E MĀLAMA IĀ NĀ KAI ‘EWALU:

ALOHĀ ‘ĀINA MANAGEMENT RECOMMENDATIONS FOR THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

The council is an advisory body to the sanctuary management. The opinions and findings of this document do not necessarily reflect the position of any individuals or agencies including the sanctuary, the National Oceanic and Atmospheric Administration, or the State of Hawai‘i.
The Hawaiian Islands Humpback Whale National Marine Sanctuary (sanctuary) Advisory Council (council) forwarded these final recommendations to sanctuary management at the January council meeting for consideration in the management plan review. This report is based on the work of a working group that was formed by the council in December 2010 to address one of the priority topics brought up during the 2010 public comment period. The working group met over the course of 12 months in 2011. A digital copy of this report can be downloaded at http://hawaiihumpbackwhale.noaa.gov/management/pdfs/nativehawaiian_rec_report.pdf.
Mele o Nā Kai ‘Ewalu
(Song of The Eight Seas)

Kiʻekiʻe Hawaiʻi i luna o ka kai o ‘Alenuihāhā
Hoʻolono ʻo Maui i ke oloha a ‘Alalākeiki
He keiki mailani ʻo Kahoʻolawe na Kanaloa
E kuhikuhi mau aku i Kealaikahi Hiki aʻe ana i Lānaʻi i ke kai ʻo ‘Auʻau
ʻAu aku iā Pailolo, aia lā ʻo Molokaʻi ʻe

Kaiʻale hānupanupa o Kaiwi, huli hoʻi i ka po hu laʻi o Oʻahu
ʻOni mālie Kaʻena i ka māpuna hoe a Kaʻieʻiewaho
Ma loko mai ʻoe i Kamāwaelualani i Kauaʻi
Alo ana Niʻihau i ke ehu o Kaulakahi
ʻAkahi a lana mai ka noʻonoʻo
I ke kau mai a ka lā i ka mole ʻolu o Lehua

ʻO ka wai huna o ka pāoʻo kaʻu i ʻike ai
He nani, ha maikaʻi wale nō ia
Pāhola mai nei ʻo Hawaiʻi pae ʻāina
O ka laulā Hanohano o Nā Kai ʻEwalu
Kama ʻia a paʻa ke aloha ua pono
Aloha kākou a pau loa!

Hawaiʻi stands majestically over ʻAlenuihāhā
Maui hears the resonance of ʻAlalākeiki
Kahoʻolawe is the exalted child of Kanaloa
It gestures toward Kealaikahi
On to Lānaʻi in the sea of ʻAuʻau
Forging ahead towards Pailolo, behold Molokaʻi
Kaiwi’s waves surge, turn towards Oʻahu’s serenity
Where Kaʻena is poised to paddle out to Kaʻieʻiewaho
Kamāwaelualani Kauaʻi bids welcome
Niʻihau bears the sea mist of Kaulakahi
My concentration is now at ease
With the setting sun at Lehua
I have witnessed the hidden waters of the pāoʻo
Splendid, perfect
The islands of Hawaiʻi are laid forth
It is the glorious expanse of Nā Kai ʻEwalu
Love is bound correctly
Aloha to us all!

Used with permission from haku mele, Kumu Hula Manu Boyd
E MĀLAMA IĀ NĀ KAI ‘EWALU:

ALOHA ʻĀINA MANAGEMENT RECOMMENDATIONS FOR THE
HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY
EXECUTIVE SUMMARY

NOVEMBER 2011

Prepared by Trisha Kēhaulani Watson, J.D., Ph.D. on behalf of the Hui Nā Kai ‘Ewalu Native Hawaiian Working Group of the Hawaiian Islands Humpback Whale National Marine Sanctuary

With Contributions by

HIHWNMS Staff
Brenda Asuncion
Kanani Frazier
Sarah Mesnick

Honua Consulting Staff
Sean Kei Ida
Jamaica Osorio

Working Group Members
Trisha Kēhaulani Watson, O‘ahu, Chair
Sharon Pomroy, Kaua‘i, Vice-Chair
William J. Aila, O‘ahu
Maka‘ala Ka‘umoana, Kaua‘i
Solomon Pili Kaho‘ohalahala, Lāna‘i
Kimokeo Kapahulehua, Maui
Eric Kingma, O‘ahu
Marnie Meyer, O‘ahu
Everett Ohta, O‘ahu
Walter Ritte, Moloka‘i
‘Aulani Wilhelm, O‘ahu

Mahalo to the following who provided input and guidance for this document
Peter Apo
Manu Boyd
Julie Leialoha
Sean MacDuff
Kaipo Perez

The council is an advisory body to the sanctuary management. The opinions and findings of this document do not necessarily reflect the position of any individuals or agencies including the sanctuary, the National Oceanic and Atmospheric Administration, or the State of Hawai‘i.
Introduction:

For thousands of years prior to western contact, Hawaiians sustainably managed their terrestrial and ocean resources. The successes of their management practices were evident through their ability to feed and maintain a pre-contact population of one million people. Today, not only are practices unsustainable, but experts have estimated that without importation, Hawai‘i would only have enough food to feed its population for four days. We find the status quo unacceptable and in dire need of a radical paradigm shift.

