

ACT 47

H.B. NO. 2883

A Bill for an Act Relating to Kawainui Marsh.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 314, Session Laws of Hawaii 1990, is amended by amending section 1 to read as follows:

“SECTION 1. The estate, right, title, and interest, and any appurtenance thereto, of the city and county of Honolulu relating to Kawainui Marsh, tax map key no. 4-2-16:1, lot 2-b, less the [community park] area[,] makai of the boundary defined as five feet from the toe of the Coconut Grove side of the flood control levee, beginning at the Oneawa Canal and ending at the State-owned parcel identified by tax map key number 4-2-16:02, lot A, shall be vested in the State in fee simple; provided that the city and county of Honolulu and the United States Army Corps of Engineers shall have first completed all pending flood control projects for Kawainui Marsh to the satisfaction of the department of land and natural resources; provided further that at the time of the transfer of Kawainui Marsh to the State, the State shall enter into any required operation or maintenance agreements, or both, with the United States Army Corps of Engineers.

Pending the completion of the transfer of Kawainui Marsh to the State, the State and the city and county of Honolulu shall enter into a management lease, license agreement, or other similar agreement to enable the department of land and natural resources, on behalf of the State, to manage the economic, ecological, and cultural resources of Kawainui Marsh as provided in the 1983 Kawainui Marsh resource management plan. The lease or agreement shall provide for the notification of the city and county of Honolulu of any undertaking relating to the operation and maintenance of Kawainui Marsh and allow the city and county of Honolulu the opportunity for review of the effect of the proposed undertaking.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 29, 1998.)