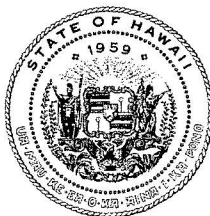
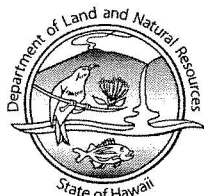


LINDA LINGLE
GOVERNOR OF HAWAII



**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 2 – RELATING TO KAWAI NUI MARSH

**BEFORE THE HOUSE COMMITTEE ON
FINANCE**

March 28, 2008

Senate Bill 3206, Senate Draft 2 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 2 and the companion House version of this bill – House Bill 3340, House Draft 1 both of which added the four key participants that were suggested by the Department including a student representative from a Kailua area high school -as selected by a high school council. Of the two versions of the bill, the Department prefers the House version (House Bill 3340, House Draft 1), because it includes the student representative as one of the 12 voting members of the Council, rather than as an ex-officio, non-voting member.



Legislative Testimony
SB 3206, SD 2, RELATING TO KAWAI NUI MARSH
House Committee on Finance

March 28, 2008

4:30 p.m.

Room: 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** S.B. 3206, S.D. 2, which would establish the Kawai Nui Marsh Advisory Council and appropriate money to support the work of the council.

Over the years, dedicated groups and individuals have spent countless hours restoring the area and educating 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, would be a positive step towards updating and implementing the Kawai Nui Marsh Master Plan and would 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 S.B. 3206, S.D. 2. Thank you for the opportunity to testify.

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

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

MUFI HANNEMANN
MAYOR



CRAIG I. NISHIMURA, P. E.
ACTING DIRECTOR AND CHIEF ENGINEER
GEORGE 'KEOKI' MIYAMOTO
DEPUTY DIRECTOR

IN REPLY REFER TO:

March 27, 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: Senate Bill 3206, Relating to Kawai Nui Marsh

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

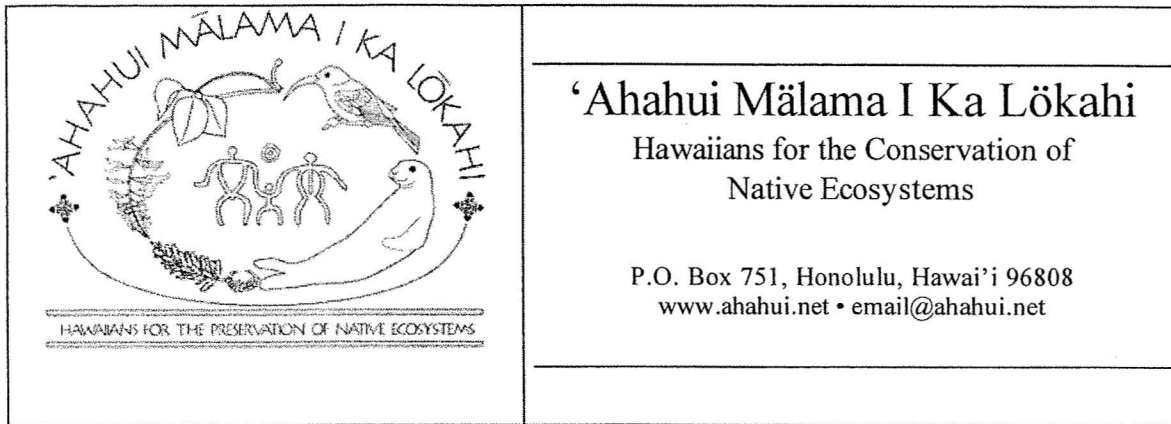
Thank you for the opportunity to offer testimony in favor of Senate Bill 3206.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig I. Nishimura".

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

c: Office of the Mayor



House Finance Committee

SB No. 3206 SD2– To Establish Kawainui Marsh Advisory Council: Appropriate monies to DLNR for the work of the council.

March 28, 2008

4:30 pm

Conference Rm. 308

Chairperson and members of the Committee,

'Ahahui Malama i ka Lokahi, a native Hawaiian conservation organization of 2000 members again endorses S.B. #3206 S.D2 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 Xeriscape Hawaiian native plant garden at the Kawainui Neighborhood Park.