We advocate for neither the vacuous preservation of humans, nor the vacuous preservation of nature. We advocate for co-existence. We advocate for an advantageous balance whereby biocultural resources are protected and enhanced so that resident groups, particularly multigenerational populations, may enjoy healthful and sustainable use of their surrounding environment.

Need for Action:

Like the channels of Nā Kai ‘Ewalu and the waters that run through them, the Native Hawaiian culture runs through and binds all the natural resources of Hawai‘i. It is therefore essential to integrate a Native Hawaiian cultural perspective in all management activities that occur in Hawai‘i.

In order to effectively manage the biocultural resources in Hawai‘i, it is important to significantly include the traditional, cultural perspectives which are unique to each island. Native Hawaiian culture encompasses strong underlying values which are deeply rooted in the natural environment, and these values foster a cohesive relationship with the land and sea. Traditions and genealogy, such as Hāloanakalaukapalili, help to set guideline and priorities for management decisions such as “nature first, man second”, and the roles, relationships, and responsibilities of one to another. A widely acknowledged example of how Hawaiian cosmology can inform traditional science and traditional management practices comes from the Kumulipo, which serves both as a detailed evolution of Hawaiian biocultural resources and origin story for nohona Hawai‘i, Hawaiian lifestyles.

Coastal access was an essential component of the traditional living system. Communities today still rely on biocultural practices and gathering rights. Yet, contemporary coastal use now includes commercial fisheries, recreational activities, tourism, military use, heavy industrial activities and other uses.

Among the diverse activities that take place in the marine environment, “indigenous, cultural gathering rights” is a unique classification of coastal access. Native Hawaiian values and management principles must be clearly defined, understood, and communicated in order to effectively incorporate them into the sanctuary’s management plan to guide resource management decisions in the future. It is our recommendation that cultural practices and rights evolve from a
separate component of management into an integrated biocultural base that serves as the foundation of the sanctuary itself and thereby guides all sanctuary activities.

Desired Outcome:

The desired outcome of the sanctuary management plan review and re-designation process is the re-establishment of the sanctuary as a Hawaiian Sanctuary which provides a secure and solid foundation, where Hawaiian traditional sciences, conservation ethics and fair and equitable distribution taught by Kū'ulakai are wholly and fully integrated into the management and operation of the sanctuary. This outcome includes protection of and advocacy for traditional practices and access, protection and enhancement of biocultural and subsistence resources, and co-management with local and traditional communities.

Recommendations:

The Native Hawaiian Working Group has crafted a series of recommendations. The recommendations fall into four general categories: 1) overall policies of the sanctuary, 2) protection and enhancement of traditional practices and access, 3) protection and enhancement of biocultural and subsistence resources, and 4) co-management with local and traditional communities.

Policy Recommendations

The Native Hawaiian Working Group has adopted the following Preamble, Purpose, Goals and Objectives by consensus in its group. It presents the following to the full Sanctuary Advisory Council (council) for approval to be forwarded to sanctuary management for adoption and implementation in the next draft management plan.

Preamble

The rights of Native Hawaiians to access and manage biocultural resources have long been law of these islands. Article XII of the Hawaiʻi State Constitution reads: “Section 7. The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua’a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.” The Native Hawaiian Working Group recommends the Hawaiian Islands Humpback Whale National Marine Sanctuary adopt and implement the following preamble:

We believe it is necessary to develop a healthy co-existence with our surrounding environment. For hundreds of years, Native Hawaiian maintained such a relationship in a manner that allowed both humans and nature to simultaneously flourish. We aim to regain such balance and prosperity. We believe this is encapsulated in the Hawaiʻi State motto, first established by Kamehameha III: Ua mau ke ea o ka ʻāina i ka pono. (The life and independence of the land is perpetuated through balance.) In restoring the ways of the past, we forge a path forward.
Purpose

To bring the sanctuary in line with the purposes set forth under §922.180 of the National Marine Sanctuaries Act, 16 U.S.C. 1431 et seq., as amended, and the Hawaiian Islands National Marine Sanctuary Act subtitle C, title II, Pub. L. 102-587, as amended, the Native Hawaiian Working Group recommends the Hawaiian Islands Humpback Whale National Marine Sanctuary adopt and implement the following purpose:

The Hawaiian Islands Humpback Whale National Marine Sanctuary is a Hawaiian sanctuary, which co-exists with its local communities to protect, enhance and perpetuate healthy, sustainable marine and coastal resources within its boundaries, and their allowed uses. Utilizing traditional Hawaiian and community-based ecosystem management approaches, the sanctuary management body aims to advance collaborative co-management of biocultural resources. Through education, outreach, research and resource protection activities, the sanctuary strives to protect sustainable uses which have ecosystem protection as a priority, and enhance biocultural resources through ecosystem-based management, while encouraging traditional subsistence livelihoods and supporting other environmentally-responsible uses.

