

MAR 11 2022

SENATE CONCURRENT RESOLUTION

URGING THE OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT TO
DEVELOP A PLAN TO INCLUDE A SPECIFIC ROLE FOR THE NATIVE
HAWAIIAN COMMUNITY IN THE COASTAL ZONE MANAGEMENT PLAN.

1 WHEREAS, over a period of many centuries, native Hawaiians
2 developed a carefully regulated and sustainable ahupua'a
3 management system that integrated watershed, freshwater, and
4 nearshore marine resources that would meet the needs of the
5 local population with an excess for tribute and trade; and
6

7 WHEREAS, native Hawaiian communities are highly connected
8 to the ocean because a large proportion of foods they eat come
9 from the ocean. Additionally, the ocean is a transportation
10 corridor for people and animals, a graveyard for ancestors, and
11 a spiritually imbued marinescape; and
12

13 WHEREAS, traditional ecological knowledge for native
14 Hawaiians is about establishing and maintaining an intimate
15 relationship with the natural world that would not only ensure
16 their physical survival, but the ability of future generations
17 to do the same. These culturally specific bodies of knowledge
18 are part of a broader understanding of the Pacific marine
19 environment and its interconnected nature and has important
20 implications for ocean management decisions; and
21

22 WHEREAS, the initial purpose of the State's coastal zone
23 management program was to "create a common focus for state and
24 county actions dealing with land and water use and activities"
25 was a return to the knowledge that enabled native Hawaiians to
26 adapt and live in harmony with the natural world; and
27

28 WHEREAS, in Ka Pa'akai o Ka 'Āina v. Land Use Commission,
29 the Hawaii Supreme Court recognized that article XII, section 7,
30 of the Hawaii State Constitution "places an affirmative duty on
31 the State and its agencies to preserve and protect traditional
32 and customary native Hawaiian rights"; and



1
2 WHEREAS, despite the challenges that may arise from the
3 integration of traditional ecological knowledge into
4 contemporary planning processes and governance structures, the
5 native Hawaiian community wishes to manage their coastal marine
6 resources based upon traditional practices prevalent in coastal
7 areas; and
8

9 WHEREAS, past failure to integrate native Hawaiian cultural
10 practices has resulted in the loss and destruction of many
11 important cultural resources and has interfered with the
12 exercise of native Hawaiian culture. Due consideration of the
13 effects of human activities on native Hawaiian resources is
14 necessary to ensure the continued existence, development, and
15 exercise of native Hawaiian culture; and
16

17 WHEREAS, rules and regulations that govern the use and
18 disposition of ceded lands and the natural resources on them are
19 created without consultation or compensation to native Hawaiian
20 beneficiaries, leaving native Hawaiian communities without a
21 voice or representation on the process; now, therefore,
22

23 BE IT RESOLVED by the Senate of the Thirty-first
24 Legislature of the State of Hawaii, Regular Session of 2022, the
25 House of Representatives concurring, that the Department Of
26 Business, Economic Development, and Tourism's Office of Planning
27 and Sustainable Development is urged to develop a consultation
28 implementation plan to include a consultation with the native
29 Hawaiian community concerning the types of cultural resources,
30 practices, and knowledge concerning ocean policy in its Coastal
31 Zone Management Plan; and
32

33 BE IT FURTHER RESOLVED that the Office of Planning and
34 Sustainable Development's native Hawaiian consultation
35 implementation plan is requested to include a commitment from
36 the State to support and engage native Hawaiians and give
37 appropriate recognition of their status as the indigenous
38 peoples of the State and an equitable role in ocean planning in
39 the Hawaiian Islands; and
40

41 BE IT FURTHER RESOLVED that the Office of Planning and
42 Sustainable Development is requested to submit a report of its



1 findings and recommendations, including any proposed
2 legislation, to the Legislature no later than twenty days prior
3 to the convening of the Regular Session of 2023. The Office of
4 Planning and Sustainable Development is urged to recommend the
5 following policy statements for adoption:
6

- 7 (1) The primary objective of consultation is to promote
8 the interests of native Hawaiians in ocean resources,
9 conduct meaningful multi-party information sharing so
10 that an understanding of perspectives is achieved, and
11 give those perspectives meaningful consideration to
12 identify, avoid, and mitigate negative impacts to
13 native Hawaiians;
14
- 15 (2) The Office of Planning and Sustainable Development is
16 responsible for initiating consultation because
17 proposed actions may affect the marine ecosystems of
18 native Hawaiian communities. Such state actions may
19 affect management decisions; provided that native
20 Hawaiians may also initiate consultation;
21
- 22 (3) Meaningful discussions involve a two-way exchange of
23 information and perspectives, and the information
24 provided will be considered and incorporated into the
25 design, development, implementation, and revision of
26 state actions. The consultation process should
27 enhance and in no way undermine other types of
28 engagement between the State and native Hawaiians;
29
- 30 (4) Trust, respect, and ongoing relationships are keys to
31 success in consultation. Meaningful dialogue between
32 native Hawaiians and the Office of Planning and
33 Sustainable Development should be ongoing;
34
- 35 (5) Consultation should be initiated early at the time
36 when actions are first contemplated, well before
37 decisions are made, and must occur often in the
38 decision-making process; and
39
- 40 (6) The Office of Planning and Sustainable Development is
41 responsible for communicating if and how the
42 consultation affected agency decision making. If



1 consultation did not affect the decision, the agency
2 should provide an explanation; and
3

4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Director of the
6 Office for Coastal Management--Pacific Islands for the National
7 Oceanic and Atmospheric Administration; Director of Business,
8 Economic Development, and Tourism; and Director of Planning and
9 Sustainable Development.
10
11
12

OFFERED BY:

