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# SENATE CONCURRENT RESOLUTION

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URGING THE OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT 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  
12

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, the initial purpose of the State's coastal zone  
23 management program was to "create a common focus for state and  
24 county actions dealing with land and water use and activities"  
25 was a return to the knowledge that enabled native Hawaiians to  
26 adapt and live in harmony with the natural world; and  
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28 WHEREAS, in Ka Pa'akai o Ka 'Āina v. Land Use Commission,  
29 the Hawaii Supreme Court recognized that article XII, section 7,  
30 of the Hawaii State Constitution "places an affirmative duty on



1 the State and its agencies to preserve and protect traditional  
2 and customary native Hawaiian rights"; and

3  
4 WHEREAS, despite the challenges that may arise from the  
5 integration of traditional ecological knowledge into  
6 contemporary planning processes and governance structures, the  
7 native Hawaiian community wishes to manage their coastal marine  
8 resources based upon traditional practices prevalent in coastal  
9 areas; and

10  
11 WHEREAS, past failure to integrate native Hawaiian cultural  
12 practices has resulted in the loss and destruction of many  
13 important cultural resources and has interfered with the  
14 exercise of native Hawaiian culture; and

15  
16 WHEREAS, due consideration of the effects of human  
17 activities on native Hawaiian resources is necessary to ensure  
18 the continued existence, development, and exercise of native  
19 Hawaiian culture; and

20  
21 WHEREAS, rules and regulations that govern the use and  
22 disposition of ceded lands and the natural resources on them are  
23 created without consultation or compensation to native Hawaiian  
24 beneficiaries, leaving native Hawaiian communities without a  
25 voice or representation on the process; now, therefore,

26  
27 BE IT RESOLVED by the Senate of the Thirty-first  
28 Legislature of the State of Hawaii, Regular Session of 2022, the  
29 House of Representatives concurring, that the Department Of  
30 Business, Economic Development, and Tourism's Office of Planning  
31 and Sustainable Development is urged to develop a consultation  
32 implementation plan to include consultation with the native  
33 Hawaiian community on the types of cultural resources,  
34 practices, and knowledge concerning ocean policy in its Coastal  
35 Zone Management Plan; and

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37 BE IT FURTHER RESOLVED that the Office of Planning and  
38 Sustainable Development's native Hawaiian consultation  
39 implementation plan is requested to include a commitment from  
40 the State to support and engage native Hawaiians and give  
41 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 and  
5 Sustainable Development is requested to submit a report of its  
6 findings and recommendations, including any proposed  
7 legislation, to the Legislature no later than twenty days prior  
8 to the convening of the Regular Session of 2023; and  
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10 BE IT FURTHER RESOLVED that the Office of Planning and  
11 Sustainable Development is urged to recommend the following  
12 policy statements for adoption:  
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- 14 (1) The primary objective of consultation is to promote  
15 the interests of native Hawaiians in ocean resources,  
16 conduct meaningful multi-party information sharing so  
17 that an understanding of perspectives is achieved, and  
18 give those perspectives meaningful consideration to  
19 identify, avoid, and mitigate negative impacts to  
20 native Hawaiians;  
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- 22 (2) The Office of Planning and Sustainable Development is  
23 responsible for initiating consultation because  
24 proposed actions may affect the marine ecosystems of  
25 native Hawaiian communities. Such state actions may  
26 affect management decisions; provided that native  
27 Hawaiians may also initiate consultation;  
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- 29 (3) Meaningful discussions involve a two-way exchange of  
30 information and perspectives, and the information  
31 provided will be considered and incorporated into the  
32 design, development, implementation, and revision of  
33 state actions. The consultation process should  
34 enhance and in no way undermine other types of  
35 engagement between the State and native Hawaiians;  
36
- 37 (4) Trust, respect, and ongoing relationships are keys to  
38 success in consultation. Meaningful dialogue between  
39 native Hawaiians and the Office of Planning and  
40 Sustainable Development should be ongoing;  
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1 (5) Consultation should be initiated early at the time  
2 when actions are first contemplated, well before  
3 decisions are made, and must occur often in the  
4 decision-making process;

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6 (6) The Hawaii State Aha Moku should be a partner and be  
7 consulted on traditional practices especially relating  
8 to coastal areas; and  
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10 (7) The Office of Planning and Sustainable Development is  
11 responsible for communicating if and how the  
12 consultation affected agency decision making. If  
13 consultation did not affect the decision, the agency  
14 should provide an explanation; and  
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16 BE IT FURTHER RESOLVED that certified copies of this  
17 Concurrent Resolution be transmitted to the Director of the  
18 Office for Coastal Management--Pacific Islands for the National  
19 Oceanic and Atmospheric Administration; Director of Business,  
20 Economic Development, and Tourism; and Director of Planning and  
21 Sustainable Development.

