

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on House Bill 3340 – RELATING TO KAWAI NUI MARSH

**BEFORE THE HOUSE COMMITTEE ON
FINANCE**

February 6, 2008

House Bill 3340 establishes the Kawai Nui Marsh Advisory Council (Council) and appropriates money to the Department of Land and Natural Resources (Department) for the work of the Council. The Department supports the intent of this measure, however has concerns with the budgetary impacts this bill will have on the Executive Supplemental Budget request.

The involvement of the community in the planning and implementation of programs in Kawai Nui Marsh is critical to maintain and increase public support for protecting and preserving this unique treasure. The Board of Land and Natural Resources recognized the key need for community support and participation when it included a requirement for community input in implementing the Kawai Nui Marsh Management Program.

In as much, the Department supports the involvement of the different community groups identified in the bill, but would like to suggest four other key participants that were not included in the proposed membership. The Department would suggest including the following representation in the Council:

1. One student representative from a Kailua area school as selected by a high school council;
2. One representative from the Kailua Chamber of Commerce;
3. A fourth ex-officio member representing the United States Fish and Wildlife Service; and
4. The Administrator of the Division of State Parks (fifth ex-officio member)

The Department also suggests keeping the Council size at a manageable level of 10 voting members and five ex-official members.



Legislative Testimony
HB 3340, RELATING TO KAWAI NUI MARSH
House Committee on Finance

February 6, 2008
Room: 308

2:00 p.m.

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 3340, which would establish the Kawainui Marsh Advisory Council and would appropriate money to support the work of the council.

Over the years, dedicated groups and individuals have spent countless hours in restoration efforts and education of the larger community on the significance of the natural and cultural resources found within Kawainui Marsh. International organizations such as the Ramsar Convention on Wetlands have also recognized the importance of the natural and cultural resources found within Kawainui Marsh, and it has been declared eligible for listing on the National Register of Historic Places.

The establishment of the Kawainui Marsh Advisory Council, comprised of members knowledgeable in the significance of the marsh, will be a positive step towards updating and implementing the Kawainui Marsh Master Plan and will provide a valuable public forum where the protection and preservation of the natural and cultural resources within the marsh can be discussed and promoted.

OHA urges the Committee to PASS HB 3340. Thank you for the opportunity to testify.



WINDWARD AHUPUA 'A ALLIANCE

From the Peaks of *Na Ko'olau* to the Outer Reefs

*Community-Based Planning
Sustainable Economic Development
Restoration, Preservation, Protection & Public Access
Educational & Cultural Programs*

Committee on Finance
Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice Chair

Public Hearing
2 pm
Wednesday, February 6, 2008
Conference Room 308

HB 3340 - Relating To Kawai Nui Marsh
STRONGLY SUPPORT

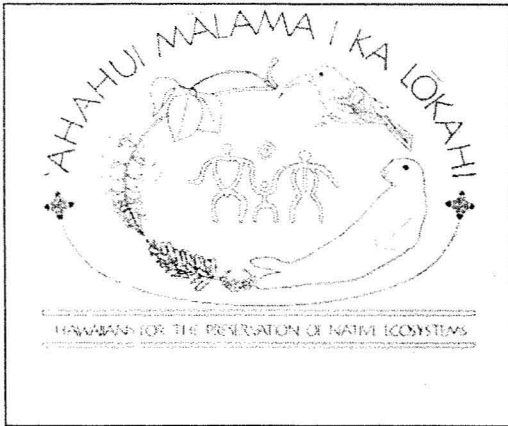
My name is Shannon Wood, speaking on behalf of the *Windward Ahupua 'a Alliance*, a 501c3 Hawai'i non-profit corporation which has several projects in *Kawai Nui Marsh* along its northern section and in the area between the dike & Kailua Town in support of HB 3340.

The bill would establish the Kawai Nui Marsh Advisory Council which would have a number of different functions.

These are the two areas which have been impacted by human activities over the past 75 years ranging from dumping by the military after **World War Two** to a junkyard which held an estimated 35,000 vehicles to the impacts of current industrial activities in *Kapa 'a Valley* as well as a landfill closed in 1996 both of which lie directly *mauka* of the *Marsh*.

The area *makai* of the dike is loaded with invasive mangrove and jammed with a wide range of illegally-dumped materials. Although the *City & County of Honolulu* is removing the mangrove so that we can handle the man-made STUFF, budgetary constraints have kept our combined efforts to a minimum. Still, we move ahead - albeit slowly - because the future health of the *Marsh* and its inhabitants depends upon it.

WAA strongly supports HB 3340 and urges you to support it as well. *Mahalo*.



'Ahahui Mälama I Ka Lökahi

Hawaiians for the Conservation of
Native Ecosystems

P.O. Box 751, Honolulu, Hawai'i 96808
www.ahahui.net • ahahui@hawaii.rr.com

House Committee on Finance
HB No. 3340 - Relating to Kawai Nui Marsh
February 6, 2008
2:00 pm
Rm. 308

LATE

Mr. Chairman and members of the Committee,

I'm Charles Pe'ape'a Makawalu Burrows, a member of several Hawaiian and community organizations but I'm here this afternoon to testify in behalf of Ahahui Malama I ka Lokahi, a native Hawaiian conservation organization of 2000 members. Ahahui does support H.B. #3340 as proposed with amendments to support the establishment of a Kawainui Marsh Advisory Council and appropriated funding for its support for the fiscal year 2008-2009.

Ahahui Malama I ka Lokahi has been the leading Hawaiian environmental and cultural organization for the past 12 years in the ecological and cultural restoration in Kawainui Marsh and conducts educational programs for school, college and community groups. Under the DLNR/Division of State Parks, Ahahui is a co-curator with the Kailua Hawaiian Civic Club for Ulupo Heiau. It is also the curator for Na Pohaku o Hauwahine and recently signed a contract with the Kailua Bay Advisory Council to maintain a newly landscape Hawaiian garden at the Kailua Neighborhood Park in the Kawainui estuary. We therefore would like to have the following changes made in Section 2 of the new section 171 – Kawai Nui marsh advisory council.

In Section 2, lines 1 & 2, replace Kawai Nui Marsh Heritage Foundation with "Ahahui Malama I ka Lokahi".

On line 5 (3) add Ahahui Malama I ka Lokahi with the Kailua Hawaiian Civic Club.

On line 12 (6) add Division of State Parks.

In (e) (1) line 9 – In (e) (1) line 9 – Review and assist in updating and (revising) the (1994) Kawai Nui Marsh Master Plan which should include the Hamakua wetlands, adjacent waterways that enter into Kawainui from Maunawili and Kapa'a Valleys and flow into Kailua Bay (Ahupua'a of Kailua). There must be appropriate funding for the revision of the updated Kawainui/Kailua Ahupua'a Master Plan and approved by the Board of Land and Natural Resources.

On line 15 (4) add Kawai Nui marsh's natural and (cultural) resources.

We as Hawaiian, environmental and community organizations are actively involved in the ecological conservation and restoration of Kawainui Marsh and its sacred sites, We strongly urge this committee to include the Kanaka Maoli organizations such as Ahahui Malama I ka Lokahi and the Kailua Hawaiian Civic Club as partners with the State DLNR/DOFW/State Parks to offer the Hawaiian cultural and spiritual guidance and leadership in the restoration and educational programs for Kawainui Marsh. Excellent examples where this partner/stewardship agreement is taking place is at Ulupo Heiau and Na Pohaku o Hauwahine as well as on the Island of Kahoolawe.

Aloha pumehana,

Charles K. Burrows, Ed.D.
President, Ahahui Malama I ka Lokahi

Testimony before the
House Committee on Finance
regarding
H.B. 3340, Relating to Kawai Nui Marsh
February 6, 2008

Chairman Oshiro, Vice Chairman Lee and other members of the Committee:

I am Susan Miller, President of Kawai Nui Heritage Foundation. The Foundation appreciates the efforts of Representative Chong in introducing H.B. 3340, but believes it is premature, and that a resolution would better serve the present situation for the following reasons.

- Kawai Nui Marsh is not a simple management problem -- it has aspects of a wildlife refuge, a cultural monument, an agricultural park (taro), and a recreational area. There is no model for an appropriate management structure in Hawai'i, so one will have to be developed or sought elsewhere. Whatever management structure is chosen will affect both the updating of the 1994 Master Plan and the composition of an advisory body.
- Kawai Nui is called the piko of the ahupua`a of Kailua, but it does not exist in a vacuum; there is the need to view Kawai Nui in the context of the ahupua`a, which includes Kaelepulu (Enchanted Lake), and not as an isolated entity. This needs to be taken into account by a management structure and an advisory body.
- There is a need for better and more consistent communication among all the entities involved in enhancement and restoration activities in Kawai Nui and the ahupua`a.

A resolution that

1. charged either DLNR-DOFAW or an existing community organization such as Ho`olaulima ia Kawai Nui with the ongoing responsibility for achieving consistent communication among all the entities involved in enhancement and restoration activities in Kawai Nui and the ahupua`a; and
2. charged the same group with
 - developing a management structure,
 - finding funds for updating the 1994 Master Plan,
 - updating the 1994 Master Plan, and
 - proposing the formation of an advisory body,

would go far toward improving the management of Kawai Nui Marsh.

Pa Kia'i Pono 'O Kawai Nui

KAWAI NUI HERITAGE FOUNDATION
P.O. BOX 17 KAILUA, HAWAI`I 96734-0017

Testimony on HB3340 before the House Committee on Finance

February 6, 2008

Page 2

Mahalo for the opportunity to testify! The Foundation looks forward to working with Representative Chong and all concerned to achieve the goal of creating a formal structure for community input into the management of enhancement and restoration activities in Kawai Nui and the ahupua'a,

If your Committee chooses to move this bill, the Foundation has a number of editorial changes to suggest, which we will supply within 24 hours. In addition, Section 2 appears to have conflicting methods of appointment; we very much prefer an appointment method that does not require the "advise and consent" process in the Senate. We commend to your attention the appointment method used for the advisory body to the Hawaii Coastal Zone Management Program, as shown in 205A-3.5, HRS.



