
A BILL FOR AN ACT

RELATING TO CULTURALLY SENSITIVE LAND DEVELOPMENT.

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

1 SECTION 1. Chapter 171C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171C- Protection of traditional and customary rights.
5 Notwithstanding any provision of this chapter to the contrary,
6 the corporation shall consult with the office of Hawaiian
7 affairs regarding the corporation's projects, activities, and
8 rules to ensure that its projects, activities, and rules do not
9 diminish any right customarily and traditionally exercised for
10 subsistence, cultural, and religious purposes and possessed by
11 ahupuaa tenants who are descendants of native Hawaiians who
12 inhabited the Hawaiian Islands prior to 1778, subject to the
13 right of the State to regulate such rights pursuant to article
14 XII, section 7, of the state constitution and relevant case
15 law."

16 SECTION 2. Section 171C-5, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:



1 "(a) The corporation shall prepare the Hawaii public land
2 optimization plan, which shall define and establish goals,
3 objectives, policies, and priority guidelines for its public
4 land optimization development strategy. The plan shall include:

5 (1) An inventory of public lands with suitable, adequate
6 development potential that are or will become
7 available that can be used to meet present and future
8 land development needs;

9 (2) Protection of culturally-sensitive areas [↗] and
10 cultural practices, including traditional and
11 customary Hawaiian rights protected pursuant to
12 article XII, section 7, of the state constitution;

13 (3) Feasible strategies for the promotion and marketing of
14 any projects, including but not limited to leisure,
15 recreational, commercial, residential, time share,
16 hotel, office space, and business projects, in local,
17 national, and international markets;

18 (4) Proposals to improve the gathering of data and the
19 timely presentation of information on market demands
20 and trends that can be used to plan future projects;
21 and



1 (5) Strategies for federal and state legislative actions
2 that will promote the development and enhancement of
3 Hawaii's public lands."

4 SECTION 3. Section 171C-6, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§171C-6[+] Public lands optimization projects;
7 development plans. (a) The corporation may develop and
8 implement public lands optimization projects where appropriate
9 public lands may be developed or managed to create revenue-
10 generating centers or where, through detailed analysis,
11 opportunities exist to exploit potential local, national, and
12 international markets.

13 (b) The corporation [~~may~~] shall initiate and coordinate
14 the preparation of business and public land development plans
15 for each of its projects. The plans shall include [a]:

16 (1) A proposal for the organization of the enterprise[~~7~~
17 a];

18 (2) A marketing strategy[~~7-marketing-related~~];

19 (3) Marketing-related information[~~7-the~~];

20 (4) The impact on existing development or visitor-related
21 industries throughout the State[~~7-and-a~~];



1 (5) A recommendation for the construction, reconstruction,
2 rehabilitation, improvement, alteration, or repair of
3 any infrastructure or accessory facilities in
4 connection with any project[-]; and

5 (6) A culturally sensitive development plan that shall
6 include:

7 (A) The identification and description of the
8 cultural practices, including traditional and
9 customary Hawaiian rights protected pursuant to
10 article XII, section 7, of the state
11 constitution, and cultural, historic, and natural
12 resources in the ahupuaa in which the project is
13 proposed;

14 (B) An assessment of the project's potential effects
15 on cultural practices, including traditional and
16 customary Hawaiian rights protected pursuant to
17 article XII, section 7, of the state
18 constitution, and cultural, historic, and natural
19 resources; and

20 (C) Proposed mitigation measures to address the
21 project's potential effects, as assessed pursuant
22 to subparagraph (B).



1 (c) The corporation may enter into cooperative agreements
2 with coordinating entrepreneurs or public agencies when the
3 powers, services, and capabilities of the persons or agencies
4 are deemed necessary and appropriate for the development and
5 implementation of the business and public land development
6 plans.

7 (d) Notwithstanding any provision of this chapter to the
8 contrary, when leasing corporation-controlled public land, the
9 corporation may contract with a financial institution chartered
10 under chapter 412 or a federal financial institution, as defined
11 under section 412:1-109, that transacts business in this State
12 to provide lease management services. For the purposes of this
13 subsection, "lease management services" includes the collection
14 of lease rent and any other moneys owed to the corporation
15 related to the lease of public land under the corporation's
16 control.

17 (e) The public land planning activities of the corporation
18 shall be coordinated with the county planning departments and
19 the county land use plans, policies, and ordinances.

20 (f) The corporation may amend the business and public land
21 development plans as may be necessary or appropriate.



1 (g) Any undertaking by the corporation pursuant to this
2 chapter shall be with the express written consent of the
3 landowner or landowners directly affected.

4 (h) Notwithstanding any provision of this chapter to the
5 contrary, the corporation shall not develop and implement any
6 public lands optimization project unless:

7 (1) The corporation first holds a public informational
8 meeting in the affected community, which may be held
9 in conjunction with a meeting of the appropriate
10 neighborhood board meeting, where applicable; and

11 (2) The corporation solicits public input from the
12 affected community as to whether the proposed project
13 is consistent with and compliments the community's
14 existing needs and culture."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18

INTRODUCED BY:

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H.B. NO. 2770

Report Title:

PLDC; Public Land Development; Hawaiian Rights

Description:

Requires PLDC to consult with OHA on the corporation's projects, activities, and rules. Requires the Hawaii public land optimization plan to include protection of traditional and customary Hawaiian rights. Requires PLDC to hold a public meeting before implementing any project.

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