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# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1           SECTION 1. The legislature finds that the Honokohau harbor  
2 and marina in Kailua-Kona, county of Hawaii, while created over  
3 forty years ago, has never been completed and does not currently  
4 serve the needs of the west Hawaii community. Ocean  
5 recreational facilities established to serve the boating  
6 community are polluting the lands and waterways. This pollution  
7 is impacting nearby cultural sites. Problems regarding  
8 security, safety, and sanitation, voiced by tenants, citizens,  
9 and visitors for over thirty years have not been resolved.  
10 Existing facilities need improvements. The harbor and marina  
11 should be redeveloped.

12           Redevelopment will include infrastructure and operational  
13 improvements to the existing harbor for health and safety  
14 reasons, traffic management, and access. The redeveloped area  
15 should also include ancillary amenities such as a pedestrian  
16 promenade with commercial enterprises, retail shops, and  
17 restaurants for marina and harbor users to congregate and  
18 patronize, which would enhance the economic benefit for harbor



1 and marina businesses and improve the quality of life for both  
2 local residents and visitors.

3 The legislature also finds that the success of a harbor and  
4 marina facility is contingent upon the use of the property for  
5 complementary, supportive, marina-related services, facilities,  
6 and activities. Therefore, a new mechanism for localized harbor  
7 governance should be created, which includes designation of the  
8 Honokohau harbor and marina area as a community development  
9 district. This project shall be known as the Honokohau marina  
10 development district and be composed of the approximately  
11 117.987 acres known as the Honokohau small boat harbor. Within  
12 this main parcel of land, there are five parcels of land  
13 identified for lease purposes that comprise 4.879 acres. With  
14 the exception of a small existing area that allows for egress  
15 into the harbor, the project does not encompass the shoreline  
16 area.

17 The purpose of this Act is to establish the Honokohau  
18 marina development district under the Hawaii community  
19 development authority.

20 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is  
21 amended by adding a new part to be appropriately designated and  
22 to read as follows:



1                   **"PART . HONOKOHAU MARINA DEVELOPMENT DISTRICT**

2                   **§206E-A Definitions.** As used in this part:

3                   "District" means the Honokohau marina development district.

4                   "Fund" means the Honokohau marina development revolving  
5 fund.

6                   **§206E-B District established; boundaries.** (a) The

7 Honokohau marina development district is hereby established.

8 The district shall include the land area of tax map key 3-7-4-

9 008:003, which is state land, and tax map keys 3-7-4-008:040,

10 :042, :046, :050, and :075, which are owned by the State, but

11 leased to various entities. Tax map keys 3-7-4-008:040, :042,

12 :046, :050, and :075 are contained within the boundaries of tax

13 map key 3-7-4-008:003. The boundaries described as follows:

14 the southern boundary beginning at the northwest property line

15 of tax map key number 3-7-4-008:071, which is not part of this

16 district, and running southeast to the Kealakehe Parkway and

17 continuing northwest, bordering the unpaved and paved Kealakehe

18 parkway to the Queen Kaahumanu highway. The northern boundary

19 beginning at the southern property line of tax map key number 3-

20 7-4-008:041, which is not a part of this district, and the

21 southern property line of tax map key 3-7-4-008:025, which is



1 not part of this district, on a line that extends to the Queen  
2 Kaahumanu highway.

3 (b) The authority shall serve as the local redevelopment  
4 authority of the district to facilitate appropriate management  
5 of the Honokohau marina development district. Management shall  
6 be in accordance with the general plan for the county of Hawaii,  
7 the Kona community development plan, watershed plans, and  
8 existing law. In addition to any other of its duties under this  
9 chapter, the authority shall:

10 (1) Consult with the following persons and entities:

- 11 (A) Kaloko-Honokohau National Historic Park;
- 12 (B) Kona Community Development Plan Action Committee;
- 13 (C) Hawaii Fishing and Boating Association;
- 14 (D) The mayor and council of the county of Hawaii;
- 15 (E) Department of Hawaiian home lands;
- 16 (F) Harbor and marina tenants;
- 17 (G) Local civic and community associations; and
- 18 (H) Local cultural practitioners;

19 (2) Assist land users to manage their properties and  
20 activities in a manner that is supportive of the  
21 adjacent Kaloko-Honokohau National Historical Park



- 1 areas with a focus on cultural practices and the  
2 elimination of pollution;
- 3 (3) Work with federal, state, county, and other agencies  
4 to ensure that infrastructural support is provided for  
5 the district;
- 6 (4) Develop the infrastructure necessary to support the  
7 implementation of the Kona community development plan  
8 in the Honokohau marina development district; and
- 9 (5) Provide, to the extent feasible, maximum opportunity  
10 for the restoration and implementation of sustainable,  
11 culturally appropriate, biologically responsible, and  
12 economically beneficial enterprise.

