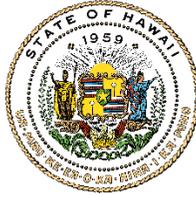


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committee on
FINANCE

Monday, February 26, 2024
3:30 PM
State Capitol, Conference Room 308

In consideration of
HOUSE BILL 1907, HOUSE DRAFT 1
RELATING TO STREAM MAINTENANCE

House Bill 1907, House Draft 1 proposes to appropriate funds for the Department of Land and Natural Resources (Department) to establish and implement a two-year Mānoa stream maintenance reimbursement pilot program to reimburse homeowners adjacent to Mānoa stream for clearing debris in Mānoa stream. **The Department of Land and Natural Resources (Department) opposes this measure.**

This measure is problematic as it imposes a significant burden on the Department's limited staff without providing any additional funding or staff positions. Additionally, the measure provides for the use of public funds to benefit private landowners, many of whom are responsible for stream maintenance under current law. The Department acknowledges the intent of this measure to provide private property owners support for stream maintenance to minimize the risk of flooding. The land ownership of Mānoa Stream varies and includes lands owned by private parties, the City, and the State of Hawai'i, which includes the Department and the University of Hawai'i. The Department maintains the areas of Mānoa Stream under its jurisdiction, as needed.

Pursuant to Hawaii Revised Statutes (HRS) § 46-11.5, the counties shall provide for the maintenance of channels, streambeds, streambanks and drainageways unless they are privately owned or owned by the State. This law also enables the counties to enforce against a noncompliant private party, which includes entering the property, conducting the maintenance, and billing the owner. This law ensures that government entities and private property owners both share a duty and responsibility to maintain streams. In contrast, House Bill 1907 shifts a private Page 2 responsibility to the State of Hawai'i taxpayer, consequently raising concerns regarding the use of

public funds for private purposes. Moreover, this measure sets a negative precedent for other privately owned streams in the State, as this would only benefit private property owners who reside along Mānoa Stream.

Furthermore, development and implementation of the program proposed by this bill would burden Department resources and this measure lacks any additional funding support beyond the reimbursements. The Department anticipates a cost of at least \$1,000,000 annually to develop and administer the program. Incurred costs would include but may not be limited to the following: new staff positions, land surveys to determine project scope; additional staff positions to determine eligibility of participants, review applications for reimbursement, and determine whether the work eligible for reimbursement complies with all eligible federal, state and county regulations; review, verify, and process payments; address non-compliant owners or owners not willing to participate; and coordinate with other agencies who share jurisdiction over the stream. Additional staff would also be required to develop and execute contract documents, waivers, and right of entry agreements. The Department estimates an additional 5-7 staff positions would be needed for the proposed program.

The Department notes that for activities in streams that go beyond routine maintenance and maintenance of existing facilities, such as removal of any material from the stream channel, a stream channel alteration permit is required from the Commission on Water Resource Management under HRS § 174C-71(3)(A).

Mahalo for the opportunity to provide testimony in opposition to this measure.

HB-1907-HD-1

Submitted on: 2/26/2024 2:42:48 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Russell Tsuji	Department of Land and Natural Resources	Oppose	Remotely Via Zoom

Comments:

Written testimony from DLNR previously submitted on another Capitol account. Request for a Zoom link for additional DLNR staff testifying remotely for HB1907 HD1.

HB-1907-HD-1

Submitted on: 2/24/2024 11:02:43 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
thalya demott	Individual	Support	Written Testimony Only

Comments:

Dear Senators and Legislators,

As a long-time Manoa resident, I am in strong support of HB1907 because this pilot program with the DLNR would allow for streamside property owners to be reimbursed for streamside maintenance and removal of large debris such as tree trunks and branches which would be carried downstream in flooding conditions. The devastating flood damage of October 2004 was caused by pileup of such floating debris under Woodlawn Bridge which then overflowed.

Many of the property owners along the stream are elderly and live on a very limited income. They may not be able to do heavy lifting or bear the cost of removing large debris.

Concerned Manoa residents and volunteers have gone door-to-door to reach over 100 streamside property owners to educate them on the importance of stream maintenance on their properties. Much work has already been applied to this measure in the Manoa community and we'd like HB1907 passed as the next step for flood management because mauka flooding impacts our downstream ahupua'a as well.

Please vote in favor of this worthwhile pilot program and help with flood management in our watershed.

Mahalo, Thalya DeMott

HB-1907-HD-1

Submitted on: 2/24/2024 7:25:40 PM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Legrande	Individual	Support	Written Testimony Only

Comments:

Aloha and thank you for the opportunity to testify. As a long time resident of Manoa Valley, i recall the 2004 flood that did such devastation to the University and the path along the way. Upstream maintenance is a vital necessity for the prevention of another such catastrophe. Please support this bill. Thank you, Linda Legrande

HB-1907-HD-1

Submitted on: 2/25/2024 5:40:13 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
veneeta acson	Individual	Support	Written Testimony Only

Comments:

I support HB 1907 for mitigation of floodwater carried debris inundation to downstream areas from mauka private properties bordering Manoa Stream by reimbursing homeowners for streambank maintenance.

