
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1 PART I

2 SECTION 1. The legislature finds that immediate action is
3 needed to secure Hawaii's water supply. Hotter, drier
4 conditions and damaged watershed forests are escalating the
5 costs and conflicts over water.

6 While climate change is a problem on a global scale,
7 simple, local actions can safeguard Hawaii's declining water
8 sources. Through Act 152, Session Laws of Hawaii 2000, the
9 legislature recognized that fresh water is not an infinite
10 resource and its quality, quantity, and sustainability depend
11 upon forested watersheds. Without vegetation, most of our
12 islands' rainfall would quickly run off into the ocean and be
13 unusable. Instead, forests break the impact of heavy rains,
14 thereby reducing flooding, erosion, and siltation of reefs and
15 fisheries.

16 Protecting forest watersheds is the most cost effective and
17 efficient way to absorb rainwater and replenish ground water.

18 Watersheds also reduce impacts from climate change by absorbing



1 greenhouse gases, which is a component of the Hawaii Clean
2 Energy Initiative to help the State reach its policy targets to
3 reduce greenhouse gas emissions to 1990 levels by year 2020,
4 enacted by the legislature by way of Act 234, Session Laws of
5 Hawaii 2007. Additionally, forests sustain irreplaceable
6 cultural and natural values.

7 Half of Hawaii's forests have already been lost. Alien
8 species, such as feral pigs and goats, trample and devour
9 vegetation, leaving bare ground or openings for alien plants
10 that consume more water and increase runoff. The gradual
11 invasion of alien plants into native forests may have already
12 reduced the estimated groundwater recharge by up to ten per cent
13 in certain aquifers. For example, in East Hawaii, invasive
14 plants have already reduced estimated groundwater recharge by
15 eighty-five million gallons a day. Controlling these and other
16 threats requires a large-scale effort to protect these
17 irreplaceable natural assets.

18 Governor Neil Abercrombie's "A New Day in Hawaii" plan
19 calls for the stewardship of the natural resources that our
20 survival, economy, and quality of life depend on. Priority
21 actions of the plan include managing invasive species,
22 increasing Hawaii's ability to withstand impacts from climate



1 change, and restoring capabilities of the department of land and
2 natural resources by finding additional sources of funding. The
3 Abercrombie administration's New Day status report also tasks
4 the department of land and natural resources with ensuring that
5 mauka watersheds are fully functioning so that fresh water
6 resources can be utilized and enjoyed by the people of Hawaii in
7 perpetuity.

8 To implement these central goals of the Abercrombie
9 administration, the department of land and natural resources
10 released "The Rain Follows the Forest - A Plan to Replenish
11 Hawaii's Source of Water", which identifies priority watersheds
12 and outlines on-the-ground actions and projects required to
13 protect and sustain Hawaii's critical water sources. The forests
14 and their ability to capture water depend on the protection
15 provided by the actions listed in this plan. To be successful,
16 these actions must occur on a large scale across ownership
17 boundaries, through agreements and leveraged funds provided by
18 the statewide watershed partnerships. Currently, only ten per
19 cent, approximately ninety thousand acres, of the priority
20 watershed areas are protected. This level of management has
21 taken forty years to achieve. The department of land and
22 natural resources' goal is to double the amount of protected



1 watershed areas in just ten years. This will require
2 approximately \$5,000,000 per year, and create over one hundred
3 fifty local jobs.

4 The legislature further finds and declares that the State
5 needs to direct revenues towards new priorities and move
6 immediately to fund the protection of these watersheds and
7 implement this comprehensive plan to ensure the availability and
8 affordability of fresh water. Watershed protection and
9 restoration must be funded commensurate with its essential role.
10 Hawaii's leaders must come together and incorporate funding
11 policies within the State's overall financial plan to reverse
12 the grave decline of the islands' life-giving forests in order
13 to sustain and enrich current and future generations.

