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# A BILL FOR AN ACT

RELATING TO THE KAHO‘OLAWE ISLAND RESERVE COMMISSION.

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

1           SECTION 1. As stated in Act 340, Session Laws of Hawaii  
2 1993, the legislature found that the island of Kaho‘olawe was of  
3 significant cultural and historic importance to the native  
4 people of Hawaii. The legislature also found that, due to  
5 extensive erosion and other ecological problems, the presence of  
6 unexploded ordnance, the existence of archaeological and other  
7 cultural and historic sites, and the presence of native and  
8 endangered flora and fauna, a new management regime was needed  
9 to effectively meet the unique challenges of restoring,  
10 preserving, and determining the appropriate use of Kaho‘olawe.

11           Act 161, Session Laws of Hawaii 1994, established the  
12 Kaho‘olawe rehabilitation trust fund, codified as section 6K-9.5.  
13 Hawaii Revised Statutes, to supplement federal funds for the  
14 cleanup of unexploded ordnance on Kaho‘olawe. Although it was a  
15 considerable amount, the federal appropriation totaling  
16 approximately \$44,000,000 over a period of several years was not



1 substantial enough to establish a sustainable endowment for the  
2 long-term restoration of Kaho'olawe.

3 As stated in the federally mandated Kaho'olawe island  
4 conveyance commission final report to Congress in 1993, "In the  
5 short term, federal funds will provide the bulk of the program  
6 support for specific soil conservation projects and related  
7 activities. In the longer term, however, state revenues will be  
8 needed to continue and enhance those activities initiated with  
9 federal funds." For over twenty years, federal funding has  
10 allowed the Kaho'olawe island reserve commission to establish  
11 many innovative programs that emphasize ancestral and  
12 traditional knowledge, use a cultural approach of respect for  
13 and connectivity to the environment, and integrate ancient and  
14 modern resource-management techniques.

15 On May 9, 1994, the management and control of the Kaho'olawe  
16 island reserve was transferred from the United States Navy to  
17 the State of Hawaii, with the Kaho'olawe island reserve  
18 commission as the state agency designated to oversee the use and  
19 restoration of the reserve. During the past ten years, the  
20 Kaho'olawe island reserve commission has been able to develop  
21 innovative restoration projects that are effective in the



1 extremely harsh conditions of Kaho'olawe and will serve as the  
2 foundation for the future restoration of the island.

3 A fiscal audit of the Kaho'olawe rehabilitation trust fund  
4 performed by the office of the auditor in 2013 (Auditor Report  
5 No. 13-06) reported two key findings. First, and more  
6 importantly, the trust fund will be depleted by 2016. Second,  
7 the Kaho'olawe island reserve commission lacks a comprehensive  
8 and quantifiable restoration plan with performance measures to  
9 gauge whether objectives are being met.

10 Also in 2013, the Kaho'olawe island reserve commission  
11 embarked on the development of a 2026 strategic plan for  
12 Kaho'olawe, marking fifty years of occupation of Kaho'olawe by  
13 the people of Hawaii and laying out a pathway for the future use  
14 and management of the Kaho'olawe island reserve. After a two-  
15 year effort that engaged Hawaii's residents through numerous  
16 community meetings and focus-group sessions held on multiple  
17 occasions on each of the islands, the multi-organizational  
18 Kaho'olawe strategic planning working group developed an island-  
19 wide, community-based strategic plan, entitled "I Ola Kanaloa",  
20 or "Life to Kanaloa", that addresses the future restoration,  
21 management, and uses of Kaho'olawe for the State, the people of



1 Hawaii, and a possible future sovereign Native Hawaiian entity.  
2 Pursuant to section 6K-9, Hawaii Revised Statutes, the  
3 management and control of the Kaho'olawe island reserve will be  
4 transferred to a sovereign Native Hawaiian entity upon its  
5 recognition by the United States and the State of Hawaii. This  
6 event is anticipated to occur within the timeframe of the 2026  
7 strategic plan.

8 Without additional funding, the Kaho'olawe island reserve  
9 commission will not be able to continue its innovative  
10 management regime. The Kaho'olawe island reserve commission's  
11 management and control of Kaho'olawe is restoring the ecological  
12 damage on Kaho'olawe and protecting its endangered and rare flora  
13 and fauna, and is also ensuring that the people of Hawaii who  
14 visit the Kaho'olawe island reserve can do so meaningfully and  
15 safely.

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



1 SECTION 2. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$ or so  
 3 much thereof as may be necessary for fiscal year 2017-2018 and  
 4 the same sum or so much thereof as may be necessary for fiscal  
 5 year 2018-2019 to fund nineteen full-time equivalent (19.00 FTE)  
 6 permanent positions in natural and physical environment (LNR906)  
 7 for the Kaho'olawe island reserve commission.

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

10 SECTION 3. There is appropriated out of the general  
 11 revenues of the State of Hawaii the sum of \$ or so  
 12 much thereof as may be necessary for fiscal year 2017-2018 and  
 13 the same sum or so much thereof as may be necessary for fiscal  
 14 year 2018-2019 to promote water sustainability, photovoltaic  
 15 powered desalinization, and general operations of the Kaho'olawe  
 16 island reserve commission on the island of Kaho'olawe.

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

19 SECTION 4. This Act shall take effect on July 1, 2017.



**Report Title:**

Kaho'olawe Island Reserve Commission; Appropriation

**Description:**

Appropriates funds to support the Kaho'olawe Island Reserve Commission. (SD1)

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

