
A BILL FOR AN ACT

RELATING TO KAHANA VALLEY STATE PARK.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Kahana valley state
2 park possesses unique historical and natural resources, and
3 there are lessees, acting as caretakers of the valley, whose
4 families have long been associated with Kahana valley and are
5 knowledgeable and qualified to interpret for the general public
6 the significance of these resources for the public's benefit and
7 enjoyment. Act 5, Session Laws of Hawaii 1987, authorized the
8 department of land and natural resources to issue long-term
9 residential leases to persons who had lived continuously in
10 Kahana valley or had permits allowing them to reside on certain
11 parcels of land within Kahana valley. As a condition of holding
12 a lease, these qualified persons agreed to participate in the
13 interpretive programs in Kahana valley state park. The
14 authority to issue leases pursuant to Act 5, Session Laws of
15 Hawaii 1987, expired on January 1, 1992.

16 The purpose of this Act is to reauthorize the department of
17 land and natural resources to issue long-term residential leases
18 directly to qualified persons now residing in Kahana valley, on



1 the condition that these qualified persons participate in Kahana
2 valley state park's interpretive or caretaking programs for the
3 public and establish an advisory committee.

4 SECTION 2. The department of land and natural resources is
5 hereby authorized to negotiate and enter into long-term
6 residential leases for lands acquired for Kahana valley state
7 park, not to exceed sixty-five years in duration, with persons
8 who, on the effective date of this Act:

- 9 (1) Reside in Kahana valley state park on land acquired
10 for Kahana valley state park;
11 (2) Have lived continuously on this land since before 1987
12 in a culturally appropriate manner; and
13 (3) Have remained on the land since then as caretakers.

14 The lands eligible for long-term residential lease
15 negotiations under this section are limited to those located at,
16 tax map key parcels 5-2-01:1, 5-2-02:1, 5-2-05:1, 5-2-01:60, and
17 5-2-01:81, situated in Kahana valley and as further determined
18 by the board of land and natural resources and the Kahana
19 community association.

20 SECTION 3. In exchange for obtaining the State's long-term
21 leases, all qualified persons shall agree to be an essential
22 part of the interpretive or caretaking programs in Kahana valley



1 state park as directed by the department of land and natural
2 resources. The department of land and natural resources is
3 required to establish a monitoring system and enforcement
4 mechanism to ensure compliance with these agreements.

5 SECTION 4. The department of land and natural resources
6 may provide persons with long-term leases under the provisions
7 of this Act, which shall be exempt from all statutes,
8 ordinances, charter provisions, and rules of any governmental
9 agency related to zoning and construction standards for
10 subdivisions, the development and improvement of land, and the
11 construction of units thereon; provided that the department of
12 land and natural resources finds the project is consistent with
13 the findings and purpose of this Act and the project meets
14 minimum requirements of health and safety.

15 SECTION 5. There is established a Kahana valley state park
16 advisory committee, which shall advise the department of land
17 and natural resources on matters relating to the management of
18 the lease program, including the eligibility of applicants for
19 leases and the monitoring of lessee compliance with
20 participation in the interpretive programs. The advisory
21 committee shall consist of seven members appointed without
22 regard to section 26-34, Hawaii Revised Statutes, as follows:



- 1 (1) One member representing the department of land and
- 2 natural resources, as designated by the chairperson of
- 3 the board of land and natural resources;
- 4 (2) Two members of the Kahana community association, as
- 5 designated by the association;
- 6 (3) One member of the Native Hawaiian Legal Corporation,
- 7 as designated by the corporation;
- 8 (4) Two members of the public, as designated by the
- 9 governor; and
- 10 (5) One member of the office of Hawaiian affairs, as
- 11 designated by the office of Hawaiian affairs.

12 SECTION 6. Notwithstanding any other law to the contrary,
 13 including chapter 171, Hawaii Revised Statutes, the department
 14 of land and natural resources may negotiate and enter into lease
 15 agreements in accordance with this Act.

16 SECTION 7. This Act shall take effect on July 1, 2007.

17

INTRODUCED BY:

[Handwritten signature]
[Handwritten signature]

Colleen Mui
Rich T.R. Cabralle
Karen Arzuna
[Handwritten signature]
[Handwritten signature]

JAN 19 2007



Report Title:

Kahana Valley State Park; Residential Leases

Description:

Provides for additional families to reside in Kahana valley state park by lease agreements and establishes an advisory committee to monitor compliance with the agreements.

