

SB2770

Measure Title: RELATING TO KAWAINUI.

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.

Companion: [HB2559](#)

Package: None

Current Referral: WTL, WAM

Introducer(s): TOKUDA

Sort by Date		Status Text
1/23/2014	S	Introduced.
1/23/2014	S	Passed First Reading.
1/23/2014	S	Referred to WTL, WAM.
1/30/2014	S	The committee(s) on WTL has scheduled a public hearing on 02-05-14 2:00PM in conference room 225.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the Senate Committee on
WATER AND LAND

Wednesday, February 5, 2014
2:00 PM
State Capitol, Conference Room 225

In consideration of
SENATE BILL 2770
RELATING TO KAWAINUI

Senate Bill 2770 proposes to amend Hawaii Revised Statutes Chapter 171 by adding a new section to be appropriately designated as “Kawainui advisory council”, whereby there would be established a Kawainui advisory council within the Department of Land and Natural Resources (Department) for administrative purposes and consisting of nine voting members appointed by the governor and five other nonvoting members of various federal, state, city and county agencies. The purpose of the advisory council is to facilitate the implementation of the updated Kawainui master plan, to enhance awareness of Kawainui, and to participate in the protection and preservation of Kawainui. **The Department acknowledges the intent of this measure but feels that it is not necessary.**

The Department’s Division of Forestry and Wildlife (DOFAW) manages portions of Kawainui Marsh as a State Wildlife Sanctuary, and about 10% is managed by Division of State Parks. The lands were transferred to the Department and set aside for DOFAW via Executive Order #4258 for habitat restoration and marsh restoration purposes on January 6, 2009. Since then, DOFAW has been actively managing the marsh by maintaining the flood control levee, creating and restoring habitat for endangered native waterbird species, and managing the natural resources as a wetland. DOFAW has been working closely with Aha Hui Malama I Ka Lokahi to restore resources and educate the public about Kawainui Marsh.

Although it is not finished, a master plan is being written to ensure that future practices and activities at Kawainui would be discussed with the community, as there is much interest in this local resource. The coalition Hoolaulima la Kawainui, which is comprised of many diverse organizations in Kailua (or associated with the marsh) has been a key cog in the ongoing development of the master plan. Hoolaulima has provided cultural, educational, and public access information, as well as distributed that information to the general public. DOFAW went to Hoolaulima as one method to obtain public input, and also to disseminate information back to

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA’AINA
FIRST DEPUTY

WILLIAM M. TAM
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

the public, to ensure that the master plan for Kawainui was based on the concurrence of the majority of residents, community groups, and others interested in Kawainui. For DOFAW, priority management activities are flood control, native species recovery, and invasive species control. Concurrent actions with DOFAW include cultural practices and considerations, educational activities, and public access in areas that do not conflict with the Department's core mission. The Hoolaulima coalition has provided the knowledge and expertise needed to direct that portion of the plan. Kawainui's natural resources, endangered species recovery, and wetland ecosystem conservation are managed by DOFAW, with regular consultation with other State, Federal, and NGO organizations that are experts in wetland management. Flood control activities are closely monitored with regular communication with the City and County departments of Facility Maintenance and the U. S. Army Corps of Engineers.

The Department feels that the Hoolaulima la Kawainui group has done a good job filling the role of an advisory committee, and that there is no need to create an additional group to oversee the activities and management of the marsh. The management plan for the marsh is still under construction, and should be finished within a year or two. After the completion of the management plan would be a more appropriate time to consider creating a formal advisory group.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: prentissc001@hawaii.rr.com
Subject: Submitted testimony for SB2770 on Feb 5, 2014 14:00PM
Date: Thursday, January 30, 2014 9:33:02 PM

SB2770

Submitted on: 1/30/2014

Testimony for WTL on Feb 5, 2014 14:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Kailua Neighborhood Board	Oppose	No

Comments: A bill was requested consistent with the recommendation of the Kailua Neighborhood Board's Investigative Committee (P.I.G.) on the Kawainui Master Plan for an Advisory Council to help prepare the plan. The committee concluded that current public involvement activities have been unresponsive to community input. This bill ignores that request, and only sets up an Advisory Council after the DLNR adopts the plan and prepares an EIS. Please defer this bill, or amend it to have the Council start work July 1, 2014.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



February 3, 2014

Senator Malama Solomon
Members of the Water Land Committee
Hawaii State Senate

BOARD OF DIRECTORS

Chairperson

Verlie Ann Malina Wright, Ed.D

Secretary

Michael W. Beasley, Esq.

