
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 the original
2 Polynesian colonists of Hawaii came from the Marquesas islands
3 some time between 350 - 750 A.D. The evidence pointing to the
4 Marquesas as the original homeland of the first Polynesians to
5 settle Hawaii is based on three things:

6 (1) The Hawaiian language is most closely related to
7 Marquesan;

8 (2) An analysis of prehistoric skeletal remains shows a
9 very close relationship between traits of the Hawaiian
10 and Marquesan populations; and

11 (3) A comparison of DNA in populations of the Pacific rat,
12 which was widely spread by the Polynesians, shows a
13 link between the Hawaiian and Marquesan rat
14 populations.

15 It is possible that there was more than one settlement voyage,
16 with multiple voyages from both the Marquesas and Tahiti.
17 Hawaiian oral traditions speak of long distance voyages and



1 their famous navigators, Pa'ao, Mo'i-keha, Kila, and La'a-mai-
2 kahiki.

3 The successful expeditions of the modern day double-hulled
4 voyaging canoe Hokule'a from Aotearoa (New Zealand) to Rapa-Nui
5 (Easter Island) attest to the sailing and navigational skills
6 that made Polynesia's explorers the greatest sailors of all
7 time.

8 When the first settlers arrived here, they found incredibly
9 unique ecosystems, and within those ecosystems they discovered
10 that they could sustain themselves, other than the marine
11 ecosystem. The plants they brought with them in their voyaging
12 canoes were the core of their culture. They were their food
13 plants, their fiber plants, their medicine plants, their ritual
14 plants. Initially, they would have looked for a place with
15 abundant marine resources, fresh water, and rainfall to water
16 the plants that they had brought with them on their voyages.

17 The traditional Hawaiian values placed the 'aina and the
18 ali'i nui (high chiefs) as elder siblings (brother or sister),
19 with the maka'ainana as the younger sibling - all three having
20 descended from the mating of the earth and sky. It was the duty
21 of the maka'ainana to malama 'aina (care for the land), while it



1 was the duty of the 'aina and the ali'i nui to ho'omalu
2 (protect) the maka'ainana.

3 The ahupua'a was viewed as a single system. The konohiki
4 managed the ahupua'a as one system. What happened in any one
5 part of the ahupua'a affected all the other parts. The head was
6 connected to the tail, the mauka connected to the makai. The
7 maka'ainana worked as a community with a shared interest in
8 protecting the land and water resources from wao to ko kaha kai.

9 Pre-contact Hawaiians depended upon an extremely ordered
10 and equitable system of land division in which district
11 boundaries were most carefully planned and laid out. This
12 guaranteed that all natives residing within these boundaries
13 would receive a fair share in the rights, privileges, and
14 benefits essential for a self-sufficient yet comfortable life.
15 Private land ownership was unknown, and public, common use of
16 the ahupua'a resources demanded that boundaries be drawn to
17 include sufficient land for residence and cultivation,
18 freshwater sources, shoreline and open ocean access.

19 There was a clear line of responsibility from gods to ali'i
20 to konohiki to maka'ainana. There were clear kapu
21 (prohibitions), which controlled when and how resources were



1 used, with very strict penalties for those who did not follow
2 the kapu.

3 As the native Hawaiians used the resources within their
4 ahupua'a, they practiced aloha (respect), laulima (cooperation),
5 and malama (stewardship) which resulted in a desirable pono
6 (balance). This is sound resource management where the
7 interconnectedness of the clouds, forests, streams, fishponds,
8 sea, and people is clearly recognized.

9 Hawaiian settlers changed their new island home to suit
10 their needs. The kula (lowland mesic forest) was cleared for
11 agriculture, valley slopes were terraced, the muliwai (estuary)
12 was used for fishponds, the wao akua (wet forest) provided
13 building materials, firewood, and medicinal plants; and birds
14 were captured for food and released once the feathers were
15 gathered.

16 Hawaiian native plants and animals developed over many
17 millions of years with no defense against large ground predators
18 like man, or man's domestic plants and animals. The first canoe
19 carried perhaps up to thirty types of crop plants, and pigs,
20 dogs, and chickens. Also on board were stowaways like the
21 Polynesian rat, geckos, landsnails, and weeds.



1 A major change was habitat alteration for agriculture. As
2 the population grew, more and more of the lowland mesic forest
3 was cleared and used to grow food. Other areas were burned to
4 encourage the growth of pili grass, used for covering their
5 houses. The wao akua was less affected, yet it was logged for
6 woods like koa and 'ohi'a.

