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**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

On House Bill 3259 – Relating To The Ala Wai Watershed

BEFORE THE HOUSE COMMITTEE

**on
FINANCE**

February 6, 2008

House Bill 3259 appropriates \$150,000 of general revenues in Fiscal Year 2008-2009 for the Department of Land and Natural Resources (Department) to conduct a study to evaluate options, policy foundations, and technical assessments on the use of land trusts to address the flooding, pollution, and ecosystem degradation of the rivers and streams within the Ala Wai Watershed. While the Department supports the intent of this measure, it nonetheless has concerns with its fiscal implication on the Executive Supplemental Budget request.

The Department and the City and County of Honolulu are currently participating as co-local sponsors with the United States Army Corps of Engineers to investigate options to mitigate flooding and provide ecosystem restoration within the Ala Wai Watershed. The Department supports finding solutions to the flooding, pollution, and ecosystem degradation occurring in the Watershed. However, the Department believes the City and County of Honolulu, due to statutory mandate, may be the entity better suited to investigate and evaluate the use of land trusts to address these issues.

The Department notes that Section 46-11.5, Hawaii Revised Statutes (HRS), and the City and County of Honolulu's Revised Ordinances of Honolulu, Article 26, establishes the maintenance responsibility of channels, streambeds, streambanks and drainageways including their exits to the ocean to the county. The county is also assigned the enforcement powers if the maintenance is deemed a private or state responsibility.

The Department further notes that Section 46-1.5, HRS, states that the counties "...shall have the power to construct, acquire by gift, purchase, or by the exercise of eminent domain, reconstruct, improve, better, extend and maintain projects or undertakings for the control of and protection against floods and flood waters...".