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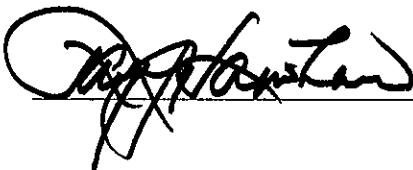
36          BE IT RESOLVED by the House of Representatives of the  
37 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
38 of 2012, that the Department of Land and Natural Resources is  
39 urged to review the natural resources marine management rules,  
40 conduct public hearings on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



1 voluntary compliance and public participation in marine resource  
2 management; and

3  
4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution be transmitted to the Governor; the Chairperson of  
6 the Board of Land and Natural Resources; the Chairperson of the  
7 Western Pacific Regional Fishery Management Council; the  
8 Regional Administrator of the National Marine Fisheries Service,  
9 Pacific Islands Regional Office; and the Regional Administrator  
10 of the National Marine Sanctuary, Pacific Island Regional  
11 Office.

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OFFERED BY:  \_\_\_\_\_

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