

MAR 07 2014

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS AND THE DEPARTMENT OF  
LAND AND NATURAL RESOURCES TO FORM A TRADITIONAL LAND USE  
TASK FORCE AND PROVIDE A REPORT TO THE LEGISLATURE ON THE  
FEASIBILITY OF ESTABLISHING TRADITIONAL LAND USE DISTRICTS.

1 WHEREAS, article XII, section 7, of the Hawaii State  
2 Constitution, and sections 1-1 and 7-1, Hawaii Revised Statutes,  
3 protect traditional and customary native Hawaiian rights; and  
4

5 WHEREAS, article XI, section 1, of the Hawaii State  
6 Constitution establishes a public trust responsibility to  
7 conserve and protect Hawaii's natural resources for the benefit  
8 of present and future generations, and that, pursuant to article  
9 XII, section 7, of the Hawaii State Constitution, this public  
10 trust responsibility extends to the protection of traditional  
11 and customary native Hawaiian rights; and  
12

13 WHEREAS, the State of Hawaii cannot regulate out of  
14 existence native Hawaiian traditional and customary rights,  
15 including the native Hawaiian tradition of kuleana  
16 (responsibility) to malama 'aina (care for the land and  
17 resources); and  
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19 WHEREAS, however, native Hawaiian traditional and customary  
20 rights and native Hawaiian responsibility to malama 'aina are  
21 being regulated out of existence; and  
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23 WHEREAS, Hawaii's land title documents state, "koe nae ke  
24 kuleana o na kanaka", which translates to "reserving the rights  
25 of native tenants"; and  
26

27 WHEREAS, the Organic Act and the Admission Act thrust  
28 privately owned traditional Hawaiian fisheries into the public  
29 domain but did not alter the vested fishing rights of hoa'aina  
30 (native tenants) and the konohiki (traditional Hawaiian land  
31 management system) management of fishing resources; and



1  
2 WHEREAS, the State's responsibility to native Hawaiians  
3 with respect to ceded lands includes submerged lands and  
4 overlying waters between the highest wash of the waves during  
5 the season when the waves are highest and the three nautical  
6 mile limit of the State's police power and management authority;  
7 and

8  
9 WHEREAS, ahupua'a are defined to include all lands mauka to  
10 makai, as well as fishponds or shoreline reef fisheries, and  
11 thus enable ho'aina to continue stewardship practices to sustain  
12 themselves and live off the land; and

13  
14 WHEREAS, impacts associated with climate change, such as  
15 sea level rise, threaten coastal ecosystems and agriculture  
16 production by intensifying saltwater intrusion into groundwater  
17 systems, wetlands, estuaries, and low-lying lo'i kalo; and

18  
19 WHEREAS, traditional Hawaiian management based on expert  
20 knowledge of konohiki is a form of adaptive management that is  
21 most needed to respond to uncertain and unpredictable effects on  
22 ecological systems caused by the climate crisis; and

23  
24 WHEREAS, the Kanaka Maoli ahupua'a system of land and ocean  
25 resource management has been identified as one of six known  
26 sustainable systems on the planet; and

27  
28 WHEREAS, the success of traditional management principles  
29 is evidenced by the abundant resources, highly developed social  
30 institutions, and remarkably high population that inhabited  
31 these islands at the time of Western contact; and

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33 WHEREAS, site-specific and resource-based methodology that  
34 balances land and ocean resources is needed to sustain healthy  
35 thriving communities; and

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37 WHEREAS, our islands have finite resources as reflected in  
38 the 'olelo no'eau, "he wa'a he moku, he moku he wa'a", which  
39 translates to "The canoe is our island, and the island is our  
40 canoe"; and