BOARD MEMBERS

Ethan Cooper

Andrew Poepoe

Al Pauole

ADMINISTRATION

Executive Director

Herb Lee Jr.

Chief Financial Officer

Louis F. Perez III

General Counsel

Michael W. Beasley

45-285 Kane'ohe Bay Drive # 102
Kane'ohe, Hawaii 96744
Phone: (808) 664-3027
Fax: (808) 212- 9509
www.thepaf.org

Dear Senator Solomon and Members:

Aloha. I am writing to express *support for Senate Bill 2770* relating to the establishment of the Kawainui Advisory Council.

I am the Executive Director of the Pacific American Foundation (PAF) and a resident of Kailua since 1995.

PAF is a non-profit organization established in 1993 with a mission to help improve the lives of all native Hawaiians and Pacific islanders in Hawaii and the nation that have indigenous roots to the Pacific. In light of this mission our focus has been in the following areas: (1) education; (2) mentorship & leadership training; (3) research; (4) career planning & development; and (5) community partnerships.

Towards this end, PAF has emerged as one of the non-profit leaders in the development of culture and placed –based curriculum in Hawaii, aligned to standards to help increase student achievement in all core academic areas. PAF has trained over 3,000 teachers in over 100 schools statewide, mentored over 500 grade 6 to 12 students, graduated over 230 adult “emerging” Pacific Island leaders from its National Pacific American Leadership Institute (NAPALI), assisted over 21,000 students in its career planning programs and formed over a 100 partnerships in Hawaii, the Pacific and nationally.

Kawainui Marsh has been one of many “community classroom” sites that we have co-created curricula to learn about wetlands and landforms in Hawaii. Kawainui is the only Hawaii wetland that has been designated a wetland of international importance by the Ramsar Convention in 2005.

In 2004, the Ho’olaulima ia Kawainui Group was formed and its mission is “to foster public awareness and understanding of the natural, cultural, and scenic resources of Kawainui Marsh and environs to ensure the long-term protection, restoration and stewardship of the area.” It comprises 12 to 15 community organizations that are passionate about the marsh. It has consistently met to discuss issues of concern in a format that is open, respectful, caring, and focused on healing and protecting the marsh for the long-term. PAF has been a proud to participate in this process and has learned a lot from other organizations and individuals in the community.

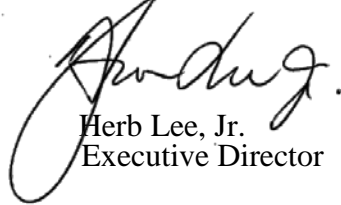


I support the intention and purpose of this bill because I feel that that will provide a further opportunity for the community to *focus* and share its voice and concerns in the implementation of the proposed plans for Kawainui.

As a member of Ho'olaulima ia Kawainui, I look forward to working with this advisory group to continue to bring awareness, shared visions and a very important cultural and historical connection to anything that is proposed for Kawainui in the future. Ho'olaulima's vision extends beyond the physical boundaries of the marsh and is holistic in its lens to heal, educate and inspire generations of stewards to follow.

Mahalo for the opportunity to my mana'o with all of you today.

Aloha,

A handwritten signature in black ink, appearing to read "Herb Lee, Jr." with a stylized flourish at the end.

Herb Lee, Jr.
Executive Director



25 Maluniu Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

February 5, 2014

COMMITTEE ON WATER AND LAND
Senator Malama Solomon, Chair
Senator Brickwood Galuteria, Vice Chair

SB 2770
RELATING TO KAWAINUI

Committee Chair Solomon and members,

Hawaii's Thousand Friends, a statewide non-profit land and water advocacy organization, **opposes** SB 2770, which establishes the Kawainui Advisory council.

Since the organizations founding in 1981 the protection of Kawainui Marsh, recognized as a Cultural, Archaeological, Historic District and eligible for listing on the National Historic Register, has been one of our top priorities.

In 2003 HTF Culture Chair Muriel Seto and Dr. Eric Gilman, a scientist with the National Audubon Society began the application process for Kawainui-Hamakua Marsh Complex to be declared a Wetland of International Importance by the Ramsar Convention, headquartered in Switzerland. Based on Kawainui's proven natural and cultural assets the Kawainui-Hamakua Marsh Complex was confirmed as a *Wetland of International Importance*, and is the only Ramsar site in the state.

