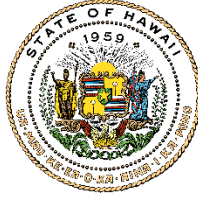


**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**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  
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**DAWN N.S. CHANG**  
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**RYAN K.P. KANAKA'OLE**  
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ACTING DEPUTY DIRECTOR - WATER

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ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
DAWN N. S. CHANG  
Chairperson**

**Before the Senate Committee on  
WATER AND LAND**

**Monday, March 25, 2024  
1:00 PM**

**State Capitol, Conference Room 229 & Videoconference**

**In consideration of  
SENATE CONCURRENT RESOLUTION 73/SENATE RESOLUTION 61  
REQUESTING THE ESTABLISHMENT OF A STREAM MAINTENANCE WORKING  
GROUP WITHIN THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

Senate Concurrent Resolution 73/House Resolution 61 requests the establishment of a stream maintenance working group within the Department of Land and Natural Resources. **The Department of Land and Natural Resources (Department) opposes this resolution.**

Stream maintenance is not within the Department's statutory responsibilities and therefore the Department should not be burdened with the responsibility of managing the working group requested in this resolution. Rather, pursuant to Hawaii Revised Statutes (HRS) § 46-11.5, the counties are responsible to 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. Therefore, the Department believes that the City and County of Honolulu (CCH) would be a more appropriate entity to lead the requested working group. In the event this resolution is amended to place the working group under the CCH, the Department is willing to serve as a member of the working group if it is established.<sup>1</sup>

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<sup>1</sup> Companion resolutions, House Concurrent Resolution 67 and House Resolution 52 have been amended accordingly.

However, the Department notes that the requested working group would incur significant costs for the entity that is responsible for its management, whether the Department or the CCH. The working group likely require staff for proper administration, as well as office equipment and supplies, and potential travel expenses. There will be added expense for the committee to comply with Chapter 92, HRS, sunshine law requirements. Further, the working group's actions could be subject to contested case hearings and appeals. A conservative budget for such a working group, including payroll, fringe benefits, hearing officer fees, and other costs and expenses, would be \$500,000 annually. As an alternative, in order to alleviate these costs, if the Committee is inclined to pass the resolution, the Department requests that the working group be exempted from Chapter 92, HRS.

Thank you for the opportunity to testify on this resolution.

**SCR-73**

Submitted on: 3/22/2024 11:07:32 AM

Testimony for WTL on 3/25/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to; REQUESTING THE ESTABLISHMENT OF A STREAM  
MAINTENANCE WORKING GROUP WITHIN THE  
DEPARTMENT OF LAND AND NATURAL RESOURCES.



*Restore the Commons*

Monday, March 25, 2024, 1:00 pm

Senate Committee on Water and Land

SENATE CONCURRENT RESOLUTION 73 – WORKING GROUP ON STREAM MAINTENANCE

Position: **Strong Support**

Me ke Aloha, Chair Inouye, Vice-Chair Elefante, and Members of the Senate Committee on Water and Land.

SCR73 proposes a working group to address issues of stream maintenance. This is a great idea, for all the reasons enumerated in the Whereas clauses.

Once upon a time, when the Hawaii Association of Conservation Districts enjoyed active participation of sugar companies, it also comprised local farmers and ranchers, as well as the participation of the Department of Health and USDA Soil Conservation Service (now Resource Conservation Service), as well as citizens' conservation groups. The Association was supported by minimal staffing and funding, conducted periodic island-wide and State-wide meetings, and developed priorities for appropriate stream maintenance. In some cases, these involved major flood control projects engaging the Army Corps of Engineers, as well.

While its coverage inevitably fell short of the need, it was a robust organization peopled by responsible, active partners working together. Since the demise of sugar, a crucial unperpinning of this organization has been lost, and ongoing maintenance needs face the same struggle to keep up with necessity.

Forming a working group within DLNR is a great start to resurrect this essential function. Accordingly, it may be understood that partners other than those named might be recruited to help produce working plans to restore better stream maintenance. Other groups might include the watershed partnerships that have proven helpful but have been minimally supported. Counties would equally be welcome.

The Legislature should be prepared, however, for recommendations for staff and funding to maintain a level of cooperation and partnered funding for ongoing projects, as well as considerations for funding sources to do the ongoing maintenance work.

Mahalo for the opportunity to address this issue,  
/s/ Charley Ice

Representative to Hawaii Association of Conservation Districts (for DHHL), 1985-1995

Planner, Department of Hawaiian Home Lands and liaison to the Water Commission (10 years) and Hydrologist, Commission on Water Resource Management (25 years) (retired)

**SCR-73**

Submitted on: 3/24/2024 10:00:13 AM

Testimony for WTL on 3/25/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support