
A BILL FOR AN ACT

RELATING TO HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Makua beach is
2 significant for its beauty and seasonal surf and its exceptional
3 value to the Hawaiian community. Makua beach is a portion of
4 the Keawaula section of Ka'ena Point state park, on the island of
5 O'ahu, traditionally associated with the Native Hawaiian
6 practices of lua (warrior training) and la'au lapa'au (medicinal
7 practices), and historically known as a site for lawai'a
8 (fishing practices). The department of land and natural
9 resources has determined that Makua beach needs to be restored
10 and cleaned due to years of illegal driving on the beach,
11 unmanaged camping, and other recreational use, which have
12 created unacceptable, potentially hazardous accumulations of
13 rubbish, human waste, charcoal, and nails from illegal bon
14 fires.

15 In recent years, partially due to social media, Makua has
16 become overrun with excessive and inappropriate use from large
17 camping groups that use the beach for parties. Makua beach was
18 also previously used for military training, and as a result,



1 unexploded ordnance has been discovered and removed, but there
2 is still uncertainty that all of the ordnance has been
3 identified.

4 The legislature further finds that a rebalancing at Makua
5 beach between establishing low impact recreational use and
6 restoring traditional and customary Hawaiian management values
7 is necessary.

8 The purpose of this Act is to require the department of
9 land and natural resources to develop and implement, as a model
10 project, a Hawaiian traditional and customary gathering practice
11 program at Makua beach.

12 SECTION 2. (a) The department of land and natural
13 resources shall develop and implement, as a model project, in
14 collaboration with the aha moku advisory committee, a Hawaiian
15 traditional and customary gathering practice program at Makua
16 beach. The purpose of the project shall be to support the
17 restoration of Makua and develop a model to manage Hawaiian
18 traditional and customary gathering practices.

19 (b) The department of land and natural resources shall:

20 (1) In collaboration with representatives from the aha
21 moku advisory committee, designate a portion of the



1 land directly mauka of Makua beach where the exposure
2 to the public is minimized and where persons may, in
3 accordance with Hawaiian traditional and customary
4 gathering practices, plant and harvest coconut trees
5 to be cultivated in a coconut grove;

6 (2) Delineate and cordon the perimeter boundary of the
7 area with appropriate materials designated under
8 paragraph (1) and post signs to indicate that:

9 (A) The enclosed area is designated for Hawaiian
10 traditional and customary gathering practices;
11 and

12 (B) Coconut trees and the coconuts cultivated within
13 the area shall be removed only through a permit
14 or written agreement by the department of land
15 and natural resources under the model project;

16 (3) Require that coconut trees and coconuts cultivated
17 within the area designated under paragraph (1) be
18 removed only by the department or its agent, or
19 through a permit or written agreement issued by the
20 department to an entity, and its members, vetted by
21 representatives of the aha moku advisory committee;



1 provided that the permit conditions or written
2 agreement shall include provisions that:

3 (A) Incorporate Hawaiian traditional and customary
4 gathering practices;

5 (B) Stipulate that the use of the area designated
6 under paragraph (1) shall not be for commercial
7 purposes; and

8 (C) Describe the expectations for the cultivation of
9 coconut groves and the methods to distribute the
10 coconuts when ready for harvest.

11 SECTION 3. (a) Any practitioner of Hawaiian traditional
12 and customary gathering practices, person, or entity who holds a
13 current permit or written agreement issued pursuant to section 2
14 of this Act shall be deemed to have assumed all liability of any
15 kind and nature in any action against the department of land and
16 natural resources or the State, or any of its officers or
17 agents, for personal injury or property damage arising out of
18 participation in the model project.

19 (b) Any person or entity who does not hold a current
20 permit or written agreement issued pursuant to section 2 of this
21 Act shall be deemed to have assumed all liability of any kind



1 and nature in any action against a participant of the model
2 project for personal injury or property damage arising out of
3 the model project.

4 SECTION 4. The United States Army Garrison - Hawaii is
5 encouraged to work with the department of land and natural
6 resources, as well as any person or entity who participates in
7 the model project, to ensure that ordnance is cleared from the
8 area designated under section 2 of this Act.

9 SECTION 5. A person or entity who holds a permit or
10 written agreement pursuant to section (2) of this Act shall
11 submit a report to the department of land and natural resources
12 that includes all actions completed to remove ordnance by the
13 United States Army Garrison - Hawaii in the area designated
14 pursuant to section 2. The department shall:

- 15 (1) Review and analyze the report; and
- 16 (2) Based on that report and other relevant information,
17 submit to the legislature a report of findings,
18 recommendations, performance measures on the model
19 project of the Hawaiian traditional and customary
20 gathering practice program, under section 2 of this Act,
21 and the feasibility of operating the program at other



1 gathering places for cultivating coconut groves, no
2 later than twenty days prior to the convening of the
3 regular session of 2020.

4 SECTION 6. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2017-2018 and
7 the same sum or so much thereof as may be necessary for fiscal
8 year 2018-2019 to establish and implement the model Hawaiian
9 traditional and customary gathering practices program of
10 cultivating coconut groves under this Act.

11 The sums appropriated shall be expended by the department
12 of land and natural resources for the purposes of this Act.

13 SECTION 7. This Act shall take effect on July 1, 2017.

14



Report Title:

Hawaiian Gathering Practices; Makua Beach; Model Project;
Coconut Groves; Appropriation

Description:

Establishes a model project at Makua beach to designate areas for planting and growing coconut trees for Hawaiian traditional and customary gathering practices. Appropriates funds for the model project. (SD1)

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