
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Throughout the State there remain certain lands
2 that retain special cultural value. These lands are usually in
3 rural areas and contain culturally valuable sites and resources,
4 both tangible and intangible. These lands sustain and support
5 native Hawaiian life styles and traditions that are retained and
6 continue to be practiced on an every day basis. They include
7 lands where native Hawaiian agricultural uses, such as taro
8 cultivation, are perpetuated. These special lands also include
9 native Hawaiian gathering areas and lands where native Hawaiian
10 activities, such as fishpond cultivation and limu gathering, are
11 practiced. Some of these culturally special lands are found in
12 Hana and Keanae on the island of Maui, Halawa and Milolii on the
13 island of Hawaii, the east-end of the island of Molokai,
14 Waiahole, Waikane, and Kahana on the island of Oahu, and Hanalei
15 and Hanapepe on the island of Kauai.

16 The purpose of this Act is to recognize and support these
17 culturally special lands by:

18 (1) Establishing culturally valuable districts;



- 1 (2) Establishing culturally valuable district community
- 2 advisory councils;
- 3 (3) Setting forth the responsibilities and duties of the
- 4 culturally valuable district community advisory
- 5 councils; and
- 6 (4) Requiring the review of petitions for land use
- 7 reclassification, applications for development or
- 8 community plan amendments, applications for changes in
- 9 zoning, and applications for special management area
- 10 permits by the culturally valuable district community
- 11 advisory councils.

12 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
 13 by adding a new section to be appropriately designated and to
 14 read as follows:

15 "§46- Culturally valuable districts. (a) Prior to any
 16 hearing by a county planning commission, county, or council in a
 17 county where the planning commission is advisory only, on any
 18 application for an amendment to a development or community plan,
 19 any application for any change in zoning, or any application for
 20 a special management area permit for any lands within a
 21 culturally valuable district, the planning commission or council
 22 shall allow the culturally valuable district community advisory

1 council for the culturally valuable district to conduct a public
2 hearing on the application and submit to the planning commission
3 or council a recommendation for the approval, denial, or
4 approval with conditions of the application. In the case of an
5 application for a development or community plan amendment or
6 application for change in zoning, the planning commission shall
7 submit the recommendation of the culturally valuable district
8 community advisory council along with its own recommendation on
9 the application for a development or community plan amendment or
10 change in zoning to the county council for its consideration.
11 The planning commission shall provide the culturally valuable
12 district community advisory council with staffing and other
13 support facilities required for its deliberations.

14 (b) The planning commission or council may adopt rules
15 pursuant to chapter 91 for the purposes of this section."

16 SECTION 3. Part I of chapter 205, Hawaii Revised Statutes,
17 is amended by adding a new section to be appropriately
18 designated and to read as follows:

19 **"§205- Amendment to district boundaries in culturally**
20 **valuable districts.** (a) Prior to a hearing by the commission
21 or any county land use decision-making authority of a petition
22 for an amendment to a district boundary of any lands within a



1 designated culturally valuable district, the commission or
2 county land use decision-making authority shall allow the
3 culturally valuable district community advisory council for the
4 culturally valuable district to conduct a public hearing on the
5 petition and submit to the commission or county land use
6 decision-making authority a recommendation for the approval,
7 denial, or approval with conditions of the petition. The
8 commission and the county land use decision-making authority
9 shall provide the culturally valuable district community
10 advisory council with staffing and other support facilities
11 required for its deliberations.

12 (b) The commission and the county land use decision-making
13 authority may adopt rules pursuant to chapter 91 for the
14 purposes of this section."

15 SECTION 4. Chapter 205, Hawaii Revised Statutes, is
16 amended by adding a new part to be appropriately designated and
17 to read as follows:

18 "PART . CULTURALLY VALUABLE DISTRICTS

19 §205-A Culturally valuable districts; definition and
20 objectives. (a) As used in this part, "culturally valuable
21 districts" means those lands identified pursuant to this part:



- 1 (1) That contain valuable cultural and historical sites
- 2 and resources, tangible and intangible;
- 3 (2) That include lands where native Hawaiian agricultural
- 4 uses, including taro cultivation, are continued;
- 5 (3) That include native Hawaiian gathering areas for
- 6 sustenance and cultural purposes; and
- 7 (4) Where native Hawaiian life styles and traditions are
- 8 retained and continue to be practiced on an every day
- 9 basis.

10 (b) The objective for the identification and establishment

11 of culturally valuable districts is to identify and provide for

12 the protection, perpetuation, and restoration of these valuable

13 state resources.

