

ACT 59

H.B. NO. 1509

A Bill for an Act Relating to Historic Preservation.

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

SECTION 1. Senate Concurrent Resolution No. 140, S.D. 1, adopted by the Twenty-first Legislature, regular session of 2001, directed the department of land and natural resources to work with Hawaiian cultural organizations and other

interested parties to renew the plan to create a state park and nature reserve with minimum improvements, but preserving the significant archaeological sites in the area designated in the resolution within the ahupua'a of Honomalino, Okoe, Kapu'a, Kaulanamauna, and Manuka in the districts of South Kona and Ka'u, county of Hawaii.

The department of land and natural resources submitted a report to the Twenty-first Legislature, regular session of 2002, in December of 2001. The report identified the areas proposed to be included within the park, summarized the status and existing conditions, discussed access and infrastructure, and summarized the issues and recommendations.

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

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

“PART . SOUTH KONA WILDERNESS AREA

§6E-A Establishment. There is established the South Kona wilderness area on the island of Hawaii in the area described in section 6E-B to be administered by the department of land and natural resources for the preservation of the visual, cultural, and historical aspects of the lands covered in this part and for the following other purposes:

- (1) To preserve the extensive archaeological sites in the area, including ancient homesites, a holua slide, a heiau, and burial caves;
- (2) To preserve and protect native Hawaiian plants and animals currently in the area;
- (3) To provide for a wilderness area with minimal man-made structures;
- (4) To permit limited access for recreational purposes, such as fishing, swimming, camping, and exploration; and
- (5) To prevent additional development in the area.

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

- (1) Honomalino: All lands from the shoreline to six thousand feet inland;
- (2) Okoe: All lands from the shoreline to six thousand feet inland. The Honomalino and Okoe sections include about one thousand four hundred fifty-eight acres;
- (3) Kapu'a: All lands from the shoreline and going mauka, designated as lots D-2-1 to D-2-4 in the county of Hawaii, planning department, final subdivision approval number 7625, a portion of which is currently included within the conservation district, which lands include about seven thousand seven hundred eighty acres;
- (4) Kaulanamauna: All lands from the shoreline to the forest reserve boundary, which includes about eight hundred seventy acres; and
- (5) Manuka: All lands from the shoreline to the forest reserve boundary, which includes about eleven thousand eight hundred ten acres.

(b) Any parcel of land included in subsection (a) upon which there is a dwelling house as of July 1, 2003, together with any outbuildings forming a part of the residential complex, shall be excluded from the South Kona wilderness area.

§6E-C Management plan. The department, in cooperation with appropriate county, state, and federal agencies, shall develop a comprehensive management plan for:

- (1) The preservation and protection of the historic sites;
- (2) The protection of native species; and
- (3) The recreational uses of the South Kona wilderness area.

The department shall be authorized and encouraged to contract out the development of the plan and the management of the South Kona wilderness area to nonprofit organizations interested in attaining the purposes of this part.

§6E-D Construction prohibited. No new homes or other structures shall be constructed within one thousand feet of the shoreline within the South Kona wilderness area, except as follows:

- (1) Structures built by the department for the purpose of managing the area;
- (2) Repairs to existing structures pursuant to rules adopted by the department; and
- (3) Construction of one dwelling by a private landowner if the existing rules permit the construction;

provided that no land may be subdivided within the area, and provided further that no owner shall be permitted to consolidate and resubdivide lots within the area if this would increase the number of buildable lots.

§6E-E Land acquisition. The department is authorized to acquire any private lands included in the lands described in section 6E-B(a) by a value-for-value exchange of other state lands; provided that, notwithstanding section 171-50, the costs associated with any appraisal, including that of the public land, shall be borne by the owner of the private land in the exchange transaction or by private funds, grants, or contributions.

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

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

SECTION 4. This Act shall take effect on July 1, 2003; provided that:

- (1) This Act shall be repealed on December 31, 2006, if the exchange transactions to acquire the lands described in section 6E-B are not consummated prior to December 31, 2006; and
- (2) In the event that this Act is repealed, any revisions to land classifications that were made pursuant to this Act shall revert to their original classifications.

(Approved May 16, 2003.)