

ACT 248

S.B. NO. 1451

A Bill for an Act Relating to Improving Water Quality.

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

SECTION 1. The legislature finds that with growing concerns over the preservation of Hawaii's environment, ecosystems, and water quality, it is increasingly in the State's best interest to address these problems through innovative, comprehensive watershed management measures that are cost-effective and sustainable. One solution to Hawaii's ecosystem and water quality concerns is to reduce contamination in statewide waterways through the use of constructed wetlands.

Constructed wetlands re-create physical, chemical, and biological processes found in natural wetlands, providing ecological benefits such as the filtration of sediments, the removal of contaminants and excess nutrients, improved downstream water quality, coastal zone and coral reef protection, aquifer recharge and flood control, the protection of native species, and the creation or preservation of wildlife habitats. In addition, wetlands reduce the need for costly downstream dredging, create educational opportunities for universities and schools, create aesthetically pleasing recreation areas for the community, and contribute to a tourism-friendly environment.

The legislature further finds that comprehensive watershed management measures are essential to the sustainable improvement of water quality and cost-effective reduction of contaminated sediments in statewide waterways, and that a constructed wetland represents an effective demonstration of those measures.

Furthermore, comprehensive watershed management builds partnerships between local communities and state and federal agencies and strengthens overall statewide environmental protection efforts. State funds appropriated for wetland construction have the potential for matching federal funds from existing programs, such as those administered by the Environmental Protection Agency, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, National Marine Fisheries Service, and the Farm Service Agency. Potential community partnerships also exist with key nongovernmental agencies such as Ducks Unlimited, The Nature Conservancy, Audubon Society, Sierra Club, Malama Hawaii, Ahupua'a Action Alliance, and other local groups.

The purpose of this Act is to appropriate funds during phase 1 to develop comprehensive strategies that establish broad water quality management goals for the entire Lake Wilson catchment consistent with comprehensive watershed management, such as the design of a constructed wetland for Lake Wilson.

SECTION 2. During phase 1, watershed scientists with the center for conservation research and training of the University of Hawaii shall prepare a comprehensive watershed management plan that includes the best strategies to manage water quality problems in Lake Wilson. This plan shall identify alternatives and land-use strategies consistent with comprehensive watershed management practices to develop the best means to improve water quality, identify effective means to lessen the impact of urbanization on downstream waterways, and mitigate other existing problems, such as flooding. The alternatives examined shall include storage of part of the water flow for a period of time in a constructed wetland to improve water quality and reduce downstream sediment contamination and downstream magnitude of storm water runoff.

The phase 1 comprehensive watershed management plan shall consider but not be limited to:

- (1) Physical, chemical, and biological watershed characteristics;
- (2) Storm water structures and drainage ways;
- (3) Community-based participatory planning;
- (4) Existing and future watershed development;
- (5) Existing and future land uses;
- (6) Relevant community organizations and functions;
- (7) Relevant state and federal institutional functions; and
- (8) Traditional ahupua'a-based approaches.

During phase 2, the center for conservation research and training shall identify and solicit federal and other funding and shall coordinate the pilot-scale demonstration project of the constructed wetland designs developed during the phase 1 comprehensive watershed management plan.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2005-2006 for the center for conservation research and training, under phase 1, to develop the best strategies consistent with comprehensive watershed management to improve the water quality of Lake Wilson.

The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2005.

(Became law on July 12, 2005, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)