14 The purpose of this part is to provide funds to the
15 department of land and natural resources for the immediate
16 protection of priority watershed forests to replenish Hawaii's
17 water supplies and provide many other fundamental benefits to
18 Hawaii's environmental health.

19 SECTION 2. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2012-2013 to be
22 expended on projects undertaken in accordance with watershed



1 management plans, including to invasive species removal,
 2 construction and ongoing maintenance of fences, control of other
 3 forest threats, and restoration; provided that any new fences
 4 constructed shall be on state land only and funds used for
 5 maintenance of fences shall be for fences on state lands only.
 6 Private land owners shall reimburse the department of land and
 7 natural resources for any funds appropriated to the watershed
 8 management plans that are used for private lands.

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

11 PART II

12 SECTION 3. The purpose of this part is to statutorily
 13 establish the division of aquatic resources under the department
 14 of land and natural resources.

15 SECTION 4. Section 26-38, Hawaii Revised Statutes, is
 16 amended to read as follows:

17 "**§26-38 Powers and duties of heads of departments.** Except
 18 as otherwise provided by this chapter, every power and duty
 19 conferred by law and required to be performed by any officer,
 20 board, department, bureau, commission, administrative agency, or
 21 instrumentality of the State existing immediately prior to
 22 November 25, 1959, shall hereafter be exercised and performed by



1 the head of the respective department established by this
2 chapter, whether the head of the department be a single
3 executive, board, or commission.

4 Except as otherwise provided by this chapter, the head of a
5 department may assign any function vested in [~~his~~] the
6 department to any subordinate officer or employee as [~~he~~] the
7 head of the department deems desirable.

8 With the approval of the governor, the head of a department
9 may establish or abolish within [~~his~~] the department any
10 division or other administrative unit to achieve economy and
11 efficiency and in accord with sound administrative principles
12 and practices and procedures[-]; provided that the chairperson
13 of the board of land and natural resources shall not use this
14 authority to abolish or consolidate the division of aquatic
15 resources established under section 187A-4.

16 The head of each department may prescribe regulations for
17 the administration of [~~his~~] the department, for the conduct of
18 its employees, for the performance of its business, and for the
19 custody, use, and preservation of records, equipment, and other
20 property pertaining thereto; provided that the regulations shall
21 not be inconsistent with the requirements of chapters 76, 91,



1 and 92, or rules promulgated by the governor, or other laws of
2 the State."

3 SECTION 5. Section 187A-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§187A-4 [Administrator. The board shall appoint an~~
6 administrator] Division of aquatic resources; administrator.

7 (a) There shall be a division of aquatic resources [wh~~e~~] under
8 the department. The division shall have charge, direction, and
9 control of all matters relating to aquatic resources management,
10 conservation, and development [activities] under this title, and
11 such other matters relating to aquatic resources as the board
12 may direct[-]; except that:

13 (1) The enforcement of laws and rules regulating aquatic
14 resources shall be the responsibility of the
15 conservation and resources enforcement program
16 established pursuant to chapter 199, unless otherwise
17 directed by the board; and

18 (2) For the purpose of achieving efficiency, the board may
19 provide administrative services for the division of
20 aquatic resources through another division or unit of
21 the department.



1 term employment for individuals who are unemployed or
2 underemployed due to the slow economic recovery. Individuals
3 willing to accept the challenge of an emergency environmental
4 workforce job will assist in the State's efforts to:

5 (1) Maintain and strengthen watersheds throughout the
6 State;

7 (2) Eradicate the miconia plant, feral coffee trees, and
8 other invasive plants; and

9 (3) Reduce coqui frog, coffee borer beetle, and fire ant
10 populations.

11 The legislature intends for the revenues generated by
12 general obligation bond authorizations and appropriations from
13 the general fund made by this part to be released only after at
14 least sixty-five per cent of the total appropriations from
15 various non-general funds made by this part have been released.
16 The legislature further intends for the director of finance to
17 have the discretion to determine when at least sixty-five per
18 cent of the special and other non-general fund appropriations
19 have been made in a manner that fulfills the purpose of this
20 part.

