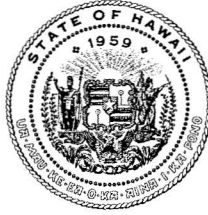


LINDA LINGLE
GOVERNOR OF HAWAII



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Board of Land and Natural Resources
Commission on Water Resource Management

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Conservation and Resources Enforcement
Engineering
Forestry and Wildlife
Historic Preservation
Kahoowale Island Reserve Commission
Land
State Parks

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

House Concurrent Resolution 248/House Resolution 210 –
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES
TO EVALUATE THE POSSIBILITY OF USING A CONSERVATION LAND TRUST
IN THE ALA WAI WATERSHED AREA

BEFORE THE HOUSE COMMITTEE ON
WATER, LAND AND OCEAN RESOURCES AND HAWAIIAN AFFAIRS

March 24, 2008

House Concurrent Resolution 248 and House Resolution 210 request the Department of Land and Natural Resources (Department) evaluate the possibility of using a conservation land trust in the Ala Wai watershed area to establish a continuous corridor in which to implement effective storm water and pollution improvements. The Department opposes this measure and believes it is not the proper agency to conduct the work identified above. The Department believes that the City and County of Honolulu (City), due to statutory mandate and ordinances, is the proper agency to investigate and evaluate the use of conservation land trusts to address these issues. The Department notes the following:

- Section 46-11.5, Hawaii Revised Statutes (HRS), and the City's Revised Ordinances of Honolulu (ROH), Chapter 41-Article 26, establishes the maintenance responsibility of channels, streambeds, streambanks and drainageways including their exits to the ocean to the City through their Department of Facility Maintenance. The City is also assigned the enforcement powers if the maintenance is deemed a private or state responsibility.
- In a highly urbanized and developed area such as the Ala Wai watershed, the Department recognizes that private lands is a major contributor to the negative impacts of stormwater and pollution. The City's ROH Chapter 14-Article 12 (Drainage, Flood and Pollution Control), identifies their responsibilities and enforcement powers needed to address this issue through the provision of adequate drainage facilities.
- 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...” (emphasis added).

- The City’s Department of Environmental Services has developed a storm water management plan which includes addressing storm water quality (pollution improvements) [see Attachment A for index]. The possibility of using conservation land trusts would probably be applicable as a separate chapter in the City’s plan.
- Lastly, the Department does not have the staffing nor financial resources at this time to undertake the work requested by these resolutions. Should funding become available in support of this work, the Department recommends such funding be provided directly to the City.

Attachment