
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 health of the marsh needed to support its native wildlife
2 population is in critical condition. It is in the public
3 interest that the State immediately take primary responsibility
4 for the economic, ecological, and cultural resources of Kawai
5 Nui Marsh. Federal funding is available to the State to carry
6 out this responsibility, and the funding opportunities could be
7 lost if the dispute between the State and city and county of
8 Honolulu is 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 Kawai Nui Marsh, lot 3, as shown on land division parcel map
21 file no. 18-3-3-13, less the area makai of the boundary defined
22 as five feet from the toe of the Coconut Grove side of the flood



1 control levee, beginning at the Oneawa [~~Canal~~] canal and ending
2 at the State-owned parcel identified by tax map key number 4-2-
3 16:02, lot A[7] and the levee system that runs from Kailua road
4 to the Oneawa canal, shall be vested in the State in fee simple;
5 provided that the city and county of Honolulu and the United
6 States Army Corps of Engineers shall have first completed all
7 pending flood control projects for [~~Kawainui~~] Kawai Nui Marsh to
8 the satisfaction of the department of land and natural
9 resources; 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. Parcels owned
13 by the city and county of Honolulu as part of the Oneawa canal
14 widening project shall also be vested in the State in fee
15 simple.

16 ~~[Pending the completion of the transfer of Kawainui Marsh~~
17 ~~to the State, the State and the city and county of Honolulu~~
18 ~~shall enter into a management lease, license agreement, or other~~
19 ~~similar agreement to enable the department of land and natural~~
20 ~~resources, on behalf of the State, to manage the economic,~~
21 ~~ecological, and cultural resources of Kawainui Marsh as provided~~
22 ~~in the 1983 Kawainui Marsh resource management plan. The lease~~



1 ~~or agreement shall provide for the notification of the city and~~
2 ~~county of Honolulu of any undertaking relating to the operation~~
3 ~~and maintenance of Kawanui Marsh and allow the city and county~~
4 ~~of Honolulu the opportunity for review of the effect of the~~
5 ~~proposed undertaking.]”~~

6 SECTION 3. Nothing in this Act prohibits the State and
7 city and county of Honolulu from entering into an agreement for
8 maintenance or operations of any part of Kawai Nui Marsh.

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

17 SECTION 5. All land transfers shall be completed no later
18 than September 1, 2007; provided that prior to the transfer of
19 the parcels identified in section 2 of this Act, the State shall
20 be granted a temporary easement over those parcels.

21 SECTION 6. If any provision of this Act, or the
22 application thereof to any person or circumstance is held



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act, which can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 7. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 8. This Act shall take effect upon its approval.



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. (HB1899 HD1)

