

JAN 24 2019

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# A BILL FOR AN ACT

RELATING TO THE KAHOO LAWE ISLAND RESERVE COMMISSION.

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

1           SECTION 1. In Act 340, Session Laws of Hawaii 1993, the  
2 legislature recognized the significant cultural and historic  
3 importance of the island of Kahoolawe to the native people of  
4 Hawaii. The legislature also found that due to extensive  
5 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 Kahoolawe.

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



1 sustainable endowment for the long-term restoration of  
2 Kahoolawe.

3 As stated in the federally-mandated Kahoolawe 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 allowed the Kahoolawe 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 to the environment, and integrate ancient and  
14 modern resource management techniques.

15 In 2004, the management and control of the Kahoolawe island  
16 reserve was transferred from the United States Navy to the State  
17 of Hawaii, with the Kahoolawe island reserve commission  
18 designated as the state entity tasked with overseeing the use  
19 and restoration of the reserve. Over the past fifteen years,  
20 the Kahoolawe island reserve commission has been able to develop  
21 innovative restoration projects that are effective in the



1 extremely harsh conditions of Kahoolawe and serve as the  
2 foundation for the further restoration of the island.

3 A fiscal audit of the Kahoolawe rehabilitation trust fund  
4 performed by the State auditor in 2013 reported two key  
5 findings. First, and more importantly, the auditor reported  
6 that the trust fund would be depleted by 2016. Second, the  
7 auditor reported that the Kahoolawe island reserve commission  
8 lacks a comprehensive and quantifiable restoration plan with  
9 performance measures to gauge whether objectives are being met.  
10 In 2013, the Kahoolawe island reserve commission began  
11 developing a strategic plan for Kahoolawe, mapping out specific  
12 goals and objectives for the future use and management of  
13 Kahoolawe through the year 2026. After a two-year effort that  
14 engaged residents of the state through numerous community  
15 meetings and focus group sessions held on multiple occasions on  
16 each of the islands, the multi-organizational Kahoolawe  
17 strategic planning working group developed an island-wide,  
18 community-based strategic plan, entitled "I Ola Kanaloa", or  
19 "Life to Kanaloa", that addresses the future restoration,  
20 management, and uses of Kahoolawe for the State, the people of  
21 Hawaii, and a possible future sovereign native Hawaiian entity.



1 Act 49, Session Laws of Hawaii 2017, appropriated general  
2 funds for fifteen positions for fiscal years 2017-2018 and 2018-  
3 2019 to allow the Kahoolawe island reserve commission to  
4 continue its mission in the near term. The funds appropriated  
5 were only enough to support staffing, Maui-based facilities, and  
6 limited Maui-based operations. Limited additional funding  
7 provided in Act 140, Session Laws of Hawaii 2018, restored the  
8 cultural resource project coordinator position and provided  
9 additional general funds for Kahoolawe island safety and  
10 operations. The funding has allowed the Kahoolawe island  
11 reserve commission to make great strides in the restoration of  
12 Kahoolawe's natural and cultural resources. However, in order  
13 to protect the accomplishments already made and continue  
14 forward, additional funding is needed to support Kahoolawe  
15 island operations, safety, and infrastructure, including the  
16 restoration of two critical positions: Kahoolawe island reserve  
17 specialist II and Kahoolawe island reserve specialist III.  
18 These positions are necessary to support safety functions,  
19 logistical functions, and on-island restoration efforts and  
20 sustainability field projects. Persons serving in these



1 positions also serve as boat crew while on Kahoolawe island  
2 reserve commission vessels.

3 Pursuant to section 6K-9, Hawaii Revised Statutes, the  
4 management and control of the Kahoolawe island reserve will be  
5 transferred to a sovereign native Hawaiian entity upon its  
6 recognition by the State and the federal government. This event  
7 is anticipated to occur within the timeframe of the 2026  
8 strategic plan. Without additional funding, the Kahoolawe  
9 island reserve commission will not be able to continue its  
10 innovative management regime. The Kahoolawe island reserve  
11 commission's management and control of Kahoolawe is not only  
12 restoring the ecological damage on Kahoolawe and protecting its  
13 endangered and rare flora and fauna, it is also ensuring that  
14 the people of Hawaii who access the Kahoolawe island reserve can  
15 do so meaningfully and safely.

16 Accordingly, the purpose of this Act is to provide funds to  
17 the department of land and natural resources for the Kahoolawe  
18 island reserve commission to effectively meet the unique  
19 challenges of restoring, preserving, and determining the  
20 appropriate uses of the Kahoolawe island reserve for the people  
21 of Hawaii.



1           SECTION 2. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$1,000,000 or so much  
3 thereof as may be necessary for fiscal year 2019-2020 and the  
4 same sum or so much thereof as may be necessary for fiscal year  
5 2020-2021 to support the Kahoolawe island reserve commission  
6 (LNR906) in effectively meeting the unique challenges of  
7 restoring, preserving, and determining the appropriate uses of  
8 the Kahoolawe island reserve for the people of Hawaii pursuant  
9 to section 1 of this Act.

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

12           SECTION 3. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$72,000 or so much  
14 thereof as may be necessary for fiscal year 2019-2020 and the  
15 same sum or so much thereof as may be necessary for fiscal year  
16 2020-2021 for two full-time equivalent (2.0 FTE) permanent  
17 positions for the Kahoolawe island reserve commission (LNR906).

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



1 SECTION 4. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

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# S.B. NO. 1296

**Report Title:**

DLNR; Kahoolawe Island Reserve Commission; LNR906;  
Appropriations

**Description:**

Appropriates funds to the Department of Land and Natural Resources for support of the Kahoolawe Island Reserve Commission, including 2 full-time equivalent (2.0 FTE) permanent positions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

