
A BILL FOR AN ACT

RELATING TO KAWAI NUI MARSH.

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

1 SECTION 1. Kawainui marsh, encompassing approximately
2 eight hundred thirty acres of land in Kailua, Oahu, is the
3 state's largest remaining wetland and an ecological and cultural
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 such as the 'alae ke'oke'o, 'alae 'ula,
7 ae'o, and koloa maoli. In 2005, the Ramsar Convention on
8 Wetlands designated Kawainui marsh a wetland of international
9 importance in part due to the wetlands' relationship to
10 surrounding cultural sites.

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

16 Since the passage of Act 314, the health of the marsh has
17 declined significantly despite the advocacy and restoration



1 efforts of community groups such as 'Ahahui Malama i ka Lokahi,
2 Hawaii's Thousand Friends, the Kailua Hawaiian Civic Club,
3 Kailua Historical Society, Kawai Nui Heritage Foundation,
4 Ho'olaulima ia Kawainui, and the Windward Ahupua'a Alliance.

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

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

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

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

21 (b) Each voting member of the advisory council shall
22 represent one of the seven strategic areas listed below. For



1 each strategic area, the corresponding organizations shall
2 jointly submit to the governor a list of no fewer than three
3 names within ninety days following July 1, 2008. The governor
4 shall select one voting member for each of the following seven
5 strategic areas from the lists submitted for each respective
6 strategic area:

- 7 (1) Education: 'Ahahui Malama i ka Lokahi, Kawainui
8 Heritage Foundation, and the Kailua Historical
9 Society;
- 10 (2) Cultural resource: Kailua Hawaiian Civic Club and
11 Ahahui Malama i ka Lokahi;
- 12 (3) Environmental: Hawaii's Thousand Friends, Windward
13 Ahupua'a Alliance, and the Kawainui Heritage
14 Foundation;
- 15 (4) Native animals: Hawaii Audubon Society and the
16 Conservation Council of Hawaii;
- 17 (5) Native plants and ecosystems: Hawaii Botanical
18 Society, Hui Ku Mauli Ola, and the Lani-Kailua Outdoor
19 Circle;
- 20 (6) Business/landowner: Kailua Chamber of Commerce and
21 Kaneohe Ranch; and



- 1 (7) Traditional Hawaiian permaculture: Aloha Aina Health
2 Center, Kailua Hawaiian Civic Club, and the Ahahui
3 Malama i ka Lokahi;
- 4 (c) The ex-officio non-voting members shall be as follows:
- 5 (1) A representative of the United States Army Corps of
6 Engineers;
- 7 (2) A representative of the United States Fish and
8 Wildlife Service;
- 9 (3) A representative of the department's forestry and
10 wildlife division designated by the chairperson;
- 11 (4) A representative of the department's state parks
12 division designated by the chairperson;
- 13 (5) A representative of the city and county of Honolulu
14 designated by the council of the city and county of
15 Honolulu; and
- 16 (6) A student representative from a Kailua area school
17 selected by the Windward District Kailua/Kalaheo
18 Complex Office.
- 19 (d) The members of the advisory council shall not receive
20 compensation for their services but shall be reimbursed for
21 expenses, including travel expenses, incurred in their duties
22 relating to the council.



1 (e) A chairperson shall be elected annually by the
2 advisory council from among the council's voting members;
3 provided that no member may serve as chairperson for more than
4 two consecutive years.

5 (f) Four voting members of the advisory council shall
6 constitute a quorum to do business and any action taken by the
7 advisory council shall be validated by a simple majority of the
8 quorum.

9 (g) The advisory council's responsibilities shall include:

10 (1) Reviewing and assisting in updating and revising the
11 1994 Kawai Nui marsh master plan, which shall include
12 the Hamakua wetlands, adjacent waterways that enter
13 into Kawainui marsh from Maunawili and Kapaa valleys
14 and flow into Kailua Bay;

15 (2) Facilitating implementation of the Kawai Nui marsh
16 master plan;

17 (3) Enhancing community education and cultural awareness
18 of Kawainui marsh; and

19 (4) Participating in the protection and preservation of
20 Kawainui marsh's natural and cultural resources.

21 (h) The department and the advisory council, no less than
22 quarterly, shall consult with Ho'olaulima ia Kawainui community.



1 networking organization to coordinate, review, and assess the
2 progress of programs and efforts to maintain the natural,
3 cultural, and scenic resources of Kawainui marsh and related
4 areas.

5 (i) Any final submittals to the board pertaining to
6 Kawainui marsh shall incorporate the advisory council's comments
7 on the department's draft submittals."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2008-2009 to
11 support the work of the Kawainui marsh advisory council,
12 including the revising of the 1994 Kawai Nui marsh master plan
13 and its implementation.

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

16 SECTION 4. The department of land and natural resources
17 and the Kawainui marsh advisory council shall submit an annual
18 report on the status of the review and implementation of the
19 Kawai Nui marsh master plan, including an account of the public
20 moneys expended and moneys necessary to complete and implement
21 the master plan, to the legislature no later than twenty days



1 before the beginning of each regular session beginning with the
2 regular session of 2009.

3 SECTION 5. If any provision of this Act, or the
4 application thereof to any person or circumstance is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act, which can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 6. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on July 1, 2020.



S.B. NO. 3206
S.D. 2
H.D. 1

Report Title:

Kawainui Marsh Advisory Council; Establishment; Appropriation

Description:

Establishes the Kawainui Marsh Advisory Council; appropriates moneys to DLNR for the work of the council. (SB3206 HD1)

SB3206 HD1 HMS 2008-3609

