
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 the Honokohau harbor
2 and marina in Kailua-Kona, county of Hawaii, is underused and
3 not meeting its economic potential. To showcase Kailua-Kona as
4 a premiere sportfishing and water activity destination,
5 Honokohau harbor and marina should be developed as a world
6 class, full service marina. The redeveloped area should include
7 ancillary amenities such as a pedestrian promenade with
8 commercial enterprises, retail shops, and restaurants for marina
9 and harbor users to congregate and patronize, which would
10 enhance the economic benefit for harbor and marina businesses
11 and improve the quality of life for local residents and
12 visitors.

13 The legislature also finds that the success of a harbor and
14 marina facility is contingent upon the use of adjacent real
15 property for complementary, supportive, marina-related services,
16 facilities, and activities. Therefore, a new mechanism for
17 localized harbor governance should be created, which includes
18 designation of the Honokohau harbor and marina area as a



1 community development district. This project would be known as
2 the Honokohau marina development district and be composed of the
3 approximately 58.81 acres known as the Honokohau small boat
4 harbor and approximately 17.70 acres of adjacent lands located
5 between the boat harbor and Queen Kaahumanu highway.

6 The purpose of this Act is to establish the Honokohau
7 marina development district.

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

11 "PART . HONOKOHAU MARINA DEVELOPMENT DISTRICT

12 §206E- Definitions. As used in this part:

13 "District" means the Honokohau marina development district.

14 "Fund" means the Honokohau marina development revolving
15 fund.

16 §206E- District established; boundaries. (a) The
17 Honokohau marina development district is hereby established.
18 The district shall include that area within the boundaries
19 described as follows: the southern boundary beginning at the
20 southern property line of tax map key number 3-7-4-008:071 and
21 running east to tax map key 3-7-4-008:072, continuing on tax map
22 key 3-7-4-008:003 and bordering the unpaved and paved Kealakehe



1 parkway to the Queen Kaahumanu highway. The northern boundary
2 beginning at the northern property line of tax map key number 3-
3 7-4-008:041 on a line that extends to the Queen Kaahumanu
4 highway, tax map key numbers 3-7-4-008:003 (state land), 3-7-4-
5 008:041, :071 (state land under the authority of the department
6 of land and natural resources), and 3-7-4-008: 040, :042, :046,
7 :050 and :075 (owned by the State but leased to various
8 entities).

9 (b) The authority shall serve as the local redevelopment
10 authority of the district to facilitate appropriate ocean
11 activities, education, and natural and cultural resource
12 education and management of the Honokohau marina development
13 district. Management shall be in accordance with the general
14 plan for the county of Hawaii, the Kona community development
15 plan, watershed plans, and existing law. In addition to any
16 other of its duties under this chapter, the authority shall:

- 17 (1) Consult with the following persons and entities:
- 18 (A) Kaloko-National Park;
 - 19 (B) Kona Community Development Plan Action Committee;
 - 20 (C) Hawaii Fishing and Boating Association; and
 - 21 (D) Mayor and council of the county of Hawaii,



1 to implement activities related to and supportive of
2 all forms of ocean recreation activities, cultural
3 practices, and marine natural resource education and
4 management;

5 (2) Assist land users to manage their properties and
6 implement activities related to and supportive of
7 cultural practices, Kaloko-Honokohau National Park,
8 education, and natural resource education and
9 management;

10 (3) Work with federal, state, county, and other agencies
11 to ensure that infrastructural support is provided for
12 the district;

13 (4) Develop the infrastructure necessary to support the
14 implementation of the Kona community development plan
15 in the Honokohau marina development district; and

16 (5) Provide, to the extent feasible, maximum opportunity
17 for the restoration and implementation of sustainable,
18 culturally appropriate, biologically responsible, and
19 economically beneficial enterprise.

