

ACT 170

S.B. NO. 1258

A Bill for an Act Relating to the Department of Land and Natural Resources.

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

SECTION 1. The legislature finds that the Kaena point state park, Makua and Keawaula sections are known for their beauty, cultural and historical significance, and exceptional value to the Hawaiian community. Historically,¹ these areas were primarily known for their lawaia, or fishing practices, as well as other traditional Native Hawaiian practices, including lua, or warrior training, and laau lapaau, or medicinal practices. These areas are places of cultural enlightenment and healing and are rich in moolelo, or history, encompassing life from beginning to end.

In 2016, due to years of overuse and abuse from illegal driving on the beach, unmanaged camping, harmful fishing and gathering practices, and other recreational uses that resulted in unacceptable, potentially hazardous accumulations of dangerous rubbish and human waste, certain areas within the Kaena point state park, Makua and Keawaula sections were closed to overnight access. The intent was to reopen these areas with a proper management system in place

that encompasses Hawaiian management¹ values in balancing public use with the preservation of the aina, wildlife, and cultural resources. However, a proper management system has yet to be implemented.

The legislature notes that prioritizing the State’s natural resources is an essential component of destination management. Before 2020, annual arrivals to the State exceeded ten million visitors, and according to state economists, by 2025, Hawaii will again return to pre-pandemic tourism levels. Social media has only perpetuated this growth. The legislature believes that rising visitor numbers in Hawaii’s state parks could be better managed by implementing various types of management systems.

The legislature further finds that in 2018, massive flooding on Kauai damaged surrounding bridges, beaches, and roads, thereby forcing Haena state park to close for fourteen months. When the park reopened, the department of land and natural resources worked with the local community to implement a management system that balanced public use with Hawaiian cultural values and the preservation of the aina, wildlife, and cultural resources. Furthermore, based on the success of the Haena state park model, House Bill No. 2446, Regular Session of 2022, was introduced to appropriate moneys for the department of land and natural resources to replicate reservation system models, including those used at Haena state park. That measure also appropriated additional moneys from the state parks special fund for purposes of state park maintenance.

Recently implemented management plans and models have been shown to improve and promote a more harmonious relationship between public use and park maintenance and preservation. The Kaena point state park, Makua and Keawaula sections are in dire need of a similar model. Although the needs of each state park may be similar, each park is unique and its needs may vary based on location and usage.

Abuse and harmful activities have plagued the ahupuaa of Makua, Kahanahaiki, and Keawaula for more than a century. The legislature finds that a proper management system for these areas is long overdue and the implementation of a system to improve public safety and environmental protection is necessary.

The purpose of this Act is to require the department of land and natural resources to develop and implement an improved management system for the Kaena point state park, Makua and Keawaula sections.

SECTION 2. (a) The department of land and natural resources shall develop and implement an improved management system for the Kaena point state park, Makua and Keawaula sections that is unique and tailored to address the specific public access and natural and cultural resource needs of these two significant and undeveloped portions of Kaena point state park.

(b) In the development and implementation of the management system for the Kaena point state park, Makua and Keawaula sections the department of land and natural resources shall:

- (1) Collaborate collectively with community stakeholders and cultural practitioners of the affected areas;
- (2) Work with other departmental divisions, the city and county of Honolulu, department of transportation, and other parties having jurisdiction over the encompassed land and marine areas;
- (3) Ensure the sustainability and success of the management system by working with outside partners, including local nonprofit organizations, in a similar manner as has previously been done with other state park management systems; and

- (4) Maintain the current limited access requirements in place at the Kaena point state park, Makua and Keawaula sections due to misuse and the lack of staffing for enforcement and management until the department and community stakeholders determine that proper measures have been employed to address and resolve these issues.

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

(Approved July 2, 2024.)

Note

1. So in original.