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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 participated  
21 in interpretive programs for Kahana valley state park,  
22 and have continuously lived there since before 1987 or

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

3 (2) Establish the planning council to assist in the  
4 development and implementation of a master plan for  
5 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 participated in interpretive programs  
11 for Kahana valley state park, and have continuously lived there  
12 since before 1987 or hold or have held a long-term lease or  
13 permit to reside there. The department of land and natural  
14 resources shall suspend any pending eviction proceedings as of  
15 the effective date of this Act. The moratorium shall end on  
16 July 1, 2011.

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

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

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

7 (3) Any proposed legislation necessary to implement the  
8 living park master plan.

9 (b) There is established within the department of land and  
10 natural resources for administrative purposes the planning  
11 council consisting of seven members:

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

14 (2) Two members shall be lease holders or residents in  
15 Kahana valley state park, designated by the president  
16 of the Kahana valley association;

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

21 (4) One member shall be a member of the senate, to be  
22 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 of representatives; 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 planning council shall be:
- 8 (1) To complete the living park master plan as required by  
9 subsection (a);
- 10 (2) Provide input for the living park master plan to  
11 advise and assist residents in the management of the  
12 Kahana valley state park;
- 13 (3) Determine the location for long-term residents' homes;
- 14 (4) Establish criteria for eligibility for future issuance  
15 of long-term leases, including but not limited to:
- 16 (A) Participation in interpretive programs;
- 17 (B) Lineal descendants of Kahana valley families  
18 prior to 1965;
- 19 (C) Lineal descendants of Kahana valley lessees; and
- 20 (D) Issuance of replacement leases;
- 21 (5) Increase community participation and input into the  
22 living park master plan for the enhancement of

1 community education and cultural awareness of the  
2 Kahana valley state park; and

3 (6) Work with the community to implement the living park  
4 master plan.

5 (d) The members of the planning council shall select a  
6 chairperson from among the planning council members and shall be  
7 reimbursed for expenses, including travel expenses, necessary  
8 for the performance of their duties.

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

**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 planning council to create and implement a living park master plan for Kahana valley state park. (SD1)