
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 the
3 State's largest remaining wetlands and an ecological treasure.
4 It has been identified by the United States Fish and Wildlife
5 Service as a primary habitat for endemic and endangered native
6 Hawaiian birds. In 2005, the Ramsar Convention on Wetlands
7 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 the parcel owned by the city and county of
11 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, to enable the State to
12 meet its responsibilities to preserve this important wetland.

13 SECTION 2. The estate, right, title, and interest, and any
14 appurtenance thereto, of the city and county of Honolulu
15 relating to Kawai Nui marsh, lot 3, as shown on land division
16 parcel map file no. 18-3-3-13 and the levee system that runs
17 from Kailua road to the Oneawa canal, shall be vested in the
18 State in fee simple. At the time of the transfer of Kawai Nui
19 marsh to the State, the State shall enter into a sub-agreement
20 with the city and county of Honolulu whereby the State shall
21 assume responsibility for the performance of and compliance with
22 the Local Cooperation Agreement between the United States



1 Department of the Army and the city and county of Honolulu for
2 construction of the Kawai Nui Marsh Flood Control Project, dated
3 October 3, 1993, as amended by Amendment #1 dated March 10,
4 2004, and the Operation and Maintenance Manual for Kawainui
5 Swamp Flood Protection Works, prepared by the United States Army
6 Corps of Engineers, only as and to the extent that the aforesaid
7 Local Cooperation Agreement and the Operation Maintenance Manual
8 for Kawainui Swamp Flood Protection Works pertain to the levee
9 system; provided that the State's responsibility shall be
10 subject to agreement by the city and county of Honolulu to
11 remain responsible as the principal party to and responsible for
12 the Local Cooperation Agreement, the Operation Maintenance
13 Manual for Kawanui Swamp Flood Protection Works, and all other
14 matters provided for therein.

15 SECTION 3. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$500,000 or so much
17 thereof as may be necessary for fiscal year 2007-2008 and the
18 sum of \$420,000 or so much thereof as may be necessary for
19 fiscal year 2008-2009 for the department of land and natural
20 resources to maintain the Kawai Nui marsh or contract with the
21 city and county of Honolulu or any other public or private
22 entity to maintain the Kawai Nui marsh.



1 The sums appropriated shall be expended by the department
2 of land and natural resources for the purposes of this Act.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$1 or so much thereof
5 as may be necessary for fiscal year 2007-2008 and the same sum
6 or so much thereof for fiscal year 2008-2009 for the department
7 of land and natural resources to conduct or to contract for
8 educational, ecological, cultural, and environmental services
9 for Kawai Nui marsh and its adjoining state areas.

10 The sums appropriated shall be expended by the department
11 of land and natural resources for the purposes of this Act.

12 SECTION 5. All land transfers shall be completed no later
13 than September 1, 2007.

14 SECTION 6. Act 314, Session Laws of Hawaii 1990, is
15 repealed.

16 SECTION 7. 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. Appropriates funds. (SD1)

