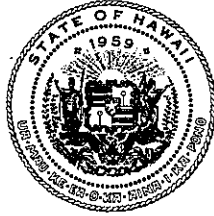


LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
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 Senate Bill 3206, Senate Draft 1 – RELATING TO KAWAI NUI MARSH

**BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS**

February 26, 2008

Senate Bill 3206, Senate Draft 1 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.

The Department is appreciative of the amendments in Senate Draft 1 that added the four key participants that were suggested by the Department. The Department would request one revision in the Department's State Parks ex-officio participation to be a "representative" rather than the "Administrator" to give the Department the flexibility to select the staff to represent State Parks, as was done for the other ex-officio members. That would enable the Department to assign the key staff working with the Council to participate in the meetings.

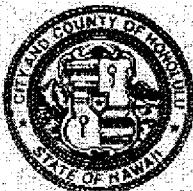
That suggested revision would read:

"(7) Four 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;"

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Ulukouia Street, Suite 215, Kapolei, Hawaii 96707
Phone: (808) 768-3343 • Fax: (808) 768-3381
Website: www.honolulu.gov

MUIF HANNEMANN
MAYOR



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

GEORGE "KEOKI" MIYAMOTO
DEPUTY DIRECTOR

IN REPLY REFER TO:

February 25, 2008

The Honorable Rosalyn H. Baker, Chair
and Members
Committee on Ways and Means
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Baker and Members:


Subject: Senate Bill 3206, SD1, Relating to Kawai Nui Marsh

The Department of Facility Maintenance, City and County of Honolulu, supports the intent of Senate Bill 3206, SD1, 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 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 Senate Bill 3206, SD1.

Sincerely,


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

c: Office of the Mayor

testimony

From: Cindy Turner [Cindy@HotPixels.com]
Sent: Monday, February 25, 2008 11:44 AM
To: testimony
Subject: Testimony for SB3206 Relating to Kawai Nui Marsh
Importance: High

RE: SB3206 Relating to Kawai Nui Marsh

I am writing to urge your support for SB3206.

The water quality of Kailua's waterways has been seriously degraded by storm drain runoff and the cutting off of water flowing into the Kailua's streams and pond from Kawai Nui Marsh.

Government engineers unintentionally created these problems years ago. Technology has advanced and solutions are now available that will either stop or reverse the damage that has been done to Kaelepulu Pond and Kailua Beach and Bay.

By appropriating the money requested in this bill you will be facilitating actions which will help restore the natural flow of water and improve the water quality in Kailua's waterways. Mullet will again be able to swim into the freshwater pond -- a vital part of their life cycle. Three species of endangered Hawaiian Waterbirds will have improved habitat and a better chance of surviving as a species.

Our children, and our children's children, will be able to enjoy cleaner, healthier and more natural Kailua waterways -- like the Kailua waters that I played in many years ago when I was young.

Mahalo,

Cindy Turner

Cindy Turner
1460 Kiukee Place
Kailua, HI 96734 USA

Phone: 808-261-2179
FAX: 808-261-2697
Email: cindy@hotpixels.com
Website: <http://www.hotpixels.com>

2/25/2008

SB 3206



~~HB~~ Legislative Testimony
SB 3340, SD 1, RELATING TO KAWAI NUI MARSH
Senate Committee on Ways and Means

February 26, 2008
Room: 211

10:45 a.m.

The Office of Hawaiian Affairs (OHA) SUPPORTS SB 3206, SD 1, which would establish the Kawai Nui 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 Kawai Nui Marsh. International organizations such as the Ramsar Convention on Wetlands have also recognized the importance of the natural and cultural resources found within Kawai Nui Marsh, and it has been declared eligible for listing on the National Register of Historic Places.

The establishment of the Kawai Nui Marsh Advisory Council, comprised of members knowledgeable in the significance of the marsh, will be a positive step towards updating and implementing the Kawai Nui 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 SB 3206, SD1. Thank you for the opportunity to testify.



For the Protection of Hawaii's Native Wildlife

HAWAII AUDUBON SOCIETY

850 RICHARDS ST., SUITE 505 • HONOLULU, HI 96813-4709

TELEPHONE (808) 528-1432 FAX (808) 537-5294

EMAIL hiaudsoc@pixi.com

WEBSITE WWW.HAWAIIAUDUBON.COM

THE SENATE
TWENTY-FOURTH LEGISLATURE 2008

COMMITTEE ON WAYS AND MEANS
Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice Chair

Tuesday, February 26 2008
10:45 a.m., Conference Room 211 State Capitol

SENATE BILL NO. 3206, SD1
Relating to Kawainui Marsh

Chair Baker, Vice Chair Tsutsui and members of the committee, my name is Linda Paul and I am testifying as a member of the Hawaii Audubon Society against SB 3206 SD1. We feel it is premature and that the present informal Ho'olaulima network of organizations working to protect Kawainui Marsh can and does adequately fulfill the roll of an advisory council.

The members of the Hawaii Audubon Society have worked for many years to protect and preserve Kawainui Marsh, including contributing to the three draft master plans, working with the State to set aside the funds needed to qualify for 3:1 federal funding for waterbird habitat restoration in the Marsh, and urging the City and the State to complete the transfer of lands needed for this restoration work to begin.

The Society is a member of the Ho'olaulima network of organizations that have worked for years to protect Kawainui Marsh. Ho'olaulima is currently completing an interpretive educational plan for the Marsh and will be moving on to address the update of the now out-of-date 1994 draft master plan, the installation of interpretive signs, as well as the creation of a visitor center, kiosks, boardwalks, and other needs. Each member organization is entitled to one representative and one alternate at Ho'olaulima meetings and has one decision-making vote with regard to policy matters. We have found this model to work very well.

