

JAN 23 2008

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 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, ae'o,
7 and koloa maoli. In 2005, the Ramsar Convention on Wetlands
8 designated Kawai Nui marsh a wetland of international importance
9 in part due to the wetlands relationship to surrounding cultural
10 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 Kawai Nui 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, and
4 the Windward Ahupuaa 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 Kawai Nui 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- Kawai Nui marsh advisory council. (a) There is
16 established a Kawai Nui 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 ten voting members appointed by the governor in
20 accordance with section 26-34, and three ex-officio members as
21 follows:



- 1 (1) One representative from the Kawai Nui Marsh Heritage
2 Foundation or their designee;
- 3 (2) Four representatives from environmental or educational
4 nonprofit organizations;
- 5 (3) Two cultural representatives appointed by the Kailua
6 Hawaiian Civic Club;
- 7 (4) Two community representatives;
- 8 (5) One landowner representative; and
- 9 (6) Three ex-officio members representing the United
10 States Army Corps of Engineers, the department of land
11 and natural resources forestry and wildlife division,
12 and the city and county of Honolulu.

13 (b) Each member representing an organization shall be
14 appointed by the director or other chief executive of the
15 member's organization within days following July 1, 2008.

16 The members of the advisory council shall not receive
17 compensation for their service but shall be reimbursed for
18 expenses, including travel expenses, incurred in their duties
19 relating to the advisory council.

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



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

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

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

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

9 (1) Review and assist in updating the Kawai Nui marsh
10 master plan;

11 (2) Facilitate implementation of the master plan;

12 (3) Enhance community education and cultural awareness of
13 Kawai Nui marsh; and

14 (4) Participate in the protection and preservation of
15 Kawai Nui marsh's natural resources."

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

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

22 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

Jill

David Ylge

Russell Kohrt

[Signature]

Kevin H. [Signature]

Alan [Signature]



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.

