



Edmund C. Olson Trust No. 2
7-256 Old Mamalahoa Hwy, Papaikou, HI 96781

December 12, 2024

Testimony Regarding Agenda Item D-6

Aloha Chair Chang, and Members of the Board,

I am Paul Alston, successor Trustee of the Edmund C. Olson Trust No. 2. Note, it is “Olson” with an “O,” not “Olsen,” with an “E,” as indicated in the staff submittal.

We urge you to approve the recommendation to recognize the passing of Mr. Olson and my new role as successor trustee with respect to RP S-7432.

However, we urge you defer the request to “clarify” RP S-7432, for that request is actually an attempt to shift liability for the broken Keaiwa Reservoir, which is on State land, to the Olson Trust.

RP S-7432 grants the Olson Trust the right to enter and occupy a strip of state land that is 7,920 feet long by 10 feet wide that crosses ten TMK parcels, including TMK No. (3) 9-6-07:02—the State land on which the Keiawa Reservoir is located. It does not encompass the entire footprint of the reservoir, which is depicted on the attached aerial photo.

Because this low hazard dam is in a remote area that was not surveyed when the Olson Trust acquired it about 20 years ago, the boundary between Trust land and State land was not commonly known. The Engineering Division has always referred to the Trust as the “Dam Owner,” and the Trust believed, until recently that the reservoir was on Olson Trust land. It was for this reason that, as pointed out in the staff report, the Trust has done the maintenance, repair, and reporting required of a Dam Owner.

For several years we have been working on a plan to deregulate the dam by creating a massive opening that would reduce the holding capacity, as shown in the attached photo. This concept was the foundation for a 2022 variance from the rule that requires deregulated dams to hold a residual pool that is no more than five feet deep. *See* Item L-1 on 04/09/2022 Agenda. It would seem to be an easy solution to concerns about the stability of the reservoir.

But, just when we were expecting to come before you to approve the deregulation proposal, the Engineering Division reversed course and informed us we would have to fix deficiencies in the upper portions of the dam before the wall could be breached. That demand would cause the Trust to incur several hundred thousand dollars of unnecessary expense.

In considering these new demands, I discovered the State, and not the Trust, owns the land on which the reservoir was built. Then, a DLNR staff member suggested that RP S-7432 might not even give us the right to access the Reservoir. At that point, discussions with the Engineering Department effectively ended.

I cannot, consistent with my fiduciary duties, authorize expenditures to fix the State's dam without a demonstrable commensurate benefit to the Trust. Nor can I accept the idea that the Trust or the State needs to fix the dam before it is decommissioned, when the repair work involves studying and stabilizing the structure as if it was going to be used (or usable) as a regulated dam, which it won't be.

As has been true throughout the past 20+ years, the Reservoir poses no threat to anyone. Keaiwa Reservoir is filled only by a pipeline that has had the valve locked in the shut position for more than a decade. There is no stream or external catchment area. The only water that enters the reservoir is rainwater that falls on its surface, which drains through the outlet works that are always locked in the open position.

We do want to have the RP renewed and clarified to make clear that we are allowed access to conduct the routine maintenance once we resolve the questions about how best and most efficiently to breach the dam wall and make it into a deregulated dam, consistent with the 2022 variance. We request that the requested "clarification" be deferred. We are prepared to reopen discussions on these issues immediately.

Thank you for your consideration.



Results:

Parcel ID - 960070020000
Alt Id - 960070020000
Owner - STATE OF HAWAII
Acres - 214.0
View: [Report](#) | [Google Maps](#)

<https://qpublic.schneidercorp.com/Application.aspx?AppID=1048&LayerID=23618&PageTypeID=1&PageID=9875&Q=1742599505&KeyValue=960070020000>

Variance Request – Keaīwa Reservoir (HA-0049)



Figure 1. Keaīwa Reservoir (2011).

Figure 1 to 04/09/2022, Item L-1 (above) 2024 Photograph of proposed spillway profile (below)

