



GOV. MSG. NO. 1314

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 8, 2011

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

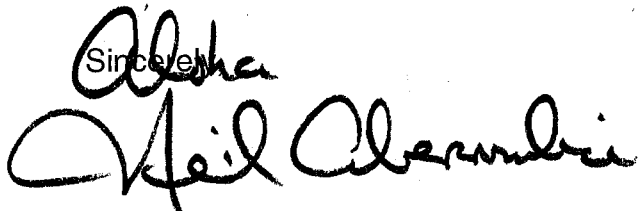
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

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

This is to inform you that on July 8, 2011, the following bill was signed into law:

HB389 HD3 SD2

RELATING TO LAND USE  
Act 210 (11)

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

ORIGINAL

Approved by the Governor

on JUL 8 2011

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2011  
STATE OF HAWAII

ACT 210  
H.B. NO. 389  
H.D. 3  
S.D. 2

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## A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that there is an area in  
2 the Heeia ahupua'a, which is located in Koolaupoko, Oahu, in  
3 close proximity to the Heeia fishpond that is commonly known as  
4 the "Heeia wetlands". The Heeia wetlands, consisting of  
5 approximately four hundred five acres, were acquired by the  
6 Hawaii community development authority on July 2, 1991, by  
7 assuming the buyer's position in an existing purchase agreement  
8 and folding it into an exchange agreement with Kamehameha  
9 Schools. This transaction provided Kamehameha Schools with what  
10 is now the makai gateway park and the parcel of land commonly  
11 known as the "Honolulu Ford parcel" in addition to \$11,667,917  
12 in public facility credits in exchange for the Heeia wetlands.

13 Approximately eighty acres adjacent to the Heeia wetlands  
14 were added into the acquisition and subsequently reconveyed to  
15 Kamehameha Schools in 1994, in accordance with the terms of the  
16 original exchange agreement, when the Hawaii housing finance and  
17 development corporation declined to use it for the development  
18 of affordable housing. This eighty-acre parcel is not included



1 in the new Heeia community development district. Kakoo Oiwi, a  
2 Hawaii nonprofit corporation, approached the Hawaii community  
3 development authority to request a long-term lease to restore  
4 the wetlands, eliminate invasive species, and establish an  
5 agricultural and educational center that will contribute to the  
6 community at large. A thirty-eight year lease was granted to  
7 Kakoo Oiwi in March 2010 for these purposes.

8 The purpose of this Act is to establish the Heeia community  
9 development district to develop culturally appropriate  
10 agriculture, education, and natural-resource restoration and  
11 management of the Heeia wetlands.

12 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is  
13 amended by adding a new part to be appropriately designated and  
14 to read as follows:

15 "PART . HEEIA COMMUNITY DEVELOPMENT DISTRICT

16 §206E- Definitions. As used in this part:

17 "District" means the Heeia community development district.

18 "Fund" means the Heeia community development revolving  
19 fund.

20 §206E- District established; boundaries. (a) The Heeia  
21 community development district is hereby established. The  
22 district shall include that area within the boundaries described



1 as follows: the southern boundary begins at the southern  
2 property line of tax map key number (1) 4-6-16:001 and runs west  
3 to Kahekili highway and east to Kamehameha highway. The  
4 northern boundary begins at the northern property line of tax  
5 map key number (1) 4-6-16:001 and runs west to Kahekili highway  
6 and east to Kamehameha highway. The tax map key numbers are (1)  
7 4-6-16:001 and (1) 4-6-16:002 (owned by the authority), and (1)  
8 4-6-16:004, :011, :012, and :017 (owned by various owners of  
9 kuleana parcels).

10 (b) The authority shall serve as the local redevelopment  
11 authority of the district to facilitate culturally appropriate  
12 agriculture, education, and natural-resource restoration and  
13 management of the Heeia wetlands, in alignment with the Honolulu  
14 board of water supply's most current "Koolau Poko Watershed  
15 Management Plan" and the city and county of Honolulu's most  
16 current "Koolaupoko Sustainable Communities Plan". In addition  
17 to any other of its duties under this chapter, the authority  
18 shall:

- 19 (1) Consult with the following persons and entities:
- 20 (A) Recorded landowners in the district;
- 21 (B) Recorded landowners in section 6 of zone 4 of the  
22 first tax map key division;



- 1 (C) Koolaupoko Hawaiian Civic Club;
- 2 (D) Kailua neighborhood board;
- 3 (E) Kahaluu neighborhood board; and
- 4 (F) Kaneohe neighborhood board,
- 5 to implement activities related to and supportive of
- 6 cultural practices, agriculture, education, and
- 7 natural-resource restoration and management;
- 8 (2) Assist land users to manage their properties and
- 9 implement activities related to and supportive of
- 10 cultural practices, agriculture, education, and
- 11 natural-resource restoration and management;
- 12 (3) Work with federal, state, county, and other agencies
- 13 to ensure that infrastructural support is provided for
- 14 the district;
- 15 (4) Develop the infrastructure necessary to support the
- 16 implementation of the Heeia community development
- 17 district master plan; and
- 18 (5) Provide, to the extent feasible, maximum opportunity
- 19 for the restoration and implementation of sustainable,
- 20 culturally appropriate, biologically responsible, or
- 21 agriculturally beneficial enterprises.



