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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 idea of a wilderness area in the culturally  
2 and historically rich South Kona area on the island of Hawaii  
3 goes back more than thirty years. This area has limited  
4 development and significant archaeological sites that warrant  
5 protection and preservation. Act 59, Session Laws of Hawaii  
6 2003, established the South Kona wilderness area and provided  
7 for the development of a comprehensive management plan for the  
8 area. Act 59 was subsequently repealed in 2007.

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

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

16                       "PART       .   SOUTH KONA WILDERNESS AREA

17           §6E-A Establishment. There is established the South Kona  
18 wilderness area on the island of Hawaii in the area described in



1 section 6E-B to be administered by the department of land and  
2 natural resources for the preservation of the visual, cultural,  
3 and historical aspects of the lands covered in this part and to:

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

14 **§6E-B Lands included.** (a) Except as provided in  
15 subsection (b), the following lands shall be included in the  
16 South Kona wilderness area:

- 17 (1) Honomalino: All lands from the shoreline to six  
18 thousand feet inland;
- 19 (2) Okoe: All lands from the shoreline to six thousand  
20 feet inland. The Honomalino and Okoe sections include  
21 about 1,458 acres;



1 (3) Kapu'a: All lands from the shoreline and going mauka,  
2 designated as lots D-2-1 to D-2-4 in the county of  
3 Hawaii, planning department, final subdivision  
4 approval number 7625, a portion of which is currently  
5 within the conservation district, which lands include  
6 about 7,780 acres;

7 (4) Kaulanamauna: Extension of the Manuka natural area  
8 reserve boundary to the shoreline; and

9 (5) Manuka: Extension of the Manuka natural area reserve  
10 boundary to the shoreline.

11 (b) Any parcel of land included in subsection (a) upon  
12 which there is a dwelling house as of July 1, 2011, together  
13 with any outbuildings forming a part of the residential complex,  
14 shall be excluded from the South Kona wilderness area.

15 **§6E-C Construction prohibited.** No new homes or other  
16 structures shall be constructed within one thousand feet of the  
17 shoreline within the South Kona wilderness area, except as  
18 follows:

19 (1) Structures built by the department for the purpose of  
20 managing the area;

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



1           (3) Construction of one dwelling by a private landowner if  
2           the existing rules permit the construction;  
3 provided that no land may be subdivided within the area, and  
4 provided further that no owner shall be permitted to consolidate  
5 and resubdivide lots within the area if this would increase the  
6 number of buildable lots.

7           §6E-D Land acquisition. The department is authorized to  
8 acquire any private lands included in the lands described in  
9 section 6E-B(a) by a value-for-value exchange of other state  
10 lands; provided that, notwithstanding section 171-50, the costs  
11 associated with any appraisal, including that of the public  
12 land, shall be borne by the owner of the private land in the  
13 exchange transaction or by private funds, grants, or  
14 contributions.

15           §6E-E Designation of lands within the conservation  
16 district. All lands described in section 6E-B(a) shall be  
17 classified as lands within the conservation district as  
18 described in section 205-2 without the necessity of any  
19 proceedings before the land use commission."

20           SECTION 3. In codifying the new sections added by section  
21 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 4. This Act shall take effect on July 1, 2011;  
4 provided that:

- 5 (1) This Act shall be repealed on December 31, 2013, if  
6 the exchange transactions to acquire the lands  
7 described in section 6E-B, Hawaii Revised Statutes,  
8 are not consummated prior to December 31, 2013; and  
9 (2) In the event that this Act is repealed, any revisions  
10 to land classifications that were made pursuant to  
11 this Act shall revert to their original  
12 classifications.



**Report Title:**

South Kona Wilderness Area; Department of Land and Natural Resources

**Description:**

Establishes the South Kona Wilderness Area to be administered by the Department of Land and Natural Resources. (HB324 HD1)

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