21 SECTION 7. There is established the emergency
22 environmental workforce to be attached to the research



1 corporation of the University of Hawaii for administrative
2 purposes. The emergency environmental workforce shall:

3 (1) Employ as six-month contract employees approximately
4 five hundred to seven hundred fifty individuals who
5 were terminated from their jobs as a result of the
6 local economic downturn;

7 (2) Supplement the State's current services being provided
8 for the maintenance and strengthening of watersheds
9 throughout the State, eradication of the miconia plant
10 and other invasive plants, and the reduction of coqui
11 frog, coffee borer beetle, and fire ant populations;
12 and

13 (3) Coordinate its efforts with the efforts of the
14 department of agriculture, the department of land and
15 natural resources, and the invasive species committees
16 of Hawaii.

17 SECTION 8. The research corporation of the University of
18 Hawaii shall:

19 (1) Together with the pacific cooperative studies unit of
20 the University of Hawaii at Manoa, develop a planning,
21 administration, implementation, and evaluation
22 strategy, including a program duration plan and a



- 1 budget for contract and administrative expenses for
2 the sums appropriated;
- 3 (2) Develop a recruitment and public information plan, in
4 consultation with private employers with workforces
5 that have been or that may be affected by layoffs
6 resulting from the economic downturn;
- 7 (3) Develop a strategy for the interviewing and selection
8 of emergency environmental workforce participants,
9 including physical examinations as necessary to
10 qualify applicants before final contract offers;
- 11 (4) Request that attorneys employed or retained by the
12 University of Hawaii prepare, on an expedited basis,
13 the necessary employment contracts to meet the
14 objectives of the emergency environmental workforce;
- 15 (5) Submit review and assessment reports to the governor,
16 the senate president, and the speaker of the house of
17 representatives every sixty days for the duration of
18 the emergency environmental workforce; and
- 19 (6) Undertake all other necessary activities for emergency
20 environmental workforce development and
21 implementation.



1 SECTION 9. There is appropriated out of the special land
2 and development fund the sum of \$ or so much thereof as
3 may be necessary for fiscal year 2012-2013 to establish an
4 emergency environmental workforce to be administered by the
5 research corporation of the University of Hawaii.

6 The sum appropriated shall be expended by the research
7 corporation of the University of Hawaii for the purposes of this
8 part; provided that no moneys shall be expended without the
9 prior approval of the pacific cooperative studies unit of the
10 University of Hawaii at Manoa.

11 SECTION 10. There is appropriated out of the forest and
12 wildlife resources fund within the special land and development
13 fund the sum of \$ or so much thereof as may be necessary
14 for fiscal year 2012-2013 to establish an emergency
15 environmental workforce to be administered by the research
16 corporation of the University of Hawaii.

17 The sum appropriated shall be expended by the research
18 corporation of the University of Hawaii for the purposes of this
19 part; provided that no moneys shall be expended without the
20 prior approval of the pacific cooperative studies unit of the
21 University of Hawaii at Manoa.



1 SECTION 11. There is appropriated out of the land
 2 conservation fund the sum of \$ or so much thereof as may
 3 be necessary for fiscal year 2012-2013 to establish an emergency
 4 environmental workforce to be administered by the research
 5 corporation of the University of Hawaii.

6 The sum appropriated shall be expended by the research
 7 corporation of the University of Hawaii for the purposes of this
 8 part; provided that no moneys shall be expended without the
 9 prior approval of the pacific cooperative studies unit of the
 10 University of Hawaii at Manoa.

11 SECTION 12. There is appropriated out of the water
 12 resource management fund the sum of \$ or so much thereof
 13 as may be necessary for fiscal year 2012-2013 to establish an
 14 emergency environmental workforce to be administered by the
 15 research corporation of the University of Hawaii.

16 The sum appropriated shall be expended by the research
 17 corporation of the University of Hawaii for the purposes of this
 18 part; provided that no moneys shall be expended without the
 19 prior approval of the pacific cooperative studies unit of the
 20 University of Hawaii at Manoa.

