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Kahoolawe commercial activity ban reconsidered

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A bill making its way through the state Legislature would overturn a long-standing law that prohibits all commercial activity on or around Kahoolawe.

An amended version of Senate Bill 897, introduced by Sens. J. Kalani English, Roz Baker and Russell Ruderman, would authorize limited revenue-generating activities within the Kahoolawe Island Reserve, subject to approval by the Kaho'olawe Island Reserve Commission. The bill also appropriates money to the commission for management, restoration and preservation of the reserve and requires the commission to submit a financial self-sufficiency sustainability plan to the Legislature.

The bill survived the Legislature's first crossover deadline on Thursday and awaits hearings before the House committees on Finance; Water and Land; and Ocean, Marine Resources and Hawaiian Affairs.

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"We want the commission to survive. We want Kahoolawe restoration to continue," said English, whose 7th Senate District includes Hana, East Maui, Upcountry, Molokai, Lanai and Kahoolawe. "We just have to have some different approach to it, such as allowing them limited commercial use like an online store to sell products."

The commission's \$44 million trust fund is slated to run out of money by early next year.

But members of the Protect Kaho'olawe Ohana and Native Hawaiians opposed the amended version of the bill that would allow commercial activity on what they consider to be "a sacred wahi pana (legacy land) and pu'uohonua (refuge)."

"Reflecting upon the sacrifice of our members and families, our kupuna, and of George Helm and Kimo Mitchell, to stop the military

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use of the island, HRS 6K (the state law prohibiting commercial activity) was designed to protect the island from further exploitation," Joshua Kaakua wrote in testimony submitted on behalf of the Ohana.

The Protect Kaho'olawe Ohana was founded in 1976 after Native Hawaiians, including Helm and Mitchell, began occupying Kahoolawe to protest the continued military bombing of the island.

Kaakua urged lawmakers to revert to the original version of the bill, which makes a budget appropriation directly to the commission without allowing any commercial activity. Office of Hawaiian Affairs Trustee Colette Machado also submitted testimony, as an individual, opposing commercial activity on Kahoolawe.

She said it was the state's responsibility to fund the Kaho'olawe Island Reserve Commission.

House Rep. Lynn DeCoite, who was appointed to her District 13 seat last month, said Tuesday she is concerned about the authorization of limited commercial activities on Kahoolawe.

"In my opinion, Kahoolawe is a historic site with cultural and national importance that should not be commercialized," the Molokai resident said in an email. "It has great significance to Hawaiian culture. It was a place of refuge and needs to be protected."

Several others, including Maui County Council Member Stacy Helm Crivello, who holds the Molokai residency seat, and Mayor Alan Arakawa, submitted testimony in support of the amended bill.

Kaho'olawe Island Reserve Commission Executive Director Michael Naho'opi'i said any permitted commercial activity must first and foremost align with the commission's cultural and traditional values. An example would be educational or cultural workshops on the island for which students could pay tuition to attend.

"Any exchange of goods and services for money is commercial, so to charge students tuition or charge them for the cost of their meals is prohibited," Naho'opi'i said by phone Monday. He added the amendments in the bill would "allow us to recover costs, develop programs on the island and collect fees relating to that."

English said the commission could also recoup some of its operating costs by selling T-shirts or merchandise online or at its Kihei boathouse, not necessarily on or around the reserve, if Senate Bill 897 becomes law.

If lawmakers don't pass some sort of funding mechanism this session - as was the case the last four Legislative sessions - the commission will begin shutting down its base camp at Honokanai'a in June, commissioners said.

"It's absolutely critical (something is passed this session)," commission Chairwoman Michele Chouteau McLean said. "Our fiscal year ends at the end of June, and (by then) we'll have well under \$2 million left. Yes, that could take us to the end of the calendar year, but by then we will be pursuing a demobilization plan."

Other bills related to Kahoolawe still under consideration include:

* House Bill 438, which would appropriate funds to the Kaho'olawe Island Reserve Commission for restoration and preservation projects. The amount appropriated would be determined later in the session during budget deliberations. That bill is scheduled to be heard by the Senate Committee on Hawaiian Affairs at 1:20 p.m. today in Honolulu.

* Senate Bill 470, which clarifies that property or natural resources used or taken in violation of laws applicable to the Kahoolawe Island Reserve shall be subject to forfeiture. That bill, introduced by Maui Sens. Baker and Gil Keith-Agaran, has been referred to the House Judiciary Committee and House Committee on Water and Land.

* House Bill 1480, which would appropriate \$500,000 for the planning and design of a Kihei education and operation center.

Two other bills, Senate Bill 867 and House Bill 1235, which called for a portion of the state conveyance tax collected each fiscal year to be paid into the Kaho'olawe Rehabilitation Trust Fund, died in committee.

Since 2009, the commission has lobbied legislators for some sort of funding mechanism that would bolster the dwindling Kaho'olawe Island Reserve trust fund, but no legislation was ever passed, Naho'opi'i said. The late Rep. Mele Carroll introduced a bill last session that would have set aside 10 percent of the state conveyance tax for the Kahoolawe fund, with a cap at \$3.5 million per fiscal year, but that bill died in conference committee.

Until now, the commission has drawn its funds from the Kahoolawe Rehabilitation Trust Fund that the federal government set up when it turned over the island to the state in 1994, with the caveat that the island would be transferred to a future sovereign Hawaiian nation.

The commission and its staff have used those funds over the last two decades to clear unexploded ordnance that still litters 25 percent of the island's surface; establish a base camp with a kitchen, portable toilets and dormitories for staff and volunteers; implement restoration efforts to plant native species and control soil erosion; install renewable energy projects like a desalination system and rooftop solar photovoltaic panels; and host more than 10,000 volunteers to the island over the years.

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