14 **§205-B Establishment of culturally valuable districts.**

15 (a) A culturally valuable district shall be established by

16 concurrent resolution of the legislature.

17 (b) Any member of the legislature may and, upon the

18 request of any person, including a county, the president of the

19 senate and the speaker of the house of representatives shall,

20 introduce concurrent resolutions to establish a culturally

21 valuable district.

1 (c) The concurrent resolution shall set forth the
2 boundaries of the culturally valuable district, following
3 natural monuments, ahupua`a, moku, or other traditional land
4 divisions and may extend from the highest reaches of the
5 mountains to a designated distance beyond the shoreline. A
6 culturally valuable district may include one or more ahupua`a
7 and all or a part of any moku on any island. The concurrent
8 resolution shall also include a description of how the land
9 identified in the concurrent resolution meets the definition of
10 a culturally valuable district.

11 **§205-C Culturally valuable district community advisory**
12 **councils; establishment; duties.** (a) Each culturally valuable
13 district shall have a culturally valuable district community
14 advisory council. Each culturally valuable district community
15 advisory council shall comprise eleven members, to be appointed
16 as follows:

- 17 (1) Six members shall be appointed by the governor:
- 18 (A) Two of who shall be appointed from a list of not
19 less that three nominees submitted to the
20 president of the senate; and

1 (B) Two of who shall be appointed from a list of not
2 less than three nominees submitted by the speaker
3 of the house of representatives;

4 Each list of nominees shall include not less than one
5 person knowledgeable in cultural and historic issues
6 and one person knowledgeable in environmental issues;
7 and

8 (2) Five members shall be appointed by the mayor of the
9 county in which the culturally valuable district is
10 situated.

11 The members shall serve for a term of four years; provided that
12 upon the initial appointment of the members, the governor shall
13 appoint one member for a term of one year, two members for a
14 term of two years, two members for a term of three years, and
15 one member for a term of four years, and the mayor shall appoint
16 one member for a term of one year, one member for a term of two
17 years, one member for a term of three years, and, two members
18 for a term of four years. The appointed members shall serve
19 without compensation but shall be reimbursed for expenses,
20 including travel expenses, necessary for the performance of
21 their duties.



1 (b) All members of a culturally valuable district
2 community advisory council shall be residents of the culturally
3 valuable district, and:

4 (1) Of the members appointed by the governor, not less
5 than two members shall knowledgeable in cultural and
6 historic issues and not less than two members shall be
7 knowledgeable in environmental issues; and

8 (2) Of the members appointed by the mayor, not less than
9 two members shall be knowledgeable in cultural and
10 historic issues and not less than two members shall be
11 knowledgeable in environmental issues.

12 (c) The duties of the culturally valuable district
13 community advisory council shall include but not be limited to:

14 (1) The preparation of a list of all culturally and
15 historically valuable sites or features within the
16 culturally valuable district;

17 (2) The preparation of a list of all culturally valuable
18 resources, tangible, such as gathering areas, and
19 intangible, such as legends and sacred places, in the
20 culturally valuable district;

21 (3) The establishment of objectives and criteria, within
22 the context of the county development or community

1 plan, for the protection, preservation, and
2 restoration of all valuable sites and resources in the
3 culturally valuable district;

4 (4) Holding public hearing and reviewing all land use
5 reclassification petitions, all applications for
6 development or community plan amendments, all
7 applications for changes in zoning, and all
8 applications for a special management area permit for
9 any lands within the culturally valuable district;

10 (5) Providing the commission or the county land use
11 decision-making authority of the county where the
12 culturally valuable district is located with
13 recommendations for the approval, denial, or approval
14 with conditions of all petitions for land use
15 reclassification;

16 (6) Providing the planning commission or council of the
17 county where the culturally valuable district is
18 located with recommendations for the approval, denial,
19 or approval with conditions for all applications for a
20 development or community plan amendment, all
21 applications for a change in zoning, and all
22 applications for a special management area permit;



1 (7) Participating as a party in any contested case
 2 proceeding relating to lands within the culturally
 3 valuable district; and

4 (8) Proposing legislation for the legislature or county
 5 council for the protection, preservation, and
 6 restoration of valuable cultural and historic sites
 7 and resources."

8 SECTION 5. In codifying the new sections added by section
 9 4 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 6. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

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HB 2822

Report Title:

Land Use; Culturally Valuable Lands

Description:

Establishes culturally valuable districts and advisory councils to review land use and zoning petitions for lands within the districts; set forth duties of the community advisory councils.

