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# A BILL FOR AN ACT

RELATING TO HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES.

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

1           SECTION 1. (a) The department of land and natural  
2 resources shall develop and implement as a pilot project, a  
3 Hawaiian traditional and customary gathering practices program  
4 in Waianae on the island of Oahu.

5           (b) For the purposes of the Hawaiian traditional and  
6 customary gathering practices program under this Act, the  
7 department of land and natural resources shall:

8           (1) Designate areas within state public parks in Waianae  
9 where persons may, in accordance with Hawaiian  
10 traditional and customary gathering practices, harvest  
11 items from plants or trees. In designating areas  
12 under this paragraph, the department shall strive to  
13 provide an equal distribution of plants and trees that  
14 are and are not made available for harvesting;

15           (2) Cordon the perimeter boundaries of areas designated  
16 under paragraph (1) and post signs warning that the  
17 enclosed area is designated for Hawaiian traditional  
18 and customary gathering practices, and that items



1 growing on plants and trees within the area have not  
2 been removed for maintenance purposes and may be  
3 removed only in accordance with paragraph (3);

4 (3) Require that items growing on plants and trees in  
5 areas designated under paragraph (1) may be removed  
6 only by persons gathering items in accordance with  
7 Hawaiian traditional and customary gathering  
8 practices;

9 (4) Provide that the activities under paragraph (3) may be  
10 conducted without a special permit or other form of  
11 permission; and

12 (5) Require persons to indemnify the State from any claim  
13 arising from any injury incurred while engaging in  
14 activities under paragraph (3).

15 SECTION 2. The department of land and natural resources  
16 shall submit a report to the legislature, including findings,  
17 recommendations, and implementing draft legislation, on the  
18 Hawaiian traditional and customary gathering practices program  
19 and the feasibility of operating the program in all public parks  
20 statewide, no later than twenty days prior to the convening of  
21 the regular session of 2009.



1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ 500,000 or so much  
3 thereof as may be necessary for fiscal year 2006-2007 to  
4 establish and implement the pilot Hawaiian traditional and  
5 customary gathering practices program under this Act.

6 The sum appropriated shall be expended by the department of  
7 land and natural resources for the purposes of this Act.

8 SECTION 4. This Act shall take effect on July 1, 2006.



**Report Title:**

Hawaiian Gathering Practices; Public Parks; Pilot Project

**Description:**

Establishes a pilot project in Waianae to designate areas in public parks for using plants and trees for Hawaiian traditional and customary gathering practices. Appropriates \$500,000 for the pilot project. (HB2930 HD1)