Goal

The Native Hawaiian Working Group recommends the Hawaiian Islands Humpback Whale National Marine Sanctuary adopt the following statement regarding Native Hawaiian rights:

The Hawaiian Islands Humpback Whale National Marine Sanctuary aims to:

- Respect Native Hawaiian knowledges and innovations, and their social, cultural, religious and spiritual values and practices;
- Acknowledge the social, economic and cultural rights of Native Hawaiians such as their rights to lands and territories and biocultural resources, respecting their social and cultural identity, their customs, traditions and institutions;
- Enable fully informed advice, consent, and participation from Native Hawaiians in all conservation activities supported and implemented by the Hawaiian Islands Humpback Whale National Marine Sanctuary; and
- Ensure Native Hawaiians’ right to have input into all decisions affecting their lands, territories and resources, by assuring their involvement in managing biocultural resources, such as wildlife and fisheries, on which their livelihoods and ways of life depend, provided they make sustainable use of natural resources.

Objectives

In 1978, Aloha ‘Āina o Nā Kūpuna published Na Mana’o Aloha o Kaho‘olawe. In this text, they outline the three goals for the protection and restoration of Kaho‘olawe. The objectives below are adapted and expanded from those outlined in the original text. The Native Hawaiian Working
Group recommends the Hawaiian Islands Humpback Whale National Marine Sanctuary adopt the following objectives regarding the Native Hawaiian rights:

**OBJECTIVE 1:** To ensure through Aloha ‘Āina, the proper use of Hawai‘i’s biocultural resources (her peoples, her lands, her waters, and all which comes so willingly from the ‘āina).

**OBJECTIVE 2:** To perpetuate the historical, cultural, spiritual and social significance of Hawai‘i’s biocultural resources.

**OBJECTIVE 3:** To instill a strong sense of pride in ho‘ohawai‘i (being and acting Hawai‘i) through knowledge and practice.

**OBJECTIVE 4:** To employ traditional management practices and principles, including sustainability, knowledge integration, community co-management, and holistic, adaptive ecological engineering.

**Recommendations for the Protection and Enhancement of Traditional Practices and Access**

Hawaiian traditional practices and access are protected under the Hawai‘i State Constitution, yet access often remains a challenge for Native Hawaiians. Access to areas and biocultural resources are necessary for the perpetuation of traditional practices. Without access, subsistence and traditional education are severely impeded. The group recommends an assessment of access rights and practices within the sanctuary boundaries for the purpose of identifying areas where access rights require enhancement.

1. Conduct comprehensive assessment of access rights and practices within sanctuary boundaries for the purpose of identifying and resolving existing impediments.

2. Development of a review process with Native Hawaiian subcommittee (proposed) for assessing activities within the sanctuary for compliance and maximization of traditional rights and practices.

3. Provide education and outreach to sanctuary users about Native Hawaiian access rights.

4. Effectively integrate information about traditional science into all sanctuary education activities and products.

5. Work with the State of Hawai‘i to enhance access rights and cultural practices within Marine Life Conservation Districts and other existing protected areas in the main Hawaiian Islands and establish related criteria and guidelines thereof.

6. Recognizing the role of fresh water in maintaining the health and integrity of coastal and marine areas within the sanctuary, work closely with other entities to enhance fresh
water access to these areas. Use this information to support initiatives (e.g., State of Hawai‘i Ocean Resources Management Plan) to integrate land and sea management practices that enhance the protection, control and regulation of the use of fresh water resources for the benefit of people in Hawai‘i and the coastal and marine resources on which they depend.

**Recommendations for the Protection of Biocultural and Subsistence Resources**

The group has serious concerns with the ongoing degradation of biocultural resources within the sanctuary and with the emergence of technologies and innovations that may have severe, irreparable negative impacts on the ecosystems within the sanctuary boundaries.

1. Move from single species based management to an ecosystem based management approach as practiced in Hawai‘i for hundreds of years and recently returned to by organizations such as WESPAC and other entities.