Susan Elliott Miller
President

808-261-7580
semiller@lava.net

Attachment

:sem

FINtestimony

From: Robert Bourke [rbourke@OCEANIT.COM]
Sent: Tuesday, February 05, 2008 2:23 PM
To: FINtestimony
Cc: Baron Gushiken
Subject: RE: Hearing Alert, House Bill 3340, Relating to Kawai Nui Marsh - Finance Hearing, Tomorrow, Wednesday, February 6, 2008, 2:00 p.m., Room 308.

HB3340, Relating to Kawai Nui Marsh

Testimony of Robert E. Bourke

Chairman and Committee Members.

As a professional biologist I hold a special viewpoint with respect to biological wonder that is Kawai Nui Marsh. The company that I work for, Oceanit, was privileged to have conducted the first complete botanical survey of the wetland two years ago, and to have helped design the bird ponds that will be built in the upper areas of the marsh next summer. As a resident of Kailua I also look at the marsh from a different perspective in appreciation of the open space and recreational opportunities it offers to my community, but also in fear of its potential to flood out the homes of my neighbors. As a board member of the Enchanted Lake Residents Association I see Kawai Nui Marsh as the potential source of waters restored to the Kailua Waterways from which they were divided in the 1960's by the original flood control project.

There are many ways to view the Kawai Nui Marsh, depending upon one's cultural and educational background. To properly manage a complex system such as this, the use of a governing advisory board is both appropriate and necessary. I support the passage of HB3340.

Robert E. Bourke
 437 Keolu Drive
 Kailua, Hawaii

808 256 2057

From: Baron Gushiken [mailto:gushiken@capitol.hawaii.gov]
Sent: Tuesday, February 05, 2008 1:39 PM
To: Robert Bourke
Subject: Hearing Alert, House Bill 3340, Relating to Kawai Nui Marsh - Finance Hearing, Tomorrow, Wednesday, February 6, 2008, 2:00 p.m., Room 308

Aloha, Mr. Bourke:

On behalf of Representative Pono Chong, this is to inform you that **House Bill 3340, Relating to Kawai Nui Marsh** that establishes the Kawai Nui Marsh Advisory Council; appropriates moneys to DLNR for the work of the council, is scheduled for a public hearing in the Finance committee Wednesday, February 6, 2008, from 2:00 p.m. in Conference Room 308.

Here are links to assist you:

- **House Bill 3340, Relating to Kawai Nui Marsh:** [http://capitol.hawaii.gov/session2008/bills/HB3340 .pdf](http://capitol.hawaii.gov/session2008/bills/HB3340.pdf);
- **FIN Hearing Notice:** [http://www.capitol.hawaii.gov/session2008/hearingnotices/FIN_02-06-08_2 .htm](http://www.capitol.hawaii.gov/session2008/hearingnotices/FIN_02-06-08_2.htm); and
- **Email Address to Send Testimony:** As indicated in the hearing notice, you can email your testimony 24 hours prior to the hearing to the following email address, FINtestimony@Capitol.hawaii.gov. You can cut and paste this email address in order to send your testimony.

2/5/2008

Please contact us if you have any questions.

Baron John Gushiken

Office Manager

Office of Vice Speaker Pono Chong

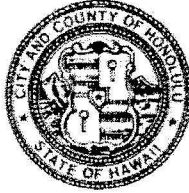
State Capitol, Room 404

Phone: 586-9490 - Direct: 586-6208

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 215, Kapolei, Hawaii 96707
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MUFI HANNEMANN
MAYOR



CRAIG I. NISHIMURA, P.E.
ACTING DIRECTOR AND CHIEF ENGINEER

GEORGE "KEOKI" MIYAMOTO
DEPUTY DIRECTOR

IN REPLY REFER TO:

February 5, 2008

The Honorable Marcus R. Oshiro, Chair
and Members
Committee on Finance
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Oshiro and Members:


Subject: House Bill 3340, Relating to Kawai Nui Marsh

The Department of Facility Maintenance of the City and County of Honolulu supports the intent of House Bill 3340, Relating to Kawai Nui Marsh and is willing to participate in the advisory council.

However, it would be more appropriate for the advisory council to take action on certain portions of its plans when Kawai Nui Marsh is under the fee ownership of the State. Therefore, we recommend that the effective date of this bill coincide with the transfer date of the Marsh from the City to the State. This will ensure proper use as well as protection of this valuable wetland.

Thank you for the opportunity to offer testimony in favor of House Bill 3340.

Sincerely,


Craig I. Nishimura, P.E.
Acting Director and Chief Engineer

c: Office of the Mayor