
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 legislature additionally finds that there is a
8 particular concern to ensure that Manoa stream, which has a
9 history of flooding, remains well maintained and clear of
10 debris. In October 2004, a severe thunderstorm moved onshore
11 from the east-northeast over the Koolau mountains and into Manoa
12 valley, causing a flash flood in the early evening hours. The
13 intense rainfall, coupled with debris washing down and
14 collecting at bridges on Lowrey avenue and Woodlawn drive,
15 caused Manoa stream to quickly overflow its banks in several
16 areas, causing severe damage to residential homes and the
17 University of Hawaii's Manoa campus.

18 Accordingly, the purpose of this Act is to establish a two-
19 year Manoa stream maintenance reimbursement pilot program under
20 the department of land and natural resources.



1 SECTION 2. (a) There is established within the department
2 of land and natural resources a two-year Manoa stream
3 maintenance reimbursement pilot program to reimburse homeowners
4 along Manoa stream for the costs incurred by a homeowner for
5 clearing debris in or around a stream within feet of
6 the homeowner's property and where there is potential imminent
7 harm of a flood occurring to the homeowner's property due to the
8 debris in or around the stream.

9 (b) The department of land and natural resources shall
10 establish and implement a Manoa stream maintenance reimbursement
11 pilot program that includes an application process for approving
12 reimbursements to homeowners under this section; provided that:

13 (1) To qualify for reimbursement, a homeowner shall submit
14 an application for reimbursement to the department for
15 review and approval, prior to the homeowner incurring
16 any expense for debris clearing. Applications for
17 reimbursements by homeowners shall be submitted on a
18 form furnished by the department of land and natural
19 resources, together with accompanying documentation,
20 including photographic documentation, of the costs of



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1 clearing debris from the specific portion in or around
2 the stream;

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

7 (3) Reimbursements under the pilot program shall be
8 reviewed and approved by the department of land and
9 natural resources;

10 (4) Departments that have jurisdiction over streams not
11 maintained by the department of land and natural
12 resources shall coordinate with the department of land
13 and natural resources to participate in the Manoa
14 stream maintenance reimbursement pilot program; and

15 (5) Reimbursement to each homeowner shall not exceed
16 \$2,000 annually.

17 (c) No later than twenty days prior to the convening of
18 the regular session of 2025, the department of land and natural
19 resources shall submit a report of its findings and
20 recommendations, including any proposed legislation, to the
21 legislature on the results of the Manoa stream maintenance



1 reimbursement pilot program and whether the pilot program should
2 expire or be extended and, if extended, with or without
3 modification.

4 (d) Actions taken by the department of land and natural
5 resources pursuant to this section shall be exempt from the
6 rulemaking requirements of section 91-3, Hawaii Revised
7 Statutes.

8 (e) The Manoa stream maintenance reimbursement pilot
9 program shall end on June 30, 2026.

10 (f) For the purposes of this section, "homeowner" means
11 the owner of residential real property that is adjacent to Manoa
12 stream.

13 SECTION 3. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2024-2025 for
16 reimbursements to qualified homeowners for debris clearing under
17 the Manoa stream maintenance reimbursement pilot program
18 established by this Act.

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



1 SECTION 4. In accordance with section 9 of article VII of
2 the Hawaii State Constitution and sections 37-91 and 37-93,
3 Hawaii Revised Statutes, the legislature has determined that the
4 appropriations contained in H.B. No. , will cause the state
5 general fund expenditure ceiling for fiscal year 2024-2025 to be
6 exceeded by \$ or per cent. In addition, the
7 appropriation contained in this Act will cause the general fund
8 expenditure ceiling for fiscal year 2024-2025 to be further
9 exceeded by \$ or per cent. The combined total
10 amount of general fund appropriations contained in only these
11 two Acts will cause the state general fund expenditure ceiling
12 for fiscal year 2024-2025 to be exceeded by
13 \$ or per cent. The reasons for exceeding the
14 general fund expenditure ceiling are that:

- 15 (1) The appropriation made in this Act is necessary to
16 serve the public interest; and
17 (2) The appropriation made in this Act meets the needs
18 addressed by this Act.

19 SECTION 5. This Act shall take effect on July 1, 2024.



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INTRODUCED BY:

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JAN 19 2024



H.B. NO. 1907

Report Title:

Manoa Stream Maintenance Reimbursement Pilot Program; Debris Clearing; DLNR; Appropriation; Expenditure Ceiling

Description:

Requires the department of land and natural resources to establish and implement a two-year Manoa stream maintenance reimbursement pilot program to reimburse homeowners adjacent to Manoa stream for clearing debris in Manoa stream. 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.

