

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES
TWELFTH LEGISLATURE, 1984
STATE OF HAWAII

H. R. NO. 304

HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF SETTING ASIDE STATE LANDS TO PERMIT CERTAIN RESIDENTS TO PRACTICE A SUBSISTENCE LIFESTYLE.

WHEREAS, for several centuries prior to Western contact, the ancient Hawaiian society thrived on a subsistence economy consisting of farming, fishing, and gathering; and

WHEREAS, this Hawaiian society developed a system of values based on love for and protection of the land, sea, and resources which sustained them; and

WHEREAS, during the 18th century, this Hawaiian society was eroded by a Western lifestyle that stressed a market-based cash economy and a legal system that defended private land ownership; and

WHEREAS, the resulting clash in contrasting lifestyles ultimately resulted in the rapid decline in opportunities to pursue a traditional subsistence lifestyle and an associated increase in cultural alienation and social conflict with the growing consumer oriented cash society amongst those families who abandoned the subsistence lifestyle; and

WHEREAS, although succeeding generations of Hawaii's ancestral and early immigrant people have generally adapted to Western market economy, there still exists distinct and growing minority population, whose culture and needs depend on an alternative lifestyle based on a subsistence economy; and

WHEREAS, these growing numbers of people include many who have suffered the humiliation of being evicted from their homes and being placed on welfare; those who have been unwilling or unable to cope with a dominant society that is foreign to their own deeply held beliefs and values; and others whose pursuit of happiness would be best accomplished by a lifestyle based on subsistence living modeled after the ancient system; and

WHEREAS, frustrated by their predicament, some of these people have engaged in acts of civil disobedience; and

WHEREAS, others have sought out isolated regions of our state such as Makua Beach, Mokauea Island, Sand Island, Kukailimoku Village, Pelekunu Valley, Waianae Valley, and other locations where they could practice an independent, subsistence lifestyle without disrupting others; and

WHEREAS, over time, even these isolated pockets of refuge will feel the pressures of an ever expanding and dominant urban society; and

WHEREAS, inevitably, conflicts continue between those seeking government-authorized opportunities to practice their alternative lifestyle and government representatives who are required by law to prevent the illegal occupation and trespassing on public lands; and

WHEREAS, many of these conflicts have resulted in major disruptions that have not only cost our government thousands of dollars in delayed projects, legal and relocation fees, and emergency salaries, but, even more importantly, have also caused much emotional and physical suffering which have threatened to polarize our community; and

WHEREAS, these types of conflicts have encouraged those seeking a subsistence lifestyle to adopt a strong stance against the many proposed projects, which they perceive as a threat to what few remaining options they may have for experiencing an alternative lifestyle; and

WHEREAS, these same type of conflicts have occurred repeatedly and increasingly over the past 15 years involving the same basic issues, eviction strategies and minority demands; and

WHEREAS, the government has been unsuccessful for decades in addressing the need for low-cost housing, stable employment, youth activities, counselling programs, educational programs for those families who have remained outside the fringe of Hawaii's dominant urban society due to poor education, poverty, and cultural alienation; and

WHEREAS, in the absence of effective programs dealing with these problems, local governments here and elsewhere are realizing that a policy of repression towards unrecognized communities is both futile and self defeating; and

WHEREAS, a provision of our state planning act, HRS §226-19(c) acknowledges that the role of a democratic government is to recognize that these people should have a choice and right to live their lifestyle peacefully in a manner not injurious to others, including the right to relate to the land and the sea in their own way and not be forced to conform to the dominant lifestyle as practiced by others in a consumer oriented cash society; and

WHEREAS, Article XII, § 7 of the Hawaii constitution protects those rights traditionally and customarily exercised for cultural, religious and subsistence purposes, subject only to reasonable regulation; and

WHEREAS, the Hawaii State Planning Act establishes state policies to a) support activities that promote cultural values and customs which enrich the lifestyles of Hawaii's people, HRS § 226-25(c) (2) and b) to foster housing choices and a variety of lifestyles traditional to Hawaii, HRS § 226-19(c) (a), (7); and

WHEREAS, many lands which once supported productive and viable subsistence farming and fishing activities have been or are rapidly being eliminated by the pace of recent modern urban developments because of commercial pressures and our system of private property ownership; and

WHEREAS, the State has thousands of acres which were once productively cultivated and supported the same kind of subsistence lifestyle which previously dominated Hawaiian society; and

WHEREAS, Oahu's urban population is growing increasingly concentrated, and one alternative is for the State to designate certain State lands for those desiring to practice a subsistence lifestyle and undertake agricultural pursuits such as subsistence farming, grazing, animal husbandry, nurseries, and fishing; and

WHEREAS, such a program may result in substantial benefits including;

a. reassuring people that government recognizes their needs and will provide choices for people to pursue an alternative lifestyle;

b. improving communications and reducing confrontations between government personnel and occupants of lands owned or regulated by government, anti-development advocates, and others;

c. providing those who seek an alternative lifestyle with the opportunity to actually practice subsistence farming and fishing through a positive and balanced approach to resource use;

d. providing a refuge for those without the means to live, with no place to stay and who want to be independent of other types of government assistance;

e. reduce urban congestion and social conflict by encouraging regulated and systematic use of state-owned lands and wider dispersion of our population in rural areas, especially on the neighbor islands and in rural Oahu, reduce costs to government and private developers in terms of legal fees, delays, welfare payments, and other expensive community services; and

WHEREAS, it is imperative, then, that the State direct its efforts towards investigating such a program in which a subsistence lifestyle can be practiced; now therefore,

BE IT RESOLVED by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that the Department of Land and Natural Resources is requested to study the feasibility of setting aside State lands to permit certain residents the opportunity to practice a subsistence type of lifestyle; and

BE IT FURTHER RESOLVED that this study address but not be limited to the following concerns;

a. whether this proposed program is a "permitted use" under existing laws and departmental rules and regulations;

b. whether there are potential conflicts with existing public health, zoning, and other applicable regulations, and how these conflicts may be resolved;

c. whether additional legislation is necessary to implement the purposes of this resolution;

d. whether such programs will create potential liability and discrimination problems;

e. whether public access to these same lands will be affected;

f. suggested criteria for selecting potential residents;

g. suggested physical criteria for selecting appropriate lands;

- h. necessary/desirable infrastructure;
 - i. necessary management practices, if needed, that would be consistent with a traditional lifestyle;
 - j. potential user reaction to this proposed program;
- and

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources, after consultation with other interested parties including potential users, submit its findings to the Legislature twenty days before the convening of the Regular Session of 1985; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chairman of the Board of Land and Natural Resources, the Director of Social Services, the Director of Health, and the chairperson of the Hawaiian Homes Commission, the Director of Planning and Economic Development, the Board of Trustees of the Office of Hawaiian Affairs, and the President of the Chamber of Commerce of Hawaii.

OFFERED BY Peter K. Cepo

MAR 29 1984 - Tom Oramwa

Robert S. Dekit

Esaias Yamashita Jungpalan

Norma Wong

Mary [Signature]