
A BILL FOR AN ACT

RELATING TO KAWAI NUI MARSH.

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

1 SECTION 1. Kawai Nui Marsh, encompassing approximately
2 eight hundred thirty acres of land in Kailua, Oahu, is the
3 State's largest remaining wetland and an ecological treasure.
4 It has been identified by the United States Fish and Wildlife
5 Service as a primary habitat for endemic and endangered native
6 Hawaiian birds. Last year, the Ramsar Convention on Wetlands
7 designated Kawai Nui Marsh a wetland of international
8 importance.

9 Act 314, Session Laws of Hawaii 1990, directed the transfer
10 of that certain parcel bearing tax map key number 4-2-16:1, lot
11 2-b, less the community park area, to the State that is owned by
12 the city and county of Honolulu and encompasses the bulk of
13 Kawai Nui Marsh. Both the city and county of Honolulu and the
14 State own other parcels that are part of the wetlands ecosystem
15 of Kawai Nui Marsh.

16 Since Act 314 was passed, the State and city and county of
17 Honolulu have disputed their respective management
18 responsibilities of Kawai Nui Marsh. This dispute has delayed



1 restoration and rehabilitation of the marsh to the point where
2 the continued health of the marsh to support its native wildlife
3 population is in crisis. It is in the public interest that the
4 State immediately take over primary responsibility for the
5 economic, ecological, and cultural resources of Kawai Nui Marsh
6 to preserve the marsh in perpetuity for Hawaii's residents.
7 Federal funding is available to the State to carry out this
8 responsibility and the funding opportunities could be lost if
9 the dispute between the State and city and county of Honolulu is
10 not resolved.

11 The purpose of this Act is to transfer from the city and
12 county of Honolulu to the State, lot 3, as shown on land
13 division parcel map file no. 18-3-3-13, as well as other parcels
14 to enable the State to meet its responsibilities to preserve
15 this important wetland.

16 SECTION 2. Act 314, Session Laws of Hawaii 1990, as
17 amended by Act 47, Session Laws of Hawaii 1998, is amended by
18 amending section 1 to read as follows:

19 "SECTION 1. The estate, right, title, and interest, and
20 any appurtenance thereto, of the city and county of Honolulu
21 relating to [~~Kawainui Marsh, tax map key no. 4-2-16:1, lot 2 b,~~
22 ~~less the area makai of the boundary defined as five feet from~~



1 ~~the toe of the Coconut Grove side of the flood control levee,~~
2 ~~beginning at the Oneawa Canal and ending at the State-owned~~
3 ~~parcel identified by tax map key number 4-2-16:02, lot A,] Kawai~~
4 ~~Nui Marsh, lot 3, as shown on land division parcel map file no.~~
5 ~~18-3-3-13, shall be vested in the State in fee simple[; provided~~
6 ~~that the city and county of Honolulu and the United States Army~~
7 ~~Corps of Engineers shall have first completed all pending flood~~
8 ~~control projects for Kawainui Marsh to the satisfaction of the~~
9 ~~department of land and natural resources; provided further that~~
10 ~~at the time of the transfer of Kawainui Marsh to the State, the~~
11 ~~State shall enter into any required operation or maintenance~~
12 ~~agreements, or both, with the United States Army Corps of~~
13 ~~Engineers]. Parcels owned by the city and county of Honolulu as~~
14 ~~part of the Oneawa canal widening project shall also be vested~~
15 ~~in the State in fee simple.~~

16 ~~[Pending the completion of the transfer of Kawainui Marsh~~
17 ~~to the State, the State and the city and county of Honolulu~~
18 ~~shall enter into a management lease, licence agreement, or other~~
19 ~~similar agreement to enable the department of land and natural~~
20 ~~resources, on behalf of the State, to manage the economic,~~
21 ~~ecological, and cultural resources of Kawainui Marsh as provided~~
22 ~~in the 1983 Kawainui Marsh resource management plan. The lease~~



1 ~~er agreement shall provide for the notification of the city and~~
2 ~~county of Honolulu of any undertaking relating to the operation~~
3 ~~and maintenance of Kawanui Marsh and allow the city and county~~
4 ~~of Honolulu the opportunity for review of the effect of the~~
5 ~~proposed undertaking.] "~~

6 SECTION 3. Nothing in this Act prohibits the State and
7 city and county of Honolulu from entering into an agreement for
8 maintenance or operations of any part of Kawai Nui Marsh.

9 SECTION 4. All land transfers shall be completed no later
10 than September 1, 2006.

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so much
13 thereof as may be necessary for fiscal year 2006-2007 for the
14 department of land and natural resources to maintain the Kawai
15 Nui Marsh.

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

18 SECTION 6. If any provision of this Act, or the
19 application thereof to any person or circumstance is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act, which can be given effect without the

1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect upon its approval;
6 provided that section 5 shall take effect on July 1, 2050.



Report Title:

Kawai Nui Marsh; Appropriation

Description:

Requires the City and County of Honolulu to transfer to the State a parcel of pristine wetlands known as Kawai Nui Marsh effective September 1, 2006; transfers another parcel of Kawai Nui Marsh to the State. (SD2)

