

FEB 08 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND SATURDAY IN
OCTOBER AS "E HO'OLA I NA ALA HELE DAY" -- "TO GIVE LIFE TO THE
TRAILS DAY".

1 WHEREAS, prior to 1778, the Native Hawaiian people lived in a highly organized, self-
2 sufficient, social system based on subsistence agriculture and communal land tenure with a
3 sophisticated language, culture, and religion;
4

5 WHEREAS, Native Hawaiian ahupua'a tenants needed access to the mountains and sea
6 along shorelines in order to fish, gather, cultivate crops, and to communicate with neighboring
7 ahupua'a tenants, and relied on an elaborate trail system for this purpose, and as a vital means to
8 sustain and link the Native Hawaiian communities; and
9

10 WHEREAS, these trails throughout the ahupua'a played an important role in the
11 perpetuation and practice of the Hawaiian culture and lifestyle; and
12

13 WHEREAS, trails ran laterally along the shoreline (literally, *ala kahakai*) around the
14 island of Hawaii, and the "mauka" -- "makai" trails ran between the uplands and the sea; and
15

16 WHEREAS, during the 16th century, O'ahu ruler, Kuali'i declared that old men, women,
17 and children who slept along the trails would be safe; and
18

19 WHEREAS, on or about 1785, the "Mamalahoe Law", otherwise known as the "Law of
20 the Splintered Paddle", was adopted by King Kamehameha I, the first King of Hawaii, which law
21 assured the safety and protection of all individuals using the trails; and
22

23 WHEREAS, In 1810 under Kamehameha I, a unified monarchical government of the
24 Hawaiian Islands was established; and
25

26 WHEREAS, on October 15, 1892, the Kingdom of Hawaii passed the Highway Act of
27 1892, codified under chapter 264, Hawaii Revised Statutes, as amended, establishing the
28 people's right to use these trails for commerce and enjoyment; and
29

30 WHEREAS, article XII, section 7 of the Hawaii Constitution, chapter 7, Hawaii Revised
31 Statutes, as amended, and *Public Access Shoreline Hawaii v. Hawaii County Planning*
32 *Commission*, 79 Hawaii 246 (1991) (commonly referred to as the "PASH" decision), affirmed



1 and upheld the right of Native Hawaiians and the people of this State to use undeveloped land,
2 which, may include certain ancient and historic trails to exercise traditional and cultural
3 practices; and
4

5 WHEREAS, chapter 198D, Hawaii Revised Statutes (1988), was adopted to establish a
6 state-wide trail and access system known as "Nā Ala Hele", and
7

8 WHEREAS, in 1979, E Mau Nā Ala Hele, a non-profit community advocacy group, was
9 established to preserve the Hawaiian trail systems, and to this day remains actively involved with
10 the maintenance and perpetuation of the Ala Kahakai Trail; and
11

12 WHEREAS, on January 24, 2000, the United States Congress designated the Ala
13 Kahakai Trail as a National Historic Trail, and on November 13, 2000, the Ala Kahakai Trail
14 was officially incorporated into the National Trails System Act as Public Law 106-509; and
15

16 WHEREAS, these historic acts help to ensure that Native Hawaiians and all people of the
17 State of Hawaii will continue to have the right to use these public trails for access, enjoyment,
18 recreation, commerce, and gathering purposes, in accordance with applicable state and federal
19 laws; and
20

21 WHEREAS, these historic and vital trails, and the necessary and important rights for
22 their appropriate use and enjoyment, should be recognized and commemorated state-wide in
23 perpetuity to further ensure that Native Hawaiians and all people of the State of Hawaii have and
24 hold the right to use these public trails for access, enjoyment, recreation, commerce, and
25 gathering purposes, in accordance with applicable state and federal laws; now, therefore,
26

27 BE IT RESOLVED by the Senate of the Twenty-Fourth Legislature of the State of
28 Hawaii, Regular Session of 2007, the House of Representatives concurring, that the Governor of
29 the State of Hawaii is respectfully requested to recognize and proclaim the second Saturday of
30 October as the day to commemorate the Highway Act of 1892 by designating this day as "E
31 Ho'ola I Na Ala Hele Day" -- "To Give Life to the Trails Day"; and
32

33 BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to
34 the Governor of the State of Hawaii, Hawaii's Congressional Delegation, and the Mayors and
35 legislative councils of the counties of Hawaii, Honolulu, Kauai, and Maui.
36
37
38

OFFERED BY: Pal W. W.

Russell S. Kohl
Quinn & Brown

