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# 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 one of  
3 the state's largest remaining wetlands and an ecological  
4 treasure. It has been identified by the United States Fish and  
5 Wildlife Service as a primary habitat for endemic and endangered  
6 native Hawaiian birds. In 2005, the Ramsar Convention on  
7 Wetlands designated Kawai Nui Marsh a wetland of international  
8 importance.

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

15           Since the passage of Act 314, the State and city and county  
16 of Honolulu have disputed their respective management  
17 responsibilities of Kawai Nui Marsh. This dispute has delayed  
18 restoration and rehabilitation of the marsh to the point where



1 the ability of the marsh to support its native wildlife  
2 population is critically impaired. It is in the public interest  
3 that the State immediately take primary responsibility for the  
4 economic, ecological, and cultural resources of Kawai Nui Marsh.  
5 Federal funding is available to the State to carry out this  
6 responsibility, and the funding opportunities could be lost if  
7 the dispute between the State and city and county of Honolulu is  
8 not resolved.

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

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

17 "SECTION 1. The estate, right, title, and interest, and  
18 any appurtenance thereto, of the city and county of Honolulu  
19 relating to [~~Kawainui Marsh, tax map key no. 4-2-16:1, lot 2 b,~~  
20 ~~less the area makai of the boundary defined as five feet from~~  
21 ~~the toe of the Coconut Grove side of the flood control levee,~~  
22 ~~beginning at the Oneawa Canal and ending at the State owned~~



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

13 [~~Pending the completion of the transfer of Kawainui Marsh~~  
14 ~~to the State, the State and the city and county of Honolulu~~  
15 ~~shall enter into a management lease, license agreement, or other~~  
16 ~~similar agreement to enable the department of land and natural~~  
17 ~~resources, on behalf of the State, to manage the economic,~~  
18 ~~ecolegical, and cultural resources of Kawainui Marsh as provided~~  
19 ~~in the 1983 Kawainui Marsh resource management plan. The lease~~  
20 ~~or agreement shall provide for the notification of the city and~~  
21 ~~county of Honolulu of any undertaking relating to the operation~~  
22 ~~and maintenance of Kawanui Marsh and allow the city and county~~



1 ~~of Honolulu the opportunity for review of the effect of the~~  
 2 ~~proposed undertaking.]~~ Parcels owned by the city and county of  
 3 Honolulu as part of the Oneawa canal widening project shall also  
 4 be vested in the State in fee simple."

5 SECTION 3. There is appropriated out of the general  
 6 revenues of the State of Hawaii the sum of \$1 or so much thereof  
 7 as may be necessary for fiscal year 2007-2008 for the department  
 8 of land and natural resources to maintain the Kawai Nui Marsh or  
 9 to contract with the city and county of Honolulu or any other  
 10 public or private entity to maintain the Kawai Nui Marsh.

11 SECTION 4. There is appropriated out of the general  
 12 revenues of the State of Hawaii the sum of \$1 or so much thereof  
 13 as may be necessary for fiscal year 2007-2008 and the same sum  
 14 or so much thereof for fiscal year 2008-2009 for the department  
 15 of land and natural resources to conduct or to contract for  
 16 educational, ecological, and environmental services for Kawai  
 17 Nui Marsh and its adjoining state areas.

18 SECTION 5. The sums appropriated shall be expended by the  
 19 the department of land and natural resources for the purposes of  
 20 this Act.

21 SECTION 6. Nothing in this Act shall be construed to  
 22 prohibit the State and city and county of Honolulu from entering



1 into an agreement for maintenance or operations of any part of  
2 Kawai Nui Marsh.

3 SECTION 7. In the event that a dispute arises between the  
4 State and the city and county of Honolulu over the transfer of  
5 the parcels identified in section 2 of this Act, the State shall  
6 have an easement in perpetuity over those parcels for the  
7 purpose of permitting the department of land and natural  
8 resources to manage the economic, ecological, and cultural  
9 resources of Kawai Nui Marsh, including any restoration and  
10 rehabilitation program.

11 SECTION 8. All land transfers shall be completed no later  
12 than September 1, 2007.

13 SECTION 9. If any provision of this Act, or the  
14 application thereof to any person or circumstance is held  
15 invalid, the invalidity does not affect other provisions or  
16 applications of the Act, which can be given effect without the  
17 invalid provision or application, and to this end the provisions  
18 of this Act are severable.

19 SECTION 10. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 11. This Act shall take effect on July 1, 2020.



**Report Title:**

Kawai Nui Marsh

**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, 2007. Also transfers other parcels of Kawai Nui Marsh to the State. Appropriates funds. (HB1899 HD2)

