

JAN 18 2023

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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. The legislature finds that, through Act 340,  
2 Session Laws of Hawaii 1993, the island of Kahoolawe was of  
3 significant cultural and historic importance to the native  
4 people of Hawaii. Due to extensive erosion and other ecological  
5 problems, the presence of unexploded ordnance, the existence of  
6 archaeological and other cultural and historic sites, and the  
7 presence of native and endangered flora and fauna, a new  
8 management regime was needed to effectively meet the unique  
9 challenges of restoring, preserving, and determining the  
10 appropriate use of Kahoolawe. The legislature established the  
11 Kahoolawe island reserve commission to meet these challenges.

12           The legislature additionally finds that the Kahoolawe  
13 island reserve commission was funded predominantly by a  
14 dwindling trust fund created in 1994 during the federal cleanup  
15 of unexploded ordnance on Kahoolawe. Although the funding was a  
16 considerable amount at the time, the federal appropriations  
17 totaling approximately \$44,000,000 over a period of several



1 years was not substantial enough to establish a sustainable  
2 endowment for the long-term restoration of Kahoolawe.

3 As stated in the federally mandated Kahoolawe island  
4 conveyance commission final report to Congress in 1993, "In the  
5 short term, federal funds will provide the bulk of the program  
6 support for specific soil conservation projects and related  
7 activities. In the longer term, however, state revenues will be  
8 needed to continue and enhance those activities initiated with  
9 federal funds."

10 From 1994 until 2016, federal funding allowed the Kahoolawe  
11 island reserve commission to establish many innovative programs  
12 that emphasize ancestral and traditional knowledge, use a  
13 cultural approach of respect for and connectivity to the  
14 environment, and integrate ancient and modern resource-  
15 management techniques.

16 The legislature further finds that, in 2004, the management  
17 and control of the Kahoolawe island reserve was transferred from  
18 the United States Navy to the State, with the Kahoolawe island  
19 reserve commission designated as the state agency to oversee the  
20 use and restoration of the reserve. During the years since  
21 taking responsibility for the reserve, the Kahoolawe island



1 reserve commission has been able to develop innovative  
2 restoration projects that are effective in Kahoolawe's extremely  
3 harsh conditions and will serve as the foundation for the future  
4 restoration of the island.

5 The legislature notes that a fiscal audit of the Kahoolawe  
6 rehabilitation trust fund performed by the office of the auditor  
7 in 2013 reported two key findings. First, and more importantly,  
8 the trust fund would be depleted by 2016. Second, the Kahoolawe  
9 island reserve commission lacked a comprehensive and  
10 quantifiable restoration plan with performance measures to gauge  
11 whether objectives are being met.

12 In 2013, the Kahoolawe island reserve commission embarked  
13 on the development of a 2026 strategic plan for Kahoolawe,  
14 marking fifty years of occupation of Kahoolawe by the people of  
15 Hawaii and laying out a pathway for the future use and  
16 management of the Kahoolawe island reserve. After a two-year  
17 effort that engaged Hawaii's residents through numerous  
18 community meetings and focus-group sessions held on multiple  
19 occasions on each of the islands, the multi-organizational  
20 Kahoolawe strategic planning working group developed an island-  
21 wide, community-based strategic plan, entitled "I Ola Kanaloa",



1 or "Life to Kanaloa", that addresses the future restoration,  
2 management, and uses of Kahoolawe for the State, the people of  
3 Hawaii, and a possible future sovereign Native Hawaiian entity.

4 The legislature also notes that Act 49, Session Laws of  
5 Hawaii 2017, provided general funds and authorized fifteen  
6 positions for fiscal years 2017-2018 and 2018-2019. These funds  
7 allowed the Kahoolawe island reserve commission to continue its  
8 mission in the near term, but was only enough to support  
9 staffing, Maui-based facilities, and limited Maui-based  
10 operations. Some additional funding was appropriated in Act  
11 140, Session Laws of Hawaii 2018, which provided additional  
12 general funds for Kahoolawe island safety and operations.

13 In addition, Act 248, Session Laws of Hawaii 2022, provided  
14 a one-time infusion of \$400,000 in general funds for Kahoolawe  
15 island-based operations for fiscal year 2022-2023 and authorized  
16 additional cultural resources positions. Although this funding  
17 provided critical relief for field operations after two years of  
18 fiscal austerity, additional funding is needed to ensure that  
19 Kahoolawe's on-island operations, safety, and infrastructure are  
20 maintained, and the island remains open for critical restoration  
21 and cultural activities.



1           Additionally, with the increased severity in long-term  
2 weather conditions in and around the waters surrounding  
3 Kahoolawe and Maui, additional positions are necessary to  
4 augment the Kahoolawe island reserve commission's boat  
5 operations and to expand coastal erosion and shoreline  
6 protection projects on Kahoolawe.

7           Accordingly, the purpose of this Act is to appropriate  
8 funds to the department of land and natural resources for the  
9 Kahoolawe island reserve commission to effectively meet the  
10 unique challenges of restoring, preserving, and determining  
11 the appropriate uses of the Kahoolawe island reserve for the  
12 people of Hawaii.

13           SECTION 2. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$400,000 or so much  
15 thereof as may be necessary for fiscal year 2023-2024 and the  
16 same sum or so much thereof as may be necessary for fiscal year  
17 2024-2025 for the Kahoolawe island reserve commission.

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

20           SECTION 3. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$72,500 or so much



1 thereof as may be necessary for fiscal year 2023-2024 and  
2 \$145,000 or so much thereof as may be necessary for fiscal year  
3 2024-2025 to fund three full-time equivalent (3.00 FTE)  
4 permanent positions (Kahoolawe Island Reserve Specialist III,  
5 Kahoolawe Island Reserve Specialist II, and Ocean Resource  
6 Specialist II) for the Kahoolawe island reserve commission.

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

9 SECTION 4. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: *Spruille Snowe*



# S.B. NO. 100

**Report Title:**

Department of Land and Natural Resources; Kahoolawe Island Reserve Commission; Appropriation

**Description:**

Appropriates funds for the Kahoolawe Island Reserve Commission and to fund three full-time equivalent (3.00 FTE) permanent positions for the Kahoolawe Island Reserve Commission.

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