7 As in most of the Pacific islands, many species of endemic
8 sea and land birds became extinct after the arrival of man. At
9 least forty endemic species disappeared: large flightless geese,
10 ibises, rails, pueo, an i'o, an eagle, ravens, and many
11 honeycreepers. The cause of these extinction was not only
12 gathering for feathers and food, but also the introduction of
13 the Polynesian and Norwegian rat, wild pigs, and destruction of
14 the kula habitat.

15 To the farmer, wai was life, wai was wealth, wai was the
16 source of the law of the land. Wai was needed to grow kalo, the
17 principal food resource. The right to use wai depended on the
18 use of it. As long as the maka'ainana cultivated the land and
19 contributed their share of labor required to maintain the water
20 resource, they had a right to use the water for their kalo.

21 Kalo lo'i alone could claim the water. Other plants were
22 considered dry land crops, unless there was water to spare.



1 People worked together to build and maintain lo'i (taro fields)
2 and 'auwai (irrigation canals) in each of the ahupua'a.

3 Kalo cannot grow in stagnant water. It needs a constant
4 supply of cool water flowing through it. Although planters
5 diverted water from the stream into an 'auwai to deliver this
6 water to the lo'i, the total amount taken was never more than
7 fifty per cent of the total flow. Once used in the lo'i, the
8 water was returned to the stream. Pani wai (dams) were used to
9 divert the stream into the 'auwai.

10 These pani wai were built by stacking basalt boulders
11 across a stream. This did not change the stream bottom and
12 stream width, or block the passage of native stream animals from
13 mauka to makai. Groups sharing the pani wai killed anyone who
14 broke it, cramming the dead body into the break. Water was
15 extremely serious to the native planter.

16 Another use of wai was for aquaculture. The invention of
17 the loko 'ia (fishpond) was a special achievement of the
18 Hawaiians. Fishponds were highly productive and developed
19 during the growth and expansion of the population. Those who
20 had fishponds loved the lands where they dwelt. Fishponds were
21 things that beautified the land, and a land with many fishponds
22 was called fat.



1 The main species of fish raised in ponds were awa
2 (milkfish) and anae (mullet). It was not unusual for a taro
3 farmer to cultivate o'opu and opae in his loko 'ia kalo.

4 Tradition associates the most famous loko 'ia, Alekoko
5 fishpond, with two ali'i, a brother and a sister. These
6 fishponds were symbols of chiefly status and power, and usually
7 under the direct control of ali'i or konohiki. The fish from
8 these ponds often went to feed chiefly households.

9 Hawaiians were primarily planters of the land. By the time
10 Captain Cook arrived in 1778, Hawaiians had developed
11 agricultural production far beyond any of their Polynesian
12 relatives elsewhere in the Pacific.

13 Hawaiian agriculture was based on two main crop plants.
14 The first was kalo (taro), a water loving plant of southeast
15 Asian origin. No other Polynesian society admired kalo as a
16 plant and source of food as much as the Hawaiians. The
17 Marquesans favored breadfruit; the Tahitians preferred bananas,
18 but the Hawaiians chose kalo. It was and is the heart of their
19 culture. In all of Polynesia, there were no extensive flat
20 valley bottoms, so perfect for kalo cultivation, that could
21 compare to those found in Hawaii.



1 Second only to kalo as a crop plant was 'uala (sweet
2 potato); tolerant of dry conditions and capable of producing
3 high yields, even in marginal soil. Because 'uala is of South
4 American origin, it was once believed that Polynesians were from
5 that area. However, our recent understanding of the voyaging
6 skills of Polynesian explorers indicates that they acquired the
7 plant in their travels, well before European arrival.

8 Other crop plants important to the native planter were:
9 mai'a (banana), 'ulu (breadfruit), ko (sugarcane), niu
10 (coconut), uhi (yam). Other plants extensively cultivated were
11 wauke (paper mulberry) for kapa, 'awa as a narcotic, ipu (gourd)
12 for containers and musical instruments, hala for mats, and many
13 other useful and medicinal plants. However, crop tending
14 activities were most focused on kalo and 'uala.

15 The earliest planters did not immediately begin
16 construction of large irrigation systems for taro because their
17 small population did not require intensive production. For the
18 first few centuries following their arrival, slash and burn
19 gardens, or shifting cultivations, were their most efficient
20 techniques. Land early on was plentiful, and Hawaiian settlers
21 also made extensive use of the natural food resources such as
22 native birds, fish, and shellfish. However, in the period from



1 A.D. 1100-1600, the Hawaiian population would grow to several
2 hundred thousand. It was at this time that large irrigation
3 works, dryland field cultivation, and aquaculture were
4 developed. This period was called the expansion period, because
5 the growing population, having occupied all the choice
6 agricultural lands, had to expand into marginal areas with less
7 agricultural resources.

