
A BILL FOR AN ACT

RELATING TO STREAM MAINTENANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that trash and other
2 debris can restrict the flow of water through streams and other
3 waterways, thereby preventing the draining of stormwater and
4 contributing to flooding. Woody debris, such as fallen trees,
5 logs, and branches, while important to the aquatic habitat, can
6 also obstruct drainage patterns and contribute to flooding.

7 The legislature also finds that the State and counties are
8 statutorily required to conduct maintenance for streams under
9 their respective jurisdictions, which includes stream cleaning
10 and drainage improvement projects. Homeowners are responsible
11 for stream management on their properties.

12 A common concern of homeowners and other landowners is the
13 accumulation of debris in the stream channel that obstructs
14 stream flow, which can lead to flooding. This problem is
15 compounded by illegal dumping and trash that clog and pollute
16 Hawaii's streams. The legislature finds that the department of
17 land and natural resources, through its stream maintenance



1 schedule, as well as other departments that have jurisdiction
2 over stream maintenance, such as the department of education,
3 are often unable to clear all streams ahead of flooding events.
4 The legislature finds that effective stream management and
5 maintenance are essential to clear waterways and prevent
6 flooding.

7 The purpose of this Act is to establish a two-year stream
8 maintenance reimbursement pilot program under the department of
9 land and natural resources.

10 SECTION 2. (a) There is established within the department
11 of land and natural resources a two-year stream maintenance
12 reimbursement pilot program to reimburse homeowners for the
13 costs incurred by a homeowner for clearing debris in or around a
14 stream within feet of the homeowner's property and
15 where there is potential imminent harm of a flood occurring to
16 the homeowner's property due to the debris in or around the
17 stream.

18 (b) The department of land and natural resources shall
19 establish and implement a stream maintenance reimbursement pilot
20 program that includes an application process for approving
21 reimbursements to homeowners under this section; provided that:



1 (1) To qualify for reimbursement, a homeowner shall submit
2 an application for reimbursement to the department for
3 review and approval, prior to the homeowner incurring
4 any expense for debris clearing. Applications for
5 reimbursements by homeowners shall be submitted on a
6 form furnished by the department of land and natural
7 resources, together with accompanying documentation,
8 including photographic documentation, of the costs of
9 clearing debris from the specific portion in or around
10 the stream;

11 (2) Debris clearing services or costs incurred before the
12 homeowner's application is approved by the department
13 of land and natural resources shall not be reimbursed
14 under the pilot program;

15 (3) Reimbursements under the pilot program shall be
16 reviewed and approved by the department of land and
17 natural resources;

18 (4) Departments that have jurisdiction over streams not
19 maintained by the department of land and natural
20 resources shall coordinate with the department of land



1 and natural resources to participate in the stream
2 maintenance reimbursement pilot program; and
3 (5) Reimbursement to each homeowner shall not exceed
4 \$2,000 annually.
5 (c) No later than twenty days prior to the convening of
6 the regular session of 2024, the department of land and natural
7 resources shall submit a report of its findings and
8 recommendations, including any proposed legislation, to the
9 legislature on the results of the stream maintenance
10 reimbursement pilot program and whether the pilot program should
11 expire or be extended and, if extended, with or without
12 modification.
13 (d) Actions taken by the department of land and natural
14 resources pursuant to this section shall be exempt from the
15 rulemaking requirements of section 91-3, Hawaii Revised
16 Statutes.
17 (e) The stream maintenance reimbursement pilot program
18 shall be repealed on June 30, 2024.
19 (f) For the purposes of this section, "homeowner" means
20 the owner of residential real property.



1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2022-2023 for
4 reimbursements to qualified homeowners for debris clearing under
5 the stream maintenance reimbursement pilot program established
6 by this Act.

7 The sum appropriated shall be expended by the department of
8 land and natural resources for the purposes of this Act.

9 SECTION 4. This Act shall take effect upon its approval;
10 provided that section 3 shall take effect on July 1, 2022.

11
INTRODUCED BY:

Lisakita

JAN 25 2022



H.B. NO. 2196

Report Title:

Stream Maintenance Reimbursement Pilot Program; Debris Clearing;
DLNR; Appropriation

Description:

Requires the department of land and natural resources to establish and implement a two-year stream maintenance reimbursement pilot program to reimburse homeowners for clearing debris in and around streams near their property. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

