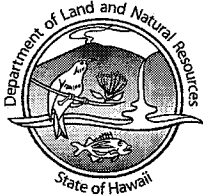


TESTIMONY
SCR 147 & SR 79

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**

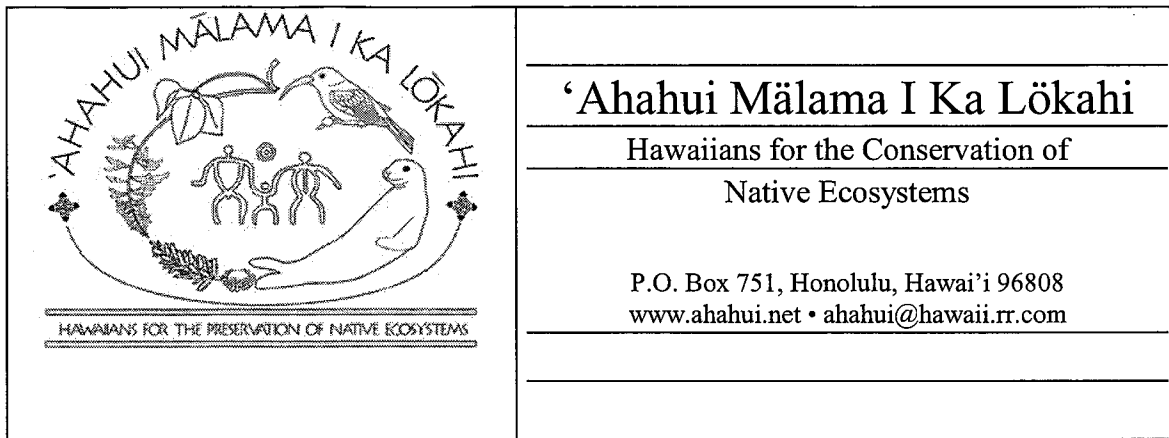
**on Senate Concurrent Resolution 147 and Senate Resolution 79 – REQUESTING THE
DEPARTMENT OF LAND AND NATURAL RESOURCES TO REGULARLY
CONSULT WITH HO‘OLAULIMA IA KAWAI NUI TO COORDINATE EFFORTS TO
PROTECT, PRESERVE, AND MAINTAIN THE NATURAL, CULTURAL, AND
SCENIC RESOURCES OF KAWAI NUI MARSH**

**BEFORE THE HOUSE COMMITTEE ON
WATER AND LAND**

March 31, 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.



Committee on Water and Land
 SCR 147 – SR 79 – Relating to Ho’olaulima ia Kawainui and DLNR
 March 31, 2008
 2:45 pm
 Conference Rm. 414

Chairperson and members of the Committee,

Ahahui Malama I ka Lokahi, a native Hawaiian conservation organization of 2000 members both here in Hawaii and on the continent supports Senate Concurrent Resolution 147 and Senate Resolution 79 with the following changes:

1. Revise the title of the resolution to read: **REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REGULARLY CONSULT WITH HO’OLAULIMA IA KAWAINUI TO COORDINATE EFFORTS TO PROTECT, ~~PRESERVE~~ CONSERVE AND RESTORE THE NATURAL CULTURAL AND SCENIC RESOURCES OF ~~KAWAINUI~~ KAWAINUI/HAMAKUA MARSH COMPLEX AND RELATED WATERWAYS.**

RATIONALE: Changing the word name of Kawai Nui to Kawainui will be consistent with the historical and grammatical spelling of this place name as was written in the past and with concurrent writings. Using the term “conserve” denotes active stewardship of the ecological resource. To “restore” describes the process of renewing the vigor of the natural and cultural landscape and engaging in practices of Permaculture. Two years ago, Kawainui Marsh and the Hamakua Wetlands were recognized and designated as a “Ramsar Wetlands of International Importance” and given the title THE KAWAINUI/HAMAKUA MARSH COMPLEX. It is essential that that all efforts of Ho’olaulima ia Kawainui working with the Department of Land and Natural Resources not only include

Kawainui Marsh per se but the Hamakua Wetlands and related waterways that enter and leave Kawainui.

2. Make the recommended changes and additions in the listed WHEREAS's and BE IT RESOLVE's where it pertains to the spelling of Kawainui and clarification of the processes of malama aina.

This resolution may be redundant if Senate Bill 3206 SD2 passes in the legislature and is approved by Governor Lingle because these concerns will be addressed by a newly established Kawainui Advisory Council.

«GreetingLine» 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, along with other community organizations have been actively involved in the ecological and cultural restoration at Ulupo Heiau and Na Pohaku o Hauwahine which overlooks Kawainui Marsh for the past 15 years.

We appreciate your kind consideration in reviewing this resolution and for your support to have community organizations partnering with governmental agencies such as the Department of Land and Natural Resources.

