
HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW THE NATURAL RESOURCES' MARINE MANAGEMENT RULES, CONDUCT NEW PUBLIC HEARINGS ON THE RULES, CONSULT WITH NATIVE HAWAIIAN PEOPLE, AND DETERMINE THE RELEVANCE AND APPLICABILITY OF THE RULES TO PLACE-BASED MANAGEMENT FOR PURPOSES OF ENHANCING VOLUNTARY COMPLIANCE AND PUBLIC PARTICIPATION IN MARINE RESOURCE MANAGEMENT.

1 WHEREAS, the Aha Kiole Advisory Committee, established
2 pursuant to Act 212, Session Laws of Hawaii 2007, through its
3 community consultation process to determine the best practices
4 for traditional management of natural resources in Hawaii, has
5 learned that state rules governing the harvesting of natural
6 resources are inappropriate for some areas; and

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8 WHEREAS, the statewide application of rules may be
9 deleterious to the sustainability of natural resources; and

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11 WHEREAS, the community has questioned and challenged the
12 process, science, and rationale used to create rules in a "one
13 size fits all" manner; and

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15 WHEREAS, the community has expressed unhappiness with
16 declarations, patronization, and lack of consultation,
17 validation, and results from the proliferation of rules for
18 natural resources; and

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20 WHEREAS, restrictions on harvesting fish during certain
21 times of the year, for purposes of allowing spawning, are often
22 unresponsive to the actual conditions that cause mating and
23 actually result in the harvesting of the spawning aggregations,
24 causing further depletion of populations; and

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1 WHEREAS, fishing and traditional communities dependent on
2 the land and ocean for food and nutrition are often unfairly
3 burdened by rules; and
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5 WHEREAS, rules governing equipment used for fishing and
6 other activities affect traditional practices of using the best
7 methods at the best times, thus the rules have the effect of
8 restricting traditional and cultural practices; and
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10 WHEREAS, the rules favor recreation over traditional and
11 cultural practices, thereby interrupting the long and continuous
12 practice that defines traditional rights; and
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14 WHEREAS, the community wishes to use place-based management
15 so that it can manage the marine resources based upon practices
16 prevalent in the area; and
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18 WHEREAS, submerged lands underlying all the navigable
19 waters of the State are ceded lands and ceded lands are held in
20 trust for the benefit of Native Hawaiians under section 5(f) of
21 the Admission Act; and
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23 WHEREAS, rules governing the use and disposition of ceded
24 lands and their natural resources have been created without
25 consultation or compensation to Native Hawaiians, thereby
26 leaving native communities without a voice or representation in
27 the process; and
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29 WHEREAS, Kamehameha III divided the lands and natural
30 resources in Hawaii between the king, alii, and maka'ainana, yet
31 the king and alii are no longer present, leaving the maka'ainana
32 responsible for the disposition, protection, and health of the
33 lands; and
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35 WHEREAS, the maka'ainana cannot relinquish their
36 responsibility to Hawaii, these lands, and their ancestors and
37 must participate in the rules and the disposition of their
38 trust; now, therefore,
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40 BE IT RESOLVED by the House of Representatives of the
41 Twenty-sixth Legislature of the State of Hawaii, Regular Session
42 of 2012, the Senate concurring, that the Department of Land and
43 Natural Resources is urged to review the natural resources



1 marine management rules, conduct public hearings on the rules,
2 consult with the Native Hawaiian people, and determine the
3 relevance and applicability of the rules to place-based
4 management for purposes of enhancing voluntary compliance and
5 public participation in marine resource management; and
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7 BE IT FURTHER RESOLVED that certified copies of this
8 Concurrent Resolution be transmitted to the Governor; the
9 Chairperson of the Board of Land and Natural Resources; the
10 Chairperson of the Western Pacific Regional Fishery Management
11 Council; the Regional Administrator of the National Marine
12 Fisheries Service, Pacific Islands Regional Office; and the
13 Regional Administrator of the National Marine Sanctuary, Pacific
14 Island Regional Office.
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OFFERED BY: _____



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