

STAND. COM. REP. NO.

3314

Honolulu, Hawaii

MAR 28 2018

RE: S.C.R. No. 146
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred S.C.R. No. 146 entitled:

"SENATE CONCURRENT RESOLUTION URGING ACTIONS TO RESTORE AND RESERVE THE KAWAINUI-HAMAKUA MARSH COMPLEX AND PREPARATION OF A COMPREHENSIVE WETLANDS ECOSYSTEM RESTORATION PLAN, A DETAILED WATERBIRD HABITAT RESTORATION PLAN, AND A COMPREHENSIVE WETLANDS MANAGEMENT PLAN TO PROTECT HAWAII'S FOUR ENDANGERED WATERBIRDS AND VISITING MIGRATORY WATERBIRDS IN THE KAWAINUI-HAMAKUA MARSH COMPLEX,"

beg leave to report as follows:

The purpose and intent of this measure is to urge actions to restore and preserve the Kawainui-Hāmākua Marsh Complex and preparation of a comprehensive wetlands ecosystem restoration plan, a detailed waterbird habitat restoration plan, and a comprehensive wetlands management plan to protect Hawaii's four endangered waterbirds and visiting migratory waterbirds in the Kawainui-Hāmākua Marsh Complex.

Your Committees received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Environmental Caucus of the Democratic Party of Hawai'i, Hawaiian Civic Club of Honolulu, Lani-Kailua Outdoor Circle, Kanehili Cultural Hui, The Outdoor Circle, Hawaii's Thousand Friends, Hawaii Audubon Society, and twenty-six individuals. Your Committees received testimony in opposition to



this measure from the Kailua Hawaiian Civic Club, Hālau Mōhala 'Ilima, Kawainui Marsh Environmental Education Initiative, Hika'alani, Hui Kawainui-Kailua Ka Wai Ola, and five individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that wetland ecosystems play a vital role in nutrient cycling, water quality, endangered species habitat, and flood and storm surge control. According to the Department of Land and Natural Resources, in Hawaii, approximately thirty-one percent of coastal lowland wetlands have been lost due to human impacts, and most of the remaining wetlands are seriously degraded. The 850-acre wetland complex at Kawainui and Hāmākua is the largest freshwater wetland in the State, however its functionality is limited. Years of degradation of the wetlands via sedimentation, invasion of invasive species, and urbanization have drastically altered the ecological and wildlife habitat function of the wetlands. This measure provides a comprehensive plan to restore and preserve the Kawainui-Hāmākua Marsh Complex, especially with respect to the protection of waterbirds.

Your Committees note the concerns raised in testimony submitted by various stakeholders that this measure may close access to the Kawainui-Hāmākua Marsh Complex for all visitors, including individuals exercising Native Hawaiian cultural practices and gathering rights. Furthermore, stakeholders expressed concerns regarding the termination of month-to-month permits and long-term leases for use of state lands, termination of commercial activities on state land in or within a certain distance of the Kawainui-Hāmākua Marsh Complex, and the location of public restrooms that are not connected to an existing municipal wastewater treatment facility.

Accordingly, your Committees have amended this measure by:

- (1) Correcting the title to urge actions to preserve, rather than reserve, the Kawainui-Hāmākua Marsh Complex;
- (2) Clarifying that the Department of Land and Natural Resources' draft management plan for the Kawainui-Hāmākua Marsh Complex recommends that the Board of Land and Natural Resources grant long-term leases of state land to non-profit, rather than private, organizations



to allow these organizations to construct several buildings and restrooms with septic leach fields adjacent to the wetlands, rather than within a few yards of the wetlands that will be closed to the public;

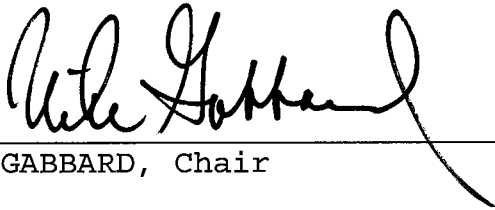
- (3) Removing language regarding the estimated total cost of the Department of Land and Natural Resources' draft management plan for the Kawainui-Hāmākua Marsh Complex;
- (4) Clarifying that the Department of Land and Natural Resources and the City and County of Honolulu are urged to address, rather than prioritize, the removal of the central peat mat in Kawainui Marsh to prevent future flooding;
- (5) Clarifying that the Department of Land and Natural Resources is urged to close the Kawainui-Hāmākua Marsh Complex to all commercial and recreational activities, rather than all visitors, during the wetland birds' nesting season;
- (6) Adding language that allows individuals to continue to exercise Native Hawaiian cultural practices and gathering rights during the wetland birds' nesting season at the Kawainui-Hāmākua Marsh Complex;
- (7) Removing language that would have:
 - (A) Urged the Board of Land and Natural Resources to terminate the granting of month-to-month permits or long-term leases for use of state land within two thousand feet of the Kawainui-Hāmākua Marsh Complex; and
 - (B) Urged the Board of Land and Natural Resources to prohibit commercial activity on state land in or within two thousand feet of the Kawainui-Hāmākua Marsh Complex;
- (8) Clarifying that the Board of Land and Natural Resources is urged to prohibit all restrooms on state land within two thousand feet of the Kawainui-Hāmākua Marsh Complex; and



- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 146, as amended herein, and recommend that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 146, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Agriculture and
Environment,



MIKE GABBARD, Chair

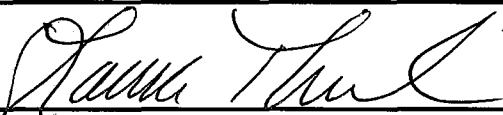


KARL RHOADS, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i


Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 146	WTL/AEN, WAM	3/23/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
GABBARD, Mike (VC)	/			
INOUYE, Lorraine R.				/
RIVIERE, Gil	/			
THIELEN, Laura H.	/			
TOTAL	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SCR 146	Committee Referral: WTL/AEN, WAM	Date: 3/23/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RIVIERE, Gil (VC)	X			
NISHIHARA, Clarence K.	X			
RHOADS, Karl	X			
RUDERMAN, Russell E.				X
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
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