
SENATE 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
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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
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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
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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
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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
33



1 WHEREAS, despite the challenges that may arise from the
2 integration of traditional ecological knowledge into
3 contemporary planning processes and governance structures, the
4 native Hawaiian community wishes to manage their coastal marine
5 resources based upon traditional practices prevalent in coastal
6 areas; and
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8 WHEREAS, past failure to integrate native Hawaiian cultural
9 practices has resulted in the loss and destruction of many
10 important cultural resources and has interfered with the
11 exercise of native Hawaiian culture; and
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13 WHEREAS, due consideration of the effects of human
14 activities on native Hawaiian resources is necessary to ensure
15 the continued existence, development, and exercise of native
16 Hawaiian culture; and
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18 WHEREAS, rules and regulations that govern the use and
19 disposition of ceded lands and the natural resources on them are
20 created without consultation or compensation to native Hawaiian
21 beneficiaries, leaving native Hawaiian communities without a
22 voice or representation on the process; now, therefore,
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24 BE IT RESOLVED by the Senate of the Thirty-first
25 Legislature of the State of Hawaii, Regular Session of 2022,
26 that the Department Of Business, Economic Development, and
27 Tourism's Office of Planning and Sustainable Development is
28 urged to develop a consultation implementation plan to include
29 consultation with the native Hawaiian community on the types of
30 cultural resources, practices, and knowledge concerning ocean
31 policy in its Coastal Zone Management Plan; and
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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
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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; and
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5 BE IT FURTHER RESOLVED that the Office of Planning and
6 Sustainable Development is urged to recommend the following
7 policy statements for adoption:
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- 9 (1) The primary objective of consultation is to promote
10 the interests of native Hawaiians in ocean resources,
11 conduct meaningful multi-party information sharing so
12 that an understanding of perspectives is achieved, and
13 give those perspectives meaningful consideration to
14 identify, avoid, and mitigate negative impacts to
15 native Hawaiians;
16
- 17 (2) The Office of Planning and Sustainable Development is
18 responsible for initiating consultation because
19 proposed actions may affect the marine ecosystems of
20 native Hawaiian communities. Such state actions may
21 affect management decisions; provided that native
22 Hawaiians may also initiate consultation;
23
- 24 (3) Meaningful discussions involve a two-way exchange of
25 information and perspectives, and the information
26 provided will be considered and incorporated into the
27 design, development, implementation, and revision of
28 state actions. The consultation process should
29 enhance and in no way undermine other types of
30 engagement between the State and native Hawaiians;
31
- 32 (4) Trust, respect, and ongoing relationships are keys to
33 success in consultation. Meaningful dialogue between
34 native Hawaiians and the Office of Planning and
35 Sustainable Development should be ongoing;
36
- 37 (5) Consultation should be initiated early at the time
38 when actions are first contemplated, well before
39 decisions are made, and must occur often in the
40 decision-making process;
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1 (6) The Hawaii State Aha Moku should be a partner and be
2 consulted on traditional practices especially relating
3 to coastal areas; and
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5 (7) The Office of Planning and Sustainable Development is
6 responsible for communicating if and how the
7 consultation affected agency decision making. If
8 consultation did not affect the decision, the agency
9 should provide an explanation; and
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11 BE IT FURTHER RESOLVED that certified copies of this
12 Resolution be transmitted to the Director of the Office for
13 Coastal Management--Pacific Islands for the National Oceanic and
14 Atmospheric Administration; Director of Business, Economic
15 Development, and Tourism; and Director of Planning and
16 Sustainable Development.

