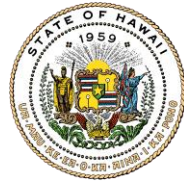


JOSH GREEN, M.D.
Governor

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 WAYS AND MEANS

**WEDNESDAY, APRIL 1, 2026
10:03 AM
CONFERENCE ROOM 211**

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

Chair Dela Cruz, Vice Chair Moriwaki and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2113, House Draft 1, Senate Draft 1. This bill appropriates funds to the Department 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. A portion of the stream on Department's land is designated as Tax Map Key: (4) 4-3-004:009 remains to be cleared. The Department respectfully requests the appropriation be set at \$500,000.

Thank you for the opportunity to testify on this measure.

KURT R. BOSSHARD

ATTORNEY AT LAW
3144 ELUA STREET
LIHUE, HAWAII 96766
TELEPHONE: 808-245-5302
FAX: 808-245-8929
EMAIL: kurt@kbosshard.com

March 31, 2026

Bill #HB2113, HD1 SD1 Relating to Natural Resources

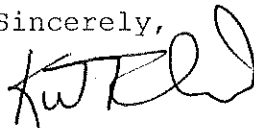
Dear WAM Committee Chair and Members:

I've been following closely the funds requested through the above appropriation. My attached prior testimony outlines my longstanding effort to protect from flooding the State's Kainahola Stream/Kapaa Bypass Bridge and to promote agricultural activity in the basin upstream from that Bridge. I've invested through KRB LLC much of my time and a significant outlay of funds. The State Department of Agriculture has also contributed significant funds and much has been accomplished.

The recent flooding (on Oahu in particular) has highlighted the cost of a failure to act as to the maintenance of drainage ways and drainage structures. There couldn't be a better example of money well spent than here where the multi purposes of promoting the structural integrity of the Kapaa Bypass Highway, promoting agriculture, and enhancing environmental quality are critical to the community. This time, Kauai was lucky that it didn't get the degree of flooding that Oahu and West Hawaii got. There will be a next time though and Kauai is the Island most prone to catastrophic rain events. Damage to Kainahola Bridge would cripple transportation on Kauai's East Side. Gridlock already exists. The State's Division of Highways has acknowledged that this 90 year old cane haul bridge needs maintenance and repair, and will be scheduling that work next year. Clearing the vegetative obstruction above and adjacent to the Bridge will necessarily go hand in hand with that project.

Thank you for your consideration of this worthy project.

Sincerely,



KURT BOSSHARD

KB:rsnh

Attachments

KURT R. BOSSHARD

ATTORNEY AT LAW
3144 ELUA STREET
LIHUE, HAWAII 96766
TELEPHONE: 808-245-5302
FAX: 808-245-8929
EMAIL: kurt@kbosshard.com

March 18, 2026

Bill #HB2113, HD1 Relating to Natural Resources

Honorable Senators:

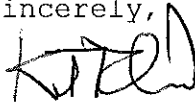
I write here in support of the funding request contained in the above referenced Legislation and the amendment to revert the funding to the Department of Agriculture & Biosecurity (DAB), the appropriate Agency. I've attached here my correspondence dated 2/10/26 and 2/25/26.

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

ATTORNEY AT LAW
3144 ELUA STREET
LIHUE, HAWAII 96766
TELEPHONE: 808-245-5302
FAX: 808-245-8929
EMAIL: kurt@kbosshard.com

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

ATTORNEY AT LAW
3144 ELUA STREET
LIHUE, HAWAII 96766
TELEPHONE: 808-245-5302
FAX: 808-245-8929
EMAIL: kurt@kbosshard.com

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,

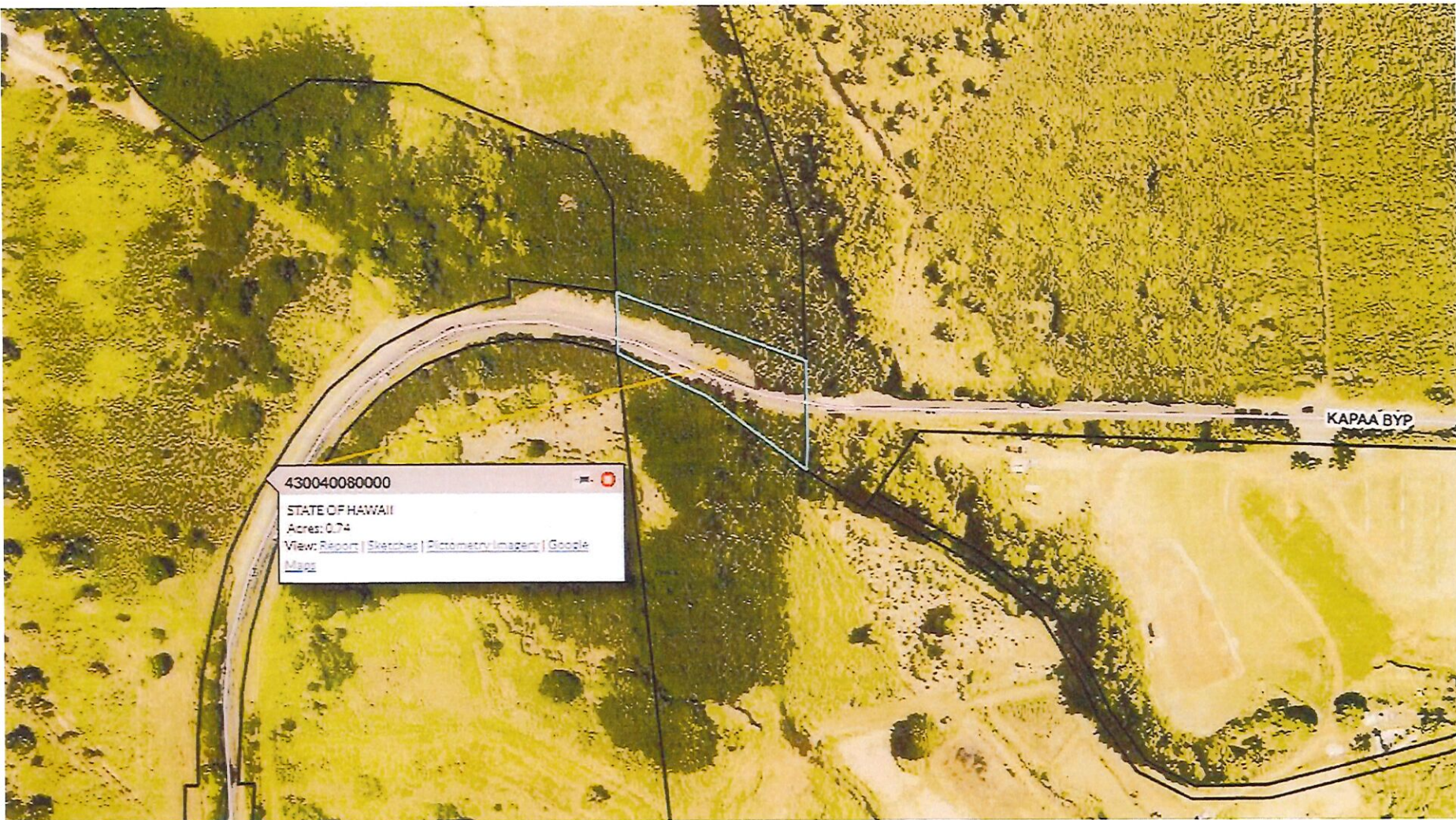


KURT BOSSHARD

KB:rsnh



#1



#2

3/13/26



3/13/26



3/13/26



3/13/26



3/13/26



3/13/26

