

A Bill for an Act Relating to the Preservation of Open Space in Hawaii.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Purpose. The purpose of this Act is to provide a planned, coordinated program for the acquisition and preservation of open space and recreational areas in Hawaii as an integral part of the state plan for developing the economic potential of the State.

SECTION 2. Section 201-21 of the Hawaii Revised Statutes is amended by adding a new definition to read as follows:

“(7) ‘Open space’ or ‘open area’ means any space or area (A) characterized by great natural scenic beauty or (B) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources, or (C) which is of value for recreational and conservation purposes such as parks, natural areas, forests, camping, fishing, wetland preservation, wildlife habitat, water reserves, hunting, golfing, boating, historic and scenic preservation, preservation of beaches and shorelines, and similar uses for public outdoor recreation and conservation of natural resources.”

SECTION 3. Section 201-30 of the Hawaii Revised Statutes is amended by adding a new item to read as follows:

“(6) Open space lands. The director shall prepare a comprehensive open space plan for the State which shall designate areas for specific open space purposes such as for various conservation and recreation uses, and cultural, aesthetic, historic or scenic preservation. The director shall also provide for a well-planned, coordinated program to acquire, maintain, improve, protect, limit the future use of or otherwise conserve open spaces and areas, as defined in section

201-21(7), for public use and enjoyment. To this end, the director, with the co-operation of the department of land and natural resources, the land use commission or any state or county agency which succeeds to the duties of the commission, county governmental bodies, and civic organizations shall:

(1) Study the overall problem of open space needs of the State and the various individual counties;

(2) Initiate and implement such studies, surveys, and long-range plans and programs as are necessary to meet open space needs throughout the State, including the inventory of all the natural features and recreational facilities in the State, and participate with other federal, state, and local agencies, public and private, engaged in advance planning in order to coordinate development of a comprehensive open space program;

(3) Recommend a comprehensive open space policy for the State which may include more effective use of zoning regulations and the acquisition of conservation easements and other stipulated rights in property;

(4) Encourage, assist, and coordinate open space planning and programs at the state and county levels.”

SECTION 4. Section 183-41 of the Hawaii Revised Statutes is amended in the following respects:

(1) By adding after the last sentence of item 183-41(1) a new sentence to read as follows:

“The department shall also give full consideration to the preservation of open spaces or areas, as defined in section 201-2(7), so as to maintain, improve, protect, limit the future use of, or otherwise conserve open spaces and areas for public use and enjoyment.”

(2) Section 183-41(4) is amended by adding at the end of the first sentence a phrase to read as follows:

“and the conservation and preservation of open space areas for public use and enjoyment.”

SECTION 5. Section 205-2 of the Hawaii Revised Statutes is amended by amending the last paragraph to read as follows:

“Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach; conserving endemic plants, fish, and wild-life; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; and other related activities; and other permitted uses not detrimental to a multiple use conservation concept.”

SECTION 6. This Act shall take effect upon its approval.

(Approved July 11, 1969.)