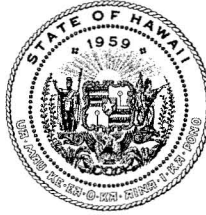


LINDA LINGLE
GOVERNOR OF HAWAII



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

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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 Concurrent Resolution 219 and House Resolution 186 – REQUESTING THE
DEPARTMENT OF LAND AND NATURAL RESOURCES TO REGULARLY
CONSULT WITH HO‘OLAULIMA IA KAWAI NUI TO COORDINATE EFFORTS TO
PROTECT, PRESERVE, AND MAINTAIN THE NATURAL, CULTURAL, AND
SCENIC RESOURCES OF KAWAI NUI MARSH**

**BEFORE THE HOUSE COMMITTEE ON
WATER, LAND, OCEAN RESOURCES AND HAWAIIAN AFFAIRS**

March 24, 2008

House Concurrent Resolution 219 and House Resolution 186 requests that the Department of Land and Natural Resources (Department) regularly consult with Ho‘olaulima Ia Kawai Nui to coordinate efforts to protect, preserve, and maintain the natural, cultural, and scenic resources of Kawai Nui Marsh. The Department supports the intent of this measure to consult with the Kailua community but prefers the approach proposed in House Bill 3340 and Senate Bill 3206 that establishes a broad based Kawai Nui Marsh Advisory Council – that includes a broader range of community interests in the Advisory Council and also provides funding to administer the advisory council. Our past experience has shown that it takes staff and operational support to be able to effectively develop and properly utilize advisory bodies for the purpose intended.

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.

From: Windward Ahupua`a Alliance [mailto:info@waa-hawaii.org]
Sent: Sunday, March 23, 2008 9:39 PM
To: WLHtestimony
Subject: HCR 219/HR 186:

SUBMITTED BY:

Shannon Wood, *Interim President*
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**COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN
AFFAIRS**

Rep. Ken Ito, Chair
Rep. Jon Riki Karamatsu, Vice Chair

PUBLIC HEARING
10:30 am
Monday, March 24, 2008
Conference Room 312

**HCR 219/HR 186: REQUESTING THE DEPARTMENT OF LAND AND
NATURAL RESOURCES TO REGULARLY CONSULT WITH HO`OLAULIMA
IA KAWAI NUI TO COORDINATE EFFORTS TO PROTECT, PRESERVE,
AND MAINTAIN THE NATURAL, CULTURAL, AND SCENIC RESOURCES
OF KAWAI NUI MARSH**

OPPOSE

**TO THE COMMITTEE ON WATER, LAND, OCEAN RESOURCES &
HAWAIIAN AFFAIRS:**

Aloha, My name is Shannon Wood, submitting testimony **IN OPPOSITION** to **HCR 219/HR 186** on behalf of the *Windward Ahupua`a Alliance*, a **501c3** Hawai`i non-profit corporation, which was established in July, 2002.

HCR 210/HR 186 states in part: **WHEREAS, *Ho`olaulima ia Kawai Nui*** is a network of concerned community organizations, government agencies, and individuals cooperating to foster public awareness and understanding of the natural, cultural, and scenic resources of *Kawai Nui Marsh* to ensure the long-term protection, restoration, and

stewardship of *Kawai Nui Marsh* and the surrounding area; and

WHEREAS, since 2003, *Ho'olaulima ia Kawai Nui* has been actively advocating to unite county, state, and federal agencies to further the goal of consolidating the ownership of *Kawai Nui Marsh* under the State; and

WHEREAS, the *Department of Land and Natural Resources* is currently responsible for the management and sustainability of this important public resource; and

WHEREAS, the *Department of Land and Natural Resources* should regularly consult with *Ho'olaulima ia Kawai Nui* to coordinate efforts to protect, preserve, and maintain the natural, cultural, and scenic resources of Kawai Nui Marsh; now, therefore,

BE IT RESOLVED by the *House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008*, the *Senate* concurring, that the *Department of Land and Natural Resources* is requested to regularly consult with *Ho'olaulima ia Kawai Nui* to coordinate efforts to protect, preserve, and maintain the natural, cultural, and scenic resources of Kawai Nui Marsh; and

BE IT FURTHER RESOLVED that the *Department of Land and Natural Resources* is requested to meet with *Ho'olaulima ia Kawai Nui* on a quarterly basis to review and assess the progress of programs and goals relating to *Kawai Nui Marsh*;

Here are the reasons the *Windward Ahupua`a Alliance* is opposed to this resolution.

