

**ACT 235**

H.B. NO. 1899

A Bill for an Act Relating to Kawai Nui Marsh.

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

SECTION 1. Kawai Nui marsh, encompassing approximately eight hundred thirty acres of land in Kailua, Oahu, is one of the state's largest remaining wetlands and an ecological treasure. It has been identified by the United States Fish and Wildlife Service as a primary habitat for endemic and endangered native Hawaiian birds. In 2005, the Ramsar Convention on Wetlands designated Kawai Nui marsh a wetland of international importance.

Act 314, Session Laws of Hawaii 1990 (Act 314), directed the transfer to the State of the parcel owned by the city and county of Honolulu and bearing tax map key number 4-2-16:1, which encompasses the bulk of Kawai Nui marsh. Both the State and city and county of Honolulu own other parcels that are part of the wetlands ecosystem of Kawai Nui marsh.

Since the passage of Act 314, the State and city and county of Honolulu have disputed their respective management responsibilities of Kawai Nui marsh. This dispute has delayed restoration and rehabilitation of the marsh to the point where the ability of the marsh to support its native wildlife population is critically impaired. It is in the public interest that the State immediately take primary responsibility for the economic, ecological, and cultural resources of Kawai Nui marsh. Federal funding is available to the State to carry out this responsibility, and the funding opportunities could be lost if the dispute between the State and city and county of Honolulu is not resolved.

The purpose of this Act is to transfer lot 3, as shown on land division parcel map file no. 18-3-3-13, from the city and county of Honolulu to the State, to enable the State to meet its responsibilities to preserve this important wetland.

**SECTION 2.** The estate, right, title, and interest, and any appurtenance thereto, of the city and county of Honolulu relating to Kawai Nui marsh, lot 3, as shown on land division parcel map file no. 18-3-3-13 and the levee system that runs from Kailua road to the Oneawa canal, shall be vested in the State in fee simple. At the time of the transfer of Kawai Nui marsh to the State, the State shall enter into a sub-agreement with the city and county of Honolulu whereby the State shall assume responsibility for the performance of and compliance with the local cooperation agreement between the United States Department of the Army and the city and county of Honolulu for construction of the Kawai Nui marsh flood control project, dated October 3, 1993, as amended by Amendment #1 dated March 10, 2004, and the operation and maintenance manual for Kawainui Swamp flood protection works, prepared by the United States Army Corps of Engineers, only as and to the extent that the aforesaid local cooperation agreement and the operation and maintenance manual for Kawainui Swamp flood protection works pertain to the levee system; provided that the city and county of Honolulu and the State agree that the State shall not be required to become a party to the local cooperation agreement or enter into a separate agreement with the United States Department of the Army to assume ownership of the levee system.

**SECTION 3.** Act 314, Session Laws of Hawaii 1990, as amended by Act 47, Session Laws of Hawaii 1998, is repealed.

**SECTION 4.** All land transfers shall be completed no later than September 1, 2007.

**SECTION 5.** This Act shall take effect on July 1, 2007.

(Approved June 30, 2007.)