HB-1907-HD-1

Submitted on: 2/25/2024 8:35:27 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Joe Ferraro	Individual	Support	Written Testimony Only

Comments:

I support this bill for two important reasons. First a clean stream or reduce, or eliminate flooding in our residential and downstream neighborhoods. Secondly, a clean stream reduces pollution, which is important for our island ecosystem.

House Bill 1907
Testimony: Scott Snider
Honolulu
scott.snider808@gmail.com

I support House Bill 1907 for the benefit of Manoa as well as downstream residents.

My wife and I are long term residents living along Manoa Stream and we were present when the waters rose 12' high into our yard during the 2004 flood coming just feet from our house. A major contributor to flooding was large plant debris, fallen branches and primarily Albizia trees. We have spent the last 5 years clearing our land of invasive trees and replanting native plants as well as rejuvenating our stream area. We own the stream as well as lands on both sides. As it turns out, there could be between 80 to 100 individuals in Manoa that own the stream. This is unusual since the State relies on this channel to convey storm water. This privately owned portion of Manoa Stream is, "the forgotten stream" in terms of municipalities. City, Federal or State will not recognize it since it is private land. We are at great risk for another catastrophe.

I realized there is a major issue with Albizia in Manoa Stream so 3 years ago I set out on a mission with the support of Malama Manoa and the Ko'olau Watershed Partnership to rid the stream of Albizia saplings. With careful planning and signed rights of entry we hiked 1.1 miles of stream bed 2 years running and eradicated thousands of Albizia saplings. This has become an annual event. This volunteer effort came about when I met with 2 Government agencies to clear some debris that washed into my stream area, and they indicated they could not help because it is private property. I decided to look at the broader picture of the stream to remedy a problem. In working within the community and talking with about 100 landowners it became apparent that most folks do not have the wherewithal or funds to remediate large trees in the stream, let alone even be aware of them. During our November 2023 albizia sweep we eradicated over 1300 albizia saplings and surveyed 57 albizia hazard trees. These are full grown with large crowns within Manoa Stream.

HB1907 is beneficial because it fixes the problem of land access and liability. This is a great idea because it encourages property owners to call a certified arborist and act. It is truly a win-win for residences who could sustain damage to structures as well and residents who live downstream and could be flooded. It is also good because the landowner shares in the bulk of the cost which they are responsible for.

We need to think of this bill as a benefit to Manoa, but more importantly any house or institution that resides downstream that could be flooded by debris.

DLNR testified they need \$700K and 5 to 7 employees to facilitate this program. That outlook may seem excessive. There are only 57 fully grown albizia trees and not all landowners will participate. Participation will likely go slower than expected and will not require full time staff to manage the work. The dollar amount asked by DLNR far exceeds the amount of grants that could be issued if we average the cost of a grant at \$2K each. Remember, the purpose of this is to share the cost which will be burdened by the landowner. This grant offers enticing motivation to cut down hazard trees. Surveying was mentioned as an expense but that should be minimal because most property boundaries are visible at each site. I would support the DLNR Dollar request if the entire fund for the project is \$700K.

HB-1907-HD-1

Submitted on: 2/25/2024 10:49:28 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Vanessa Distajo	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Yamashita, Vice Chair Kitagawa, and Representatives serving on the Committee on Finance,

I support HB 1907 HD1, and ask you to vote in favor of establishing this new, two year pilot program to reimburse homeowners, living along Mānoa Stream, for at least half of the costs they incur from keeping the waterway along their properties clear from debris. This approach will help to remedy the longstanding problems with stream maintenance and flood risk mitigation. Unfortunately, the City & County of Honolulu has been unable to maintain the stream and keep up with the rapid growth of invasive albizia trees along the stream. In addition, over the last two decades, the USACE has not been able to address the flooding issues within the ahupua'a of Waikīkī, so residents need the State of Hawai'i to provide assistance to do something proactive in an effort to preserve life, property, the environment, and most importantly, the educational institutions which were previously damaged by the flood of October 2024.

Mahalo nui loa for your consideration,

Vanessa Distajo

HB-1907-HD-1

Submitted on: 2/25/2024 11:31:33 AM

Testimony for FIN on 2/26/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Janyce Mitchell	Individual	Support	Written Testimony Only

Comments:

Dear Legislators,

I urge you to support this measure. Flooding of Manoa Stream, as in 2004, has been due in large part to debris in the stream. This bill encourages homeowners adjacent to the stream to undertake debris removal and only requires that the state reimburse not more than 1/2 of the costs. It is a benefit both the the community and the homeowners adjacent to the stream. Further, because flooding may affect the University of Hawaii, the measure benefits the larger community. I urge you to support this bill.

Thank you for your time and consideration and thank you to Rep. Garrett for introducing this measure.