

---

---

# 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 830  
2 acres of land in Kailua, Oahu, is the state's largest remaining  
3 wetland and an ecological and cultural treasure. It has been  
4 identified by the United States Fish and Wildlife Service as a  
5 primary habitat for endemic and endangered native Hawaiian birds  
6 such as the 'alae ke'oke'o, 'alae 'ula, ae'o, and koloa maoli. In  
7 2005, the Ramsar Convention on Wetlands designated Kawai Nui  
8 marsh a wetland of international importance in part due to the  
9 wetlands' relationship to surrounding cultural sites.

10           Act 314, Session Laws of Hawaii 1990 (Act 314), directed  
11 the transfer to the State of that certain parcel owned by the  
12 city and county of Honolulu and bearing tax map key number  
13 4-2-16:1, which encompasses the bulk of Kawai Nui marsh. The  
14 parties were unsuccessful in completing the transfer.

15           Since the passage of Act 314, the health of the marsh has  
16 declined significantly despite the advocacy and restoration  
17 efforts of community groups such as Ahahui Malama I ka Lokahi,



1 Hawaii's Thousand Friends, the Kailua Hawaiian Civic Club,  
2 Kailua Historical Society, Kawai Nui Heritage Foundation, and  
3 the Windward Ahupuaa Alliance.

4 Act 235, Session Laws of Hawaii 2007, again addressed the  
5 transfer of this parcel to the State, and the city and county of  
6 Honolulu is currently in negotiations with the State to complete  
7 the transfer of title.

8 The purpose of this Act is to ensure continued community  
9 participation in the preservation and protection of, and future  
10 vision for Kawai Nui marsh.

11 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14 "§171- Kawai Nui marsh advisory council. (a) There is  
15 established a Kawai Nui marsh advisory council, to be placed  
16 within the department of land and natural resources for  
17 administrative purposes only. The advisory council shall  
18 consist of twelve voting members appointed by the governor in  
19 accordance with section 26-34, and five ex-officio members as  
20 follows:

21 (1) One representative from Ahahui Malama I ka Lokahi or  
22 their designee;



- 1        (2) Four representatives from environmental or educational  
2        nonprofit organizations;
- 3        (3) Two cultural representatives appointed by the Kailua  
4        Hawaiian Civic Club and Ahahui Malama I ka Lokahi;
- 5        (4) Two community representatives;
- 6        (5) One landowner representative;
- 7        (6) One representative from the Kailua Chamber of  
8        Commerce;
- 9        (7) One student representative from a Kailua area school  
10       as selected by a high school council; and
- 11       (8) Five ex-officio members representing:
- 12       (A) The United States Army Corps of Engineers;
- 13       (B) The United States Fish and Wildlife Service;
- 14       (C) The department of land and natural resources  
15       forestry and wildlife division;
- 16       (D) The department of land and natural resources  
17       division of state parks; and
- 18       (E) The city and county of Honolulu.
- 19       (b) Each member representing an organization shall be  
20       appointed by the director or other chief executive of the  
21       member's organization within            days following July 1, 2008.
- 22       The members of the advisory council shall not receive



1 compensation for their service but shall be reimbursed for  
2 expenses, including travel expenses, incurred in their duties  
3 relating to the advisory council.

4 (c) A chairperson shall be elected annually by the council  
5 from among the council's voting members; provided that:

6 (1) Only a nongovernmental member shall be elected as  
7 chairperson; and

8 (2) No member may serve as chairperson for more than two  
9 consecutive years.

10 (d) Seven voting members shall constitute a quorum to  
11 conduct business, and any action taken by the advisory council  
12 shall be validated by a simple majority of the quorum.

13 (e) The Kawai Nui marsh advisory council shall:

14 (1) Review and assist in updating and revising the 1994  
15 Kawai Nui marsh master plan, which should include the  
16 Hamakua wetlands and adjacent waterways that enter  
17 into Kawai Nui marsh from Maunawili and Kapaa Valleys  
18 and flow into Kailua bay (ahupuaa of Kailua);

19 (2) Facilitate implementation of the master plan;

20 (3) Enhance community education regarding and cultural  
21 awareness of Kawai Nui marsh; and



1        (4) Participate in the protection and preservation of  
2                Kawai Nui marsh's natural and cultural resources."

3            SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$                    or so  
5 much thereof as may be necessary for fiscal year 2008-2009 to  
6 support the work of the Kawai Nui marsh advisory council.

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

9            SECTION 4. New statutory material is underscored.

10          SECTION 5. This Act shall take effect on July 1, 2020.



**Report Title:**

Kawai Nui Marsh Advisory Council; Establishment; Appropriation

**Description:**

Establishes the Kawai Nui marsh advisory council; appropriates moneys to DLNR for the work of the council. (HB3340 HD1)

