
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Act 15, Special Session Laws of Hawaii 2009, is
2 amended as follows:

3 1. By amending section 1 to read:

4 "SECTION 1. The legislature finds that state living parks
5 possess unique historical and cultural value. In state living
6 parks, individuals reside on lands located within the living
7 park and are an essential part of the purpose of the park for
8 the benefit of the public. As set forth in Senate Resolution
9 No. 264, S.D. 1, Regular Session of 1977, the purpose of a
10 living park is to nurture and foster native Hawaiian culture and
11 spread knowledge of its values and ways.

12 Kahana valley state park is an example of a living park.
13 Between 1965 and 1969, the State condemned the ahupuaa o Kahana
14 for use as a state park, making it the only landowner in the
15 State of Hawaii, other than the owners of Niihau, to own an
16 intact ahupuaa. An ahupuaa, a triangular slice of land running
17 from the mountains to the ocean, was the major land division
18 used by pre-contact Hawaiians.



1 Families living in Kahana at the time of condemnation were
2 of varied ethnic backgrounds, and the people of Kahana generally
3 lived a simple, subsistence lifestyle in harmony with native
4 Hawaiian values and traditions. In 1970, a governor's task
5 force proposed the concept of a living park as a way in which
6 the residents could continue to live in the park and participate
7 in the park for the benefit of the public.

8 To effectuate the living park concept, Act 5, Session Laws
9 of Hawaii 1987, authorized the department of land and natural
10 resources to issue long-term residential leases to individuals
11 who had been living on the land. In 1993, the department of
12 land and natural resources entered into sixty-five-year leases
13 with thirty-one qualifying families and required that all
14 lessees be an essential part of the interpretive programs by
15 contributing at least twenty-five hours of service each month to
16 benefit the park. To provide lessees with money to construct
17 new houses, Act 238, Session Laws of Hawaii 1988, appropriated
18 funds to provide low-interest home construction and mortgage
19 loans for Kahana valley state park lessees. The appropriation
20 was sufficient for twenty-six lessees to receive loans in the
21 amount of \$50,000 each.



1 Since 1993, three leases have been terminated by the
2 department of land and natural resources for noncompliance with
3 lease conditions. Other families living in Kahana valley have
4 sought to obtain long-term leases, but the department of land
5 and natural resources refuses to issue any further leases,
6 relying on the attorney general's opinion issued on March 24,
7 2008, asserting that Act 5, Session Laws of Hawaii 1987,
8 expired.

9 Since 1970, Kahana residents and the greater community
10 proposed numerous plans to the board of land and natural
11 resources. However, the board of land and natural resources
12 never adopted a master plan for Kahana valley state park. As a
13 result, there has been a lack of clarity, vision, goals, and
14 policies directing the residents and the department of land and
15 natural resources in the development and management of Kahana
16 valley state park.

17 The management of a living park requires that the
18 department of land and natural resources have the authority to
19 negotiate and enter into long-term residential leases, a clear
20 master plan, and the resources to support the living park,
21 including the establishment of a land manager position akin to a
22 konohiki.



1 The purpose of this Act is to:

2 (1) Establish a [~~two-year~~] four-year moratorium on
3 evictions of persons who at the time of the enactment
4 of this Act, reside in Kahana valley state park, have
5 participated in interpretive programs for Kahana
6 valley state park, and have continuously lived there
7 since before 1987 or hold or have held a long-term
8 lease or permit to reside there;

9 (2) Authorize the department of land and natural resources
10 to issue long-term residential leases to qualified
11 persons; and

12 (3) Establish a living park planning council to develop a
13 master plan for each state living park that will
14 provide the framework, proposed rules, measurements
15 for success, and planning process to ensure that the
16 living park achieves its purpose and goals."

17 2. By amending section 3 to read:

18 "SECTION 3. (a) Notwithstanding any other law to the
19 contrary, including chapter 171, Hawaii Revised Statutes, there
20 is established a [~~two-year~~] four-year moratorium from the
21 effective date of this Act on the eviction of persons who at the
22 time of the enactment of this Act:



- 1 (1) Reside in Kahana valley state park;
- 2 (2) Have participated in interpretive programs for Kahana
- 3 valley state park; and
- 4 (3) Have:
- 5 (A) Continuously lived there since before 1987; or
- 6 (B) Held a long-term lease or permit to reside there.

7 (b) Notwithstanding any other law to the contrary,
8 including chapter 171, Hawaii Revised Statutes, the department
9 of land and natural resources is authorized to negotiate and
10 enter into long-term residential leases for sites in state parks
11 with acreage greater than five thousand acres but not more than
12 six thousand acres, with the following qualified persons:

- 13 (1) Persons who at the time of enactment of this Act
- 14 reside in a state living park and are contributing at
- 15 least twenty-five hours of service each month to
- 16 benefit the state living park; and
- 17 (2) Other qualified persons who may be identified in a
- 18 living park master plan approved by the board of land
- 19 and natural resources."

20 3. By amending section 8 to read:

21 "SECTION 8. The department of land and natural resources
22 shall submit to the legislature an initial progress report,



H.B. NO. 1210

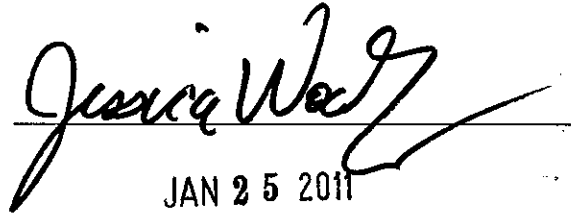
1 including any proposed legislation, regarding the implementation
2 of this Act not later than twenty days prior to the convening of
3 the regular session of [~~2010~~] 2012 and a final progress report,
4 including any proposed legislation, not later than twenty days
5 prior to the convening of the regular session of [~~2011~~] 2013."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on June 30, 2011.

9

INTRODUCED BY:


JAN 25 2011



Report Title:

Kahana Valley Living Park; Moratorium Extension

Description:

Extends the sunset date on the moratorium of evictions of persons residing in Kahana Valley by 2 years to enable completion of the planning process.

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