

JAN 23 2009

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



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.

