

ACT 219

H.B. NO. 1476

A Bill for an Act Relating to North Kohala.

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

SECTION 1. Act 166, Session Laws of Hawaii 1992 (Act 166), now codified as section 6E-38.5, Hawaii Revised Statutes, sought to preserve and protect a cluster of historical sites in North Kohala on the island of Hawaii. The sites included the Mo'okini Luakini, Kamehameha birthsite, Kukuipahu Heiau, and the historical sites at Mahukona. Collectively, this cluster of sites is known as the Kohala historical sites state monument. The monument was to be used for educational and cultural purposes to be enjoyed by the public.

When Act 166 was enacted, the Mo'okini Luakini, Kamehameha birthsite, and Kukuipahu Heiau were already owned by the State. Act 166 further mandated that the following real property be included to ensure the unimpaired preservation of the visual, cultural, and historical aspect of the monument:

- (1) Historical sites at Mahukona; and
- (2) Any additional land surrounding all of the monument sites to preserve and protect them with adequate buffers and provide public access, including but not limited to those lands running along the coast between Huinamaka and Kalaelimukoko and those lands mauka of the Mo'okini Heiau encompassing the area formerly used to house the Mo'okini priests and family gravesites.

The additional real property was to be acquired by the State through gifts or land exchanges and designated by the board of land and natural resources as part of the monument.

In the years following Act 166, the State made unsuccessful attempts to acquire the lands adjacent to the monument from the private owner through either a purchase or land exchange. These adjacent lands are necessary to provide public access to the monument as specified in Act 166.

The legislature finds that the purchase of the lands adjacent to the monument is necessary to provide public access to the Kohala historical sites state monument, including the Mo'okini Heiau. The legislature further finds that the State's acquisition of this land will protect the area by providing adequate buffers as authorized by Act 166.

Kamehameha Schools is currently in the process of negotiating for the acquisition of one hundred twenty-five acres of land surrounding the Mo'okini Heiau. This represents exactly one-half of the desired buffer acreage and would provide an estimated open space of at least one hundred yards to the nearest boundary. Additionally, Kamehameha Schools is also considering the purchase of an additional thirty-seven acres for a total of one hundred sixty-two acres, leaving a balance of eighty-eight acres of the total two hundred fifty originally deemed necessary as a buffer.

The purpose of this Act is to direct the department of land and natural resources to:

- (1) Determine the adequacy of the one hundred sixty-two acres to fulfill the buffer and public access requirements to the Kohala historical sites state monument, including the Mo'okini Heiau; and
- (2) If the acreage is deemed insufficient, renew its efforts to acquire the remaining eighty-eight acres through land exchange.

The legislature finds that the acquisition of these lands will greatly benefit the public. The legislature further finds that it would be in the public's interest for the department of land and natural resources to protect and preserve the lands in compliance with the terms of the deeds granting the Mo'okini Heiau site and the Kamehameha birthsite to the State.

SECTION 2. The two hundred fifty acres of land adjacent to the Kohala historical sites state monument deemed necessary to provide the buffer and public access are described as follows:

- (1) A railroad right-of-way parcel, identified as tax map key number 5-6-01:27;
- (2) A roadway access over and across parcels identified by tax map key numbers 5-5-05:04 and 5-5-05:05 to provide access to the Mo'okini foundation parcel identified as tax map key number 5-5-05:03;
- (3) Existing graded roadway leading from the Mo'okini foundation parcel to the Mo'okini Heiau parcel identified as tax map key number 5-5-05:20, between the Mo'okini Heiau and the Kamehameha birthplace parcel identified as tax map key number 5-5-05:06, and between the Kamehameha birthplace site and the Mo'okini foundation parcel; and
- (4) The buffer area consisting of the following tax map key parcels in North Kohala on the island of Hawaii:

(A) (3) 5-5-05:02	21.710 acres;
(B) (3) 5-5-05:04	37.000 acres;
(C) (3) 5-5-05:05	26.693 acres;
(D) (3) 5-5-05:14	4.550 acres;
(E) (3) 5-5-05:17	99.812 acres;
(F) (3) 5-5-05:30	20.022 acres;
(G) (3) 5-5-05:31	20.303 acres; and
(H) (3) 5-5-05:32	20.389 acres.

The acquisition of these lands is necessary to provide, preserve, and protect public access to the Kohala historical sites state monument.

SECTION 3. Kamehameha Schools is presently negotiating for the acquisition of one hundred twenty-five acres, and considering purchasing an additional thirty-seven acres of the two hundred fifty acres identified in section 2 and deemed necessary to provide the buffer and public access to the historical sites. The department of land and natural resources shall:

- (1) Determine whether the one hundred sixty-two acres that may be acquired by Kamehameha Schools are adequate to provide an adequate buffer and public access;
- (2) If this acreage is found insufficient, renew its efforts to acquire the remaining eighty-eight acres through land exchange; and
- (3) Consult with Mo'okini Luakini, Inc., and Kamehameha Schools before making its determination.

SECTION 4. This Act shall take effect upon its approval.

(Became law on July 12, 2005, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)