding the significant prior work that has been done by the Department of Agriculture and others will be set back.

Leaving aside the fact that the Kauai Circuit Court has already ordered the State to clean Kainahola Stream of this obstruction, there is overwhelming public support of funding for projects that will provide immediate opportunity for those who wish to farm kalo and other crops as well as furthering public safety/transportation by removing the threat to the adjacent downstream Kainahola Bridge which due to vegetative obstruction presently faces the same extreme threat of flood damage as the nearby badly damaged Wailua River Bridge. The ongoing efforts to repair Wailua Bridge strongly reminds us that "an ounce of prevention is worth a pound of cure".

Sincerely,



KURT BOSSHARD

KB:rsnh

KURT R. BOSSHARD

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February 25, 2026

Bill #HB2113, HD1 Relating to Natural Resources

Dear Committee Chairs and Members:

I have reviewed the Testimony of Sharon Hurd, Chairperson, Board of Agriculture and Food Systems submitted relevant to the above identified measure. I have extensive first hand knowledge of these matters as an adjacent property owner of twenty three (23) years and a farmer just upstream from Kainahola Bridge.

With all due respect, I can emphatically state that Chairperson Hurd's testimony is in error. The funds requested as to Bills HB2113 and SB2310 pertain only to the clearing of hau bush on TMK 4-3-004-009, a property solely administered by the State Department of Agriculture. The attached Tax Map Key aerial mapping (#1 attachment) particularly identifies the area required by the Court to be cleared on TMK 4-3-004-009. The darkened (hau bush covered) area with the yellow dot is the area to be cleared. Clearing of this area will satisfy the area designated by the Court to be cleared.

Chairperson Hurd mistakenly identifies TMK 4-3-004-008 as the area to be cleared with the requested funds. While it's true that the State Department of Transportation owns this property, the vegetation on that property is not the source of the blockage of Kainahola Stream or pertinent to the Court's Judgment. That is not to say that this property is being properly maintained by the State Department of Transportation, but that is not a matter to be addressed by the Legislature as to this appropriation. I'm certain that the State Department of Transportation would confirm all that I've above stated.

I appreciate the opportunity to address your bodies and again express my strong support of Bills HB2113 and SB2310 as originally written.

Sincerely,

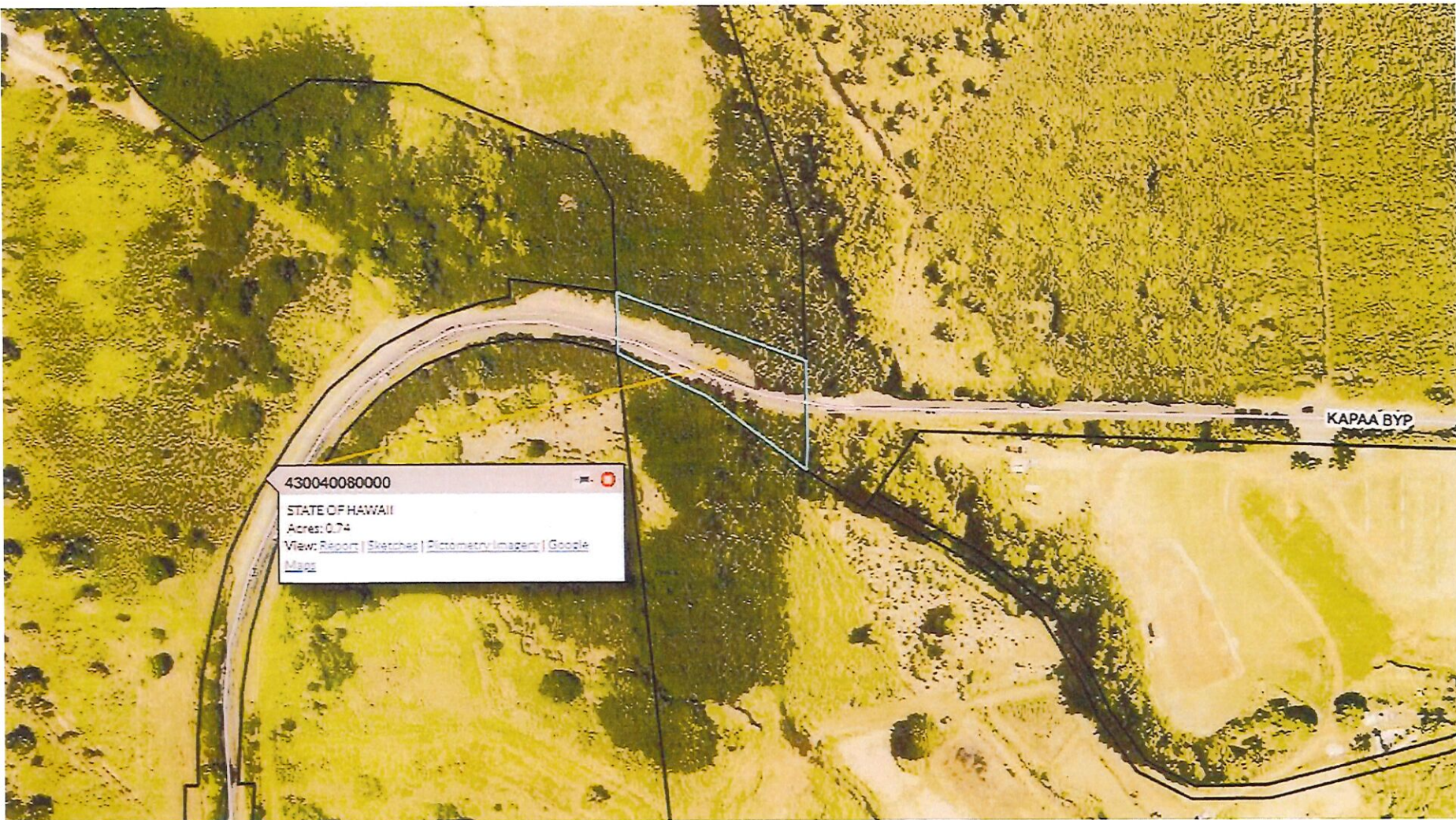


KURT BOSSHARD

KB:rsnh



#1



#2

3/13/26



3/13/26



3/13/26



3/13/26



3/13/26



3/13/26