'Ahahui Malama i ka Lokahi is also a member of the Ho'olaulima ia Kawainui, a coalition group of Kailua community and environmental organizations formed to develop an Interpretive Educational Site Plan for Kawainui Marsh. We also support Ho'olaulima's efforts to revise and add amendments to SB 3206 SD 2 as presented before this committee, to demonstrate a collective Kailua community support from the various Hawaiian cultural, environmental, business, major landowners, governmental agencies and State legislators to protect, conserve the Ramsar Kawainui/Hamakua Marsh Complex Wetlands of International Importance and its related waterways in the Ahupua'a of Kailua.

'Ahahui Malama I ka Lokahi views the Ho'olaulima ia Kawainui as a larger all inclusive community coalition of stakeholders that could serve as a "parent" or conduit organization to advise and recommend its concerns pertaining to the Kawainui/Hamakua Wetlands and its related waterways in the Kailua watershed to established a legislative mandated Kawainui/Kailua

Ahupua‘a Advisory Council. There would be few if any objections on why a larger inclusive Kailua community based group and a smaller and effective State advisory council to the Department of Land and Natural Resources can not co-exist with each other on matters pertaining to the cultural and natural resources in this “cultural kipuka” of the Kailua Ahupua‘a.

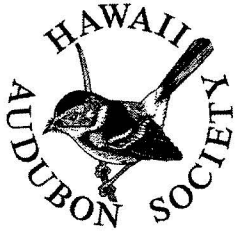
Ahahui would like to make the following recommendations and clarifications.

1. In section S171 – Kawainui Marsh Advisory Council proposed amendment 4 should add “ecosystems” to – One Native Animals and Ecosystems representatives ... (To be consistent with amendment 5 concerning having “One Native Plant and Ecosystem Representative”...
2. In section S171 – proposed amendment, add “Le Jardin Academy” as one of two school representatives along with the Windward District Kailua/Kalaheo Complex Office.
3. In section S171 – proposed amendment 8 (c) add #3 - Each member representing one of the seven strategic areas should serve for one term of two years and no more than two terms.
4. In section S 171 (e) (2) include “the revision and updating of the 1994 Kawainui Master Plan and its implementation with appropriate Cultural and Environmental Impact Studies subject to the final approval of the Board of Land and Natural Resources.

‘Ahahui Malama i ka Lokahi and other community, environmental and Hawaiian organizations who support SB 3206 SD 2 with appropriate amendments appreciate your kind consideration for the funding appropriation and passage of this significant bill which could serve as a model for other Ahupua‘a community and governmental partnerships.

Aloha pumehana,

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



For the Protection of Hawaii's Native Wildlife
HAWAII AUDUBON SOCIETY

850 Richards Street, Suite 505, Honolulu, HI 96813-4709

Phone/Fax: (808) 528-1432; hiaudsoc@pixi.com

www.hawaii-audubon.com

March 27, 2008

COMMITTEE ON FINANCE

Representative Marcus Oshiro, Chair & Representative Marilyn Lee, Vice Chair

HEARING: Friday, March 28, 2008, at 4:30 PM, Conf. Rm. 308

RE: SB3206, SD2 (HSCR1172-08), Relating to Kawai Nui Marsh

TESTIMONY IN OPPOSITION

Good afternoon Chair Oshiro, Vice Chair Lee, and members of the Committee on Finance. My name is George Massengale and I am here today on behalf of the Hawaii Audubon Society to offer this testimony in opposition to SB3206, SD2 (HSCR1172-08).

The members of the Hawaii Audubon Society, along with the Ho'olaulima network have worked for many years to protect and preserve Kawai Nui 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.

Ho'olaulima is currently completing an interpretive educational plan for the Marsh and will be moving on to address updating 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.

When we presented testimony before the Committee on Water, Land, Ocean Resources & Hawaiian Affairs on March 12th, raising concerns that this bill although well intentioned, was drafted and submitted in a hurry without community input and is fundamentally flawed and should be deferred for a number of reasons including the following:

1. It does not mandate that DLNR consult regularly with either the proposed Advisory Council or Ho'olaulima in Kawainui for purposes of coordinating efforts to protect, preserve and maintain the natural and cultural resources of the Marsh.