Aloha pumehana,

Charles K. Burrows, Ed.D.
President,
«GreetingLine» I ka Lokahi



Legislative Testimony

**SCR 147, 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**

Senate Committee on Water and Land

March 31, 2008

2:45 p.m.

Room: 414

The Office of Hawaiian Affairs (OHA) supports the intent of SCR 147, which would request the regular consultation and meeting of the Department of Land and Natural Resources with Ho'olaulima Ia Kawai Nui to protect and perpetuate the resources of Kawai Nui Marsh.

It is unclear, however, even to people with a long history of stewardship of Kawai Nui, who is part of Ho'olaulima Ia Kawai Nui and how decisions would be made. As much as OHA appreciates broad consensus and community support for such valuable cultural, natural and historic resources as Kawai Nui, we urge that the Legislature focus on passing SB 3206 and HB 3340, which would establish the Kawainui Marsh Advisory Council and would appropriate money to support the work of the council. This legislation clearly demarcates how plans and decisions would be made and by whom.

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.

Mahalo for the opportunity to testify and for taking our concerns into account.

testimony

From: Windward Ahupua`a Alliance [info@waa-hawaii.org]
Sent: Sunday, March 30, 2008 9:15 PM
To: testimony
Subject: SCR 147/SR 79 - 2:45 pm, Monday, March 31

SUBMITTED BY:

Windward Ahupua`a Alliance
P.O. Box 6366
Kane`ohe, HI 96744
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Committee on Water & Land
Sen. Clayton Hee, Chair
Sen. Russell Kokubun, Vice Chair

PUBLIC HEARING
2:45 pm
Monday, March 31, 2008
Conference Room 414

SCR147/HR 179: 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 AND LAND:

Aloha, My name is Shannon Wood, submitting testimony **IN OPPOSITION** to **SCR147/HR 179** on behalf of the *Windward Ahupua`a Alliance*, a **501c3** Hawai`i non-profit corporation, which was established in July, 2002.

SCR147/HR 179 states in part: **WHEREAS, *Ho`olaulima ia Kawai Nui*** is a network (emphasis added) 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, the **House Committee on Water, Land, Ocean Resources & Hawaiian Affairs** 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.

Passage on **Second Reading** occurred on March 19 and **SB 3206 SD2** was referred to the **Committee on Finance**.

The *House Finance Committee* held a hearing on Friday, March 28. It voted to

NOTE: Its decision was not available at time this testimony was submitted.

As of Friday, the bill read 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.

It is our opinion that these two resolutions being heard today and **SB 3206 SD2** inherently conflict with each other.

The second reason for *WAA's* opposition is that *Ho'olaulima ia Kawai Nui*, described as a network in this resolution, is not 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." Agendas are not released in advance to the public.

Before passing this along, I urge that the *Attorney General's* office be consulted as to whether *DLNR* can consult with this group if the **Kawai Nui Marsh Advisory Council** is set up. Which one will take precedence?

Here is a memo drafted by the group which clearly states its intentions:

Ho`olaulima Ia Kawainui Background and Agenda for February 18, 2008

On the morning of January 15th, Chuck Burrows, Ka`imi Scudder, Peter Young, Linda Paul, Bill Sager, and Jill Tokuda's legislative aide met at Chuck Burrows home to discuss the concept of an advisory council for the Kawainui-Hamakua-Kaelepulu wetlands complex and associated ahupua`a. In the course of our discussion we concluded that since there is at present no applicable state-sponsored advisory council model to follow that fits the managements needs of this complex resource, it was premature to pass legislation at this time that mandated a particular council structure. We also concluded that the Ho`olaulima group, which is composed of one representative and one alternate from each of the many organizations that have been and continue to be concerned with the protection and preservation of Kailua ahupua`a and wetlands complex, would adequately fill the need for an advisory council at present. We agreed that a supportive resolution for the work of this informal (emphasis added) group would work best for now.

We concluded that at the next Ho`olaulima meeting we should talk about broadening the scope of Ho`olaulima's work beyond that of the interpretive plan, which is almost completed. Additional work on the interpretive plan, as well as planning for a visitor center, educational center, kiosks, boardwalks and other needed structures should be assigned to an education committee composed of people/organizations who have been working on the interpretive plan.

The principals behind **SCR 147/SR 79** and **SB 3206 SD2** are the same. Similarly, the makers of the **House** resolution which passed last week unamended and the bill which was referred to this committee but never heard are the same. Furthermore, the two bills and the four resolutions are identical.

Despite the claim in the above memo and even though *WAA* has been working in *Kawai Nui Marsh* since March, 2003, and had requested on numerous occasions over the years to be included in the various meetings held by *Ho`olaulima ia Kawai Nui*, it was only after one of our funding partners insisted that we be invited that we finally took part in our first meeting in February, 2008.

Therefore, for these reasons 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/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.

TESTIMONY
SCR 147 & SR 79
(END)