In 2003 several organizations and individuals with the same devotion to Kawainui Marsh as HTF came together to form Ho`olaulima la Kawainui whose mission is *To foster public awareness and understanding of the natural, cultural, and scenic resources of Kawainui Marsh and environs to ensure the long-term protection, restoration and stewardship of the area*. While not always agreeing but definitely trusting and respecting each other we continue to volunteer our time and have been meeting regularly ever since.

One way Ho`olaulima fulfilled our mission was to hold 6 meetings in 6 different communities to gather information on what interpretive devices people would like to see in Kawainui. To give people more opportunity to be involved in the planning for Kawainui Marsh a website was created (<https://sites.google.com/site/interpretingkawainuihamakua/documents>).

HTF fears that an advisory board whose members are appointed by the Governor and created *after* a master plan is adopted will not have the same long term history, experience, understanding or devotion to the protection and management of Kawainui Marsh as now represented on Ho`olaulima.

Please **hold** SB 2770 in committee.



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-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON WATER & LAND
Senator Malama Solomon, Chair
Senator Brickwood Galuteria, Vice Chair

Wednesday, February 5, 2014
2:20 p.m., Conference Room 225, State Capitol

SENATE BILL NO. 2770
Relating to Kawainui: Established the Kawainui Advisory Council

Chair Solomon, Vice Chair Brickwood, and members of the committee, my name is Linda Paul and I am submitting testimony on behalf of the 2,000+ members of the Hawaii Audubon Society **against** SB 2770, which proposes to establish "the Kawainui Advisory Council". There is no need to create an advisory council for the Kawainui-Hamakua wetlands, because an advisory council already exists that is far more conducive to community participation than any seven-member council appointed by the Governor could ever hope to be. And it doesn't require any public money to support it.

Ho`olaulima is an established network of more than a dozen Native Hawaiian, conservation, educational, and community organizations that are committed to its mission statement, which is to foster public awareness and understanding of the natural, historic, cultural and scenic resources of Kawainui Marsh and environs to ensure the long-term protection, restoration and stewardship of the area. Ho`olaulima encourages activities in the Kawainui and Hamakua watersheds that:

- Are consistent with its Mission statement;
- Recognize that the resources of Kawainui/Hamakua complex are held in trust by the State of Hawaii for the benefit of present and future generations;
- Affirm that the Kawainui and Hamakua watersheds and their wildlife and cultural complexes are important, unique, and irreplaceable and will be protected from further degradation;
- Honor the significance of the region for Native Hawaiians;

- Honor the historic importance of the area;
- Err on the side of resource protection when there is uncertainty and/or insufficient available information on the impacts of an activity;
- Enhance public appreciation of the unique character and environment of the Kawainui/Hamakua complex;
- Preserve for future generations knowledge about the Kawainui/Hamakua complex;
- Facilitate coordination of management activities and serve as a liaison with appropriate agencies, organizations and the community;
- Promote outreach and monitoring to ensure compliance with relevant laws and regulations;
- Authorize only uses consistent with the Constitution and Laws of the State of Hawaii.

Sacred to Hawaiians, Kawainui Marsh is the largest remaining emergent wetland in Hawaii and Hawaii's largest ancient freshwater fishpond. The 800 acre marsh provides primary habitat for four of Hawaii's endemic and endangered waterbirds, including the Laysan Duck, the Hawaiian Stilt, the Hawaiian Coot and the Hawaiian Gallinule. It is a migration path from the ocean to mountain streams for indigenous and endemic amphidromous fish and crustaceans, including indigenous goby, endemic goby, endemic eleotrid and endemic shrimp. Kawainui contains archaeological and cultural resources, including ancient lo'i, and is eligible for listing on the National Register of Historic Places. It also stores surface water, providing flood protection for adjacent Kailua town. In 2005 the United Nations designated the Kawainui/Hamakua Marsh Complex as a *Wetland of International Importance* under the Ramsar Convention.

The Hawaii Audubon Society, founded in 1939, is dedicated to the protection and restoration of native ecosystems and conservation of natural resources through education, science and advocacy in Hawaii and the Pacific. For over 20 years, the Society has been actively working for the protection and restoration of Kawainui Marsh in Kailua. We provided input to the 1994 Kawainui Master Plan, were involved in raising matching funds to restore waterbird habitat in the Marsh, and are a founding member of Ho'olaulima, which is always open to additional member organizations.

