

MAR 12 2021

SENATE CONCURRENT RESOLUTION

URGING THE OFFICE OF PLANNING 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, based on centuries of trial and error and astute
23 observation, native Hawaiians incorporated their understanding
24 of the oceans into self-sustaining management practices, leading
25 to an abundance of marine environments, healthy ecosystems, and
26 preparation and adaptation to coastal hazards; and
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28 WHEREAS, the initial purpose of the State's coastal zone
29 management program was to "create a common focus for state and
30 county actions dealing with land and water use and activities"
31 was a return to the knowledge that enabled native Hawaiians to
32 adapt and live in harmony with the natural world; and



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

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

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

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

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, the House of Representatives concurring, that the Department Of Business, Economic Development, and Tourism's Office of Planning is urged to develop a consultation implementation plan to include a consultation with the native Hawaiian community concerning the types of cultural resources, practices, and knowledge concerning ocean policy in its Coastal Zone Management Plan; and

BE IT FURTHER RESOLVED that the Office of Planning's native Hawaiian consultation implementation plan includes a commitment from the State to support and engage native Hawaiians and gives appropriate recognition of their status as the indigenous



1 peoples of the State and an equitable role in ocean planning in
2 the Hawaiian Islands; and

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4 BE IT FURTHER RESOLVED that the Office of Planning is urged
5 to submit a report of its findings and recommendations,
6 including any proposed legislation, to the Legislature no later
7 than twenty days prior to the convening of the Regular Session
8 of 2022. The Office of Planning is urged to recommend the
9 following policy statements for adoption:

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



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2 (6) The Office of Planning is responsible for
3 communicating if and how the consultation affected
4 agency decision making. If consultation did not
5 affect the decision, the agency should provide an
6 explanation; and
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8 BE IT FURTHER RESOLVED that certified copies of this
9 Concurrent Resolution be transmitted to the Director of the
10 Office for Coastal Management - Pacific Islands for the National
11 Oceanic and Atmospheric Administration; Director of Business,
12 Economic Development, and Tourism; and Director of Planning.
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OFFERED BY:

