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# A BILL FOR AN ACT

RELATING TO WATER.

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

1           SECTION 1. House Concurrent Resolution No. 261, H.D. 1  
2           (2006) requested the department of health, with the assistance  
3           of the department of land and natural resources and the  
4           department of facilities maintenance of the city and county of  
5           Honolulu, to report to the legislature on the relationship  
6           between the various Kailua waterways, including the Kaelepulu  
7           pond, and the water quality and natural resources of Kailua  
8           beach and Kailua bay. This system consists of interconnected  
9           brackish estuarine waters, including Kawainui stream, Hamakua  
10          marsh, Kaelepulu canal, Kaelepulu pond, and Kaelepulu wetlands.

11          In the 1960s, the United States Army Corps of Engineers  
12          directed the natural flow to the Kawainui stream to be blocked  
13          by the construction of the flood control levee to reduce the  
14          threat of flooding to Kailua town. The city and county of  
15          Honolulu manages the Kawainui stream and Kaelepulu canal for  
16          drainage and flood control. The Hamakua wetlands are managed  
17          for endangered Hawaiian waterfowl habitat by the department of  
18          land and natural resources. The Kaelepulu pond and Kaelepulu



1 wetland are private property, recognized historically as a  
2 Hawaiian fish pond and a habitat for at least three endangered  
3 native Hawaiian waterfowl. While it is private land, both the  
4 State and the city and county of Honolulu dump runoff into  
5 Kaelepulu pond, as well as other waterways including Kailua  
6 beach, Kailua bay, Hamakua marsh, and Kawainui marsh.

7 The Kailua waterways are listed on the State's Clean Water  
8 Act 303(d) list of impaired waters not meeting water quality  
9 standards for nutrients, turbidity, and bacteria load. As a  
10 result, the Kailua waterways are presently being studied by the  
11 department of health. Since the time of the removal of the  
12 natural water flow from Kawainui marsh, the large majority of  
13 the water entering the Kailua waterways does so through storm  
14 drains under main separate storm sewer system four. Water flows  
15 from the Kailua waterways across the sand berm at Kailua beach  
16 and adversely impacts the quality of the near shore waters. The  
17 near shore waters are predominantly used for resident and  
18 tourist recreation.

19 The department of health's 2008 report to the legislature  
20 lists eleven reasonable approaches that may improve the water  
21 quality and natural resources of the estuary system and its  
22 residual impact on the beaches and waters in Kailua bay.



1           The purpose of this Act is to appropriate funds to address  
2 water quality and other issues facing Kailua waterways as  
3 follows:

4           (1) For the department of land and natural resources to  
5           implement three of the eleven aforementioned  
6           approaches; and

7           (2) For the department of transportation to plan, design,  
8           and construct measures to address water quality,  
9           siltation, and other waterway problems described in  
10          this Act.

11          SECTION 2. The department of land and natural resources  
12 shall:

13          (1) Conduct an engineering study and an environmental  
14          assessment for the preliminary design and  
15          specification of measures to restore adequate water  
16          flow from Kawainui marsh to Kawainui stream using  
17          siphons, tunnels, pumps, or other appropriate  
18          measures;

19          (2) Conduct a study to maximize the efficiency of the  
20          monthly stream mouth opening procedures, as well as to  
21          improve procedures to respond to threats of flooding  
22          due to a blocked canal mouth. This study shall track



1 the effluent plume from the stream mouth and elucidate  
2 the fate of state standard water quality parameters,  
3 such as turbidity, nutrients, and bacteria, within  
4 Kailua bay recreational waters; and

- 5 (3) Design and implement measures to reduce the amount of  
6 polluted runoff delivered to Kaelepulu pond by  
7 redesigning and restoring the function of the Keopu  
8 flood basin, which receives waters from main separate  
9 storm sewer system four, and report to the legislature  
10 on those measures.

11 All studies and report directed by this section shall be  
12 transmitted to the legislature no later than twenty days prior  
13 to the convening of the regular session of 2009.

14 SECTION 3. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ or so  
16 much thereof as may be necessary for fiscal year 2008-2009 for  
17 the department of land and natural resources for the purposes  
18 described in section 2 of this Act.

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

21 SECTION 4. There is appropriated out of the state highway  
22 fund the sum of \$ or so much thereof as may be



1 necessary for fiscal year 2008-2009 for the department of  
2 transportation to plan, design, and construct measures to  
3 address water quality, siltation, and other waterway problems  
4 mentioned in this Act; provided that the department of  
5 transportation shall:

6 (1) Work in consultation with the department of health,  
7 the department of land and natural resources, and the  
8 city and county of Honolulu; and

9 (2) Request that the city and county of Honolulu match any  
10 funds expended for these purposes considering the city  
11 and county of Honolulu contributes to the road run-off  
12 into the Kailua waterways.

13 The sum appropriated shall be expended by the department of  
14 transportation for the purposes of this Act.

15 SECTION 5. This Act shall take effect on July 1, 2020.



**Report Title:**

Kailua Waterways; Studies; Appropriation

**Description:**

Requires the Department of Land and Natural Resources to conduct, and appropriates funds for, various studies and measures relating to improvements to the Kailua waterways system. Appropriates funds for the Department of Transportation to plan, design, and construct measures to address water quality, siltation, and other waterway problems in Kailua.  
(HB1898 HD1)