8 It was in the expansion period that stone-faced lo'i
9 (pondfields) and 'auwai (irrigation channels) were built.
10 Around the fifteenth century, the earliest loko 'ia (fishponds)
11 were built. The native population had become large enough to
12 provide the labor for these massive projects of agricultural
13 intensification.

14 It was in the expansion period that the ahupua'a system of
15 land management developed, along with its associated social
16 class structure. As the population grew and the amount of
17 available land and resources diminished, the need to divide
18 these resources and resolve territorial boundaries increased,
19 thus, the ahupua'a system was formed. Residents of an ahupua'a
20 had free access to all the resources in their ahupua'a, from
21 mauka to makai and makai to mauka.



1 By the expansion period, the society had divided into a
2 pyramid type of structure, with the mo'i (king) at the top,
3 layers of ali'i (chiefs) below him, the konohiki (managers) in
4 charge of the ahupua'a below them, and at the bottom the
5 maka'ainana (common people). The maka'ainana were the real
6 native planters, and as their name suggests, "the eyes of the
7 land". At the top of the pyramid, ali'i nui.

8 In return for their use of the land, the maka'ainana owed
9 the upper layers of chiefs labor, loyalty, and a share of their
10 agricultural product. All rights to the land were with the
11 ali'i, and the ali'i could gain or lose power with a turnover in
12 chiefs above them. Changes in the upper level ali'i rarely
13 affected the native planters because the maka'ainana who
14 faithfully cultivated the land were valuable to whoever was in
15 power.

16 Once constructed, Hawaiian irrigation systems did not
17 require much management. However, these systems produced high
18 yields for the labor invested.

19 'Ainakumuwai is the land that is the source of the water.
20 It is another name for the watershed. The quality of a stream's
21 water depends on its source. Rain runs off of the land into



1 streams, or percolates into the groundwater. What ever the rain
2 carries into a stream affects the qualities of that stream.

3 High quality Hawaiian streams are clear, cold, and have a
4 strong flow all year long. There is little sediment, leaf
5 litter, and other loose debris because of uninterrupted stream
6 flow and flash floods caused by heavy rains in the mountains.
7 Flow rates can rise and fall rapidly in response to rainfall.
8 Hawaiian streams have a relatively short and steep descent from
9 the mountains, and their bottoms are typically basalt (bedrock,
10 boulders, cobbles, gravel, and sand). Any withdrawal of water
11 by well, tunnel, or diversion affects the stream flow (Mauka to
12 Makai Connection).

13 Biologically, alien introduced species dominate to the near
14 exclusion of native species. We see primarily poeciliid fish
15 (small mouth bass, guppies, sword tail, medaka). Hinana (young
16 'o'opu) are like candy to these introduced fish. Many streams
17 are a poor habitat for native species because of severe
18 sedimentation, dewatering, bank erosion and human impacts to
19 papa (level) areas. The papa (level) zone and forests are
20 mostly alien species.

21 When humans arrived over a thousand years ago, they began
22 changing their new island home to suit their needs. We have



1 examined the attitudes and effects of the ahupua'a and
2 plantation management systems on land, water, and sustainability
3 throughout Hawaii. As we continue to change our island home,
4 the effects of our decisions will be visible in the streams and
5 water. We have looked at what was and what is. What will be is
6 our kuleana (responsibility).

7 Over the past two hundred years, we have seen and
8 experienced severe changes. These changes include the
9 deterioration of the Hawaiian culture, language, values, and
10 land tenure system which have in part resulted in the over-
11 development of the coastline, alteration of fresh water streams,
12 destruction of the life-giving watersheds, decimation of the
13 coral reefs, and decline of endemic marine and terrestrial
14 species.

15 Stewardship of the land and its resources was formalized
16 through the kapu system. The kapu (taboo); administered and
17 enforced by konohiki and kahuna, or priests who placed
18 restrictions on fishing certain species during specific seasons,
19 on gathering and replacing certain plants, and on many aspects
20 of social interaction as well. In this way, the community
21 maintained a sustainable lifestyle. Through sharing resources
22 and constantly working within the rhythms of their natural



1 environment, Hawaiians enjoyed abundance and a quality lifestyle
2 with leisure time for recreation during the harvest season of
3 the year. This lifestyle also encouraged a high level of
4 artistic achievement. Many crafts, including Hawaiian kapa and
5 featherwork, were the finest in the Pacific. Hawaiians devoted
6 themselves to competitive sport and martial arts as well as
7 expression through dance and chant, creating rich traditions
8 that continue today.

