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# A BILL FOR AN ACT

RELATING TO STREAM MAINTENANCE.

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

1           SECTION 1. The legislature finds that trash and other  
2 debris can restrict the flow of water through streams and other  
3 waterways, thereby preventing the draining of stormwater and  
4 contributing to flooding. Woody debris, such as fallen trees,  
5 logs, and branches, while important to the aquatic habitat, can  
6 also obstruct drainage patterns and contribute to flooding.

7           The legislature also finds that the State and counties are  
8 statutorily required to conduct maintenance for streams under  
9 their respective jurisdictions, which includes stream cleaning  
10 and drainage improvement projects. Homeowners are responsible  
11 for stream management on their properties.

12           A common concern of homeowners and other landowners is the  
13 accumulation of debris in the stream channel that obstructs  
14 stream flow, which can lead to flooding. This problem is  
15 compounded by illegal dumping and trash that clog and pollute  
16 Hawaii's streams. The legislature finds that the department of  
17 land and natural resources, through its stream maintenance



1 schedule, as well as other departments that have jurisdiction  
2 over stream maintenance, such as the department of education,  
3 are often unable to clear all streams ahead of flooding events.  
4 The legislature finds that effective stream management and  
5 maintenance are essential to clear waterways and prevent  
6 flooding.

7       The legislature additionally finds that there is a  
8 particular concern to ensure that Manoa stream, which has a  
9 history of flooding, remains well maintained and clear of  
10 debris. In October 2004, a severe thunderstorm moved onshore  
11 from the east-northeast over the Koolau mountains and into Manoa  
12 valley, causing a flash flood in the early evening hours. The  
13 intense rainfall, coupled with debris washing down and  
14 collecting at bridges on Lowrey avenue and Woodlawn drive,  
15 caused Manoa stream to quickly overflow its banks in several  
16 areas, causing severe damage to residential homes and the  
17 University of Hawaii's Manoa campus.

18       Accordingly, the purpose of this Act is to establish a two-  
19 year Manoa stream maintenance reimbursement pilot program under  
20 the department of land and natural resources.



1 SECTION 2. (a) There is established within the department  
2 of land and natural resources a two-year Manoa stream  
3 maintenance reimbursement pilot program to reimburse homeowners  
4 along Manoa stream for the costs incurred by a homeowner for  
5 clearing debris in or around a stream within                    feet of  
6 the homeowner's property and where there is potential imminent  
7 harm of a flood occurring to the homeowner's property due to the  
8 debris in or around the stream.

9 (b) The department of land and natural resources shall  
10 establish and implement a Manoa stream maintenance reimbursement  
11 pilot program that includes an application process for approving  
12 reimbursements to homeowners under this section; provided that:

13 (1) To qualify for reimbursement, a homeowner shall submit  
14 an application for reimbursement to the department for  
15 review and approval, prior to the homeowner incurring  
16 any expense for debris clearing. Applications for  
17 reimbursements by homeowners shall be submitted on a  
18 form furnished by the department of land and natural  
19 resources, together with accompanying documentation,  
20 including photographic documentation, of the costs of



1 clearing debris from the specific portion in or around  
2 the stream;

3 (2) Debris clearing services or costs incurred before the  
4 homeowner's application is approved by the department  
5 of land and natural resources shall not be reimbursed  
6 under the pilot program;

7 (3) Reimbursements under the pilot program shall be  
8 reviewed and approved by the department of land and  
9 natural resources;

10 (4) Departments that have jurisdiction over streams not  
11 maintained by the department of land and natural  
12 resources shall coordinate with the department of land  
13 and natural resources to participate in the Manoa  
14 stream maintenance reimbursement pilot program; and

15 (5) Reimbursement to each homeowner shall not exceed:

16 (A) \$2,000 annually; and  
17 (B) An amount equal to one-half of the costs incurred  
18 for debris clearing.

19 (c) No later than twenty days prior to the convening of  
20 the regular session of 2025, the department of land and natural  
21 resources shall submit a report of its findings and



1 recommendations, including any proposed legislation, to the  
2 legislature on the results of the Manoa stream maintenance  
3 reimbursement pilot program and whether the pilot program should  
4 expire or be extended and, if extended, with or without  
5 modification.

6 (d) Actions taken by the department of land and natural  
7 resources pursuant to this section shall be exempt from the  
8 rulemaking requirements of section 91-3, Hawaii Revised  
9 Statutes.

10 (e) The Manoa stream maintenance reimbursement pilot  
11 program shall end on June 30, 2026.

12 (f) For the purposes of this section, "homeowner" means  
13 the owner of residential real property that is adjacent to Manoa  
14 stream.

15 SECTION 3. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so  
17 much thereof as may be necessary for fiscal year 2024-2025 for  
18 reimbursements to qualified homeowners for debris clearing under  
19 the Manoa stream maintenance reimbursement pilot program  
20 established by this Act.



1 The sum appropriated shall be expended by the department of  
2 land and natural resources for the purposes of this Act.

3 SECTION 4. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2024-2025 for the  
6 establishment of full-time equivalent ( FTE) positions  
7 to implement the Manoa stream maintenance reimbursement pilot  
8 program.

9 The sum appropriated shall be expended by the department of  
10 land and natural resources for the purposes of this Act.

11 SECTION 5. In accordance with section 9 of article VII of  
12 the Hawaii State Constitution and sections 37-91 and 37-93,  
13 Hawaii Revised Statutes, the legislature has determined that the  
14 appropriations contained in H.B. No. , will cause the state  
15 general fund expenditure ceiling for fiscal year 2024-2025 to be  
16 exceeded by \$ or per cent. In addition, the  
17 appropriation contained in this Act will cause the general fund  
18 expenditure ceiling for fiscal year 2024-2025 to be further  
19 exceeded by \$ or per cent. The combined total  
20 amount of general fund appropriations contained in only these  
21 two Acts will cause the state general fund expenditure ceiling



1 for fiscal year 2024-2025 to be exceeded by  
2 \$ or per cent. The reasons for exceeding the  
3 general fund expenditure ceiling are that:

4 (1) The appropriations made in this Act are necessary to  
5 serve the public interest; and

6 (2) The appropriations made in this Act meet the needs  
7 addressed by this Act.

8 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Manoa Stream Maintenance Reimbursement Pilot Program; Debris Clearing; DLNR; Appropriation; Expenditure Ceiling

**Description:**

Requires the department of land and natural resources to establish and implement a two-year Manoa stream maintenance reimbursement pilot program to reimburse homeowners adjacent to Manoa stream for clearing debris in Manoa stream. Appropriates funds and establishes positions. Effective 7/1/3000. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

