

PUWALU PAPA KANAWAI KAI RESOLUTION

HAWAII FISHERIES REGULATORY REVIEW PUWALU

URGING IMPLEMENTATION OF THE AHA MOKU SYSTEM TO RESOLVE INTER-ISLAND CONFLICTS; ANY PROPOSED NATIONAL MARINE SANCTUARY ACT ACTION IN THE STATE OF HAWAII; ANY PROTECTED SPECIES DECISION-MAKING, RULEMAKING, CONSERVATION, RECOVERY AND MANAGEMENT; ANY COASTAL AND MARINE SPATIAL PLANNING IN HAWAII; AND ANY REVIEW OF FISHERY MANAGEMENT IN THE STATE OF HAWAII

WHEREAS, this resolution was initiated by a review and discussion of the results of statewide working groups and coordinating committees ending in a statewide Puwalu Papa Kanawai Kai (Hawaii Fisheries Regulatory Review Puwalu) convened at the International Ballroom of the Pagoda Hotel on November 2, 3 and 4, 2011, and

WHEREAS, the attached resolutions were drafted by the four committees of the Puwalu and were reviewed and approved in concept by the entire Puwalu;

NOW, THEREFORE, BE IT RESOLVED, that the Puwalu Papa Kanawai Kai (Hawaii Fisheries Regulatory Review Puwalu) at the Pagoda Hotel, on November 4, 2011, urges Federal, State and County governments and their agencies to implement the Aha Moku process to ensure meaningful community consultation and transparency as described in the attached recommendations to resolve inter-island conflict; any proposed National Marine Sanctuaries Act action in the State of Hawaii; 3) any protected species decision-making, rule making, conservation, recovery and management, 4) any coastal and marine spatial planning in Hawaii, and 5) any review of fishery management in the State of Hawaii as well as in the attached Final Reports of the Aha Kiole Advisory Committee to the 25th and 27th Hawaii State Legislature.

BE IT FURTHER RESOLVED, that copies of this Resolution be transmitted to the President of the United States, National Ocean Council, Hawaii Congressional Delegation, Secretary of Commerce, Secretary of the Interior, Secretary of Defense, Western Pacific Regional Fishery Management Council, Governor of Hawaii, President of the Senate and Speaker of the House Hawaii'i State Legislature, Hawaii Department of Land and Natural Resources, Department of Hawaiian Homelands, Office of Hawaiian Affairs, Mayors and Councils of the Counties of all Main Hawaiian Islands, Association of Hawaiian Civic Clubs, and other agencies and organizations responsible for natural and cultural resource management.

INTER-ISLAND CONFLICTS RESOLUTION

HAWAII FISHERIES REGULATORY REVIEW PUWALU

URGING RESOLUTION TO INTER-ISLAND CONFLICTS THROUGH THE AHA KIOLE SYSTEM WHICH INCORPORATES A LASTING, FAIR, TRANSPARENT AND EQUITABLE PROCESS THAT RESPECTS THE RIGHTS AND NEEDS OF ALL PARTIES IN THE CONFLICT

WHEREAS, the inter-island conflict resolution committee (Committee) of the Fisheries Regulatory Review Puwalu met in conference at the Pagoda Hotel on November 3, 2011 and discussed methods of conflict resolution for the effective management of natural resources, and

WHEREAS, the Committee recognized that the Aha Kiole system, as accepted by the public trust, works and can be used to resolve these types of conflicts and does not diminish nor extinguish the support of existing indigenous, traditional, and Kuleana rights, and

WHEREAS, for clarification purposes, the Aha Kiole system is all-inclusive, and is based upon "best practices that is based upon indigenous resource management practices of moku boundaries, which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources" (as referenced in Act 212) and addresses conflicts within the community, and

WHEREAS, the Committee discussed the critical importance of implementing the Aha Kiole system in the use of successful methods of conflict resolution and ongoing engagement; Commonalities that arose from discussion amongst all participants, included, but was not limited to:

- Utilizing the Aha Kiole system in the outset of the process;
- Surveying of the impacted community;
- Reaching out to participating organizations;
- Communicating with the conflicting party through correspondence and the use of newspapers and other media;
- Examining of alternative solutions;
- Establishing and maintaining contact with legal authorities;
- Maintaining fairness and transparency through the process; and
- Keeping lines of communication open, and

WHEREAS, the Committee discussed the critical importance of implementing the Aha Kiole system in the use of mediated dialogue:

- As a means to resolve conflict;
- To provide an opportunity for involved parties to discuss their issues in a neutral space;
- To provide a neutral, qualified mediator, who has knowledge of the subject matter, to observe the discussion;
- To ensure a respectful dialogue;
- To allow the establishment of empathy and understanding within and between the parties; and

PROTECTED SPECIES RESOLUTION

HAWAII FISHERIES REGULATORY REVIEW PUWALU

URGING THE FEDERAL GOVERNMENT TO ENSURE EARLY AND CONTINUED COMMUNITY ENGAGEMENT AND CONSULTATION WHICH INCLUDES FULLY INFORMED ADVICE AND CONSENT BY COMMUNITIES, AS WELL AS TRANSPARENCY, INCLUSION OF HUMAN AND CULTURAL ENVIRONMENT, AND TIMELY ACTION IN ANY PROTECTED SPECIES DECISION-MAKING PROCESS, RULEMAKING, CONSERVATION, RECOVERY, AND MANAGEMENT.

WHEREAS, this resolution was initiated by a review and discussion of the results of statewide working groups and coordinating committees ending in a statewide Puwalu Papa Kanawai Kai convened at the International Ballroom of the Pagoda Hotel on November 2, 3 and 4, 2011, and

WHEREAS the primary federal laws for protected species, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) were enacted in the 1970s when economic growth and development hindered adequate conservation practices in the United States, and

WHEREAS the ESA and MMPA were enacted to provide federal protection for species in risk of extinction and need of population replenishment, and

WHEREAS the ESA and MMPA involves very little consideration for the human and cultural environment, and

WHEREAS any socioeconomic analyses required for ESA and MMPA rulemaking are inadequate to consider cumulative impacts of all existing and proposed protected species actions on human communities, and

WHEREAS communities are concerned about federal protected species action because they are taxpayers that fund such actions and feel the impacts of those actions, and

WHEREAS the recent proposed actions involving Hawaiian monk seals revealed the lack of consideration for human communities in protected species rulemaking processes, and

WHEREAS the recent proposed actions involving Hawaiian monk seal critical habitat revision did not follow appropriate protocol under ESA, and

WHEREAS communities must turn to other federal regulations and their requirements for federal agencies to conduct community consultations, such as the National Historic Preservation Act Section 106 review, to ensure communities are involved in federal protected species rulemaking processes, and

WHEREAS the goal of the ESA is to recovery species to the point where federal protection is no longer necessary, and

NATIONAL MARINE SANCTUARIES RESOLUTION

HAWAII FISHERIES REGULATORY REVIEW PUWALU

URGING IMPLEMENTATION OF THE AHA MOKU SYSTEM AS ESTABLISHED UNDER ACT 212 AND A FORMAL CONSULTATION PROCESS WITH COMMUNITIES AND AGENCIES INVOLVED TO ENSURE A FAIR AND COMPREHENSIVE REVIEW OF THE IMPLEMENTATION AND ANALYSES OF CHANGES TO ANY PROPOSED NATIONAL MARINE SANCTUARY ACT ACTION IN THE STATE OF HAWAII.

WHEREAS, this resolution was initiated by a review and discussion of the results of statewide working groups and coordinating committees ending in a statewide Puwalu Papa Kanawai Kai convened at the International Ballroom of the Pagoda Hotel on November 2, 3 and 4, 2011, and

WHEREAS, the establishment of National Marine Sanctuaries (sanctuaries) throughout the Pacific-Basin including Hawai'i, has been a concern to island communities, and

WHEREAS, sanctuaries management plans are periodically reviewed to ensure that they address current issues and resource protection need, and

WHEREAS, sanctuaries management plans serve as "blueprints" for future sanctuary operations over the next 5-10 years, and

WHEREAS, the attendees of Puwalu Papa Kanawai Kai asserted that Hawai'i communities be formally consulted and ensure the Aha Moku system principles of community consultation, education, adaptive management and generational knowledge are implemented, and

WHEREAS the Association of Hawaiian Civic Clubs on the national level adopted resolution 11-37 on October 29, 2011 in support of the Aha Moku and Aha Kiole systems, and

WHEREAS, the attendees of Puwalu Papa Kanawai Kai urged the implementation of a malama na kai ewalu (caring of the waters around Hawai'i), and

WHEREAS, "in the case of a national marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take place in the area of the sanctuary lying within the seaward boundary of the State."¹

¹ From Sec.304. [16 U.S.C. 1434] PROCEDURES FOR DESIGNATION AND IMPLEMENTATION(b)(1)

COASTAL & MARINE SPATIAL PLANNING RESOLUTION

HAWAII FISHERIES REGULATORY REVIEW PUWALU

RECOGNIZING THAT THE AHA MOKU SYSTEM SHOULD BE THE BASIS FOR CONDUCTING COASTAL AND MARINE SPATIAL PLANNING IN HAWAII.

