

JAN 23 2014

A BILL FOR AN ACT

RELATING TO KAWAINUI.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Kawainui, encompassing approximately eight
2 hundred thirty acres of land in Kailua, Oahu, is the State's
3 largest remaining wetland and an ecological and cultural
4 treasure of statewide interest. It has been identified by the
5 United States Fish and Wildlife Service as a primary habitat for
6 endemic and endangered Native Hawaiian birds such as the 'alae
7 ke'oke'o, 'alae 'ula, ae'o, and koloa maoli. In 2005, the Ramsar
8 Convention on Wetlands designated the Kawainui-Hamakua complex
9 as a wetland of international importance in part due to the
10 wetlands relationship to surrounding cultural sites.

11 Act 314, Session Laws of Hawaii 1990 (Act 314), directed
12 the transfer to the State of that certain parcel owned by the
13 city and county of Honolulu and bearing tax map key number
14 4-2-16:1, which encompasses the bulk of Kawainui. The parties
15 were unsuccessful in completing the transfer.

16 Since the passage of Act 314, the health of the Kawainui
17 area has declined significantly despite the advocacy and



1 restoration efforts of community groups such as 'Ahahui Malama I
2 Ka Lokahi, the Kailua Hawaiian Civic Club, Kailua Historical
3 Society, and the Windward Ahupua'a Alliance.

4 Act 235, Session Laws of Hawaii 2007, again addressed the
5 transfer of this parcel to the State. In October 2008, the city
6 and county of Honolulu transferred ownership of the parcel to
7 the State, and the department of land and natural resources was
8 given jurisdiction over the complex.

9 In 2011, the department of land and natural resources began
10 to hold public meetings to discuss a draft of the revised master
11 plan for Kawainui. An informal community meeting was held in
12 November 2013, and more than two hundred fifty people attended.

13 Ho'olaulima Iā Kawainui, a network of conservation, native
14 Hawaiian, education, and community organizations, has been
15 assisting with planning the future of Kawainui since 2004.
16 Members meet on a regular basis to share information, take
17 action on issues affecting Kawainui, and participate in
18 community events and forums to help educate the community about
19 Kawainui. Ho'olaulima Iā Kawainui has been an integral part of
20 bringing the community together to focus on the restoration and
21 stewardship of Kawainui.



1 The purpose of this Act is to ensure continued community
2 participation in the preservation and protection of Kawainui
3 after the completion of the master plan update process by
4 establishing the Kawainui advisory council.

5 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§171- Kawainui advisory council. (a) There is
9 established a Kawainui advisory council, to be placed within the
10 department of land and natural resources for administrative
11 purposes only. Notwithstanding any law to the contrary, the
12 advisory council shall consist of nine voting members and five
13 nonvoting members as follows:

14 (1) Nine voting members, appointed by the governor
15 pursuant to section 26-34, representing Kawainui
16 cultural, educational, environmental, landowner, and
17 community stakeholder groups; provided that in
18 appointing members pursuant to this section, the
19 governor shall ensure broad representation from
20 cultural, educational, environmental, landowner, and
21 community groups; provided further that members
22 appointed pursuant to this section shall serve a term



1 of two years and no more than three consecutive terms;

2 and

3 (2) Five nonvoting members representing the United States

4 Army Corps of Engineers, United States Fish and

5 Wildlife Service, department of land and natural

6 resources forestry and wildlife division, department

7 of land and natural resources state parks division,

8 and city and county of Honolulu.

9 (b) Each voting member shall be appointed by the governor

10 no later than December 31, 2014. The members of the advisory

11 council shall not receive compensation for their service but

12 shall be reimbursed for expenses, including travel expenses,

13 incurred in their duties relating to the advisory council.

14 (c) A chairperson shall be elected annually by the council

15 from among the council's voting members; provided that:

16 (1) Only a nongovernmental member shall be elected as

17 chairperson; and

18 (2) No member may serve as chairperson for more than one

19 term.

20 (d) Five voting members shall constitute a quorum to do

21 business, and any action taken by the advisory council shall be

22 validated by a simple majority of the quorum.



- 1 (e) The Kawainui advisory council shall:
- 2 (1) Facilitate implementation of the updated master plan
- 3 by providing advisory input to the department of land
- 4 and natural resources;
- 5 (2) Enhance community education and cultural awareness of
- 6 Kawainui; and
- 7 (3) Participate in the protection and preservation of
- 8 Kawainui's natural and cultural resources.
- 9 (f) The Kawainui advisory council shall submit a report to
- 10 the legislature no later than twenty days prior to the convening
- 11 of each regular session beginning with the regular session of
- 12 2016; provided that the report to the legislature prior to the
- 13 convening of the regular session of 2023 shall include a
- 14 recommendation as to whether or not the advisory council should
- 15 be dissolved on June 30, 2024."

16 SECTION 3. Until the Kawainui advisory council is

17 established pursuant to section 2 of this Act, the department of

18 land and natural resources shall consult with Ho'olaulima Iā

19 Kawainui on all issues relating to Kawainui. The department of

20 land and natural resources, in collaboration with Ho'olaulima Iā

21 Kawainui, shall submit a report of its findings to the



1 legislature no later than twenty days prior to the convening of
2 the regular session of 2015.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$50,000 or so much
5 thereof as may be necessary for fiscal year 2014-2015 to support
6 the work of the Kawainui advisory council, including the
7 implementation of the Kawainui master plan, and for one full
8 time equivalent (1.0 FTE) executive secretary within the
9 department of land and natural resources to support the work of
10 the Kawainui advisory council.

11 The sum appropriated shall be expended by the department of
12 land and natural resources for the purposes of this Act.

13 SECTION 5. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval;
15 provided that:

- 16 (1) Section 4 shall take effect on July 1, 2014; and
17 (2) This Act shall be repealed on June 30, 2024.

18

INTRODUCED BY: Jim



S.B. NO. 2770

Report Title:

Kawainui Advisory Council; Establishment; Appropriation

Description:

Establishes the Kawainui advisory council. Requires an annual report to the legislature. Appropriates moneys to the department of land and natural resources for the work of the council. Repeals the Kawainui advisory council on June 30, 2024.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