20 §206E- Authority; additional members for the Honokohau
21 marina development district. For the purposes of implementing
22 this part, five additional voting members shall be appointed to



1 the authority by the governor pursuant to section 26-34 to
2 represent the district. The five members shall be considered in
3 determining quorum and majority only on issues relating to the
4 district and may vote only on issues related to the district.
5 The five members shall be representatives from the categories of
6 marine users as follows:

- 7 (1) Charter boat business owners;
- 8 (2) Commercial fishers;
- 9 (3) Tour boat or other marine business operators;
- 10 (4) Residential slip lessees; and
- 11 (5) Recreational boaters and other marina users.

12 §206E- Honokohau marina development district; policies
13 to guide development. The following general policies to guide
14 development shall govern the authority's actions in the
15 district:

- 16 (1) Development shall be in accordance with the Kona
17 community development plan and the county of Hawaii
18 general plan, except as it conflicts with the state
19 constitution, state and county law, and all applicable
20 federal laws;
- 21 (2) With the approval of the governor, and in accordance
22 with law, the authority, upon concurrence of a



1 majority of its voting members, may modify and make
2 changes to the Honokohau marina development district
3 master plan to respond to changing conditions;
4 provided that prior to amending the Honokohau marina
5 development district master plan, the authority shall
6 conduct at least two public meetings pursuant to
7 chapter 92 to inform the public of the proposed
8 changes, to receive public input, and to incorporate
9 public input into the plan;

10 (3) The authority shall provide, to the extent feasible,
11 maximum opportunity for the restoration and
12 implementation of sustainable, culturally appropriate,
13 and biologically responsible ocean recreation;

14 (4) The authority may engage in planning, design, and
15 construction activities within and outside the
16 district; provided that activities outside the
17 district shall relate to infrastructural development
18 within the district, area-wide drainage improvements,
19 sediment transport mitigation, sewer line extensions
20 to replace septic tanks and to service all area
21 businesses, roadway realignments and improvements, and
22 other activities the authority deems necessary to



1 carry out the development or redevelopment of the
2 district. Studies or coordinating activities may be
3 undertaken by the authority in conjunction with the
4 appropriate federal, state, and county agencies to
5 address infrastructure systems, natural resource
6 systems, and other activities;

7 (5) Planning, re-planning, rehabilitation, development,
8 redevelopment, and other preparations for the
9 restoration of natural resources, cultural practices,
10 and educational activities may be pursued;

11 (6) Hawaiian archaeological, historic, and cultural sites
12 shall be preserved and protected to the extent
13 feasible while allowing for continued use of the
14 property for cultural activities, education, economic
15 pursuits, and natural resource restoration;

16 (7) Endangered species of flora and fauna, in the water
17 and on the land, shall be preserved and protected to
18 the extent feasible and acceptable by federal law;

19 (8) All activities shall be undertaken in compliance with
20 federal water quality standards in the harbor and the
21 surrounding areas to protect the reefs and fishing;



1 (9) Land use and redevelopment activities within the
2 district shall be coordinated with and complement, to
3 the extent possible, existing state and county
4 policies, plans, and programs affecting the district;
5 and

6 (10) Public facilities within the district shall be
7 planned, located, and developed to support the
8 redevelopment policies established by this part for
9 the district, the master plan approved by the
10 governor, and rules adopted pursuant to this chapter.

11 §206E- Honokohau marina development revolving fund.

12 (a) There is established in the state treasury the Honokohau
13 marina development revolving fund, into which shall be
14 deposited:

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

18 (2) Moneys directed, allocated, or disbursed to the
19 district from government agencies or private
20 individuals or organizations, including grants, gifts,
21 awards, donations, and assessments of landowners for
22 costs to administer and operate the district; and



H.B. NO. 2398

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

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

4 (c) Investment earnings credited to the assets of the fund
5 shall become part of the fund.

6 §206E- Rules; adoption. The authority shall adopt
7 rules in accordance with chapter 91 to carry out the purposes of
8 this part."

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

10

INTRODUCED BY:

Denny Coffman
Cindy Evans
JAN 23 2012



H.B. NO. 2398

Report Title:

Land Use; Honokohau Marina Development District

Description:

Establishes the Honokohau marina development district on the island of Hawaii.

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