WHEREAS, this resolution was developed and adopted by the Committee on Coastal and Marine Spatial Planning at the Papa Kanawai Kai Puwalu held at the International Ballroom, Pagoda Hotel, Honolulu, Hawaii on November 2-4, 2011.

WHEREAS, coastal resources are critical to all the residents and citizens of the Hawaiian Islands; and

WHEREAS, increased use of coastal and marine resources are coming under increased stress due to overlapping and conflicting uses.

NOW, THEREFORE, BE IT RESOLVED, the participants of the Coastal and Marine Spatial Planning Committee urge all agencies responsible for developing and implementing Coastal and Marine Spatial Planning in the Hawaiian Archipelago to acknowledge and recognize that the Aha Moku system shall be the basis for community consultation and conducting such activities on a State-wide, Mokupuni, Moku and Ahupuaa basis;

BE IT FURTHER RESOLVED, that communities consider the attached guidelines when developing community-based coastal and marine spatial resource plans that can be used as a foundation for agencies responsible for managing our coastal and marine natural resources; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be delivered to all moku organizations in Hawaii, the Western Pacific Regional Fishery Management Council, National Ocean Council, National Oceanographic and Atmospheric Administration, State of Hawaii Department of Land and Natural Resources, Association of Hawaiian Civic Clubs, and the Office of Hawaiian Affairs.

COASTAL & MARINE SPATIAL PLANNING RESOLUTION

- Exemptions for **kanaka maoli** that allow for traditional and customary “vested” rights

Document the process and community/moku input

- Documenting community/moku input needs to be accurate and non-biased
- Document collaborative discussion and include non-community stakeholders in process
- Pursue community outreach outside of your community/moku to better understand what may be appropriate inside your community
- Utilize social media and social networking in documentation and outreach efforts
 - **Include community/moku based activities that centers around education (wa`akahana`o)**
 - **Includes kuleana**
- Comprehensive documentation requires adequate resources
- **Establish code of conduct that is moku specific and incorporates community/moku kuleana (including visitors and new residents)**

Ho`okahi wale no la o ka malihini a lilo `o ia i hoa kama`aina no kakou

(you are only a guest for one day, then you become a contributing part of the community)

REGULATION AND ENFORCEMENT RESOLUTION

HAWAII FISHERIES REGULATORY REVIEW PUWALU

URGING A THOROUGH REVIEW OF FISHERY MANAGEMENT IN THE STATE OF HAWAII WITH SIGNIFICANT COMMUNITY INVOLVEMENT IN THE PROCESS TO MINIMIZE DUPLICATION AND OVERLY REDUNDANT REGULATIONS ON STAKEHOLDERS AND ENHANCE PUBLIC COMPLIANCE.

WHEREAS, this resolution was initiated by a review and discussion of the results of statewide working groups and coordinating committees ending in a statewide Puwalu Papa Kanawai Kai convened at the International Ballroom of Pagoda Hotel on November 3 and 4, 2011, and

WHEREAS, the need for fishery regulation was recognized as a key element of fishery resource conservation, and

WHEREAS, the Puwalu attendees noted that not all regulations are successful in the intended management objectives, and

WHEREAS, there is often redundancy and overlap between state and federal management agencies, and

WHEREAS, fishery regulations and rules should be routinely reviewed and evaluated and include sunset provisions, consistency between state and federal agencies, and most importantly that management be based on the best scientific information available, and

WHEREAS, the need for consultation between different government agencies is important to minimize duplication and conflicts between differing management objectives, and

WHEREAS, the enforceability of a regulation or rule must be considered in its development, and

WHEREAS, government agencies must be held accountable for the proper development of rules and regulations and evaluation of the management regime once implemented including the need for them to consult widely with the affected communities and to provide adequate public notice of rule making, and

WHEREAS, fishermen, community, traditional and local ecological knowledge, and experience are key elements in the effectiveness of any rule and regulation and its enforceability, and