According to the **Status Report**, this **Committee** passed out **SB 3206 SD2 - RELATING TO KAWAI NUI MARSH** unamended on Wednesday, March 12. The **Committee Report** issued on March 17 states that **SB 3206 SD2** would create a **Kawai Nui Advisory Council** to serve as a public forum where the protection and preservation of the resource can be discussed.

The bill reads in part:

There is established a **Kawai Nui Marsh Advisory Council**, to be placed within the *Department of Land and Natural Resources* for administrative purposes only. The **Advisory Council** shall consist of eleven voting members appointed by the *Governor* in accordance with **Section 26-34**, and six *ex-officio* members as follows:

- (1) One representative from *'Ahahui Malama I Ka Lokahi* or their designee;
- (2) One representative from the *Kailua Chamber of Commerce*;
- (3) Four representatives from environmental or educational nonprofit organizations;
- (4) Two cultural representatives appointed by the *Kailua Hawaiian Civic Club* and *'Ahahui Malama I Ka Lokahi*;
- (5) Two community representatives;
- (6) One landowner representative;
- (7) Five *ex-officio* members representing the *United States Army Corps of Engineers, United States Fish and Wildlife Service, the Department of Land and Natural Resources Forestry and Wildlife Division, the Department of Land and Natural Resources State Parks Division, and the City and County of Honolulu*; and
- (8) One *ex-officio* member who is a student representative from a Kailua area school as selected by a high school council.

Passage on **Second Reading** occurred on March 19 and **SB 3206 SD2** was referred to the **Committee on Finance**. Unless there are huge objections in the **Finance**

Committee which will send **SB 3206 SD2** into a conference committee, it is ready for final passage and transmittal to the *Governor* for her signature. Thus, there is no need for this resolution.

The second reason for *WAA*'s opposition is that *Ho'olaulima ia Kawai Nui*, described as a network in this resolution, does not seem to be a formal organization. According to an on-line examination of their records, it has not been registered with the *State Department of Commerce and Consumer Affairs* nor with the *Internal Revenue Service* as a non-profit organization.

Ho'olaulima ia Kawai Nui has no bylaws, no formal minutes filed somewhere for the public to examine, and is not subject to the state "sunshine laws." It is inappropriate to request that a state agency or department be required to "regularly consult" with an organization which does not exist in any formal sense of the word.

Although *WAA* has been working in *Kawai Nui Marsh* since March, 2003, and had requested on numerous occasions since then to be included in the various meetings held by *Ho'olaulima ia Kawai Nui*, it was only after one of our funding partners requested that we be invited that we finally took part in our first meeting in February, 2008.

Although some opposition to establishing the **Kawai Nui Marsh Advisory Council** has been raised by a few people because they feel that a **Council** might get caught in a bureaucratic morass, this resolution is not the way to resolve those issues.

Therefore, the *Windward Ahupua`a Alliance* requests that you defer further action on this resolution and continue to work on securing the passage of **SB 3206 SD2 - RELATING TO KAWAI NUI MARSH.**

Mahalo for the opportunity to testify.

The Windward Ahupua`a Alliance works to educate & inform residents, visitors, businesses, policymakers, and the media about using Smart Growth planning principles which promote sustainability. These include: Designing long-term waste management systems; improving illegal dumping/derelict vehicle legislation & enforcement; developing & implementing comprehensive curbside recycling programs; providing research & support on public access issues; establishing both state & county-level "legacy lands" funds to support affordable workforce housing initiatives and critical land purchases to protect against inappropriate development; creating alternative energy systems to reduce Hawai`i's dependency on fossil fuels & to mitigate the impacts of global warming; and, setting long-term watershed protection policies based upon ahupua`a concepts & principles.