

Honolulu, Hawaii

FEB 17 2017

RE: S.B. No. 640
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred S.B. No. 640 entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a pilot project at Makua Beach and Hawaii island to designate areas in public parks for planting and growing coconut trees for Hawaiian traditional and customary gathering practices; and
- (2) Appropriate funds for the pilot project.

Your Committees received testimony in support of this measure from twenty individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources.

Your Committees find that Makua Beach is a portion of the Keawaula section of Ka'ena Point State Park, on the island of O'ahu, traditionally associated with the Native Hawaiian practices of lua (warrior training) and la'au lapa'au (medicinal practices), and historically known as a site for lawai'a (fishing practices). Your Committees further find that Makua Beach needs to be restored



and cleaned due to years of illegal driving on the beach and unmanaged camping, and other recreational use, which have created unacceptable, potentially hazardous accumulations of rubbish, human waste, charcoal, and nails from illegal bon fires. Additionally, this portion of Makua was previously used for military training, and as a result unexploded ordnance has been discovered and removed, but there is still uncertainty that all of the ordnance has been identified.

Your Committees further find that a rebalancing at Makua Beach between establishing low impact recreational use and restoring traditional and customary Hawaiian management values is necessary.

Your Committees have amended this measure by:

- (1) Inserting a purpose section;
- (2) Replacing the language requiring the Department of Land and Natural Resources to establish the pilot project at Makua Beach and on the Island of Hawaii with language requiring the Department to develop and implement a Hawaiian traditional and customary gathering practice program at Makua Beach, as a model project;
- (3) Specifying the purposes of the model project as supporting the restoration of Makua Beach and developing a model to manage Hawaiian traditional and customary gathering practices;
- (4) Requiring the Department of Land and Natural Resources to issue permits or written agreements to persons or entities for specific activities within designated areas;
- (5) Addressing the issues of liability for personal injury and property damage;
- (6) Encouraging the United States Army Garrison - Hawaii to work with the Department of Land and Natural Resources, as well as any person or entity authorized by the Department of Land and Natural Resources, to ensure that



ordnance is cleared from the area designated for the coconut grove;

- (7) Requiring a report to the Legislature to include all actions completed to remove ordnance by the United States Army Garrison - Hawaii in the delineated area of cultivation, as well as on the feasibility of operating the program at other gathering places for cultivating coconut groves; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note to your Committee on Ways and Means that the requested amount of the appropriation is \$75,000 to clear land and acquire and install vehicle barricades and other types of demarcations and signage, in addition to costs associated with acquisition of actual coconuts and other related expenses.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 640, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 640, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Water and Land,



KARL RHOADS, Chair



MAILE S.L. SHIMABUKURO, Chair



