

JAN 26 2011

S.B. NO. 1154

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# 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 park in the culturally and historically rich south  
3 Kona area on the island of Hawaii has been discussed for more  
4 than thirty years. This area has limited development and  
5 significant archeological sites that warrant protection and  
6 preservation. Act 59, Session Laws of Hawaii 2003, established  
7 the south Kona wilderness area and provided for the development  
8 of a comprehensive management plan for the area; however, Act 59  
9 was subsequently repealed on December 31, 2007, by Act 215,  
10 Session Laws of Hawaii 2006.

11           The purpose of this Act is to establish a south Kona  
12 wilderness area on the island of Hawaii, provide a mechanism for  
13 the creation of a plan for management of the wilderness area,  
14 and provide a framework for management of the wilderness area.

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

18                           **"PART           .    SOUTH KONA WILDERNESS AREA**



1        **§6E-A South Kona wilderness area; establishment.** There is  
2 established the south Kona wilderness area on the island of  
3 Hawaii in the area described in section 6E-B to be administered  
4 by the department of land and natural resources for the  
5 preservation of the visual, cultural, and historical aspects of  
6 the lands covered in this part and to:

- 7        (1) Preserve the extensive archaeological sites in the  
8                area, including ancient home sites, a holua slide, a  
9                heiau, and burial caves;
- 10        (2) Preserve and protect native Hawaiian plants and  
11                animals currently in the area;
- 12        (3) Provide for a wilderness area with minimal manmade  
13                structures;
- 14        (4) Permit limited access for recreational purposes, such  
15                as fishing, swimming, camping, and exploration; and
- 16        (5) Prevent additional development in the area.

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

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



1 (2) Okoe: All lands from the shoreline to six thousand  
2 feet inland. The Honomalino and Okoe sections include  
3 about one thousand four hundred fifty-eight acres;

4 (3) Kapu'a: All lands from the shoreline and going mauka,  
5 designated as lots D-2-1 to D-2-4 in the county of  
6 Hawaii, planning department, final subdivision  
7 approval number 7625, a portion of which is currently  
8 included within the conservation district, which lands  
9 include about seven thousand seven hundred eighty  
10 acres;

11 (4) Kaulanamauna: All lands from the shoreline to the  
12 Manuka natural area reserve boundary; and

13 (5) Manuka: All lands from the shoreline to the Manuka  
14 natural area reserve boundary.

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

19 **§6E-C Management plan.** The department, in cooperation  
20 with appropriate county, state, and federal agencies, shall  
21 develop a comprehensive management plan for the:

22 (1) Preservation and protection of the historic sites;



1 (2) Protection of native species; and

2 (3) Recreational uses of the south Kona wilderness area.

3 The department shall be authorized and encouraged to contract  
4 out the development of the plan and the management of the south  
5 Kona wilderness area to nonprofit organizations interested in  
6 attaining the purposes of this part.

7 **§6E-D Construction prohibited.** No new homes or other  
8 structures shall be constructed within one thousand feet of the  
9 shoreline within the south Kona wilderness area, except as  
10 follows:

11 (1) Structures built by the department for the purpose of  
12 managing the area;

13 (2) Repairs to existing structures pursuant to rules  
14 adopted by the department under chapter 91; and

15 (3) Construction of one dwelling with a footprint no  
16 larger than one thousand square feet by a private  
17 landowner if the existing rules permit the  
18 construction;

19 provided that no land shall be subdivided within the area;  
20 provided further that no owner shall be permitted to consolidate  
21 and resubdivide lots within the area if this subdivision would  
22 increase the number of buildable lots.



1        §6E-E Land acquisition. The department may acquire any  
 2 private lands included in the lands described in section 6E-B(a)  
 3 by a value-for-value exchange of other state lands; provided  
 4 that, notwithstanding section 171-50, the costs associated with  
 5 any appraisal, including that of the public land, shall be borne  
 6 by the owner of the private land in the exchange transaction or  
 7 by private funds, grants, or contributions.

8        §6E-F Designation of lands within the conservation  
 9 district. All lands described in section 6E-B(a) shall be  
 10 classified as lands within the conservation district as  
 11 described in section 205-2 without the necessity of any  
 12 proceedings before the land use commission."

13        SECTION 3. In codifying the new sections added by section  
 14 2 of this Act, the revisor of statutes shall substitute  
 15 appropriate section numbers for the letters used in designating  
 16 the new sections in this Act.

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

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**Report Title:**

South Kona Wilderness Area

**Description:**

Establishes the south Kona wilderness area to be administered by the department of land and natural resources; provides for the development of a comprehensive management plan for the area.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

