
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources requires more flexibility to
3 negotiate and enter into long-term residential leases for state
4 park land. Long-term lessees can provide valuable services for
5 state parks. For example, the Kahana Valley State Park is a
6 model for such endeavors.

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

15 While the families living in Kahana at the time of the
16 condemnation were of varied ethnic backgrounds, many of them
17 were native Hawaiian, and the people of Kahana in general lived

1 a simple, subsistence lifestyle in harmony with native Hawaiian
2 values and traditions. The people of Kahana lobbied the
3 legislature after the condemnation to allow them to stay in
4 Kahana and preserve this rural native Hawaiian-influenced
5 lifestyle. In 1970, a governor's task force proposed the
6 concept of a living park that would allow the families to stay
7 and in some way participate in the park. The governor
8 recommended the concept to the department of land and natural
9 resources. The residents were allowed to stay on the land under
10 revocable leases.

11 The State determined that each Kahana family would
12 contribute twenty-five hours of interpretive services per month
13 to the park, to preserve, restore, and share the history and
14 rural lifestyle of the ahupua'a with the public.

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

1 The lessees have provided valuable interpretive programs
2 for the valley, and shared their knowledge of and the
3 significance of the valley's resources for the public's benefit
4 and enjoyment. The authority to issue leases pursuant to Act 5
5 expired on January 1, 1994.

6 The purpose of this Act is to:

- 7 (1) Authorize the department of land and natural resources
8 to issue long-term residential leases to qualified
9 persons, on the condition that lessees participate in
10 the state park's interpretive programs; and
11 (2) Establish a planning council with representatives from
12 specific, interested organizations to facilitate
13 operations and compliance with the state park
14 residential leases.

15 SECTION 2. Notwithstanding any other law to the contrary,
16 including chapter 171, Hawaii Revised Statutes, the department
17 of land and natural resources is authorized to negotiate and
18 enter into long-term residential leases for sites in state parks
19 with acreage greater than five thousand acres but not more than
20 six thousand acres, with the lease term not to exceed beyond
21 fifty years, with persons who reside and have continuously

1 resided in the same state park since before 1987 and have
2 participated in interpretive programs for the state park.

3 The lands eligible for long-term residential lease
4 negotiations under the provisions of this Act are limited to
5 those determined eligible by the department of land and natural
6 resources.

7 SECTION 3. The lessees agreement to participate in, and
8 become an essential part of, the interpretive programs in the
9 state park as directed by the department of land and natural
10 resources shall be considered valuable consideration for a lease
11 granted pursuant to this Act. The department of land and
12 natural resources shall establish a monitoring system and
13 enforcement mechanism to ensure compliance with these
14 agreements, which shall work in conjunction with the state park
15 planning council as established pursuant to this Act.

16 SECTION 4. The leases under this Act shall be exempt from
17 all statutes, ordinances, charter provisions, and rules of any
18 governmental agency related to zoning and construction standards
19 for subdivisions, the development and improvement of land, and
20 the construction of units thereon; provided that the department
21 of land and natural resources finds the exemptions are

1 consistent with the purposes of this Act and the leases meet
2 minimum requirements of health and safety.

3 SECTION 5. (a) There is established a state park planning
4 council, which shall advise the department of land and natural
5 resources on matters related to the management of leases under
6 this Act, including eligibility requirements for applicants for
7 leases and the monitoring of lessee compliance with
8 participation in the interpretive programs.

9 (b) The planning council shall consist of seven members
10 appointed without regard to section 26-34, Hawaii Revised
11 Statutes, as follows:

12 (1) Three members shall be lease holders or residents in
13 the state park, designated by the state park resident
14 association;

15 (2) 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 (3) One member shall be a member of the senate, to be
20 designated by the senate president;

- 1 (4) One member shall be a member of the house of
2 representatives, to be designated by the speaker of
3 the house; and
- 4 (5) 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 master plan for the state park;
- 9 (2) Provide input for the master plan to advise and assist
10 residents in the management of the state park;
- 11 (3) Determine the location for long-term residents homes;
- 12 (4) Establish criteria for eligibility for future issuance
13 of long-term leases, including but not limited to:
- 14 (A) Participation in park programs; and
- 15 (B) Lineal descendants of families who once lived in
16 the state park;
- 17 (5) Increase community participation and input into the
18 master plan for the enhancement of community education
19 and cultural awareness of the significance of the
20 state park; and
- 21 (6) Work with the community to implement the master plan.

1 (d) The members of the planning council shall select a
2 chairperson from among the planning council members and shall be
3 reimbursed for expenses, including travel expenses, necessary
4 for the performance of their duties.

5 SECTION 6. This Act shall take effect upon its approval.

Report Title:

State Parks; Residential Leases; Planning Council

Description:

Authorizes the department of land and natural resources to issue residential leases in state parks; establishes a planning council to monitor compliance with the leases. (SD1)