13 **§206E-C Authority; additional members for the Honokohau**  
14 **marina development district.** For the purposes of implementing  
15 this part, three additional voting members shall be appointed to  
16 the authority by the governor pursuant to section 26-34 to  
17 represent the district. The three members shall be considered  
18 in determining quorum and majority only on issues relating to  
19 the district and may vote only on issues related to the  
20 district. The three members shall be representatives from the  
21 categories of marine users as follows:



- 1 (1) Marina business owners and operators;
- 2 (2) Harbor boat tenants; and
- 3 (3) The Kaloko-Honokohau National Historical Park.

4 **§206E-D Honokohau marina development district; policies to**  
5 **guide development.** The following general policies to guide  
6 development shall govern the authority's actions in the  
7 district:

- 8 (1) Development shall be in accordance with the Kona  
9 community development plan and the county of Hawaii  
10 general plan, except as it conflicts with the state  
11 constitution, state and county law, and all applicable  
12 federal laws;
- 13 (2) With the approval of the governor, and in accordance  
14 with law, the authority, upon concurrence of a  
15 majority of its voting members, may modify and make  
16 changes to the Honokohau marina development district  
17 master plan to respond to changing conditions;  
18 provided that prior to amending the Honokohau marina  
19 development district master plan, the authority shall  
20 conduct at least two public meetings pursuant to  
21 chapter 92 to inform the public of the proposed



1 changes, to receive public input, and to incorporate  
2 public input into the plan;

3 (3) The authority shall provide, to the extent feasible,  
4 maximum opportunity for the restoration and  
5 implementation of sustainable, culturally appropriate,  
6 and biologically responsible ocean recreation;

7 (4) The authority may engage in planning, design, and  
8 construction activities within and outside the  
9 district; provided that activities outside the  
10 district shall relate to infrastructural development  
11 within the district, area-wide drainage improvements,  
12 sediment transport mitigation, sewer line extensions  
13 to replace septic tanks and to service all area  
14 businesses, roadway realignments and improvements, and  
15 other activities the authority deems necessary to  
16 carry out the development or redevelopment of the  
17 district. Studies or coordinating activities may be  
18 undertaken by the authority in conjunction with the  
19 appropriate federal, state, and county agencies to  
20 address infrastructure systems, natural resource  
21 systems, and other activities;



- 1 (5) Planning, re-planning, rehabilitation, development,  
2 redevelopment, and other preparations for the  
3 restoration of natural resources, cultural practices,  
4 and educational activities may be pursued;
- 5 (6) Hawaiian archaeological, historic, and cultural sites  
6 shall be preserved and protected to the extent  
7 feasible while allowing for continued use of the  
8 property for cultural activities, education, economic  
9 pursuits, and natural resource restoration;
- 10 (7) Endangered species of flora and fauna, in the water  
11 and on the land, shall be preserved and protected to  
12 the extent feasible and acceptable by federal and  
13 state law;
- 14 (8) All activities shall be undertaken in compliance with  
15 federal and state water quality standards in the  
16 harbor and the surrounding areas to protect the reefs  
17 and fishing;
- 18 (9) Land use and redevelopment activities within the  
19 district shall be coordinated with and complement, to  
20 the extent possible, existing state and county  
21 policies, plans, and programs affecting the district;  
22 and





1 (10) Public facilities within the district shall be  
2 planned, located, and developed to support the  
3 redevelopment policies established by this part for  
4 the district, the master plan approved by the  
5 governor, and rules adopted pursuant to this chapter.

6 **§206E-E Operational responsibility.** Subject to approval  
7 by the board, the authority may be exempt from the procurement  
8 code requirements under chapter 103D for the first Honokohau  
9 marina management contract for a period not to exceed three  
10 years.

11 **§206E-F Rules; adoption.** The authority shall adopt rules  
12 in accordance with chapter 91 to carry out the purposes of this  
13 part."

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

18 SECTION 4. This Act shall take effect upon its approval;  
19 provided that section 206E-E, Hawaii Revised Statutes,  
20 established in section 2 of this Act shall take effect on July  
21 1, 2013.



**Report Title:**

Land Use; Honokohau Marina Development District

**Description:**

Establishes the Honokohau marina development district on the island of Hawaii. (HB2398 HD2)

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

