

JAN 23 2008

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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 in order to  
14 reduce the threat of flooding to Kailua town. The city and  
15 county of Honolulu manages the Kawainui stream and Kaelepulu  
16 canal for drainage and flood control. The Hamakua wetlands is  
17 managed for endangered Hawaiian waterfowl habitat by the  
18 department of land and natural resources. The Kaelepulu pond



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

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

20       The department of health's 2008 report to the legislature  
21 lists eleven reasonable approaches that may improve the water



1 quality and natural resources of the estuary system and its  
2 residual impact on the beaches and waters in Kailua bay.

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

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

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

13 SECTION 2. The department of land and natural resources  
14 shall:

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

21 (2) Conduct a study to maximize the efficiency of the  
22 monthly stream mouth opening procedures as well as,



1 improved procedures to respond to threats of flooding  
 2 due to a blocked canal mouth. This study shall track  
 3 the effluent plume from the stream mouth and elucidate  
 4 the fate of state standard water quality parameters,  
 5 such as turbidity, nutrients, and bacteria, within  
 6 Kailua bay recreational waters; and

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

13 All studies and report directed by this section shall be  
 14 transmitted to the legislature not later than twenty prior to  
 15 the convening of the regular session of 2009.

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

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



1 SECTION 4. There is appropriated out of the state highway  
2 fund the sum of \$ or so much thereof as may be  
3 necessary for fiscal year 2008-2009 for the department of  
4 transportation to plan, design, and construct measures to  
5 address water quality, siltation, and other waterway problems  
6 mentioned in this Act; provided that the department of  
7 transportation shall:

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

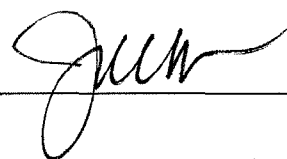
11 (2) Request that the city and county of Honolulu match any  
12 funds expended for these purposes considering the city  
13 and county of Honolulu contributes to the road run-off  
14 into the Kailua waterways.

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

17 SECTION 5. This Act shall take effect on July 1, 2008.

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INTRODUCED BY: \_\_\_\_\_



**Report Title:**

Appropriation; Kailua Waterways

**Description:**

Appropriates funds for various measures to address water quality and other issues facing Kailua waterways.