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1           WHEREAS, the Legislature recognizes the need for konohiki  
2 management to restore the State's food self-sufficiency in order  
3 to become a more sustainable community; and  
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5           WHEREAS, the World Food Summit of 1996 defined food  
6 security as the condition by which "all people, at all times,  
7 have physical and economic access to sufficient, safe and  
8 nutritious food to meet their dietary needs and food preferences  
9 for an active and healthy life", and that this translates into  
10 physical and economic access to nutritious and healthful foods;  
11 and  
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13           WHEREAS, our island state imports approximately eighty-five  
14 percent of all food consumed, which results in extreme food  
15 insecurity; and  
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17           WHEREAS, the Legislature declares that it shall be a goal  
18 of the State to meet those standards to become food secure and  
19 self-sufficient by the year 2025; and  
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21           WHEREAS, traditional lands, such as fishponds, konohiki  
22 fisheries, kula lands, and lo'i kalo, can be utilized to provide  
23 sustainable food production for the State in order to establish  
24 a more resilient economy; now, therefore,  
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26           BE IT RESOLVED by the Senate of the Twenty-seventh  
27 Legislature of the State of Hawaii, Regular Session of 2014, the  
28 House of Representatives concurring, that the Office of Hawaiian  
29 Affairs and the Department of Land and Natural Resources is  
30 urged to establish a Traditional Land Use Task Force that shall  
31 be placed within the Office of Hawaiian Affairs for  
32 administrative purposes; and  
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34           BE IT FURTHER RESOLVED that the task force is urged to  
35 include:  
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- 37           (1) The Chief Executive Officer of the Office of Hawaiian  
38           Affairs, or the Chief Executive Officer's designee;
- 39           (2) The Chairperson of the Board of Land and Natural  
40           Resources, or the Chairperson's designee;
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- 42



- 1           (3) The Chairperson of the Hawaiian Homes Commission, or  
2           the Chairperson's designee;
- 3
- 4           (4) The Chairperson of the Board of Agriculture, or the  
5           Chairperson's designee;
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- 7           (5) The Executive Director of the 'Aha Moku Advisory  
8           Committee, or the Executive Director's designee;
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- 10          (6) The Chair of the Taro Purity Task Force, or the  
11          Chair's designee; and
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- 13          (7) A representative from Kamehameha Schools; and
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15           BE IT FURTHER RESOLVED that the Traditional Land Use Task  
16 Force is requested to determine the feasibility of establishing  
17 traditional land use districts; and

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19           BE IT FURTHER RESOLVED that the Traditional Land Use Task  
20 Force is requested to determine the applicable kuleana of the  
21 Task Force, which may include recommendations for a regulatory  
22 scheme and adaptive planning for climate change as well as  
23 identification of an entity or agency to have governance powers;  
24 and

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26           BE IT FURTHER RESOLVED that the Traditional Land Use Task  
27 Force is requested to develop a means or methodology to protect  
28 traditional lands while the feasibility of establishing  
29 traditional land use districts is under review; and

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31           BE IT FURTHER RESOLVED that the Traditional Land Use Task  
32 Force is requested to identify possible districts, including but  
33 not limited to fishponds, konohiki fisheries, kula lands, lo'i  
34 kalo, sacred valleys, and historic sites, and establish a  
35 process for designating traditional land, as well as any  
36 criteria to be considered; and

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38           BE IT FURTHER RESOLVED that the Traditional Land Use Task  
39 Force is requested to report its findings and recommendations,  
40 including any proposed legislation, to the Legislature no later  
41 than twenty days prior to the convening of the Regular Session  
42 of 2015; and

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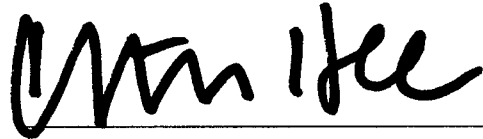


# S.C.R. NO. 109

1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Chairperson of the  
3 Board of Trustees of the Office of Hawaiian Affairs, Chairperson  
4 of the Board of Land and Natural Resources, Chairperson of the  
5 Hawaiian Homes Commission, Chairperson of the Board of  
6 Agriculture, Chairperson of the Aha Moku Advisory Committee,  
7 Chairperson of the Taro Purity Task Force, and Chairperson of  
8 the Board of Trustees of Kamehameha Schools.

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OFFERED BY:

  
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