9 Restoration is the return of a degraded ecosystem to a
10 close approximation of it's remaining natural potential. We
11 know some of the problems that restoration has to deal with
12 already. We review the physical, chemical, and biological
13 conditions separately, although they work together as one
14 system. Then we speak about the most important element of all
15 the modern day maka'ainana.

16 The ahupua'a is an ancient Hawaiian land division system
17 which contained strips of land that extended from the mountain
18 to the kupapaku (ocean floor). The ahupua'a supported a self-
19 contained and ola (life giving) community working with a spirit
20 of cooperation of caring and revering the land to meet the needs
21 of all. Through the study of the ancient Hawaiian ahupua'a, the
22 biological and non-biological factors and their interactions, we



1 hope to identify those elements which supported the success of
2 that ecological system. Learning to build on those elements and
3 not rival nature but to cooperate and live in harmony with her
4 to build a sustainable future is the goal.

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

13 Today, many Hawaiian communities are becoming revitalized
14 by using the knowledge of cultural practitioners that was passed
15 down through our kupuna and experienced farmers (mahi'ai) and
16 fishers (lawai'a) to engage and enhance both sustainability and
17 subsistence and self-sufficiency.

18 Furthermore, many Hawaiian communities are interested,
19 concerned, involved, willing, and able to advise the
20 departments, agencies, organizations and other groups in
21 integrating traditional knowledge, and ahupua'a management
22 practices.



1 This is consistent with the Hawaii State Constitution which
2 reaffirms and protects all rights, customarily and traditionally
3 exercised for subsistence, cultural and religious purposes and
4 possessed by ahupua'a tenants who are descendants of native
5 Hawaiians who inhabited the Hawaiian islands prior to 1778,
6 subject to the rights of the State to regulate such rights.

7 In addition, the legislature finds that on August 15-17,
8 2006, The Ho'ohano I Na Kupuna Puwalu series began and
9 native Hawaiian cultural and traditional practitioners versed in
10 lawai'a and mahiai, ocean and land ahupua'a methods gathered to
11 discuss and bring forth the wisdom of the kupuna and ancestors.
12 It was a gathering of empirical knowledge handed down from
13 generation to generation on traditional fishing, agriculture,
14 streams, fishponds, and land use methodology based on the
15 ahupua'a system. Representatives from thirty-seven moku in the
16 State of Hawaii, over one hundred ahupua'a practitioners,
17 including kupuna and the acknowledged traditional experts of
18 each moku came forth with their mana'o and concerns.

19 The conclusion of Puwalu Ekahi was the creation of a
20 resolution calling on the Hawaiian people to begin the process
21 to uphold and continue Hawaiian traditional land and ocean
22 practices. Perpetuating and preserving the knowledge of the



1 practitioners through the continuation of the konohiki
2 management, the kapu system, the creation of an 'aha moku and
3 the ahupua'a management system was the consensus of all.

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

16 On December 19 and 20, 2006, Puwalu 'Ekolu brought together
17 major policymakers and stakeholders in the protection of the
18 Hawaii ecosystem. Native Hawaiian practitioners and experts in
19 traditional methods of sustainability, government policymakers
20 including members of the Hawaii state legislature, Hawaii state
21 agency directors, environmental groups, educational leaders, and
22 Hawaiian community organizations discussed existing programs,



1 their successes and failures in community capacity building
2 improved. In conclusion, it was agreed that the statutes and
3 ordinances, and a framework for community consultation using the
4 Hawaiian perspective and traditional methods such as the
5 ahupua'a management system was needed and the creation of the
6 "aha moku councils" should be established.

7 In the 2005 "Hawaii Ocean Resources Management Plan" report
8 to the twenty-third legislature regular session of 2006, it was
9 identified under the protection of natural and cultural
10 resources section that development of a system for assessing
11 management needs and developing management practices that draw
12 collectively on regulatory, science-based, traditional, and
13 cultural, community-based and political systems such as the
14 konohiki or ahupua'a concept is needed. Aha moku councils
15 provide meaningful feedback.

16 The purpose of this Act is to create a system of "best
17 practices" based upon the indigenous resource management
18 practices of moku (regional) boundaries that acknowledge the
19 natural contours of land, the specific resources located within
20 those areas, and the methodology necessary to sustain those
21 resources and community.



1 This aha moku council system shall foster understanding and
2 practical use of knowledge, including native Hawaiian
3 methodology and expertise, to assure responsible stewardship and
4 awareness of the interconnectedness of the clouds, forests,
5 valleys, land, streams, fishponds, and sea. It shall include
6 the use of community expertise and establish programs and
7 projects to improve communication, education, and training on
8 the stewardship (mauka to makai and makai to mauka) issues
9 throughout the region (moku) and increase scientific education
10 among related professions including community residents and
11 native Hawaiians.

