

ACT 212

S.B. NO. 1853

A Bill for an Act Relating to Native Hawaiians.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

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

The legislature further finds that on August 15–17, 2006, the Ho'ohanohano I Na Kupuna Puwalu series began and native Hawaiian cultural and traditional

practitioners who are versed in lawai'a and mahi'ai, ocean, and land ahupua'a methods gathered to discuss and bring forth the wisdom of the kupuna and ancestors. It was a gathering of empirical knowledge handed down from generation to generation on traditional fishing, agriculture, streams, fishponds, and land use methodology based on the ahupua'a system. Representatives from thirty-seven moku in the State and over one hundred ahupua'a practitioners, including kupuna and the acknowledged traditional experts of each moku, all joined together to come forth with their mana'o and concerns.

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

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

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

The purpose of this Act is to initiate the process to create a system of best practices that is based upon the indigenous resource management practices of moku (regional) boundaries, which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community. The 'aha moku council system will foster understanding and practical use of knowledge, including native Hawaiian methodology and expertise, to assure responsible stewardship and awareness of the interconnectedness of the clouds, forests, valleys, land, streams, fishponds, and sea. The council system will include the use of community expertise and establish programs and projects to improve communication, education, provide training on stewardship issues throughout the region (moku), and increase education.

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

(b) The advisory committee shall:

- (1) Explore, examine, and derive best practice models for the creation of an 'aha moku council system that will:
 - (A) Provide advisory input based upon the indigenous resource management practices of each moku to state and county agencies;
 - (B) Aid in the development of a comprehensive set of best practices for natural resources management;
 - (C) Foster the understanding and practical use of knowledge, including native Hawaiian methodology and expertise;
 - (D) Ensure the future sustainable use of the State's marine, land, cultural, agricultural, and natural resources;
 - (E) Enhance community education and cultural awareness; and
 - (F) Participate in the protection and preservation of the State's natural resources;
- (2) Engage in discussion with and participate in meetings and events held by the various moku statewide to gain perspective and develop a consensus on establishing an 'aha moku council system with an 'aha moku council commission;
- (3) Establish an administrative structure for the creation of an 'aha moku council commission to oversee an 'aha moku council system, which shall consist of eight 'aha kiole members, representing each island;
- (4) Establish a standard eligibility criteria and selection process for each 'aha kiole member and the selection of a executive director;
- (5) Establish goals and objectives for an 'aha moku council commission to accomplish, including benchmarks for long-term planning and sustainable objectives; and
- (6) Establish a feasible operational budget for an 'aha moku council commission to conduct meetings, cover administrative expenses, and disseminate information and advice for the creation of an 'aha moku council system.

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

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

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

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

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

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

(Approved June 27, 2007.)