21 SECTION 13. There is appropriated out of the natural area
 22 reserve fund the sum of \$ or so much thereof as may be



1 necessary for fiscal year 2012-2013 to establish an emergency
2 environmental workforce to be administered by the research
3 corporation of the University of Hawaii.

4 The sum appropriated shall be expended by the research
5 corporation of the University of Hawaii for the purposes of this
6 part; provided that no moneys shall be expended without the
7 prior approval of the pacific cooperative studies unit of the
8 University of Hawaii at Manoa.

9 SECTION 14. There is appropriated out of the forest
10 stewardship fund the sum of \$ or so much thereof as may
11 be necessary for fiscal year 2012-2013 to establish an emergency
12 environmental workforce to be administered by the research
13 corporation of the University of Hawaii.

14 The sum appropriated shall be expended by the research
15 corporation of the University of Hawaii for the purposes of this
16 part; provided that no moneys shall be expended without the
17 prior approval of the pacific cooperative studies unit of the
18 University of Hawaii at Manoa.

19 SECTION 15. There is appropriated out of the pest
20 inspection, quarantine, and eradication fund the sum of
21 \$ or so much thereof as may be necessary for fiscal year
22 2012-2013 to establish an emergency environmental workforce to



1 be administered by the research corporation of the University of
2 Hawaii.

3 The sum appropriated shall be expended by the research
4 corporation of the University of Hawaii for the purposes of this
5 part; provided that no moneys shall be expended without the
6 prior approval of the pacific cooperative studies unit of the
7 University of Hawaii at Manoa.

8 SECTION 16. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2012-2013.

11 The sum appropriated shall be expended by the research
12 corporation of the University of Hawaii for the purposes of this
13 part; provided that no moneys shall be expended without the
14 prior approval of the pacific cooperative studies unit of the
15 University of Hawaii at Manoa.

16 SECTION 17. The director of finance is authorized to issue
17 general obligation bonds in the sum of \$ or so much
18 thereof as may be necessary and the same sum or so much thereof
19 as may be necessary is appropriated for fiscal year 2012-2013
20 for the emergency environmental workforce to:



1 (1) Fence lands and easements in the state conservation
2 district to protect watershed lands; and

3 (2) Mitigate invasive species.

4 The appropriation made for the capital improvement projects
5 authorized by this section shall not lapse at the end of the
6 fiscal biennium for which the appropriation is made; provided
7 that all moneys from the appropriation unencumbered as of June
8 30, 2014, shall lapse as of that date.

9 The sum appropriated shall be expended by the research
10 corporation of the University of Hawaii for the purposes of this
11 part; provided that no moneys shall be expended without the
12 prior approval of the pacific cooperative studies unit of the
13 University of Hawaii at Manoa.

14 SECTION 18. The moneys appropriated from the general fund
15 by section 16 of this Act and the revenues derived from the
16 general obligation bonds authorized by section 17 of this Act
17 shall be released and expended only when at least sixty-five per
18 cent of the moneys appropriated from funds by sections 9, 10,
19 11, 12, 13, 14, and 15 of this Act have been authorized for
20 expenditure by the director of finance. For the purpose of
21 determining the monetary amount that is at least sixty-five per
22 cent of the moneys appropriated and allotted under sections 9,



1 10, 11, 12, 13, 14, and 15, the director of finance may
2 aggregate the amounts authorized for expenditure from those
3 funds.

4 PART IV

5 SECTION 19. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 20. This Act shall take effect on July 1, 2030.



Report Title:

Watershed Protection; Emergency Environmental Workforce;
Appropriation

Description:

Appropriates funds to the Department of Land and Natural Resources for the immediate protection of priority watershed forests. Statutorily establishes the Division of Aquatic Resources within the Department of Land and Natural Resources. Establishes the Emergency Environmental Workforce. Appropriates funds. Effective July 1, 2030. (SB2782 HD2)

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