
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 park 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 archeological 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 Act 59 was subsequently repealed in 2007.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 one thousand four hundred fifty-eight 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 included within the conservation district, which lands
6 include about seven thousand seven hundred eighty
7 acres;

8 (4) Kaulanamauna: All lands from the shoreline to the
9 forest reserve boundary, which includes about eight
10 hundred seventy acres; and

11 (5) Manuka: All lands from the shoreline to the forest
12 reserve boundary, which includes about eleven thousand
13 eight hundred ten acres.

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

18 **§6E-C Management plan.** The department, in cooperation
19 with appropriate county, state, and federal agencies, shall
20 develop a comprehensive management plan for:

- 21 (1) The preservation and protection of the historic sites;
22 (2) The protection of native species; and



1 (3) The recreational uses of the South Kona wilderness
2 area.

3 The department shall be authorized and encouraged to contract
4 out the development of the plan and the management of the South
5 Kona wilderness area to nonprofit organizations interested in
6 attaining the purposes of this part.

7 **§6E-D Construction prohibited.** No new homes or other
8 structures shall be constructed within one thousand feet of the
9 shoreline within the South Kona wilderness area, except as
10 follows:

11 (1) Structures built by the department for the purpose of
12 managing the area;

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

15 (3) Construction of one dwelling by a private landowner if
16 the existing rules permit the construction;

17 provided that no land may be subdivided within the area, and
18 provided further that no owner shall be permitted to consolidate
19 and resubdivide lots within the area if this would increase the
20 number of buildable lots.

21 **§6E-E Land acquisition.** The department is authorized to
22 acquire any private lands included in the lands described in



1 section 6E-B(a) by a value-for-value exchange of other state
2 lands; provided that, notwithstanding section 171-50, the costs
3 associated with any appraisal, including that of the public
4 land, shall be borne by the owner of the private land in the
5 exchange transaction or by private funds, grants, or
6 contributions.

7 **§6E-F Designation of lands within the conservation**
8 **district.** All lands described in section 6E-B(a) shall be
9 classified as lands within the conservation district as
10 described in section 205-2 without the necessity of any
11 proceedings before the land use commission."

12 SECTION 3. In codifying the new sections added by section
13 2 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

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

18 (1) This Act shall be repealed on December 31, 2013, if
19 the exchange transactions to acquire the lands
20 described in section 6E-B are not consummated prior to
21 December 31, 2013; and



1 (2) In the event that this Act is repealed, any revisions
2 to land classifications that were made pursuant to
3 this Act shall revert to their original
4 classifications.
5

INTRODUCED BY: _____



JAN 21 2011



Report Title:

South Kona Wilderness Area; DLNR

Description:

Establishes the South Kona wilderness area to be administered by the department of land and natural resources. Provides for the development of a comprehensive management plan for the area.

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