

H.B. NO. 2400

A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU.

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

1 SECTION 1. This Act is recommended by the governor for
2 immediate passage in accordance with section 9 of article VII of
3 the Constitution of the State of Hawaii.

4 SECTION 2. The purpose of this Act is to make an emergency
5 appropriation of \$1,600,000 to assist in the purchase and
6 preservation of Waimea Valley, Oahu.

7 SECTION 3. The legislature finds that it is in the best
8 interests of the public for the consortium of government
9 agencies and nonprofit organizations to purchase Waimea Valley
10 for the purpose of preserving one of the most treasured ahupua`a
11 for future generations. Waimea Valley has been designated as
12 conservation land due to its rich cultural sites, and abundance
13 of native plants, stream animals and wildlife. The valley is
14 considered an archaeological landscape because of the high
15 frequency and density of archaeological and cultural sites.

16 Given the State's limited resources, the legislature
17 acknowledges that financing the purchase of lands rich in

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1 natural and cultural resources for the benefit of the public is
2 best achieved through collaborative arrangements with and other
3 government agencies and nonprofit organizations. The State
4 recently participated in negotiations that resulted in an
5 agreement to purchase the valley for \$14,000,000. The
6 respective shares of the consortium participants are: United
7 States Army - \$3,500,000, Office of Hawaiian Affairs -
8 \$2,900,000, State Department of Land and Natural Resources -
9 \$1,600,000, City and County of Honolulu - \$5,000,000, and
10 National Audubon Society - \$1,000,000.

11 SECTION 4. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$1,600,000, or so
13 much thereof as may be necessary, for fiscal year 2005-2006 for
14 the purpose of purchasing Waimea Valley, Oahu. The sum
15 appropriated shall be expended by the department of land and
16 natural resources.

17 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. M. Jay

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BY REQUEST
JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU.

PURPOSE: To make an emergency appropriation for fiscal year 2005-2006 to assist in the purchase and preservation of Waimea Valley, Oahu.

MEANS: Emergency appropriations in accordance with section 9 of article VII of the Constitution of the State of Hawaii.

JUSTIFICATION: It is in the best interests of the public for a consortium of government agencies and nonprofit organizations to purchase Waimea Valley for the purpose of preserving one of the most treasured ahupua`a for future generations. Waimea Valley has been designated as conservation land due to its rich cultural sites, and abundance of native plants, stream animals and wildlife. The valley is considered an archaeological landscape because of the high frequency and density of archaeological and cultural sites. Given the State's limited resources, financing the purchase of lands rich in natural and cultural resources for the benefit of the public is best achieved through collaborative arrangements between government agencies and nonprofit organizations. The State recently participated in negotiations that resulted in an agreement to purchase the valley for \$14,000,000. The respective shares of the consortium participants are: U.S. Army - \$3.5 million, Office of Hawaiian Affairs - \$2.9 million, State Department of Land and Natural Resources - \$1.6 million,

City and County of Honolulu - \$5 million, and National Audubon Society - \$1 million.

The scheduled closing date is March 15th and best efforts are to be made to acquire the funds for the acquisition as soon as possible. Efforts to identify funds within current appropriations have failed due to language limitations. An emergency appropriation will ensure that funds are available on the closing date.

The general fund recommendation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. Including appropriations made up to and including the regular and special sessions of 2005, the Executive Branch appropriation ceiling for fiscal year 2005-2006 has already been exceeded by \$165,665,981 or 3.83 percent. Funding requested in this measure is for the acquisition of Waimea Valley, Oahu and will result in the appropriation ceiling for the Executive Branch to now be exceeded in fiscal year 2005-2006 by \$1,600,000, or 0.04 percent. This current declaration takes into account additional general fund appropriations authorized in fiscal year 2005-2006 in this measure only, and does not include other general fund appropriations for fiscal year 2005-2006 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2006.

Impact on the public: Waimea Valley, the last remaining intact ahupua'a (land division extending from the

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uplands to the sea) on the island of Oahu, will be protected and preserved in perpetuity for the public benefit.

Impact on the department and other agencies: None.

GENERAL FUND: \$1,600,000

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 101

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.