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## A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1           SECTION 1. In 1965, the State condemned the ahupua'a o  
2 Kahana for use as a state park, making it the only landowner in  
3 the State of Hawai'i, outside of the Robinson family on Ni'ihau,  
4 to own an intact ahupua'a. An ahupua'a, a triangular slice of  
5 land running from the mountains to the ocean, was the major land  
6 division used by pre-contact Hawaiians, as it included all of  
7 the elements necessary for their existence: the uplands, the  
8 lowlands, the shore, and the ocean.

9           While the families living in Kahana at the time of the  
10 condemnation were of varied ethnic backgrounds, many of them  
11 were native Hawaiian, and the people of Kahana in general lived  
12 a simple, subsistence lifestyle in harmony with native Hawaiian  
13 values and traditions. The people of Kahana lobbied the  
14 legislature after the condemnation to allow them to stay in  
15 Kahana and preserve this rural native Hawaiian-influenced  
16 lifestyle. In 1970, a governor's task force proposed the  
17 concept of a living park that would allow the families to stay



1 and in some way participate in the park. The governor  
2 recommended the concept to the department of land and natural  
3 resources. The residents were allowed to stay on the land under  
4 revocable leases.

5 The State determined that as a condition of their lease  
6 each Kahana family would contribute twenty-five hours of  
7 interpretive services per month to the park, to preserve,  
8 restore, and share the history and rural lifestyle of the  
9 ahupua'a with the public.

10 Act 5, Session Laws of Hawaii 1987, authorized the  
11 department of land and natural resources to issue long-term  
12 residential leases to persons who had lived continuously in  
13 Kahana valley or had permits allowing them to reside on certain  
14 parcels of land within Kahana valley. As a condition of holding  
15 a lease, these qualified persons agreed to participate in  
16 interpretive programs in Kahana valley state park.

17 The purpose of this Act is to:

- 18 (1) Establish a two-year moratorium on evictions of  
19 persons who at the time of the enactment of this Act,  
20 reside in Kahana valley state park, have served as  
21 caretakers of Kahana valley state park, and have  
22 continuously lived there since before 1987 or hold or



1           have held a long-term lease or permit to reside there;  
2           and

3           (2) Establish the master plan advisory committee to assist  
4           in the development and implementation of a master plan  
5           for Kahana valley state park.

6           SECTION 2. Notwithstanding any other law to the contrary,  
7 including chapter 171, Hawaii Revised Statutes, there is  
8 established a two-year moratorium on the eviction of persons who  
9 at the time of the enactment of this Act, reside in Kahana  
10 valley state park, have served as caretakers of Kahana valley  
11 state park, and have continuously lived there since before 1987  
12 or hold or have held a long-term lease or permit to reside  
13 there. The department of land and natural resources shall  
14 suspend any pending eviction proceedings as of the effective  
15 date of this Act. The moratorium shall end on July 1, 2011.

16           SECTION 3. (a) The department of land and natural  
17 resources shall submit a report designated as the living park  
18 master plan to the legislature no later than twenty days prior  
19 to the convening of the 2011 regular session. The living park  
20 master plan shall include:

21           (1) A comprehensive management plan for a culturally  
22           sensitive and ahupua'a-based entity;



1           (2) A list of priorities and guidelines to promote  
2           cooperation between government agencies and residents  
3           of Kahana valley state park with respect to managing  
4           the ahupua'a, its people, and its resources; and

5           (3) Any proposed legislation necessary to implement the  
6           living park master plan.

7           (b) There is established within the department of land and  
8 natural resources for administrative purposes the master plan  
9 advisory committee consisting of six members:

10          (1) One member shall be the president of the Kahana valley  
11          association, or the president's designee;

12          (2) One member shall be a resident of Kahana valley state  
13          park, designated by the president of the Kahana valley  
14          association;

15          (3) One member shall be a faculty member from the  
16          University of Hawai'i at Manoa, department of urban and  
17          regional planning, to be designated by the faculty  
18          chairperson of the department;

19          (4) One member shall be a member of the senate, to be  
20          designated by the senate president;



- 1           (5) One member shall be a member of the house of
- 2                   representatives, to be designated by the speaker of
- 3                   the house; and
- 4           (6) One member shall be the chairperson of the board of
- 5                   land and natural resources, or the chairperson's
- 6                   designee.
- 7           (c) The duties of the master plan advisory committee shall
- 8 be:
- 9           (1) To complete the living park master plan as required by
- 10                   subsection (a);
- 11           (2) Provide input for the living park master plan to
- 12                   advise and assist residents in the management of the
- 13                   Kahana valley state park;
- 14           (3) Increase community participation and input into the
- 15                   living park master plan for the enhancement of
- 16                   community education and cultural awareness of the
- 17                   Kahana valley state park; and
- 18           (4) Work with the community to implement the living park
- 19                   master plan.
- 20           (d) The members of the master plan advisory committee
- 21 shall select a chairperson from among the advisory committee



1 members and shall be reimbursed for expenses, including travel  
2 expenses, necessary for the performance of their duties.

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

4

INTRODUCED BY:

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JAN 23 2009



**Report Title:**

Kahana Valley State Park; Eviction Moratorium

**Description:**

Establishes a two year moratorium on evictions of residents from Kahana valley state park; establishes the master plan advisory committee to create a living park master plan for Kahana valley state park.