I have attached the comments made at the most recent Ho'olaulima meeting at which we discussed whether there is a need for the advisory council that this bill would create. As you will note, most of the members felt that the Ho'olaulima network can best fulfill the need expressed in this bill. We are at present drafting a resolution asking the support of government agencies for the Marsh and I have attached a first draft of that resolution to this testimony as well. We ask that you please defer this bill.

Linda Paul, 262-6859

Ho'olaulima ia Kawainui
2/18/08 meeting

Present: Ray Swency & Herb Lee, (facilitators) Chuck Burrows, Shannon & Jim Wood, Susan Miller, Bill Gorst, Kaimi Scutter, Linda Paul, Donna Wong. Jeannine Tulley representing Rep. Chong.

Issue: HB 3340/SB 3206 Kawainui Marsh Advisory Committee

Herb facilitated the discussion on these bills. Each person had an opportunity to speak for/against or comment on the bills. Some comments were:

- It was decided at a meeting on January 15 at Chuck Burrow's house that there was no need for a formal government sanctioned advisory committee on Kawainui Marsh.
- The bills were a surprise to many, even some with Aha Hui.
- A government directed and run committee must follow all laws governing such bodies, including sunshine and procurement and meetings will probably be subject to whim of department personnel.
- The make up of the advisory committee in the bills is too limited. There are more organizations and individuals that have been involved in protecting the Marsh and should be part of any advisory committee.
- A government sanctioned and directed committee does not necessarily work faster or more efficiently than a community-based network of organizations such as Ho'olaulima.
- Ho'olaulima, composed of representatives from organizations with similar goals with respect to the protection of the Marsh, is working just fine.

Conclusion:

- We should ask that the bills be held.
- A resolution will be drafted by Susan Miller and will be reviewed by all Ho'olaulima members next Tuesday.

Comment: Amcron currently provides funding for Ray and Herb to call and conduct meetings. There was no indication that that process will be discontinued.

SENATE CONCURRENT RESOLUTION

CONGRATULATING THE KAILUA COMMUNITY FOR ITS DECADES OF
PERSISTENT ACTIVE PROTECTION AND ENHANCEMENT OF THE NATURAL AND
CULTURAL RESOURCES OF KAWAINUI AND ENCOURAGING ENHANCED
GOVERNMENT SUPPORT OF THOSE EFFORTS

WHEREAS, Kawai Nui marsh, encompassing approximately eight hundred thirty acres of land in Kailua, Oahu, is the State's largest remaining wetland and an ecological and cultural treasure, and has been identified by the United States Fish and Wildlife Service as a primary habitat for endemic and endangered native Hawaiian birds such as the 'alae ke'oke'o, 'alae 'ula, ae'o, and koloa maoli; and

WHEREAS, community efforts to protect the Marsh began in the early 1970s with the Lani-Kailua Outdoor Circle and its Adhoc Committee for Kawai Nui Marsh Park's work to educate the community, the Legislature, and government agencies about the natural and cultural values of the Marsh and why a shopping mall larger than Ala Moana Center should not be built there; and

WHEREAS, community protection efforts continued with the incorporation in 1983 of the Adhoc Committee as the Kawai Nui Heritage Foundation which carried on community and legislative advocacy, tours, and clean-up activities; and

WHEREAS, since 1987, Ahahui Malama i ka Lokahi has educated several hundred persons through tours (supported by a number of other interested organizations) to the Marsh and other areas in the Kailua ahupuaa, brought to bear thousands of hours of volunteer labor through its restoration programs for the natural and cultural resources of the Marsh, and raised several thousand hundred dollars in federal grants and private funds for the restoration work; and

WHEREAS, the Windward Ahupuaa Alliance has worked in Kawainui Marsh with initial activities to reduce the incidence of trash along Kapaa Quarry Road, and more recently, through work with private landowners and government agencies, has focused on hazardous wastes and habitat restoration in the northeast portion of the Marsh, raising funds for these activities through private grants and federal agencies; and

WHEREAS, in 2003, Hawaii's Thousand Friends developed an application for the designation of Kawai Nui and Hamakua marshes as Wetlands of International Importance under the RAMSAR Convention on Wetlands. With support from other organizations, legislators, the Department of Land and Natural Resources, and the Governor, the US Fish and Wildlife Service awarded this designation in 2005, in part due to the wetlands' relationship to surrounding cultural sites; and

WHEREAS, the Hawaii Audubon Society, together with the National Audubon Society, was able to get the State to reserve the funds needed to match the federal funds to restore waterbird habitat in the Marsh; and

WHEREAS, Hoolaulima ia Kawainui, a network of a number of the above-named organizations together with other concerned organizations, government agencies, and individuals, was brought together in 2004 to develop an interpretive plan for Kawainui Marsh. While working on that plan, the network has been active in bringing together county, State, and federal agencies to further the goal of consolidating the ownership of Kawainui marsh under the State, as well as other advocacy for the wetlands. and

WHEREAS, now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2008, the House of Representatives concurring, that the Legislature congratulates the Kailua community for its decades of persistent active protection and enhancement of the natural and cultural resources of Kawainui; and

BE IT FURTHER RESOLVED that the Legislature encourages Hoolaulima ia Kawainui to reach out to other concerned organizations, landowners, businesses, and

individuals to support protection of other natural and cultural resources within the Kailua ahupuaa; and

BE IT FURTHER RESOLVED that the Legislature encourages continued and enhanced support by government agencies at all levels of the community's activities for the protection of the natural and cultural resources of its ahupua`a. The Legislature specifically requests that the expertise of the Hoolaulima network be consulted by government agencies making plans concerning the natural and cultural resources of the Kailua ahupua`a.

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the *{to be filled in at 2-26 Hoolaulima meeting}*