

HB-1332

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Testimony for WAL on 2/18/2021 8:30:00 AM

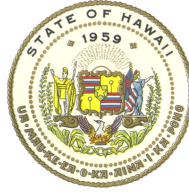
Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

SUPPORT

If that's there job, they need to do it. Is it \$\$, lack of staff? This needs to be solved on all islands!

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER & LAND**

**Thursday, February 18, 2021
8:30 AM**

State Capitol, Via Videoconference, Conference Room 430

**In consideration of
HOUSE BILL 1332
REALING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

House Bill 1332 proposes to require the Department of Land and Natural Resources (Department) to regularly maintain trails and streams under its jurisdiction on a scheduled basis. **The Department opposes this measure.**

The proposed measure conflicts with existing law. With respect to stream maintenance, Section 46-11.5, Hawaii Revised Statutes, delegates the responsibility to maintain streams to the respective counties. The Department does not have the funding necessary to assume that responsibility. Even more problematic is that this measure does not provide any general fund support to the Department to conduct these additional costly activities.¹ Furthermore, partially shifting that burden to the Department would create ambiguity and confusion regarding maintenance responsibility. In many instances, stream ownership is split in the middle of stream between the adjoining landowners so a particular stream may be owned by multiple parties, including the State, County and private entities. Finally, requiring administrative rulemaking to address routine maintenance activities is burdensome and time consuming, as well as potentially restrictive in conducting maintenance.

With respect to requiring regular or scheduled maintenance for all trails under its jurisdiction, the Department notes that it already regularly maintains trails designated under the Nā Ala Hele Program using fuel tax revenues. However, that does not provide additional funding or staff support to expand obligations to include all trails. As with the expanded stream maintenance responsibility, the bill does not provide any additional general fund support to the Department to address the additional trail maintenance obligations. Additionally, the measure does not specify or limit the scope of the maintenance activities required. This measure may force the

¹ The Department estimates it has expended approximately \$100,000 annually for the stream mouth maintenance for the Waimea River on Kauai alone. Only recently has the County of Kauai assumed responsibility for those maintenance activities.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Department to maintain illegal, hazardous trails located on state lands that are not actively managed or even closed. Therefore, the Department believes that such trail maintenance should be conducted on a discretionary basis as determined by the Department's funding and staffing priorities.

Thank you for the opportunity to comment on this measure.