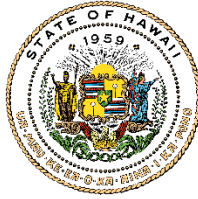


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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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 6, 2025
9:00 AM

State Capitol, Conference Room 411 & Videoconference

In consideration of
HOUSE BILL 211
RELATING TO STREAM MAINTENANCE

House Bill 211 proposes to clarify that personal property stored in or near a public stream or tributary for a continuous period of more than twenty-four hours shall become abandoned property which the Department of Land and Natural Resources (Department) shall dispose of. **The Department acknowledges the intent of the bill and offers the following comments and recommended amendments.**

Streams and adjoining lands can be under both public and private ownership, and even streams that are publicly owned may be owned by various State agencies other than the Department or the counties. The Department opposes the mandate that it be responsible for the removal and disposal of abandoned property located on lands it does not have any ownership or jurisdictional authority. Additionally, the measure provides no funding and would impose a significant burden on limited Department resources. The Department recommends that the measure replace the Department with the respective counties, who already have the authority to enter private property and conduct clean up, then charge the owner of the streambank pursuant to Section 46-11.5, Hawaii Revised Statutes (HRS). The Department notes that statute states that the counties **shall** provide for streambank maintenance and believes that it would be appropriate to include the removal and disposal of abandoned property in that authority.

The Department recommends that Section 46-11.5, HRS be amended as follows:

[§46-11.5] Maintenance of channels, streambeds, streambanks, and drainageways.

(a) Notwithstanding any law to the contrary, each county shall provide for the maintenance of channels, streambeds, streambanks, and drainageways, whether natural or artificial, including their exits to the ocean, including the removal and disposal of personal property

as described in subsections (b) and (c), in suitable condition to carry off storm waters; and for the removal from the channels, streambeds, streambanks, and drainageways and from the shores and beaches any debris which is likely to create an unsanitary condition or otherwise become a public nuisance; provided that to the extent any of the foregoing work is a private responsibility the responsibility may be enforced by the county in lieu of the work being done at county expense, and any private entity or person refusing to comply with any final order issued by the county shall be in violation of this chapter and be liable for a civil penalty not to exceed \$500 for each day the violation continues; provided further that it shall be the responsibility of the county to maintain all channels, streambeds, streambanks, and drainageways unless such channels, streambeds, streambanks, and drainageways are privately owned or owned by the State, in which event such channels, streambeds, streambanks, and drainageways shall be maintained by their respective owners.

- (b) Personal property shall not be stored in or near channels, streambeds, streambanks, and drainageways. Personal property stored in or near channels, streambeds, streambanks, and drainageways, for a continuous period of more than twenty-four hours shall be deemed abandoned property that each county shall dispose of.
- (c) For the purposes of this section, "personal property" means any and all tangible property and includes but is not limited to items, goods, materials, merchandise, furniture, equipment, fixtures, clothing, and household items. "Personal property" does not include any vehicle as defined in section 291C-1 or vessel as defined in section 200-23.

Thank you for the opportunity to testify on this measure.

HB-211

Submitted on: 2/5/2025 2:33:13 PM

Testimony for WAL on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Tsuji	Department of Land and Natural Resources	Comments	Remotely Via Zoom

Comments:

DLNR Testimony was submitted for HB211 - Request for Zoom Link for additional staff to provide be backup testifier at the hearing.

HB-211

Submitted on: 2/4/2025 11:03:37 AM

Testimony for WAL on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I fully SUPPORT this bill because it will help to reduce the amount of trash that ends up floating down to the Ala Wai Canal. The trash makes the canal look disgusting, and is not what Waikiki visitors and residents be forced to see. It also is disgusting to see when it ends up in the harbor and pollutes the ocean.

HB-211

Submitted on: 2/4/2025 11:11:29 AM

Testimony for WAL on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill; please pass it. The trash that is washed into the streams not only hurts the stream water quality, but pollutes the Ala Wai and eventually the ocean.