

Honolulu, Hawaii

APR 05 2007

RE: H.B. No. 1899  
H.D. 2  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 1899, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH,"

begs leave to report as follows:

The purpose of this measure is to expedite the transfer of Kawai Nui marsh from the City and County of Honolulu to the State, thereby granting the State the primary responsibility for the economic, ecological, and cultural resources of Kawai Nui marsh.

Your Committee received comments in support of this measure from the Department of Land and Natural Resources, the University of Hawaii at Manoa, Environmental Center, the Windward Ahupua'a Alliance, the Pacific Fisheries Coalition, and the Hawaii Audubon Society. The City and County of Honolulu, 'Ahahui Malama I Ka Lokahi, and two individuals submitted comments on this measure.

Your Committee finds that presently the City and County of Honolulu manages the Kawai Nui marsh and the levee system that was constructed by the United States Department of the Army Corps of Engineers Kawai Nui Marsh Flood Control Project, based upon a Local Cooperation Agreement between the city and the United States Army Corps of Engineers. Act 314, Session Laws of Hawaii 1990, directed the transfer of the bulk of Kawai Nui marsh owned by the City and County of Honolulu to the State. However, ongoing disputes relative to the respective management responsibilities and liability issues between the parties have delayed this



transfer. In the meantime, the rehabilitation and restoration of Kawai Nui marsh has been delayed, critically impairing the native wildlife in the marsh and the marsh's own ability to care for itself.

In an attempt to resolve the differences between the City and County of Honolulu and the State, your Committee has amended this measure by providing that, while the State will take over the management of the marsh, the State shall not be required to become a party to the Local Cooperation Agreement or enter into a separate agreement with the United States Department of the Army to assume ownership of the levee system. Your Committee has further amended this measure by making the appropriations unspecified to allow further discussion on this measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1899, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1899, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,




ROSALYN H. BAKER, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1899 HD2,SD1	WAM, WAM	3/29/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol	/			
HOOSER, Gary L.	/			
KIM, Donna Mercado	/			
MENOR, Ron				/
TOKUDA, Jill N.	/			
HEMMINGS, Fred	/			
WHALEN, Paul	/			
<b>TOTAL</b>	10	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

\*Only one measure per Record of Votes