

MAR 11 2022

SENATE RESOLUTION

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
6

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
21

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
27

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
31 the State and its agencies to preserve and protect traditional
32 and customary native Hawaiian rights"; and
33

34 WHEREAS, despite the challenges that may arise from the
35 integration of traditional ecological knowledge into



1 contemporary planning processes and governance structures, the
2 native Hawaiian community wishes to manage their coastal marine
3 resources based upon traditional practices prevalent in coastal
4 areas; and

5
6 WHEREAS, past failure to integrate native Hawaiian cultural
7 practices has resulted in the loss and destruction of many
8 important cultural resources and has interfered with the
9 exercise of native Hawaiian culture. Due consideration of the
10 effects of human activities on native Hawaiian resources is
11 necessary to ensure the continued existence, development, and
12 exercise of native Hawaiian culture; and

13
14 WHEREAS, rules and regulations that govern the use and
15 disposition of ceded lands and the natural resources on them are
16 created without consultation or compensation to native Hawaiian
17 beneficiaries, leaving native Hawaiian communities without a
18 voice or representation on the process; now, therefore,

19
20 BE IT RESOLVED by the Senate of the Thirty-first
21 Legislature of the State of Hawaii, Regular Session of 2022,
22 that the Department Of Business, Economic Development, and
23 Tourism's Office of Planning and Sustainable Development is
24 urged to develop a consultation implementation plan to include a
25 consultation with the native Hawaiian community concerning the
26 types of cultural resources, practices, and knowledge concerning
27 ocean policy in its Coastal Zone Management Plan; and

28
29 BE IT FURTHER RESOLVED that the Office of Planning and
30 Sustainable Development's native Hawaiian consultation
31 implementation plan is requested to include a commitment from
32 the State to support and engage native Hawaiians and give
33 appropriate recognition of their status as the indigenous
34 peoples of the State and an equitable role in ocean planning in
35 the Hawaiian Islands; and

36
37 BE IT FURTHER RESOLVED that the Office of Planning and
38 Sustainable Development is requested to submit a report of its
39 findings and recommendations, including any proposed
40 legislation, to the Legislature no later than twenty days prior
41 to the convening of the Regular Session of 2023. The Office of



1 Planning and Sustainable Development is urged to recommend the
2 following policy statements for adoption:

- 3
4 (1) The primary objective of consultation is to promote
5 the interests of native Hawaiians in ocean resources,
6 conduct meaningful multi-party information sharing so
7 that an understanding of perspectives is achieved, and
8 give those perspectives meaningful consideration to
9 identify, avoid, and mitigate negative impacts to
10 native Hawaiians;
11
- 12 (2) The Office of Planning and Sustainable Development is
13 responsible for initiating consultation because
14 proposed actions may affect the marine ecosystems of
15 native Hawaiian communities. Such state actions may
16 affect management decisions; provided that native
17 Hawaiians may also initiate consultation;
18
- 19 (3) Meaningful discussions involve a two-way exchange of
20 information and perspectives, and the information
21 provided will be considered and incorporated into the
22 design, development, implementation, and revision of
23 state actions. The consultation process should
24 enhance and in no way undermine other types of
25 engagement between the State and native Hawaiians;
26
- 27 (4) Trust, respect, and ongoing relationships are keys to
28 success in consultation. Meaningful dialogue between
29 native Hawaiians and the Office of Planning and
30 Sustainable Development should be ongoing;
31
- 32 (5) Consultation should be initiated early at the time
33 when actions are first contemplated, well before
34 decisions are made, and must occur often in the
35 decision-making process; and
36
- 37 (6) The Office of Planning and Sustainable Development is
38 responsible for communicating if and how the
39 consultation affected agency decision making. If
40 consultation did not affect the decision, the agency
41 should provide an explanation; and
42



S.R. NO. 164

1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Director of the Office for
3 Coastal Management--Pacific Islands for the National Oceanic and
4 Atmospheric Administration; Director of Business, Economic
5 Development, and Tourism; and Director of Planning and
6 Sustainable Development.

7
8
9 OFFERED BY:

