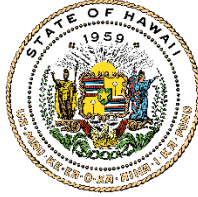


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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KAHOOLAWE 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.¹

¹ 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.

SR-61

Submitted on: 3/23/2024 9:19:23 AM

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

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Inouye, Vice Chair Elefante, and WTL Committee Members,

I strongly support this resolution.

With Aloha,

Lisa Bishop

Oahu Resident