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# A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1           SECTION 1. The legislature finds that the concept of a  
2 wilderness area in the culturally and historically rich south  
3 Kona area on the island of Hawaii has been discussed for more  
4 than thirty years. This area has significant archeological  
5 sites that warrant protection and preservation. Act 59, Session  
6 Laws of Hawaii 2003, established the south Kona wilderness area  
7 and provided for the development of a comprehensive management  
8 plan for the area; however, Act 59 was subsequently repealed on  
9 December 31, 2007, pursuant to Act 215, Session Laws of Hawaii  
10 2006.

11           The purpose of this Act is to establish a south Kona  
12 wilderness area on the island of Hawaii, provide a mechanism for  
13 the creation of a plan for management of the wilderness area,  
14 and provide a framework for management of the wilderness area.

15           SECTION 2. Chapter 6E, Hawaii Revised Statutes, is amended  
16 by adding a new part to be appropriately designated and to read  
17 as follows:



1                   **"PART . SOUTH KONA WILDERNESS AREA**

2           **§6E-A South Kona wilderness area; establishment.** There is  
3 established the south Kona wilderness area on the island of  
4 Hawaii in the area described in section 6E-B to be administered  
5 by the department of land and natural resources for the  
6 preservation of the visual, cultural, biological, and historical  
7 aspects of the lands covered in this part and to:

8           (1) Preserve the extensive archaeological sites in the  
9           area, including ancient homesites, a holua slide, a  
10           heiau, and burial caves;

11           (2) Preserve and protect native Hawaiian plants and  
12           animals currently in the area;

13           (3) Provide for a wilderness area with minimal man-made  
14           structures;

15           (4) Permit limited non-vehicular access for recreational  
16           purposes, such as fishing, swimming, and exploration;  
17           and

18           (5) Prevent additional development in the area.

19           **§6E-B Lands included.** (a) Except as provided in  
20 subsection (b), the following lands shall be included in the  
21 south Kona wilderness area:

- 1 (1) Honomalino: All lands from the shoreline to six  
2 thousand feet inland;
- 3 (2) Okoe: All lands from the shoreline to six thousand  
4 feet inland. The Honomalino and Okoe sections include  
5 approximately one thousand four hundred fifty-eight  
6 acres;
- 7 (3) Kapu'a: All lands from the shoreline and going mauka,  
8 designated as lots D-2-1 to D-2-4 in the county of  
9 Hawaii, planning department, final subdivision  
10 approval number 7625, a portion of which is currently  
11 included within the conservation district, which lands  
12 include approximately seven thousand seven hundred  
13 eighty acres;
- 14 (4) Kaulanamauna: The Manuka natural area reserve  
15 boundary extended to the shoreline; and
- 16 (5) Manuka: The Manuka natural area reserve boundary  
17 extended to the shoreline.
- 18 (b) Any parcel of land included in subsection (a) upon  
19 which there is a dwelling house as of July 1, 2011, together  
20 with any outbuildings forming a part of the residential complex,  
21 shall be excluded from the south Kona wilderness area.



1           **§6E-C Construction prohibited.** No new homes or other  
2 structures shall be constructed within one thousand feet of the  
3 shoreline within the south Kona wilderness area, except as  
4 follows:

5           (1) Structures built by the department for the purpose of  
6 managing the area;

7           (2) Repairs to existing structures pursuant to rules  
8 adopted by the department under chapter 91; and

9           (3) Construction of one dwelling with a footprint no  
10 larger than one thousand square feet by a private  
11 landowner if the existing rules permit the  
12 construction;

13 provided that no land shall be subdivided within the area;

14 provided further that no owner shall be permitted to consolidate  
15 and resubdivide lots within the area if this subdivision would  
16 increase the number of buildable lots.

17           **§6E-D Land acquisition.** The department may acquire any  
18 private lands included in the lands described in section 6E-B(a)  
19 by donation or by a value-for-value exchange of other state  
20 lands; provided that, notwithstanding section 171-50, the costs  
21 associated with any appraisal, including that of the public  
22 land, shall be borne by the owner of the private land in the



1 exchange transaction or by private funds, grants, or  
2 contributions.

3       **§6E-E Designation of lands within the conservation**  
4 **district.** All lands described in section 6E-B(a) shall be  
5 classified as lands within the conservation district as  
6 described in section 205-2 without the necessity of any  
7 proceedings before the land use commission."

8       SECTION 3. In codifying the new sections added by section  
9 2 of this Act, the revisor of statutes shall substitute  
10 appropriate section numbers for the letters used in designating  
11 the new sections in this Act.

12       SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

South Kona Wilderness Area

**Description:**

Establishes the south Kona wilderness area on the island of Hawaii to preserve vulnerable visual, natural, biological, and historical aspects of South Kona. Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

