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# A BILL FOR AN ACT

RELATING TO THE KAHO‘OLAWE ISLAND RESERVE COMMISSION.

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

1           SECTION 1. Through Act 340, Session Laws of Hawaii 1993,  
2 the legislature found that the island of Kaho‘olawe was of  
3 significant cultural and historic importance to the native  
4 people of Hawaii. The legislature also found that, due to  
5 extensive erosion and other ecological problems, the presence of  
6 unexploded ordnance, the existence of archaeological and other  
7 cultural and historic sites, and the presence of native and  
8 endangered flora and fauna, a new management regime was needed  
9 to effectively meet the unique challenges of restoring,  
10 preserving, and determining the appropriate use of Kaho‘olawe.

11           The Kaho‘olawe island reserve commission was funded  
12 predominantly by a dwindling trust fund created in 1994 during  
13 the federal cleanup of unexploded ordnance on Kaho‘olawe.  
14 Although it was a considerable amount, the federal  
15 appropriations totaling approximately \$44,000,000 over a period  
16 of several years was not substantial enough to establish a



1 sustainable endowment for the long-term restoration of  
2 Kaho'olawe.

3 As stated in the federally mandated Kaho'olawe Island  
4 Conveyance Commission Final Report to Congress in 1993, "[i]n  
5 the short term, federal funds will provide the bulk of the  
6 program support for specific soil conservation projects and  
7 related activities. In the longer term, however, state revenues  
8 will be needed to continue and enhance those activities  
9 initiated with federal funds." From 1994 until 2016, federal  
10 funding has allowed the Kaho'olawe island reserve commission to  
11 establish many innovative programs that emphasize ancestral and  
12 traditional knowledge, use a cultural approach of respect for  
13 and connectivity with the environment, and integrate ancient and  
14 modern resource-management techniques.

15 In 2004, the management and control of the Kaho'olawe island  
16 reserve was transferred from the United States Navy to the State  
17 of Hawaii, with the Kaho'olawe island reserve commission as the  
18 state agency designated to oversee the use and restoration of  
19 the reserve. During the past fourteen years, the Kaho'olawe  
20 island reserve commission has been able to develop innovative  
21 restoration projects that are effective in the extremely harsh



1 conditions of Kaho'olawe and will serve as the foundation for the  
2 future restoration of the island.

3 In 2013, the Kaho'olawe island reserve commission embarked  
4 on the development of a 2026 strategic plan for Kaho'olawe, which  
5 marked fifty years of occupation of Kaho'olawe by the people of  
6 Hawaii and laid out a pathway for the future use and management  
7 of the Kaho'olawe island reserve. After a two-year effort that  
8 engaged Hawaii's residents through numerous community meetings  
9 and focus-group sessions held on multiple occasions on each of  
10 the islands, the multi-organizational Kaho'olawe strategic  
11 planning working group developed an island-wide, community-based  
12 strategic plan, entitled "I Ola Kanaloa", or "Life to Kanaloa",  
13 that addressed the future restoration, management, and uses of  
14 Kaho'olawe for the State, the people of Hawaii, and a possible  
15 future sovereign Native Hawaiian entity. Additionally, in 2016,  
16 the Kaho'olawe island reserve commission submitted a detailed  
17 financial self-sufficiency and sustainability plan to establish  
18 the necessary base-line level of funding needed to continue work  
19 on Kaho'olawe.

20 Act 49, Session Laws of Hawaii 2017, provided general funds  
21 and authorized fifteen positions for fiscal years 2017-2018 and



1 2018-2019. These funds allowed the Kaho'olawe island reserve  
2 commission to continue its mission in the near term, but was  
3 only enough to support staffing, Maui-based facilities, and  
4 Maui-based operations. Additional funding is needed to support  
5 Kaho'olawe island operations, safety, and infrastructure, as well  
6 as to restore the cultural resource project coordinator, a  
7 critical position needed to manage, protect, and restore the  
8 archaeological and historical resources of Kaho'olawe. The  
9 island of Kaho'olawe has been placed on the national register of  
10 historic places and additional funding is needed to support the  
11 Kaho'olawe island reserve commission's mandate to act as the  
12 island burial council for Kaho'olawe.

13 Pursuant to section 6K-9, Hawaii Revised Statutes, the  
14 management and control of the Kaho'olawe island reserve will be  
15 transferred to a sovereign Native Hawaiian entity upon its  
16 recognition by the state and federal governments. This event is  
17 anticipated to occur within the time frame of the 2026 strategic  
18 plan. Without additional funding, the Kaho'olawe island reserve  
19 commission will not be able to continue its innovative  
20 management regime beyond fiscal year 2016. The Kaho'olawe island



1 reserve commission's management and control of Kaho'olawe is not  
2 only restoring the ecological damage on Kaho'olawe and protecting  
3 its endangered and rare flora and fauna, but is also ensuring  
4 that the people of Hawaii can safely visit the Kaho'olawe island  
5 reserve.

6 The purpose of this Act is to provide funds to the  
7 department of land and natural resources for the Kaho'olawe  
8 island reserve commission to effectively meet the unique  
9 challenges of restoring, preserving, and determining the  
10 appropriate uses of the Kaho'olawe island reserve for the people  
11 of Hawaii.

12 SECTION 2. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so much  
14 thereof as may be necessary for fiscal year 2018-2019 in natural  
15 and physical environment (LNR906) for the Kaho'olawe island  
16 reserve commission to restore, preserve, and determine the  
17 appropriate uses of the Kaho'olawe island reserve for the people  
18 of Hawaii.

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



1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so much  
3 thereof as may be necessary for fiscal year 2018-2019 to fund  
4 full-time equivalent ( FTE) permanent position in  
5 natural and physical environment (LNR906) for the Kaho'olawe  
6 island reserve commission to restore, preserve, and determine  
7 the appropriate uses of the Kaho'olawe island reserve for the  
8 people of Hawaii.

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

11 SECTION 4. This Act shall take effect on December 24,  
12 2088.



**Report Title:**

Kaho'olawe Island Reserve Commission; Appropriation

**Description:**

Appropriates funds for the Kaho'olawe Island Reserve Commission to restore, preserve, and determine the appropriate uses of Kaho'olawe island, and to fund full-time equivalent (FTE) permanent position(s) for the Kaho'olawe Island Reserve Commission. (HB2594 HD2)

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