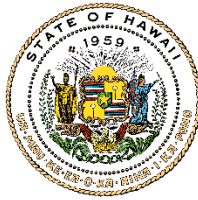
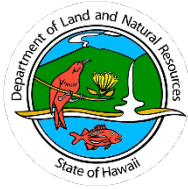


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621  
HONOLULU, HAWAII 96809

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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N.S. CHANG  
Chairperson

Before the House Committee on  
WATER & LAND

Thursday, February 8, 2024  
9:00 AM  
State Capitol, Conference Room 430

In consideration of  
HOUSE BILL 1907  
RELATING TO STREAM MAINTENANCE

House Bill 1907 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 that 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 non-compliant 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

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 \$700,000 to develop and administer the program. Incurred costs would include but may not be limited to: land surveys to determine project scope; and additional staff positions to determine eligible participants, review applications for reimbursement; 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 with 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 that 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**

Submitted on: 2/6/2024 4:16:14 PM

Testimony for WAL on 2/8/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dylan P. Armstrong	Individual	Support	Written Testimony Only

Comments:

In support without elaboration.

**HB-1907**

Submitted on: 2/6/2024 8:59:55 PM

Testimony for WAL on 2/8/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Linda Legrande	Individual	Support	Written Testimony Only

Comments:

Representative Garrett's proposal is a welcome relief to the homeowners along the Manoa Stream, many of whom do not have the means to do this kind of heavy clearing themselves. We are a Valley of many kupuna and it would be prudent to do what we can to keep them safe from the potential harm of flooding of their homes and properties. There are a handful of owners along the stream who try to keep the waterway clear and running as it should but the invasive albizia trees are an unreasonable hazard. Please support this bill. Thank you, Linda Legrande

**HB-1907**

Submitted on: 2/7/2024 10:20:31 AM

Testimony for WAL on 2/8/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Terri Yoshinaga	Individual	Support	Written Testimony Only

Comments:

I support this bill.

**HB-1907**

Submitted on: 2/7/2024 11:28:57 AM

Testimony for WAL on 2/8/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Glenn Otaguro	Individual	Support	Remotely Via Zoom

Comments:

I support the efforts to properly maintain Manoa Stream to prevent future problems such as flooding and soil erosion. The stream (which is part of the storm water drainage system) has been poorly maintain in areas where rocks, dirt and silt is depositing under bridges (Woodlawn Bridge) and before the bridges (Woodlawn and Kahaloa Bridge) which requires dredging and studies whether adjustments to the flow of the stream is required to prevent such slow drainage.

**HB-1907**

Submitted on: 2/7/2024 2:00:43 PM

Testimony for WAL on 2/8/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donna Tamashiro	Individual	Support	Written Testimony Only

Comments:

Re: HB1907, Relating to Stream Maintenance

I am a homeowner who lives adjacent to Manoa Stream. I am in support of this bill.

Donna Tamashiro

3521 Nipo Street

Honolulu, HI 96822

**HB-1907**

Submitted on: 2/7/2024 2:17:21 PM

Testimony for WAL on 2/8/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Seth Kamemoto	Individual	Support	Written Testimony Only

Comments:

Having a clear path for stream water (especially during rain storms) is critical to reduce flooding risks in the entire community, and these maintenance activities and associated costs shouldn't be the sole responsibility of a few landowners. This bill would provide support to help ensure that Manoa Stream remains well-maintained.



**HB-1907**

Submitted on: 2/7/2024 2:22:24 PM

Testimony for WAL on 2/8/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Colin Petko	Individual	Support	Written Testimony Only

Comments:

My name is Colin Petko MD, home owner in Manoa with property extending to Manoa stream.

I would like to submit written testimony in support of bill HB1907.

We have lived in our current house for 12 years and have witnessed several floodings in Manoa related to debris in the stream. This has not ever that I can remember been cleared by official sources (City+county, DLNR etc). The debris accumulation however has led to flooding and each heavy rainfall will lead to erosion of stream wall and over time to partial collapse. It has been the responsibility of property owners to fix the stream walls.

Historically albizia trees have been a reason for catastrophic flooding in Manoa.

This bill is good measure because it is a partnership between the landowner and government to tackle this issue. Both parties will contribute to tree removal. This bill benefits the broader community, particularly downstream homes, institutions and businesses.

Colin Petko

**House Bill 1907**  
**Testimony: Scott Snider**  
**3171 Poelua Place**  
**Honolulu, HI 96822**  
**808-220-5395**  
[scott.snider808@gmail.com](mailto: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 that flood 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 and 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. Its also good because the landowner shares in the bulk of the cost which they are responsible for. If this bill gets approved Malama Manoa would help in spreading the word and encouraging residents to cut trees.

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.

See attached:

1. Survey map of 57 hazard trees
2. Pictures from the albizia sweep.

Any questions?



# Manoa Stream Hazard Albizia

○ Hazard Tree - 57 total









