
A BILL FOR AN ACT

RELATING TO STREAM MAINTENANCE.

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

1 SECTION 1. Section 171-58.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§171-58.5 Prohibitions.** The mining or taking of sand,
4 dead coral or coral rubble, rocks, soil, or other marine
5 deposits seaward from the shoreline is prohibited with the
6 following exceptions:

7 (1) The inadvertent taking from seaward of the shoreline
8 of these materials, such as those inadvertently
9 carried away on the body, and on clothes, toys,
10 recreational equipment, and bags;

11 (2) For the replenishment or protection of public
12 shoreline areas and adjacent public lands seaward of
13 the shoreline, or construction or maintenance of state
14 approved lagoons, harbors, launching ramps, or
15 navigational channels with a permit authorized under
16 chapter 183C;



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- 1 (3) The clearing of these materials from existing drainage
2 pipes and canals and from the mouths of streams
3 including clearing for the purposes under section [46-
4 ~~11.5,~~ 179-4(7)]; provided that the sand removed shall
5 be placed on adjacent areas unless this placement
6 would result in significant turbidity;
- 7 (4) The cleaning of areas seaward of the shoreline for
8 state or county maintenance purposes including the
9 purposes under section 46-12; provided that the sand
10 removed shall be placed on adjacent areas unless the
11 placement would result in significant turbidity;
- 12 (5) The exercise of traditional cultural practices as
13 authorized by law or as permitted by the department
14 pursuant to article XII, section 7, of the Hawaii
15 State Constitution; or
- 16 (6) For the response to a public emergency or a state or
17 local disaster."

18 SECTION 2. Section 179-4, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§179-4 Powers, duties, and jurisdiction of the board.** In
21 addition to those powers and responsibilities of the board of



1 land and natural resources established by existing law, the
2 board is authorized to implement the declared purposes of this
3 chapter with regard to flood control and flood water
4 conservation in the following manner:

5 (1) Coordinate the programs and activities of all agencies
6 of the State, in conformance with the objectives of
7 the statewide flood control program.

8 (2) Compile, evaluate, interpret, and disseminate
9 information for technical use and for the general
10 information and education of the people of the State.

11 (3) Render technical assistance to the political
12 subdivisions and other agencies of the State only upon
13 request of the affected agencies in matters of master
14 planning, zoning, qualifying for, and constructing
15 federal and state flood control projects, the training
16 of flood fighting units, and related flood control
17 activities.

18 (4) With regard to federal flood control projects:

19 (A) Review plans submitted by federal agencies for
20 state approval and make appropriate
21 recommendations to the governor;



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1 (B) Formulate and recommend to the legislature a
2 general policy for state participation with the
3 political subdivisions in the assurances of local
4 cooperation required by federal flood control
5 acts;

6 (C) Review requests from political subdivisions for
7 financial assistance in meeting local
8 participation requirements and make appropriate
9 recommendations to the legislature; and

10 (D) Execute and administer agreements with political
11 subdivisions to implement state assurances of
12 participation in federal flood control projects.

13 (5) For meritorious proposed projects which do not meet
14 feasibility standards for federal flood control
15 projects:

16 (A) Formulate state feasibility criteria and project
17 funding procedures;

18 (B) Study, evaluate, and determine the feasibility of
19 proposed projects in accordance with established
20 criteria and make recommendations to the
21 legislature;



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1 (C) Execute and administer agreements with political
2 subdivisions to assure compliance with the
3 conditions of state projects; and

4 (D) Design, prepare plans and specifications, obtain
5 bids, let contracts, and supervise the
6 construction of state flood control works.

7 (6) With regard to projects initiated and financed
8 entirely by political subdivisions, render
9 coordination and aid only if requested by the
10 respective agencies.