2. Increase the regulatory authority of the sanctuary to protect and enhance biocultural and subsistence resources.

3. Enhance the regulatory authority and the review processes of the Sanctuary Advisory Council and sanctuary to allow for greater input into all activities within the sanctuary boundaries.

4. Develop and implement stewardship and sustainable growth policies based on the precautionary principle regarding, but not limited to, the development of alternative energy, industrial aquaculture, deep sea mining, commercial fishing activities, military activities, Trans-Pacific shipping or cruise lines, and activities utilizing developing technologies within the sanctuary boundaries.

5. Develop and implement stewardship and sustainable growth policies that support local and traditional coastal communities and their subsistence, cultural, religious and recreational rights (i.e., right to quiet enjoyment), which aim to protect these communities and their resources from outside commercial or recreational activities which may cause economic harm or a threat to public safety in those communities.

6. Conduct an assessment of and identification of coastal and reef "fresh water springs", estuaries (including sea caves), and anchialine ponds within the sanctuary to consider for future protection and enhancement.

7. Work with communities to identify high priority areas for establishing protective education-only zones.
8. Support a moratorium on ocean leasing and privatization of ocean resources until communities have an opportunity to provide input as to whether this should be allowed and under what conditions.

9. In close consultation and dialogue with the Ni‘ihau community, explore the creation of higher levels of protection and enhancement of Ni‘ihau’s biocultural resources.

10. Implementation of ahupua‘a based management regime into management plan.

11. Inventory and enhancement of protection activities for cultural resources eligible for inclusion in the National Register, including submerged sites and other traditional cultural seascapes.

12. Increase the understanding, protection and enhancement of biocultural resources in climate change research, planning and activities (including but not limited to coral bleaching, ocean acidification, sea level rise and coastal inundation).

13. Increase enforcement, penalties and regulations to protect waters and reefs from erosion and runoff, including the use of advisory citations.

**Recommendations for the Promotion of Co-Management with Local and Traditional Communities**

We encourage sanctuary management to consider expansion of its jurisdiction and boundaries only upon the express consent of the adjacent communities.

The group strongly encourages the management plan to adopt a new paradigm in co-management. We support the many coastal communities, particularly with traditional Hawaiian populations, who have advocated for community managed fishing areas. We believe there is a need for a government entity to facilitate the resources from government and large institutions in a manner that provides support for community management.

1. Develop pilot programs for a new co-management paradigm, with candidates including, but not limited to, Maunalua, Miloli‘i, Waikīkī, Moloka‘i, Lāna‘i, Hanalei (Hā‘ena), Hāna, Puakō.

2. Encourage DLNR to approve existing requests for the development of administrative rules for community managed fishing areas across the State, including Hāna, Lāna‘i, Mo‘omomi, Hanalei, Hā‘ena, Ho‘okena and Miloli‘i.

*The council is an advisory body to the sanctuary management. The opinions and findings of this document do not necessarily reflect the position of any individuals or agencies including the sanctuary, the National Oceanic and Atmospheric Administration, or the State of Hawai‘i.*
3. Develop a new model of management based on an ecosystem based management approach that combines elements of a “rights based approach” (RBA) that emphasizes community responsibility and stewardship to ensure collaboration and co-management between natural resource management entities, including conservation groups, and local communities.

4. Develop a co-management model that places appropriate responsibility on the community for the protection, enhancement and sustainable management of their natural resources.

5. Support the expansion of the State’s Makai Watch Program in all areas of the sanctuary.


7. Enhance collaboration between western science and traditional science.

8. Recognize the place-based uniqueness among different mokupuni (islands), moku (districts) and ahupua’a (land divisions within districts) and develop mechanisms for these unique communities to participate in the management plan process like the Aha Moku system.


10. Work closely with the Office of Planning in fulfilling its responsibility to oversee Coastal and Marine Spatial Planning as part of the National Ocean Plan.

11. In the compact agreement, include a Native Hawaiian governmental organization as a signatory party. The Office of Hawaiian Affairs could fill the position as a co-manager until a Native Hawaiian governing entity is re-established to assure “uses of Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes” (Hawaiian Islands National Marine Sanctuary Act subtitle C, title II, Pub. L. 102-587, as amended).

Process:

In December 2010, the Sanctuary Advisory Council (council) approved the formation of the Native Hawaiian Working Group for the purpose of developing recommendations which describe the role of traditional perspectives in the future identity of the sanctuary, and provide a framework for those perspectives to guide appropriate management actions.

In April 2011, a work plan for the working group was presented during a two-day meeting of the council. Accordingly, council members in attendance who were interested in participating in the
The council is an advisory body to the sanctuary management. The opinions and findings of this document do not necessarily reflect the position of any individuals or agencies including the sanctuary, the National Oceanic and Atmospheric Administration, or the State of Hawai‘i.