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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. The legislature finds that the beaches of  
2 Hawaii are significant for their beauty and seasonal surf and  
3 their exceptional value to the Hawaiian community. The  
4 department of land and natural resources has determined that  
5 certain beaches need to be restored and cleaned due to years of  
6 illegal driving on the beach, unmanaged camping, and other  
7 recreational uses, which have created unacceptable, potentially  
8 hazardous accumulations of rubbish, human waste, charcoal, and  
9 nails from illegal bon fires.

10           In recent years, partially due to social media, some  
11 beaches have become overrun with excessive and inappropriate use  
12 from large groups of campers who use the beaches for parties.  
13 Some beaches were also previously used for military training.  
14 As a result, unexploded ordnance has been discovered and  
15 removed, but there is still uncertainty about whether all of the  
16 ordnance has been identified.



1           The legislature finds that a rebalance between establishing  
2 low-impact recreational uses of beaches and restoring  
3 traditional and customary Hawaiian management values is  
4 necessary.

5           The purpose of this Act is to require the department of  
6 land and natural resources to develop and implement, as a model  
7 project, a Hawaiian traditional and customary gathering  
8 practices project of cultivating coconut groves at a location  
9 selected by the department.

10           SECTION 2. (a) The department of land and natural  
11 resources shall develop and implement, as a model project, in  
12 collaboration with the aha moku advisory committee, a Hawaiian  
13 traditional and customary gathering practices project of  
14 cultivating coconut groves at a location selected by the  
15 department. The purpose of the project shall be to support the  
16 restoration of that area and develop a model to manage Hawaiian  
17 traditional and customary gathering practices.

18           (b) The department of land and natural resources shall:

19           (1) In collaboration with representatives from the aha  
20 moku advisory committee, select a location where  
21 exposure to the public is minimized and where persons



1           may, in accordance with Hawaiian traditional and  
2           customary gathering practices, plant and harvest  
3           coconut trees to be cultivated in a coconut grove;  
4       (2) Delineate and cordon with appropriate materials the  
5           perimeter boundary of the area designated under  
6           paragraph (1) and post signs to indicate that:  
7           (A) The enclosed area is designated for Hawaiian  
8                 traditional and customary gathering practices;  
9                 and  
10          (B) Coconut trees and the coconuts cultivated within  
11           the area shall be removed only through a permit  
12           or written agreement by the department of land  
13           and natural resources under the model project;  
14       (3) Require that coconut trees and coconuts cultivated  
15           within the area designated under paragraph (1) be  
16           removed only by the department or its agent, or  
17           through a permit or written agreement issued by the  
18           department to an entity, and its members, vetted by  
19           representatives of the aha moku advisory committee;  
20           provided that the permit conditions or written  
21           agreement shall include provisions that:



1 (A) Incorporate Hawaiian traditional and customary  
2 gathering practices;

3 (B) Stipulate that the area designated under  
4 paragraph (1) shall not be used for commercial  
5 purposes; and

6 (C) Describe the expectations for the cultivation of  
7 coconut groves and the methods to distribute the  
8 coconuts when ready for harvest.

9 SECTION 3. (a) Any practitioner of Hawaiian traditional  
10 and customary gathering practices, person, or entity who holds a  
11 current permit or written agreement issued pursuant to section  
12 2(b) of this Act shall be deemed to have assumed all liability  
13 of any kind and nature in any action against the department of  
14 land and natural resources or the State, or any of its officers  
15 or agents, for personal injury or property damage arising out of  
16 participation in the model project.

17 (b) Any person or entity who does not hold a current  
18 permit or written agreement issued pursuant to section 2(b) of  
19 this Act shall be deemed to have assumed all liability of any  
20 kind and nature in any action against a participant of the model



1 project for personal injury or property damage arising out of  
2 the model project.

3 SECTION 4. The United States Army Garrison - Hawaii is  
4 encouraged to work with the department of land and natural  
5 resources, as well as any person or entity who participates in  
6 the model project, to ensure that ordnance is cleared from the  
7 area designated under section 2(b)(1) of this Act.

8 SECTION 5. A person or entity who holds a permit or  
9 written agreement pursuant to section 2(b) of this Act shall  
10 submit a report to the department of land and natural resources  
11 that includes all actions completed to remove ordnance by the  
12 United States Army Garrison - Hawaii in the area designated  
13 pursuant to section 2(b)(1). The department shall:

- 14 (1) Review and analyze the report; and
- 15 (2) Based on that report and other relevant information,  
16 submit to the legislature a report of findings;  
17 recommendations; performance measures on the model  
18 project of the Hawaiian traditional and customary  
19 gathering practices project under section 2 of this  
20 Act; and the feasibility of operating the project at  
21 other gathering places for cultivating coconut groves,



1 no later than twenty days prior to the convening of  
2 the regular session of 2020.

3 SECTION 6. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2017-2018 and the  
6 same sum or so much thereof as may be necessary for fiscal year  
7 2018-2019 to establish and implement the Hawaiian traditional  
8 and customary gathering practices model project of cultivating  
9 coconut groves under this Act.

10 The sums appropriated shall be expended by the department  
11 of land and natural resources for the purposes of this Act.

12 SECTION 7. This Act shall take effect on July 31, 2150.



**Report Title:**

Hawaiian Gathering Practices; Model Project; Coconut Groves;  
Appropriation

**Description:**

Establishes a model project at a location selected by DLNR to designate areas for planting and growing coconut trees for Hawaiian traditional and customary gathering practices. Appropriates funds for the model project. (SB640 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

