

MAR 10 2017

SENATE CONCURRENT RESOLUTION

REQUESTING THE DIVISION OF STATE PARKS AND ATTORNEY GENERAL TO
PREPARE LEGISLATION FOR THE AHUPUA'A 'O KAHANA STATE PARK TO
ADDRESS THE RESIDENTIAL UNITS AS PART OF THE PARK'S
INTERPRETIVE ELEMENT.

1 WHEREAS, the Ahupua'a 'O Kahana State Park (Kahana) was
2 acquired by the State in 1970 with the intent that the families
3 living there would relocate out of Kahana; and
4

5 WHEREAS, Senate Resolution No. 186, Regular Session of
6 1970, requested the Department of Land and Natural Resources
7 (DLNR) to initiate a coordinated effort with the federal, state,
8 and county governments to allow the residents to remain at
9 Kahana by lease, or otherwise at reasonable rates, if legally
10 permitted, or give them preference for relocation in the same
11 area, which led to the Board of Land and Natural Resources'
12 (Board) adoption of a "Living Park" concept in 1971; and
13

14 WHEREAS, on December 1, 1993, the Board issued thirty-one
15 leases to families living in Kahana, as authorized by Act 5,
16 Session Laws of Hawaii 1987, as amended, and in most cases the
17 lessees relocated, as a condition for receiving the leases, from
18 their traditional homes near the coast to new residential
19 subdivisions within Kahana and outside of the coastal flood
20 zone; and
21

22 WHEREAS, the leases issued on December 1, 1993, are valid
23 for sixty-five years and will expire on November 30, 2058, and
24 do not contain any provisions to allow for an extension; and
25

26 WHEREAS, an Attorney General legal memorandum regarding
27 Kahana and dated August 20, 1986, states that the "residents are
28 allowed to live in Kahana only" if they are part of the
29 interpretive programs in the living park, and if "they are not a
30 part of the interpretive programs, they cannot reside at the
31 park"; and



1
2 WHEREAS, by 2009, the original residents had accepted
3 leases and relocated to the new residential subdivision, and the
4 six original houses, not demolished, were subsequently occupied
5 by descendants of the lessees; and
6

7 WHEREAS, in March 2013, the Board approved the issuance of
8 leases to the six families, triggering the requirement of an
9 environmental assessment; and
10

11 WHEREAS, despite the previous Board stipulation on other
12 leases that prohibited homes in hazard areas, such as the flood
13 zone, research confirms that the six residences are located in
14 the flood zone and the Department of Health has determined that
15 these houses utilize unregistered cesspools in violation of
16 chapter 11-62, Hawaii Administrative Rules; and
17

18 WHEREAS, the current Kahana residential leased lots are
19 primarily in an existing residential area along Kahana Valley
20 Road and a second existing residential area along Trout Farm
21 Road (the Existing Residential Areas), and the six families
22 could receive leases for already-prepared subdivided vacant lots
23 that exist within the Existing Residential Areas; and
24

25 WHEREAS, Habitat for Humanity has pre-qualified the six
26 families, but only if they agree to relocate out of the flood
27 zone, and has confirmed it encourages them to fully apply for
28 the Habitat Home Build program to construct new homes if they
29 choose to relocate; and
30

31 WHEREAS, lessees are required to contribute twenty-five
32 hours per month of cultural interpretive activities to the park
33 in lieu of lease rent, and although most of the residents are of
34 Hawaiian ancestry and a number have tenure in Kahana going back
35 several generations, many of the current lessees are not
36 engaging in cultural practices; and
37

38 WHEREAS, despite significant good will and decades of
39 volunteer and paid work by many people and government staff over
40 the past forty-six years, the lack of consistent lessee
41 participation and documentation of interpretive hours per the
42 lease requirement makes it evident that the "Living Park"



1 concept has not succeeded in the current form and should be
2 reconsidered; and
3

4 WHEREAS, the six families living in Kahana must abide by
5 the promises made by their kūpuna on behalf of their 'ohana in
6 1985 to relocate; and
7

