

## Ka Pa‘akai Analysis (2000)

In the September 11, 2000 Hawai‘i Supreme Court landmark decision (Ka Pa‘akai O Ka ‘Aina v Land Use Commission), **an analytical framework** for addressing the **preservation and protection of customary and traditional native practices specific to Hawaiian communities** was created. The court decision established a three-part process relative to evaluating such potential impacts:

first, to identify whether any **valued cultural, historical, or natural resources** are present; and identify the extent to which any traditional and customary native Hawaiian rights are exercised;

second, to identify the extent to which those resources and rights will be **affected or impaired** by the proposed action;

and third, to specify the feasible **action**, if any, to be taken by the regulatory body **to reasonably protect native Hawaiian rights** if they are found to exist.

