

ACT 178

S.B. NO. 1154

A Bill for an Act Relating to Historic Preservation.

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

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area and provided for the development of a comprehensive management plan for the area; however, Act 59 was subsequently repealed on December 31, 2007, pursuant to Act 215, Session Laws of Hawaii 2006.

The purpose of this Act is to establish a south Kona wilderness area on the island of Hawaii.

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 South Kona wilderness area; 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, biological, and historical aspects of the lands covered in this part and to:

- (1) Preserve the extensive archaeological sites in the area, including ancient homesites, a holua slide, a heiau, and burial caves;
- (2) Preserve and protect native Hawaiian plants and animals currently in the area;
- (3) Provide for a wilderness area with minimal man-made structures;
- (4) Permit limited non-vehicular access for recreational purposes, such as fishing, swimming, and exploration; and
- (5) 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 approximately one thousand four hundred fifty-eight acres;
- (3) Kaulanamauna: The Manuka natural area reserve boundary extended to the shoreline; and
- (4) Manuka: The Manuka natural area reserve boundary extended to the shoreline.

(b) Any parcel of land included in subsection (a) upon which there is a dwelling house as of July 1, 2011, together with any outbuildings forming a part of the residential complex, shall be excluded from the south Kona wilderness area.

(c) Land use district boundaries existing as of July 1, 2011, shall continue in full force and effect subject to amendment as provided in chapter 205, Hawaii Revised Statutes.

§6E-C Government-owned land; construction prohibited. No new homes or other structures shall be constructed on government-owned land 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; and
- (2) Repairs to existing structures pursuant to rules adopted by the department under chapter 91;

provided that no government-owned land within the south Kona wilderness area shall be subdivided; provided further that the State and the County of Hawaii shall not be permitted to consolidate and resubdivide lots within the area if this consolidation or subdivision would increase the number of buildable lots.”

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, 2011.

(Approved July 1, 2011.)