



GOV. MSG. NO. 1282

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 1, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

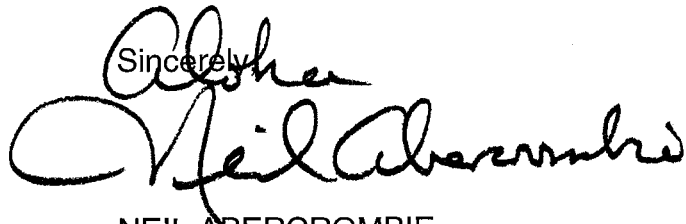
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 1, 2011, the following bill was signed into law:

SB1154 SD2 HD1 CD1

RELATING TO HISTORIC PRESERVATION
ACT 178 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUL 1 2011

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

ACT 178
S.B. NO. 1154
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. The legislature finds that the concept of a
2 wilderness area in the culturally and historically rich south
3 Kona area on the island of Hawaii has been discussed for more
4 than forty years. This area has significant archaeological
5 sites that warrant protection and preservation. Act 59, Session
6 Laws of Hawaii 2003, established the south Kona wilderness area
7 and provided for the development of a comprehensive management
8 plan for the area; however, Act 59 was subsequently repealed on
9 December 31, 2007, pursuant to Act 215, Session Laws of Hawaii
10 2006.

11 The purpose of this Act is to establish a south Kona
12 wilderness area on the island of Hawaii.

13 SECTION 2. Chapter 6E, Hawaii Revised Statutes, is amended
14 by adding a new part to be appropriately designated and to read
15 as follows:

16 "PART . SOUTH KONA WILDERNESS AREA

17 §6E-A South Kona wilderness area; establishment. There is
18 established the south Kona wilderness area on the island of



1 Hawaii in the area described in section 6E-B to be administered
2 by the department of land and natural resources for the
3 preservation of the visual, cultural, biological, and historical
4 aspects of the lands covered in this part and to:

5 (1) Preserve the extensive archaeological sites in the
6 area, including ancient homesites, a holua slide, a
7 heiau, and burial caves;

8 (2) Preserve and protect native Hawaiian plants and
9 animals currently in the area;

10 (3) Provide for a wilderness area with minimal man-made
11 structures;

12 (4) Permit limited non-vehicular access for recreational
13 purposes, such as fishing, swimming, and exploration;
14 and

15 (5) Prevent additional development in the area.

16 §6E-B Lands included. (a) Except as provided in
17 subsection (b), the following lands shall be included in the
18 south Kona wilderness area:

19 (1) Honomalino: All lands from the shoreline to six
20 thousand feet inland;

21 (2) Okoe: All lands from the shoreline to six thousand
22 feet inland. The Honomalino and Okoe sections include



1 approximately one thousand four hundred fifty-eight
2 acres;

3 (3) Kaulanamauna: The Manuka natural area reserve
4 boundary extended to the shoreline; and

5 (4) Manuka: The Manuka natural area reserve boundary
6 extended to the shoreline.

7 (b) Any parcel of land included in subsection (a) upon
8 which there is a dwelling house as of July 1, 2011, together
9 with any outbuildings forming a part of the residential complex,
10 shall be excluded from the south Kona wilderness area.

11 (c) Land use district boundaries existing as of July 1,
12 2011, shall continue in full force and effect subject to
13 amendment as provided in chapter 205, Hawaii Revised Statutes.

14 **§6E-C Government-owned land; construction prohibited.** No
15 new homes or other structures shall be constructed on
16 government-owned land within one thousand feet of the shoreline
17 within the south Kona wilderness area, except as follows:

18 (1) Structures built by the department for the purpose of
19 managing the area; and

20 (2) Repairs to existing structures pursuant to rules
21 adopted by the department under chapter 91;

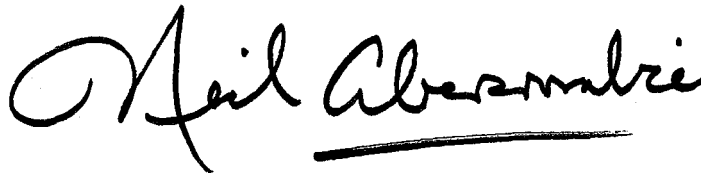


1 provided that no government-owned land within the south Kona
2 wilderness area shall be subdivided; provided further that the
3 State and the County of Hawaii shall not be permitted to
4 consolidate and resubdivide lots within the area if this
5 consolidation or subdivision would increase the number of
6 buildable lots."

7 SECTION 3. In codifying the new sections added by section
8 2 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 4. This Act shall take effect on July 1, 2011.
12

APPROVED this 1 day of JUL, 2011



GOVERNOR OF THE STATE OF HAWAII