Already this bill has created divisiveness in the Kailua community. People are suspicious of those pushing it, believing they have already secured promises of a seat on the proposed advisory council. We strongly urge this committee not to pass it. Thank you.

Linda M. B. Paul
 President, Hawaii Audubon Society
 262-685

Testimony: Senate Bill 2770

I oppose Senate Bill 2770, relating to the establishment of the Kawainui Advisory Council, in its present form. Two important changes to the bill are necessary.

Dear Senator Solomon and Members of the Water Land Committee,

I have been involved in the Kawainui Marsh Master Plan process as a resident of Kailua and as the Lani-Kailua Outdoor Circle representative on Ho'olaulima la Kawainui, the network of community organizations working to assist in the planning of the future of the Kawainui-Hamakua Marsh complex. In 2011, Ho'olaulima initiated a community outreach project to gather information on what interpretive devices (signage, pavilions, trails, buildings, programs etc) the community wanted to help it better experience, understand, or appreciate the marsh. Meetings were held in 6 different neighborhoods between September and November, and I attended all six of the meetings. Findings from the outreach process can be found in the 2012 report "Interpreting Kawainui-Hamakua: Recommendations for the Kawainui Master Plan Update" (<https://sites.google.com/site/interpretingkawainuihamakua/documents>). This report shows general agreement within the community that no structures should be built in the marsh.

Helber, Hastert and Fee, consultants for the update of the Kawainui Marsh Master Plan, held three public hearings at Le Jardin where they presented interpretive options for the public to review (<http://www.hhf.com/kawainui/pim3.html>). Public discussion was not allowed at the meeting, however building and landscape designs, trails, boardwalks, pavilions and signage were presented, and the public was given a survey sheet on which to indicate their preferences. Written comments could also be sent in. Later, when the Draft Master Plan was presented to the public, the landscapes, buildings, parking lots, boardwalks signage etc, were included, not the low impact, no structures, resource-focused suggestions reflected in the Ho'olaulima community report.

Two fundamentally different visions for the future of the marsh have evolved out of community meetings: (1) low-impact access and traditional cultural practices that include hale, and (2) educational and cultural complexes having public recreational venues with parking lots, lighting, bridges, boardwalks and trails, the latter bringing visitors directly into the endangered waterbird sanctuary and contact with archaeological sites.

An Advisory Board having appointed members and a mandate to implement a divisive plan would further divide the community.

Accordingly, I respectfully ask that you either defer the bill until some agreement is reached on a shared vision for the marsh or that you amend Bill 2770 to:

- (1) add to the Council's function the role of assisting the ongoing Kawainui Marsh Master Plan process in order to bring opposing groups closer to consensus and
- (2) include on the Board representatives from environmental organizations that have a history of protecting the marsh and its boundaries from development.

This would remove the perception that an Advisory Board would be biased or unrepresentative, and it would facilitate efforts to protect the cultural, historic and natural resources of the marsh which we all profess to value.

Thank you for the work you do daily on our behalf.

Pauline Mac Neil

Public Affairs, LKOC/The Outdoor Circle www.outdoorcircle.org/

From: [Shannon Wood](#)
To: [WTLTestimony](#)
Subject: SB 2770
Date: Monday, February 03, 2014 6:58:59 PM

AMENDED TESTIMONY - PLEASE USE THS COPY

Submitted by
Shannon Wood, **President**
Windward Ahupua`a Alliance
P.O. Box 6366
Kane`ohe, HI 96744
Voicemail: [808/247-6366](tel:8082476366); Cellular: [808/223-4481](tel:8082234481) or [808/224-4496](tel:8082244496) (personal)
Website: <http://www.waa-hawaii.org>; E-mail: info@waa-hawaii.org

COMMITTEE ON WATER & LAND

Senator. Malama Solomon, *Chair*
Senator Brickwood Galuteria, *Vice Chair*

Wednesday, February 5, 2014
Conference Room 225

SB 2770 - RELATING TO KAWAINUI

STRONGLY OPPOSE

I am Shannon Wood, the co-founder and president of the *Windward Ahupua`a Alliance*, a 501c3 Hawai`i non-profit corporation which was established in July, 2002, to create the Ko`olau Greenbelt & Heritage Trails System in order to restore, protect & provide public access to the *mauka* lands on the Windward side of O`ahu along the base of *Na Ko`olau* as well as to support locally-owned sustainable economic activities in the more developed areas. Its mandate, however, has greatly expanded over the past eleven-plus years well beyond these important regional issues.