11 ~~-(7) With regard to state ownership of drainageways,~~
12 ~~coordinate the resolution of drainageway maintenance~~
13 ~~problems with the appropriate state agency or~~
14 ~~agencies.~~

15 ~~-(8) With regard to multiple jurisdiction of drainageways,~~
16 ~~the board shall coordinate the resolution of~~
17 ~~drainageway maintenance problems with all affected~~
18 ~~political subdivisions.~~

19 ~~-(9) With regard to certain streambeds, streambanks, and~~
20 ~~drainageways whose ownership is not claimed nor~~
21 ~~determined, the board shall coordinate the resolution~~



1 ~~of streambed, streambank, and drainageway maintenance~~
2 ~~problems with the appropriate state agency or~~
3 ~~agencies.]~~

4 (7) Provide for the maintenance of channels, streambeds,
5 streambanks, and drainageways, whether natural or
6 artificial, including their exits to the ocean, in
7 suitable condition to carry off storm waters; and for
8 the removal from the channels, streambeds,
9 streambanks, and drainageways and from the shores and
10 beaches of any debris that is likely to create an
11 unsanitary condition or otherwise become a public
12 nuisance; provided that:

13 (A) Any channels, streambeds, streambanks, and
14 drainageways that are privately owned shall be
15 maintained by their respective owners; and

16 (B) To the extent any of the foregoing maintenance or
17 removal work is a private responsibility, the
18 responsibility may be enforced by the board in
19 lieu of the work being done at the board's
20 expense, and any private entity or person
21 refusing to comply with any final order issued by



1 the board shall be in violation of this paragraph
2 and be liable for a civil penalty not to exceed
3 \$500 for each day the violation continues.

4 ~~[(10)]~~ (8) The board may promulgate rules to implement this
5 chapter."

6 SECTION 3. Section 205A-44, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) The mining or taking of sand, dead coral or coral
9 rubble, rocks, soil, or other beach or marine deposits from the
10 shoreline area is prohibited with the following exceptions:

11 (1) The inadvertent taking from the shoreline area of the
12 materials, such as those inadvertently carried away on
13 the body, and on clothes, toys, recreational
14 equipment, and bags;

15 (2) Where the mining or taking is authorized by a variance
16 pursuant to this part;

17 (3) The clearing of these materials from existing drainage
18 pipes and canals and from the mouths of streams
19 including clearing for the purposes under section ~~[46-~~
20 ~~11-5;]~~ 179-4(7); provided that the sand removed shall



1 be placed on adjacent areas unless the placement would
2 result in significant turbidity;

3 (4) The cleaning of the shoreline area for state or county
4 maintenance purposes, including the clearing for
5 purposes under section 46-12; provided that the sand
6 removed shall be placed on adjacent areas unless the
7 placement would result in significant turbidity;

8 (5) The taking of driftwood, shells, beach glass, glass
9 floats, or seaweed;

10 (6) The exercise of traditional cultural practices as
11 authorized by law or as permitted by the department
12 pursuant to article XII, section 7, of the Hawaii
13 State Constitution; or

14 (7) For the response to a public emergency or a state or
15 local disaster."

16 SECTION 4. Section 46-11.5, Hawaii Revised Statutes, is
17 repealed.

18 ~~["[S46-11.5] Maintenance of channels, streambeds,~~
19 ~~streambanks, and drainageways. Notwithstanding any law to the~~
20 ~~contrary, each county shall provide for the maintenance of~~
21 ~~channels, streambeds, streambanks, and drainageways, whether~~



~~1 natural or artificial, including their exits to the ocean, in
2 suitable condition to carry off storm waters; and for the
3 removal from the channels, streambeds, streambanks, and
4 drainageways and from the shores and beaches any debris which is
5 likely to create an unsanitary condition or otherwise become a
6 public nuisance; provided that to the extent any of the
7 foregoing work is a private responsibility the responsibility
8 may be enforced by the county in lieu of the work being done at
9 county expense, and any private entity or person refusing to
10 comply with any final order issued by the county shall be in
11 violation of this chapter and be liable for a civil penalty not
12 to exceed \$500 for each day the violation continues; provided
13 further that it shall be the responsibility of the county to
14 maintain all channels, streambeds, streambanks, and drainageways
15 unless such channels, streambeds, streambanks, and drainageways
16 are privately owned or owned by the State, in which event such
17 channels, streambeds, streambanks, and drainageways shall be
18 maintained by their respective owners."}]~~

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect upon its approval.



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INTRODUCED BY: 

JAN 16 2026



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Report Title:

Channels; Streambeds; Streambanks; Drainageways; Maintenance;
Counties; BLNR

Description:

Transfers responsibilities related to the maintenance of channels, streambeds, streambanks, and drainageways from the counties to the Board of Land and Natural Resources.

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