



**Working Product of the  
Native Hawaiian Working Group  
Date Updated: 10/24/2011**

**E MĀLAMA IĀ NĀ KAI ‘EWALU:**

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



**EXECUTIVE SUMMARY**

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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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**OCTOBER 2011 (DRAFT)**

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### **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. 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 as well as recreational activities and fisheries.

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 is the re-establishment of the sanctuary as a Hawaiian Sanctuary, where Hawaiian traditional sciences 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 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 of traditional practices and access, 3) protection of biocultural and subsistence resources, and 4) co-management with local and traditional communities.

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### Policy Recommendations

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

#### *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 Native Hawaiian sanctuary, which co-exists with its local communities to protect and perpetuate healthy, sustainable uses of the marine and coastal resources within its boundaries. Utilizing traditional Native Hawaiian and ecosystem based management approaches, the sanctuary aims to advance collaborative co-management of natural resources. Through education, outreach, research and resource protection activities, the sanctuary strives to protect sustainable uses that prioritize ecosystem based protection while encouraging traditional subsistence livelihoods to continue and supporting other environmentally-responsible and sustainable uses.

#### *Goal*

In 2000, during the World Conservation Congress, the International Union for the Conservation of Nature (IUCN) adopted a Policy on Social Equity in Conservation and Sustainable Use of Natural Resources. The following goal is adapted from that policy. 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, religion and spiritual values and practices;
- Acknowledge the social, economic and cultural rights of Native Hawaiians such as their right to lands and territories and natural resources, respecting their social and cultural identity, their customs, traditions and institutions;
- Enable full and just participation of Native Hawaiians in all conservation activities supported and implemented by the Hawaiian Islands Humpback Whale National Marine Sanctuary; and

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- Ensure Native Hawaiians' right to have input into all decisions affecting their lands, territories and resources, by assuring their involvement in managing natural 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'ō 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 natural and cultural 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 natural and cultural 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 of Traditional Practices and Access**

Hawaiian traditional practices and access are protected under the Hawai'i State Constitution, yet access to shoreline areas 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 educational are severely impeded. The group recommends an assessment of access rights and practices within the Sanctuary boundaries for the purpose of identify areas where access rights require enhancement.

1. Conduct assessment of access rights and practices within sanctuary boundaries.
2. Development 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.

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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.

Explore the role of fresh water in maintaining the health and integrity of coastal and marine areas within the sanctuary. Use this information to support DLNR’s initiatives 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 Hawaii and the coastal and marine resources from 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. We collectively support increased regulatory authority within the Sanctuary to help enhance protection of biocultural and subsistence resources.

1. Follow the lead of organizations like the Western Pacific Fisheries Council and move from a single species based management approach to an ecosystem based management approach.
2. Increase the regulatory authority of the sanctuary to protect biocultural resources.
3. Enhance the regulatory authority and the review processes of the SAC and sanctuary to allow for greater input into all activities within the Sanctuary boundaries.
4. Develop and implement 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 policies that support local and traditional coastal communities and their subsistence and recreational rights (i.e., right to quiet enjoyment), which aim to protect these communities and their resources from outside commercial or recreational activity which may cause economic harm or a threat to public safety in those communities.

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6. Conduct an assessment of and identification of coastal and reef "fresh water springs" and estuaries within the sanctuary to consider for future protection.
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. Explore the creation of higher levels of protections for 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 of inclusion in the National Register, including submerged sites and other traditional cultural seascapes.
12. Increase the understanding and protection of biocultural resources in climate change, sea level rise and coastal inundation research, planning and activities.
13. Increase enforcement, penalties and regulations to protect waters and reefs from erosion and runoff.

### **Recommendations for the Promotion of Co-Management with Local and Traditional 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, Waikiki, Moloka'i, Lana'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, Lana'i, Mo'omomi, Hanalei, Ho'okena and Miloli'i.

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3. Develop a new model of management based on an EBM approach that combines elements of a “rights based approach” (RBA) to ensure collaboration and co-management between conservation groups and local communities.
4. Develop a co-management model that places appropriate responsibility on the community for the protection 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 moku (islands), moku (districts) and ahupua‘a (land divisions within districts) and develop mechanisms for these unique communities to participate in the management plan process.

### **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 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 w 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.

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**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.

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