WAA now works to educate & inform residents, visitors, businesses, policymakers at all levels of government, and the media about using SMART GROWTH principles which promote sustainability through urban (re)development in order to protect agricultural and conservation lands. For more information, please visit our website.

Because of our work, we STRONGLY OPPOSE this bill because it isn't needed. *Ho`olaulima Ia Kawainui*, made up of NGOs, individuals, faith communities, federal/state/county entities, and Windward businesses originally founded by *Ameron Hawaii* over a decade ago, has provided opportunities for thousands of people to learn about the *Marsh's* past, present & future.

This bill pretends that there is a need for a quote Kawainui advisory council unquote as if nothing is being done in *Kawainui/Hamakua Marsh*. In fact, hundreds of community work days have been held over the past 13 years by several different organizations. For example, WAA has removed more than ONE MILLION POUNDS of trash - including over 120 *derelict vehicles* on public & private lands bordering *Kapa`a Quarry Road* - between 2004 & 2009. Another small but important action we took was to work with the *Department of Environmental Services* to adjust the public's access to the transfer stations & convenience centers across the entire island by extending the facilities' hours from 4 pm to 6 pm. Those two additional hours reduced the amount of STUFF by 90% by the end of the first year.

We're currently working with federal officials to partially fund an evaluation & assessment of the north end

of the *Marsh* in order to plan & implement the remediation/restoration of almost 400 acres. The balance of the fund will be coming from private sector foundations.

Ho`olaulima does much more than community work projects. Since 2008, World Wetlands Day celebrates *Kawainui's* status as a Ramsar Wetland of International Importance by holding an annual celebration to share the importance of all wetlands here in Hawai`i using *Kawainu & Hamakua* as a state-wide model with live entertainment, bus & walking tours, and educational forums & displays. Every month, there are public educational & cultural programs.

The real justification for this bill is to make sure that nothing is done in the *Marsh* to make it attractive to people who do not live in the 96734 Zipcode to come to Kailua. The same people who support the concept of this bill have opposed the *Hawai`i Tourism Association's* marketing Kailua as a great place for folks to spend their "play time" - and money. The same people have also opposed locally-owned commercial, retail & light industrial businesses, franchises such as *Whole Foods* and *Target* as well as *social services to be provided in Kailua for outsiders*.

Mahalo for the opportunity to testify IN OPPOSITION to SB 2770 - RELATING TO KAWAINUI.

TOM MASTERSON
1502 Mokulua Drive
Kailua, Hawaii, USA 96734

Tel/Fax +1 (808) 926-7134 Email: tommasterson@hawaii.rr.com Cell +1 (808) 228-1049

February 3, 2014

Senator Malama Solomon
Members of the Water Land Committee
Hawaii State Senate

Dear Senator Solomon and Members:

Aloha. Thank you for introducing the Senate Bill 2770 for the ongoing care of Kawainui during the process of finalizing a plan for the wetlands.

As a Kailua resident, VP of the Kailua Hawaiian Civic Club and member of several windward organizations, I am writing to express **support for Senate Bill 2770** relating to the establishment of the Kawainui Advisory Council. It will be necessary to have something workable in place to carry on the good work that has been done in developing a plan that the windward community can support.

Ho'olaulima has consistently been the most neutral and engaged organization with a very broad representation in the community. And, although I am not authorized to officially speak on this issue for the Kailua Hawaiian Civic Club, Kailua Chamber of Commerce, Outdoor Circle or any other organization of which I am a member, Ho'olaulima has representatives of all of the major organizations that should be considered to be on the Advosory Council. Those would be, in my opinion,

- Ho'olaulima
- Kailua Hawaiian Civic club
- Kailua Neighborhood Board
- Kailua Chamber of Commerce
- Ahahui Malama i ka Lokahi

That would be a pretty balanced Advisory Council and ensure that it involves committed parties with a broad range of representation in the community.

Regardless of the advisors appointed, **I strongly support Senate Bill 2770**. Thank you again for your tireless efforts to bring community consensus on how this valuable community and international asset is treated and restored to its historical, cultural and natural status.

Malama Pono,

Thomas M. Masterson

Thomas M. Masterson
Kailua Resident