12 SECTION 2. Chapter 187A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§187A- Aha moku council system and commission;
16 establishment. (a) There is established the aha moku council
17 commission, hereafter referred to as "the commission", which
18 shall be placed within the department for administrative
19 purposes. The commission shall be headed by an executive
20 secretary, who shall be appointed by the Governor and confirmed
21 by the Senate, and may be dismissed by the Governor.

22 The aha moku commission shall:



1 (1) Develop an aha moku elections system based on
2 statewide community meetings to determine a widely
3 agreed upon method by interested parties; and

4 (3) Assist areas of the state in the formation and
5 operation of their aha moku councils, upon their
6 request.

7 The aha moku council system shall be composed of nine
8 regional aha moku councils for each of the regions identified by
9 this section within the islands of Hawaii, Maui, Molokai, Lanai,
10 Kahoolawe, Oahu, Kauai, Niihau, and Molokini as follows:

11 (1) The aha moku council for the island of Hawaii shall
12 oversee the region composed of Kau, Puna, Hilo,
13 Hamakua, Kohala, and Kona;

14 (2) The aha moku council for the island of Maui shall
15 oversee the region composed of Hamakualoa,
16 Hamakuapoko, Hana, Honuaula, Kaanapali, Kahikinui,
17 Kaupo, Kipahulu, Koolau, Kula, Lahaina, and Wailuku;

18 (3) The aha moku council for the island of Molokai shall
19 oversee the region composed of Halawa, Kaluakoi,
20 Kawela, and Palaau;

21 (4) The aha moku council for the island of Lanai shall
22 oversee the region composed of Koolau and Kona;



1 (5) The aha moku council for the island of Kahoolawe shall
2 oversee the region composed of Kahoolawe;

3 (6) The aha moku council for the island of Oahu shall
4 oversee the region composed of Ewa, Kona, Koolaupoko,
5 Koolauloa, Waialua, and Waianae;

6 (7) The aha moku council for the island of Kauai shall
7 oversee the region composed of Halelea, Kona, Koolau,
8 Napali, and Puna;

9 (8) The aha moku council for the island of Niihau shall
10 oversee the region composed of Kona and Koolau; and

11 (9) The aha moku council for the island of Molokini shall
12 oversee the region composed of Molokini.

13 (b) The structure of each aha moku council shall be
14 developed based a consensus of interested parties provided
15 during regional community meetings and other sources of input.

16 (c) Advisory input shall be sought from the aha moku
17 councils for management and maintenance of all the state's
18 marine land and natural resources assist in ensuring future
19 sustainable use. The councils may establish regional community
20 development programs for any fishery, agriculture, water, and
21 land use within State jurisdiction to provide access and
22 sustainability practices to a region's fishery and agriculture



1 that enhances the region's community education, cultural
2 awareness, and participation in protection and preservation of
3 the state's natural resources.

4 (d) The department, in consultation with the councils,
5 representatives of state and county marine and fishery,
6 agriculture, water and land use agencies and appropriate
7 Hawaiian organizations including the office of Hawaiian affairs
8 and the department of Hawaiian homelands shall adopt rules
9 pursuant to chapter 91 necessary to carry out the purposes of
10 this section. The council members shall serve without
11 compensation, but shall be reimbursed for necessary expenses
12 incurred during the performance of their duties.

13 (e) The aha moku councils shall hold meetings and acquire
14 information as they deem necessary and may communicate their
15 findings, recommendations, and any proposed legislation to the
16 department and the legislature to assist in developing a
17 comprehensive set of best practices for natural resource
18 management.

19 (f) For the purposes of this section, "aha moku council"
20 means a council comprised of the most knowledgeable experts in
21 the trade of lawaia (fisher), mahiai (farmer), practioners and



1 kupuna for each region of the islands of Hawaii, Maui, Molokai,
2 Lanai, Kahoolawe, Oahu, Kauai, Niihau, and Molokini."

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2007-2008 for
6 administrative costs related to aha moku council system.

7 The sum appropriated shall be expended by the department of
8 land and natural resources for the purposes of this Act.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11

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Report Title:

Aha Moku Councils

Description:

Establishes Aha Moku Commission to assist in the formation regional Aha Moku Councils which shall serve as in an advisory capacity on all matters regarding the management of the state's natural resources. Requires the Department of Land and Natural Resources to seek advisory assistance from the Aha Moku Councils in developing a comprehensive set of best practices for natural resource management.

