



GOV. MSG. NO. **983**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 27, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 27, 2007, the following bill was signed into law:

SB1853 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO NATIVE
HAWAIIANS.
(ACT 212)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".
LINDA LINGLE

Approved by the Governor

on JUN 27 2007

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

ACT 212

S.B. NO. 1853
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, over the past two
2 hundred years, Hawai'i has seen and experienced severe changes.
3 These changes include the deterioration of the Hawaiian culture,
4 language, values, and land tenure system, which have in part
5 resulted in the over-development of the coastline, alteration of
6 fresh water streams, destruction of the life-giving watersheds,
7 decimation of the coral reefs, and the decline of endemic marine
8 and terrestrial species.

9 Native Hawaiian culture has knowledge that has been passed
10 on for generations, and still living for the purposes of
11 perpetuating traditional protocols, caring for and protecting
12 the environment, and strengthening cultural and spiritual
13 connections. It is through the 'aha moku council that native
14 Hawaiians protected their environment and sustained the
15 abundance of resources that they depended upon for thousands of
16 years.



1 Today, many Hawaiian communities are becoming revitalized
2 by using the knowledge of cultural practitioners that was passed
3 down through kupuna, and experienced farmers (mahi'ai) and
4 fishers (lawai'a) to engage and enhance sustainability,
5 subsistence, and self-sufficiency. Furthermore, many Hawaiian
6 communities are interested, concerned, involved, willing, and
7 able to advise government agencies, organizations, and other
8 interested groups in integrating traditional knowledge and
9 ahupua'a management practices.

10 The legislature further finds that on August 15-17, 2006,
11 the Ho'ohano I Na Kupuna Puwalu series began and native
12 Hawaiian cultural and traditional practitioners who are versed
13 in lawai'a and mahi'ai, ocean, and land ahupua'a methods gathered
14 to discuss and bring forth the wisdom of the kupuna and
15 ancestors. It was a gathering of empirical knowledge handed
16 down from generation to generation on traditional fishing,
17 agriculture, streams, fishponds, and land use methodology based
18 on the ahupua'a system. Representatives from thirty-seven moku
19 in the State and over one hundred ahupua'a practitioners,
20 including kupuna and the acknowledged traditional experts of



1 each moku, all joined together to come forth with their mana'o
2 and concerns.

3 The conclusion of Puwalu Ekahi was the creation of a
4 resolution calling on native Hawaiians to begin a process to
5 uphold and continue Hawaiian traditional land and ocean
6 practices. Perpetuating and preserving the knowledge of the
7 practitioners through the continuation of the konohiki
8 management, the kapu system, and the creation of an 'aha moku and
9 the ahupua'a management system was the consensus.

10 On November 8 and 9, 2006, Puwalu 'Elua brought together
11 educators, administrators, cultural practitioners, and kupuna to
12 discuss practices such as: values and the spiritual connection
13 between natural resources and native Hawaiians; the ahupua'a
14 concept; generational knowledge and learning; the importance of
15 place names and mo'olelo; seasonal closures and lunar calendars;
16 fishing practices; Northwest Hawaiian islands; konohiki
17 connections; marine protected areas; 'upena (nets); placed based
18 kapu; limu; and pu'uhonua concepts that could be developed as an
19 educational framework to integrate this knowledge into a
20 curricula for all public, private, charter, and Hawaiian
21 immersion schools in Hawai'i.



1 On December 19 and 20, 2006, Puwalu 'Elua brought together
2 major policymakers and stakeholders in the protection of the
3 Hawai'i ecosystem. Native Hawaiian practitioners and experts in
4 traditional methods of sustainability, government policymakers
5 including members of the legislature, state agency directors,
6 environmental groups, educational leaders, and Hawaiian
7 community organizations discussed existing programs and their
8 successes and failures in community building. In conclusion, it
9 was agreed that the statutes and ordinances, and a framework for
10 community consultation using the Hawaiian perspective and
11 traditional methods such as the ahupua'a management system was
12 needed, and the creation of the 'aha moku councils should be
13 established.

