

MAR 07 2014

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## SENATE RESOLUTION

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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  
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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  
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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  
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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 ho'a'aina  
30 (native tenants) and the konohiki (traditional Hawaiian land  
31 management system) management of fishing resources; and  
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33 WHEREAS, the State's responsibility to native Hawaiians  
34 with respect to ceded lands includes submerged lands and



1 overlying waters between the highest wash of the waves during  
2 the season when the waves are highest and the three nautical  
3 mile limit of the State's police power and management authority;  
4 and

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

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

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

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

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

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30 WHEREAS, site-specific and resource-based methodology that  
31 balances land and ocean resources is needed to sustain healthy  
32 thriving communities; and

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

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39 WHEREAS, the Legislature recognizes the need for konohiki  
40 management to restore the State's food self-sufficiency in order  
41 to become a more sustainable community; and

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1           WHEREAS, the World Food Summit of 1996 defined food  
2 security as the condition by which "all people, at all times,  
3 have physical and economic access to sufficient, safe and  
4 nutritious food to meet their dietary needs and food preferences  
5 for an active and healthy life", and that this translates into  
6 physical and economic access to nutritious and healthful foods;  
7 and

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9           WHEREAS, our island state imports approximately eighty-five  
10 percent of all food consumed, which results in extreme food  
11 insecurity; and

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13           WHEREAS, the Legislature declares that it shall be a goal  
14 of the State to meet those standards to become food secure and  
15 self-sufficient by the year 2025; and

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17           WHEREAS, traditional lands, such as fishponds, konohiki  
18 fisheries, kula lands, and lo'i kalo, can be utilized to provide  
19 sustainable food production for the State in order to establish  
20 a more resilient economy; now, therefore,

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22           BE IT RESOLVED by the Senate of the Twenty-seventh  
23 Legislature of the State of Hawaii, Regular Session of 2014,  
24 that the Office of Hawaiian Affairs and the Department of Land  
25 and Natural Resources is urged to establish a Traditional Land  
26 Use Task Force that shall be placed within the Office of  
27 Hawaiian Affairs for administrative purposes; and

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29           BE IT FURTHER RESOLVED that the task force is urged to  
30 include:

- 31  
32           (1) The Chief Executive Officer of the Office of Hawaiian  
33 Affairs, or the Chief Executive Officer's designee;  
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35           (2) The Chairperson of the Board of Land and Natural  
36 Resources, or the Chairperson's designee;  
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38           (3) The Chairperson of the Hawaiian Homes Commission, or  
39 the Chairperson's designee;  
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41           (4) The Chairperson of the Board of Agriculture, or the  
42 Chairperson's designee;  
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- (5) The Executive Director of the 'Aha Moku Advisory Committee, or the Executive Director's designee;
- (6) The Chair of the Taro Purity Task Force, or the Chair's designee; and
- (7) A representative from Kamehameha Schools; and

BE IT FURTHER RESOLVED that the Traditional Land Use Task Force is requested to determine the feasibility of establishing traditional land use districts; and

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

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

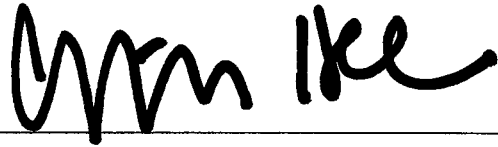
BE IT FURTHER RESOLVED that the Traditional Land Use Task Force is requested to identify possible districts, including but not limited to fishponds, konohiki fisheries, kula lands, lo'i kalo, sacred valleys, and historic sites, and establish a process for designating traditional land, as well as any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

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

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, Chairperson of the Board of Land and Natural Resources, Chairperson of the Hawaiian Homes Commission, Chairperson of the Board of Agriculture, Chairperson of the Aha Moku Advisory Committee, Chairperson of

1 the Taro Purity Task Force, and Chairperson of the Board of  
2 Trustees of Kamehameha Schools.  
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OFFERED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Lynn Ike", is written over a horizontal line.