



GOV. MSG. NO. *1006*

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 30, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 30, 2007, the following bill was signed into law:

HB1899 HD2 SD2 CD1

A BILL FOR AN ACT RELATING TO KAWAI NUI
MARSH.
(ACT 235)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor
on JUN 30 2007

ACT 235

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

H.B. NO. 1899
H.D. 2
S.D. 2
C.D. 1

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 (Act 314), directed
10 the transfer to the State of the parcel owned by the city and
11 county of Honolulu and bearing tax map key number 4-2-16:1,
12 which encompasses the bulk of Kawai Nui marsh. Both the State
13 and city and county of Honolulu own other parcels that are part
14 of 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

HB1899 CD1 HMS 2007-4158



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 lot 3, as shown on
10 land division parcel map file no. 18-3-3-13, from the city and
11 county of Honolulu to the State, to enable the State to meet its
12 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 and maintenance
8 manual for Kawainui Swamp flood protection works pertain to the
9 levee system; provided that the city and county of Honolulu and
10 the State agree that the State shall not be required to become a
11 party to the local cooperation agreement or enter into a
12 separate agreement with the United States Department of the Army
13 to assume ownership of the levee system.

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15 amended by Act 47, Session Laws of Hawaii 1998, is repealed.

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

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



H.B. NO. 1899
H.D. 2
S.D. 2
C.D. 1

APPROVED this 30 day of JUN , 2007



GOVERNOR OF THE STATE OF HAWAII