1 (c) Three additional voting members shall, except as  
2 otherwise provided in this subsection, be appointed to the  
3 authority by the governor pursuant to section 26-34 to represent  
4 the district. These three members shall be considered in  
5 determining quorum and majority only on issues relating to the  
6 district and may vote only on issues related to the district.  
7 The three members shall be residents of the district or the  
8 Koolaupoko district which consists of sections 1 through 9 of  
9 zone 4 of the first tax map key division.

10 §206E- Heeia community development district; policies to  
11 guide development. The following general policies to guide  
12 development shall govern the authority's actions in the  
13 district:

- 14 (1) Development shall be in accordance with the Heeia  
15 master plan, except as it conflicts with the Hawaii  
16 State Constitution and the Hawaii Revised Statutes;
- 17 (2) With the approval of the governor, and in accordance  
18 with law, the authority, upon the concurrence of a  
19 majority of its voting members, may modify and make  
20 changes to the Heeia master plan to respond to  
21 changing conditions; provided that prior to amending  
22 the Heeia master plan, the authority shall conduct a



1 public meeting pursuant to chapter 92 to inform the  
2 public of the proposed changes and receive public  
3 input;

4 (3) The authority shall provide, to the extent feasible,  
5 maximum opportunity for the restoration and  
6 implementation of sustainable, culturally appropriate,  
7 biologically responsible, or agriculturally beneficial  
8 enterprises;

9 (4) The authority may engage in planning, design, and  
10 construction activities within and outside the  
11 district; provided that activities outside the  
12 district shall relate to infrastructural development,  
13 area-wide drainage improvements and sediment transport  
14 mitigation, roadway realignments and improvements, and  
15 other activities the authority deems necessary to  
16 carry out redevelopment of the district and implement  
17 this part. Studies or coordinating activities may be  
18 undertaken by the authority in conjunction with the  
19 county and appropriate federal and state agencies and  
20 may address infrastructural systems, natural-resource  
21 systems, and other activities;



- 1           (5) Planning, replanning, rehabilitation, development,  
2                    redevelopment, and other preparations for the  
3                    restoration of cultural practices, education, natural  
4                    resources, and agriculture related activities shall be  
5                    pursued;
- 6           (6) Hawaiian archaeological, historic, and cultural sites  
7                    shall be preserved and protected to the extent  
8                    feasible while allowing for continued use of the  
9                    property for cultural activities, education,  
10                  agricultural and economic pursuits, and natural-  
11                  resource restoration;
- 12          (7) Endangered species of flora and fauna shall be  
13                  preserved and protected to the extent feasible;
- 14          (8) Land use and redevelopment activities within the  
15                  district shall be coordinated with and, to the extent  
16                  possible, complement existing county and state  
17                  policies, plans, and programs affecting the district;
- 18          (9) Public facilities within the district shall be  
19                  planned, located, and developed to support the  
20                  redevelopment policies established by this part for  
21                  the district, the master plan approved by the





1 governor, and rules adopted pursuant to this chapter;  
2 and

3 (10) Special management area permit administration for the  
4 district shall continue to be under the authority of  
5 the city and county of Honolulu.

6 §206E- Heeia community development revolving fund. (a)

7 There is established in the state treasury the Heeia community  
8 development revolving fund, into which shall be deposited:

9 (1) All revenues, income, and receipts of the authority  
10 for the district, notwithstanding any other law to the  
11 contrary, including section 206E-16;

12 (2) Moneys directed, allocated, or disbursed to the  
13 district from government agencies or private  
14 individuals or organizations, including grants, gifts,  
15 awards, donations, and assessments of landowners for  
16 costs to administer and operate the district; and

17 (3) Moneys appropriated to the fund by the legislature.

18 (b) Moneys in the fund shall be used only for the purposes  
19 of this part.

20 (c) Investment earnings credited to the assets of the fund  
21 shall become part of the fund.



1           §206E-    Rules; adoption.  The authority shall adopt rules  
2 in accordance with chapter 91 to carry out the purposes of this  
3 part."

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

APPROVED this 8 day of JUL , 2011

*Neil Abernethi*

GOVERNOR OF THE STATE OF HAWAII