2. It does not mandate that DLNR meet with either the AC or Ho`olaulima on a regular basis (i.e. quarterly) to review and assess the progress and programs pertaining to the Marsh.
3. It does not mandate that DLNR give recommendations by the AC or Ho`olaulima any serious consideration, nor does it contain a process by which the AC's recommendations on DLNR submittals to the BLNR shall be incorporated into all final submittals and thereby become part of the public record.
4. By becoming a state-sponsored Advisory Council the bill will result in the slowing down of the process of creating visitor and education centers, restoring habitat, etc., because the AC will be subject to all the state sunshine and notice and comment requirements, and meetings will be subject to the willingness and availability of DLNR staff to schedule and hold them.
5. The bill lists four things, and only four things, that the AC can do, there is no catch-all phrase i.e. "including, but not limited to...."
6. The Advisory Council members in the bill do not fairly represent the many organizations that have contributed time, effort and funding to preserving the Marsh over the last 30 years:

Some of our concerns were partially addressed in the new under scored language, while others were not. **We strongly urge the Finance Committee to defer this measure.** Deferring this measure until next year will give the Ho`olaulima network an opportunity to explore advisory council management models that would work best for the Marsh.

The Society is very well aware that Kawai Nui Marsh is Hawaii's largest freshwater wetland it has been identified by the U.S. Fish and Wildlife Service as a primary habitat for endemic and endangered native Hawaiian birds. Also, that the dispute over management has delayed restoration and rehabilitation of the marsh to the point where the ability of the marsh to support its native wildlife population is critically impaired. **However, we believe that efforts surrounding its rehabilitation should be well thought out and predicated on community participation and the involvement of those stake-holder organizations that have work diligently over the years to protect the Marsh.**

Mahalo, for the opportunity to present testimony before you today.

Respectfully,
George Massengale, JD
Legislative Analyst

FINTestimony

From: Windward Ahupua`a Alliance [info@waa-hawaii.org]
Sent: Thursday, March 27, 2008 10:13 PM
To: FINTestimony
Subject: SB3206 SD2 - RELATING TO KAWAI NUI MARSH - Friday, March 28 - Agenda #3

SUBMITTED BY:***Windward Ahupua`a Alliance***

P.O. Box 6366

Kane`ohe, HI 96744

Phone: 808/247-6366; Cellular: 808/223-4481 or 224-4496

E-Mail: info@waa-hawaii.org

Website: <http://www.waa-hawaii.org>

COMMITTEE ON FINANCE
Rep. Marcus Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

PUBLIC HEARING - Agenda #3
4:30 pm
Friday, March 28, 2008
Conference Room 308

SB 3206 SD2 - RELATING TO KAWAI NUI MARSH
STRONGLY SUPPORT

TO THE COMMITTEE ON FINANCE:

My name is Shannon Wood, *Interim President* of the *Windward Ahupua`a Alliance*, a **501c3** non-profit organization which has several *on-the-ground* projects in & next to *Kawai Nui Marsh*. *WAA* continues to support **SB 3206 - SD2** which would establish the **Kawai Nui Marsh Advisory Council**.

This measure will help provide the necessary resources both human and financial for groups such as *`Ahahui Malama I Ka Lokahi*, *the Kailua Bay Advisory Council*, *the Kailua Hawaiian Civic Club*, and the *Windward Ahupua`a Alliance* to continue our work in and around *Kawai Nui Marsh*.

Some opposition to establishing the **Kawai Nui Marsh Advisory Council** has been raised by a few people representing organizations which have been involved over the years in planning the restoration of the *Marsh*. Their opposition seems to focus on their belief - albeit mistaken - that a **Council** is not necessary because an informal group already exists. They're also concerned that the proposed **Council** might get caught in a bureaucratic morass.

WAA suggests that the dollar amount to be inserted in **SB 3206 - SD2** should come from the *Department of Land & Natural Resources'* budget since they will be the government agency providing oversight for the entire *Marsh*. As to what that figure should be, I suggest \$50,000 which could be augmented with other funding sources if needed.

Mahalo for the opportunity to submit our testimony in support of **SB 3206 - SD2**.

*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/derelect 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.*