
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 a daily basis. They include lands
7 where native Hawaiian agricultural uses, such as taro
8 cultivation, are perpetuated. These special cultural lands also
9 include native Hawaiian gathering areas and lands where native
10 Hawaiian activities, such as fishpond cultivation and limu
11 gathering, are practiced. Some of these culturally special
12 lands are found in Hana, Lahaina, and Keanae on the island of
13 Maui; Halawa and Milolii on the island of Hawaii; the islands of
14 Molokai, Lanai, and Kahoolawe; Waiahole, Waikane, and Kahana on
15 the island of Oahu; and Hanalei and Hanapepe on the island of
16 Kauai.

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



- 1 (1) Establishing culturally valuable districts; and
- 2 (2) Establishing additional decision-making criteria for
- 3 any land use decision involving a culturally valuable
- 4 district.

5 SECTION 2. Chapter 205, Hawaii Revised Statutes, is
6 amended by adding a new part to be appropriately designated and
7 to read as follows:

8 "PART . CULTURALLY VALUABLE DISTRICTS

9 §205-A Culturally valuable districts; definition and

10 **objectives.** (a) As used in this part, "culturally valuable
11 district" means lands:

- 12 (1) That contain valuable cultural and historical sites
- 13 and resources, tangible or intangible;
- 14 (2) Where native Hawaiian agricultural uses are continued,
- 15 including taro cultivation;
- 16 (3) That include native Hawaiian gathering areas for
- 17 sustenance and cultural purposes; and
- 18 (4) Where native Hawaiian life styles and traditions are
- 19 retained and continue to be practiced on a daily
- 20 basis.

21 (b) The objective for the identification and designation
22 of culturally valuable districts is to provide for the



1 protection, perpetuation, and restoration of these valuable
2 state resources.

3 **§205-B Culturally valuable districts; designation.** (a)

4 Unless designated under subsection (d), a culturally valuable
5 district shall be designated by concurrent resolution of the
6 legislature.

7 (b) Any member of the legislature may, and upon the
8 request of any person, the president of the senate and the
9 speaker of the house of representatives shall, introduce
10 concurrent resolutions to designate a culturally valuable
11 district.

12 (c) The concurrent resolution shall set forth the
13 boundaries of the culturally valuable district, following
14 natural monuments, ahupua'a, moku, or other traditional land
15 divisions and may extend from the highest reaches of the
16 mountains to a designated distance beyond the shoreline. A
17 culturally valuable district may include one or more ahupua'a
18 and all or part of any moku on any island. The concurrent
19 resolution shall also include a description of how the land
20 identified in the concurrent resolution meets the definition of
21 a culturally valuable district.



1 (d) The following areas are each designated as a
2 culturally valuable district:

- 3 (1) Hana district, Maui;
- 4 (2) Lahaina district, Maui;
- 5 (3) The island of Molokai;
- 6 (4) The island of Lanai; and
- 7 (5) The island of Kahoolawe.

8 **§205-C Criteria for land use decisions involving**

9 **culturally valuable districts.** (a) Notwithstanding any law to
10 the contrary, any decision by the land use commission pursuant
11 to section 205-4 or by a county pursuant to section 46-4,
12 205-3.1, 205-5, or 205-6 involving lands, or any part of lands,
13 designated as a culturally valuable district shall:

- 14 (1) Be preceded by a public hearing in the affected
15 culturally valuable district by which the public can
16 submit testimony for consideration; and
- 17 (2) Specifically consider, in writing, whether the public
18 benefit from the proposed action outweighs the
19 cultural value and significance of the land to the
20 State.



1 (b) The land use commission and each county shall adopt
2 rules, pursuant to chapter 91, as necessary to implement this
3 part."

4 SECTION 3. In codifying the new sections added by section
5 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 4. This Act shall take effect upon its approval.
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Report Title:

Land Use; Culturally Valuable District

Description:

Establishes culturally valuable districts, designated by concurrent resolution of the legislature, and provides additional decision-making criteria for any land use decision involving a culturally valuable district. Designates certain areas as culturally valuable districts.

