

ACT 140

H.B. NO. 2594

A Bill for an Act Relating to the Kaho‘olawe Island Reserve Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Through Act 340, Session Laws of Hawaii 1993, the legislature found that the island of Kaho‘olawe was of significant cultural and historic importance to the native people of Hawaii. The legislature also found that, due to extensive erosion and other ecological problems, the presence of unexploded ordnance, the existence of archaeological and other cultural and historic sites, and the presence of native and endangered flora and fauna, a new management regime was needed to effectively meet the unique challenges of restoring, preserving, and determining the appropriate use of Kaho‘olawe.

The Kaho‘olawe island reserve commission was funded predominantly by a dwindling trust fund created in 1994 during the federal cleanup of unexploded ordnance on Kaho‘olawe. Although it was a considerable amount, the federal appropriations totaling approximately \$44,000,000 over a period of several years was not substantial enough to establish a sustainable endowment for the long-term restoration of Kaho‘olawe.

As stated in the federally mandated Kaho‘olawe Island Conveyance Commission Final Report to Congress in 1993, “[i]n the short term, federal

funds will provide the bulk of the program support for specific soil conservation projects and related activities. In the longer term, however, state revenues will be needed to continue and enhance those activities initiated with federal funds.” From 1994 until 2016, federal funding has allowed the Kaho‘olawe island reserve commission to establish many innovative programs that emphasize ancestral and traditional knowledge, use a cultural approach of respect for and connectivity with the environment, and integrate ancient and modern resource-management techniques.

In 2004, the management and control of the Kaho‘olawe island reserve was transferred from the United States Navy to the State, with the Kaho‘olawe island reserve commission as the state agency designated to oversee the use and restoration of the reserve. During the past fourteen years, the Kaho‘olawe island reserve commission has been able to develop innovative restoration projects that are effective in the extremely harsh conditions of Kaho‘olawe and will serve as the foundation for the future restoration of the island.

In 2013, the Kaho‘olawe island reserve commission embarked on the development of a 2026 strategic plan for Kaho‘olawe, which marked fifty years of occupation of Kaho‘olawe by the people of Hawaii and laid out a pathway for the future use and management of the Kaho‘olawe island reserve. After a two-year effort that engaged Hawaii’s residents through numerous community meetings and focus-group sessions held on multiple occasions on each of the islands, the multi-organizational Kaho‘olawe strategic planning working group developed an island-wide, community-based strategic plan, entitled “I Ola Kanaloa”, or “Life to Kanaloa”, that addressed the future restoration, management, and uses of Kaho‘olawe for the State, the people of Hawaii, and a possible future sovereign Native Hawaiian entity. Additionally, in 2016, the Kaho‘olawe island reserve commission submitted a detailed financial self-sufficiency and sustainability plan to establish the necessary baseline level of funding needed to continue work on Kaho‘olawe.

Act 49, Session Laws of Hawaii 2017, provided general funds and authorized fifteen positions for fiscal years 2017-2018 and 2018-2019. These funds allowed the Kaho‘olawe island reserve commission to continue its mission in the near term but was only enough to support staffing, Maui-based facilities, and Maui-based operations. Additional funding is needed to support Kaho‘olawe island reserve operations, safety, and infrastructure, as well as to restore the cultural resource project coordinator, a critical position needed to manage, protect, and restore the archaeological and historical resources of Kaho‘olawe. The island of Kaho‘olawe has been placed on the national register of historic places, and additional funding is needed to support the Kaho‘olawe island reserve commission’s mandate to act as the island burial council for Kaho‘olawe.

Pursuant to section 6K-9, Hawaii Revised Statutes, the management and control of the Kaho‘olawe island reserve will be transferred to a sovereign Native Hawaiian entity upon its recognition by the state and federal governments. This event is anticipated to occur within the time frame of the 2026 strategic plan. Without additional funding, the Kaho‘olawe island reserve commission will not be able to continue its innovative management regime. The Kaho‘olawe island reserve commission’s management and control of Kaho‘olawe is not only restoring the ecological damage on Kaho‘olawe and protecting its endangered and rare flora and fauna, but is also ensuring that the people of Hawaii can safely visit the Kaho‘olawe island reserve.

The purpose of this Act is to provide funds to the department of land and natural resources for the Kaho‘olawe island reserve commission to effectively meet the unique challenges of restoring, preserving, and determining the appropriate uses of the Kaho‘olawe island reserve for the people of Hawaii.

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SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2018-2019 in natural and physical environment (LNR906) for the Kaho'olawe island reserve commission to restore, preserve, and determine the appropriate uses of the Kaho'olawe island reserve for the people of Hawaii.

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

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$53,000 or so much thereof as may be necessary for fiscal year 2018-2019 to fund one full-time equivalent (1.0 FTE) permanent cultural resource project coordinator position in natural and physical environment (LNR906) for the Kaho'olawe island reserve commission to restore, preserve, and determine the appropriate uses of the Kaho'olawe island reserve for the people of Hawaii.

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

SECTION 4. This Act shall take effect on July 1, 2018.

(Approved July 5, 2018.)