14 The purpose of this Act is to initiate the process to
15 create a system of best practices that is based upon the
16 indigenous resource management practices of moku (regional)
17 boundaries, which acknowledges the natural contours of land, the
18 specific resources located within those areas, and the
19 methodology necessary to sustain resources and the community.
20 The 'aha moku council system will foster understanding and
21 practical use of knowledge, including native Hawaiian
22 methodology and expertise, to assure responsible stewardship and



1 awareness of the interconnectedness of the clouds, forests,
2 valleys, land, streams, fishponds, and sea. The council system
3 will include the use of community expertise and establish
4 programs and projects to improve communication, education,
5 provide training on stewardship issues throughout the region
6 (moku), and increase education.

7 SECTION 2. (a) There is established the 'aha kiolo
8 advisory committee to advise the legislature in carrying out the
9 purposes of this Act. The advisory committee shall consist of
10 eight members appointed by the governor without regard to
11 sections 26-34 and 78-4, Hawaii Revised Statutes, from a list of
12 nominations submitted by the Association of Hawaiian Civic
13 Clubs. The advisory committee members shall select the
14 chairperson of the committee and shall be reimbursed for
15 expenses, including travel expenses, necessary for the
16 performance of their duties.

17 (b) The advisory committee shall:

18 (1) Explore, examine, and derive best practice models for
19 the creation of an 'aha moku council system that will:

20 (A) Provide advisory input based upon the indigenous
21 resource management practices of each moku to
22 state and county agencies;



- 1 (B) Aid in the development of a comprehensive set of
- 2 best practices for natural resources management;
- 3 (C) Foster the understanding and practical use of
- 4 knowledge, including native Hawaiian methodology
- 5 and expertise;
- 6 (D) Ensure the future sustainable use of the State's
- 7 marine, land, cultural, agricultural, and natural
- 8 resources;
- 9 (E) Enhance community education and cultural
- 10 awareness; and
- 11 (F) Participate in the protection and preservation of
- 12 the State's natural resources;
- 13 (2) Engage in discussion with and participate in meetings
- 14 and events held by the various moku statewide to gain
- 15 perspective and develop a consensus on establishing an
- 16 'aha moku council system with an 'aha moku council
- 17 commission;
- 18 (3) Establish an administrative structure for the creation
- 19 of an 'aha moku council commission to oversee an 'aha
- 20 moku council system, which shall consist of eight 'aha
- 21 kiolo members, representing each island;



- 1 (4) Establish a standard eligibility criteria and
2 selection process for each 'aha kiole member and the
3 selection of a executive director;
- 4 (5) Establish goals and objectives for an 'aha moku council
5 commission to accomplish, including benchmarks for
6 long-term planning and sustainable objectives; and
- 7 (6) Establish a feasible operational budget for an 'aha
8 moku council commission to conduct meetings, cover
9 administrative expenses, and disseminate information
10 and advice for the creation of an 'aha moku council
11 system.

12 (c) The advisory committee shall submit a written interim
13 report of its findings and recommendations, including any
14 proposed legislation, no later than twenty days prior to the
15 convening of the 2008 regular session. The advisory committee
16 shall submit a written final report of its findings and
17 recommendations, including any proposed legislation, no later
18 than twenty days prior to the convening of the 2009 regular
19 session.

20 (d) The department of land and natural resources shall
21 provide support services to the advisory committee as the
22 advisory committee deems necessary.



1 (e) The 'aha kiole advisory committee shall cease to exist
2 on June 30, 2009.

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$110,000 or so much
5 thereof as may be necessary for fiscal year 2007-2008 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2008-2009 for administrative costs related to carrying out the
8 duties of the 'aha kiole advisory committee, and for allowing
9 each of the thirty-seven moku statewide to actively participate
10 and engage in discussion on the creation of an 'aha moku council
11 system.

12 The sums appropriated shall be expended by the department
13 of land and natural resources for the purposes of this Act.

14 SECTION 4. This Act shall take effect upon its approval;
15 provided that section 3 of this Act shall take effect on July 1,
16 2007.



GOVERNOR OF THE STATE OF HAWAII

Approved this day: JUN 27 2007

