

ACT 72

H.B. NO. 2034

A Bill for an Act Making an Appropriation 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 is 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 appropriation 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, “In 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.” For the past twenty-one years, 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 to 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 of Hawaii, with the Kaho‘olawe island reserve commission as the state agency designated to oversee the use and restoration of the reserve. During the past ten 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.

A fiscal audit of the Kaho‘olawe rehabilitation trust fund performed by the office of the auditor in 2013 reported two key findings. First, and more importantly, the trust fund will be depleted by 2016. Second, the Kaho‘olawe island reserve commission lacks a comprehensive and quantifiable restoration plan with performance measures to gauge whether objectives are being met.

Also in 2013, the Kaho‘olawe island reserve commission embarked on the development of a 2026 strategic plan for Kaho‘olawe, marking fifty years of occupation of Kaho‘olawe by the people of Hawaii and laying 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 addresses the future restoration, management, and uses of Kaho‘olawe for the State, the people of Hawaii, and a possible future sovereign Native Hawaiian entity. 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 beyond fiscal year 2016. 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 who visit the Kaho‘olawe island reserve can do so meaningfully and safely.

The purpose of this Act is to provide funds to 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.

SECTION 2. The Kaho‘olawe island reserve commission shall submit a financial self-sufficiency and sustainability plan, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2017.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$450,000 or so much thereof as may be necessary for fiscal year 2016-2017 for projects undertaken by the Kaho‘olawe island reserve commission, including but not limited to the restoration and preservation of the natural, cultural, and historic resources of the Kaho‘olawe island reserve and its meaningful and safe use by the people of Hawaii.

The sum appropriated shall be expended by the Kaho‘olawe island reserve commission for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2016.

(Approved June 17, 2016.)