

E MĀLAMA IĀ NĀ KAI ‘EWALU:

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



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Report of the Native Hawaiian Working Group
For the Sanctuary Advisory Council
Date Updated: 11/15/2011

Mele o Nā Kai 'Ewalu
(Song of The Eight Seas)

Ki'eki'e Hawai'i i luna o ka kai o 'Alenuihāhā
Ho'olono 'o Maui i ke olohia a 'Alalākeiki
He keiki mailani 'o Kaho'olawe na Kanaloa
E kuhikuhi mau aku i Kealaikahiki
Hiki a'e ana i Lāna'i i ke kai 'o 'Au'au
'Au aku iā Pailolo, aia lā 'o Moloka'i ē

Kai 'ale hānupanupa o Kaiwi, huli ho'i i ka pohu la'i o O'ahu
'Oni mālie Ka'ena i ka māpuna hoe a Ka'ie'iewaho
Ma loko mai 'oe i Kamāwaelualani i Kaua'i
Alo ana Ni'ihau i ke ehū o Kaulakahi
'Akahi a lana mai ka no'ono'o
I ke kau mai a ka lā i ka mole 'olu o Lehua

'O ka wai huna o ka pā'o ka'u i 'ike ai
He nani, ha maika'i wale nō ia
Pāhola mai nei 'o Hawai'i pae 'āina
O ka laulā Hanohano o Nā Kai 'Ewalu
Kama 'ia a pa'a ke aloha ua pono
Aloha kākou a pau loa!

Hawai'i stands majestically over 'Alenuihāhā
Maui hears the resonance of 'Alalākeiki
Kaho'olawe is the exalted child of Kanaloa
It gestures toward Kealaikahiki
On to Lāna'i in the sea of 'Au'au
Forging ahead towards Pailolo, behold Moloka'i
Kaiwi's waves surge, turn towards O'ahu's serenity
Where Ka'ena is poised to paddle out to Ka'ie'iewaho
Kamāwaelualani Kaua'i bids welcome
Ni'ihau 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 pā'o
Splendid, perfect
The islands of Hawai'i are laid forth
It is the glorious expanse of Nā Kai 'Ewalu
Love is bound correctly
Aloha to us all!

Used with permission from haku mele, Kumu Hula Manu Boyd

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EXECUTIVE SUMMARY

NOVEMBER 2011

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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 Hawai'i 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 Hawai'i State motto, first established by Kamehameha III: Ua mau ke ea o ka 'āina 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.

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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



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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

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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.



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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.

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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.
6. Enhance community based education and outreach.
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.
9. Work closely with the Office of Planning in updating the State of Hawai‘i Ocean Resources Management Plan.
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

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working group had the opportunity to convene for the first time and discuss an appropriate way to conduct business. Members decided they preferred face-to-face interactions so initially working group discussions were limited to opportunistic conversations between individual members.

In July 2011, the working group gathered for a full-day meeting on O‘ahu to discuss relevant background information and perspectives to inform the development of their management recommendations. Working group members were provided with scoping comments associated with Native Hawaiian issues. This first face-to-face meeting provided the foundation for the working group to define the direction and scope of their recommendations.

A set of draft recommendations were developed from the initial meeting and in September 2011, the working group gathered for a second full-day meeting on O‘ahu to review and provide input. In November 2011, the working group met in a final face-to-face meeting to finalize their recommendations. The meeting was open to the public to allow comment and input before the management recommendations were finalized.

Conclusion:

The goal is to create a sanctuary that wholly and meaningfully integrates a Hawaiian foundation into its management. Through an integrated approach to biocultural resource management, we believe we can establish a sanctuary that is co-managed with the community in a way that uses government resources efficiently and effectively while ensuring a strong, clear role for community management.

We are requesting the following immediate steps be taken at the next Sanctuary Advisory Council meeting:

1. Adopt a resolution to change the name of the Hawaiian Islands Humpback Whale National Marine Sanctuary to the Nā Kai ‘Ewalu National Marine Sanctuary; and
2. Create a Native Hawaiian subcommittee within the Sanctuary Advisory Council.
3. Support the new subcommittee holding public meetings to inform the Native Hawaiian community about the activities of the working group and its management recommendations.

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