
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 the beaches of
2 Hawaii are significant for their beauty and seasonal surf and
3 their exceptional value to the Hawaiian community. The
4 department of land and natural resources has determined that
5 certain beaches need to be restored and cleaned due to years of
6 illegal driving on the beach, unmanaged camping, and other
7 recreational use, which have created unacceptable, potentially
8 hazardous accumulations of rubbish, human waste, charcoal, and
9 nails from illegal bon fires.

10 In recent years, partially due to social media, some
11 beaches have become overrun with excessive and inappropriate use
12 from large camping groups that use the beaches for parties.
13 Some beaches were also previously used for military training,
14 and as a result, unexploded ordnance has been discovered and
15 removed, but there is still uncertainty that all of the ordnance
16 has been identified.



1 The legislature further finds that a rebalancing between
2 establishing low impact recreational use of beaches and
3 restoring traditional and customary Hawaiian management values
4 is necessary.

5 The purpose of this Act is to require the department of
6 land and natural resources to develop and implement, as a model
7 project, a Hawaiian traditional and customary gathering practice
8 program at a location selected by the department.

9 SECTION 2. (a) The department of land and natural
10 resources shall develop and implement, as a model project, in
11 collaboration with the aha moku advisory committee, a Hawaiian
12 traditional and customary gathering practice program at a
13 location selected by the department. The purpose of the project
14 shall be to support the restoration of that area and develop a
15 model to manage Hawaiian traditional and customary gathering
16 practices.

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

18 (1) In collaboration with representatives from the aha
19 moku advisory committee, select a location where the
20 exposure to the public is minimized and where persons
21 may, in accordance with Hawaiian traditional and



1 customary gathering practices, plant and harvest
2 coconut trees to be cultivated in a coconut grove;
3 (2) Delineate and cordon the perimeter boundary of the
4 area with appropriate materials designated under
5 paragraph (1) and post signs to indicate that:
6 (A) The enclosed area is designated for Hawaiian
7 traditional and customary gathering practices;
8 and
9 (B) Coconut trees and the coconuts cultivated within
10 the area shall be removed only through a permit
11 or written agreement by the department of land
12 and natural resources under the model project;
13 (3) Require that coconut trees and coconuts cultivated
14 within the area designated under paragraph (1) be
15 removed only by the department or its agent, or
16 through a permit or written agreement issued by the
17 department to an entity, and its members, vetted by
18 representatives of the aha moku advisory committee;
19 provided that the permit conditions or written
20 agreement shall include provisions that:



1 (A) Incorporate Hawaiian traditional and customary
2 gathering practices;

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

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

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

17 (b) Any person or entity who does not hold a current
18 permit or written agreement issued pursuant to section 2 of this
19 Act shall be deemed to have assumed all liability of any kind
20 and nature in any action against a participant of the model



1 project for personal injury or property damage arising out of
2 the model project.

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

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

- 14 (1) Review and analyze the report; and
15 (2) Based on that report and other relevant information,
16 submit to the legislature a report of findings,
17 recommendations, performance measures on the model
18 project of the Hawaiian traditional and customary
19 gathering practice program, under section 2 of this Act,
20 and the feasibility of operating the program at other
21 gathering places for cultivating coconut groves, no



1 later than twenty days prior to the convening of the
2 regular session of 2020.

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

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

12 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Hawaiian Gathering Practices; Model Project; Coconut Groves;
Appropriation

Description:

Establishes a model project at a location selected by DLNR to designate areas for planting and growing coconut trees for Hawaiian traditional and customary gathering practices. Appropriates funds for the model project. Effective 7/1/2050. (SD2)

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