8 WHEREAS, the State has established lease requirements for
9 lessees in Maunalaʻa Valley, Act 225, Session Laws of Hawaii
10 1981, Miloli'i-Ho'opuloa Act 362, Session Laws of Hawaii 1987,
11 and Waiāhole to ensure affordable lease rents for residents; and
12

13 WHEREAS, Kahana should continue to be a public state park,
14 with public park use being its sole purpose and separate
15 residential housing a minor, subsidiary, and separate activity;
16 now, therefore,
17

18 BE IT RESOLVED by the Senate of the Twenty-ninth
19 Legislature of the State of Hawaii, Regular Session of 2017, the
20 House of Representatives concurring, that the Division of State
21 Parks and Department of the Attorney General are requested to
22 work with agencies and organizations, including the following:
23

- 24 (1) Department of Human Services;
- 25
- 26 (2) Department of Health;
- 27
- 28 (3) Legislative Reference Bureau;
- 29
- 30 (4) Hawaii Housing Finance and Development Corporation;
- 31
- 32 (5) Chairpersons of the Senate and House of
33 Representatives standing committees with primary
34 jurisdiction over Water and Land and Hawaiian Affairs;
- 35
- 36 (6) Kahana Planning Council;
- 37
- 38 (7) Kahana Community Association;
- 39
- 40 (8) Hawaii Habitat for Humanity Association; and
- 41
- 42 (9) The Kahana community,



1
2 during the 2017-2018 interim to prepare legislation to conform
3 the use of residential leases at Kahana to the intent to operate
4 Kahana as a public state park; and

5
6 BE IT FURTHER RESOLVED that the proposed legislation
7 stipulate that no other residences, residential leases,
8 residential leased lots, or residential areas be planned,
9 allowed, offered, or issued to anyone, now or in the future, in
10 any manner and for any reason, anywhere in Kahana, unless
11 specifically allowed under state statute and require that if any
12 lease reverts to the State for any reason, the leased lot be
13 immediately withdrawn from residential use, cleared of any
14 improvements, and revert to Kahana park; and

15
16 BE IT FURTHER RESOLVED that the Division of State Parks and
17 Department of the Attorney General are requested to submit the
18 proposed legislation to the Legislature no later than twenty
19 days prior to the convening of the Regular Session of 2018; and

20
21 BE IT FURTHER RESOLVED that the Board of Land and Natural
22 Resources is requested to offer any of the six Kahana families
23 who agree to relocate by December 31, 2017, residential leases
24 to the available, already-prepared subdivided vacant residential
25 lots within the Existing Residential Areas, under terms of the
26 new residential leases provided to the twenty-eight current
27 Kahana lessees, and with benefits including infrastructure,
28 housing construction assistance, and home construction loans
29 comparable to the original lease offers of the current Kahana
30 residential lessees or support from Habitat for Humanity; and

31
32 BE IT FURTHER RESOLVED that the Board is requested to find
33 an alternative method to allow for the issuance of new
34 residential leases to the current Kahana lessees, together with
35 any of the additional six families that may be offered leases to
36 the available already-prepared subdivided vacant residential
37 lots within the Existing Residential Areas, to remove the
38 residential lots from Kahana park; and

39
40 BE IT FURTHER RESOLVED that certified copies of this
41 Concurrent Resolution be transmitted to the Governor, Attorney
42 General, Director of Human Services, Director of Health,



S.C.R. NO. 105

1 Chairperson of the Board of Land and Natural Resources,
2 Administrator of the Division of State Parks, Executive Director
3 of the Hawaii Housing Finance and Development Corporation,
4 Director of the Legislative Reference Bureau, President of the
5 Kahana Planning Council, President of the Kahana Community
6 Association, and Board President of the Hawaii Habitat for
7 Humanity Association.

8
9
10

OFFERED BY:



Clarence K. Kishida

Ed. P. P. P.

John M. M.

Will G. G.

M. M. M.

