

ACT 288

H.B. NO. 2806

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, Hawaii has experienced extensive 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 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 is still practiced for the purpose of perpetuating traditional protocols, caring for and protecting the environment, and strengthening cultural and spiritual connections. It is through the aha moku councils that native Hawaiians protected their environment and sustained the abundance of resources that they depended upon for thousands of years.

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

The legislature further finds that on August 15 through 17, 2006, the Hoohanohano I Na Kupuna Puwalu series began and native Hawaiian cultural and traditional practitioners who are versed in farming and fishing, ocean, and land ahupuaa 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 ahupuaa system.

Representatives from forty-three regions (moku) in the State and over one hundred ahupuaa Hawaiian cultural practitioners, including kupuna and the acknowledged traditional experts, joined together to come forth with their mana'o and concerns.

The conclusion of Puwalu Ekahi called for 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 konohiki management, the

kapu system, and the creation of an aha moku and the ahupuaa management system was the consensus of Puwalu Ekahi.

On November 8 and 9, 2006, Puwalu Elua brought together educators, administrators, cultural practitioners, and kupuna to discuss the values and the spiritual connection between natural resources and native Hawaiians; the ahupuaa concept; generational knowledge and learning; the importance of place names and moolelo; seasonal closures and lunar calendars; fishing practices; the Northwestern Hawaiian islands; konohiki connections; marine protected areas; upena (nets); place-based kapu; limu; and puuhonua 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 Hawaii.

On December 19 and 20, 2006, Puwalu Ekolu brought together major policymakers and stakeholders involved in the protection of the Hawaii ecosystem. Native Hawaiian practitioners and experts in traditional methods of sustainability, government policymakers, including members of the legislature, 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 statutes, ordinances, and a framework for community consultation using the Hawaiian perspective and traditional methods such as the ahupuaa management system are needed, and the aha moku system should be established.

Between 2006 and 2010, three more puwalu were convened to gather additional community input on best practices in the area of native Hawaiian resource management. All puwalu were open to the public and included farmers, fishers, environmentalists, educators, organizations and agencies, and governmental representatives who, through discussions on the integration of these practices into regulation and common utilization, came to the consensus of the necessity of integrating the aha moku system into government policy. The information gathered from all puwalu has been compiled into annual comprehensive reports to the legislature as required by Act 212, Session Laws of Hawaii 2007, as amended by Act 39, Session Laws of Hawaii 2009.

The purpose of this Act is to formally recognize the aha moku system and to establish the aha moku advisory committee within the department of land and natural resources, which may serve in an advisory capacity to the chairperson of the board of land and natural resources. The aha moku advisory committee may advise on issues related to land and natural resources management through the aha moku system, 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 system will foster understanding and practical use of knowledge, including native Hawaiian methodology and expertise, to assure responsible stewardship and awareness of the interconnections of the clouds, forests, valleys, land, streams, fishponds, and sea. The moku system will include the use of community expertise and establish programs and projects to improve communication, provide training on stewardship issues throughout the region (moku), and increase education. The establishment of this committee does not preclude any person's or organization's right to provide advice to the department of land and natural resources.

SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§171- **Aha moku advisory committee; established.** (a) There is established the aha moku advisory committee to be placed within the department of land and natural resources for administrative purposes. The committee may advise the chairperson of the board of land and natural resources in carrying out the purposes of this section.

(b) The committee shall consist of eight members appointed by the governor and confirmed by the senate from a list of nominations submitted by the aha moku councils of each island. Oversight of the aha moku advisory committee shall be by the chairperson of the board of land and natural resources. The committee members shall select the committee chairperson from among the members.

(c) The members shall not receive compensation for their service, but shall be reimbursed for necessary expenses, including travel expenses, incurred while participating in meetings and events approved in advance by the chairperson of the board of land and natural resources.

The aha moku advisory committee may hire an executive director who shall be exempt from chapter 76. The executive director may hire an administrative or executive assistant to assist the executive director in accomplishing the purposes of the aha moku advisory committee.

(d) The aha moku advisory committee may provide advice on the following:

- (1) Integrating indigenous resource management practices with western management practices in each moku;
- (2) Identifying a comprehensive set of indigenous practices for natural resource management;
- (3) Fostering the understanding and practical use of native Hawaiian resource knowledge, methodology, and expertise;
- (4) Sustaining the State’s marine, land, cultural, agricultural, and natural resources;
- (5) Providing community education and fostering cultural awareness on the benefits of the aha moku system;
- (6) Fostering protection and conservation of the State’s natural resources; and
- (7) Developing an administrative structure that oversees the aha moku system.

(e) The committee shall submit an annual report in English and Hawaiian to the legislature and the chairperson of the board of land and natural resources no later than twenty days prior to the convening of each regular legislative session. The annual report shall include a list of all recommendations made by the committee and the resulting action taken by the department over the course of the prior year.”

SECTION 3. There is appropriated out the general revenues of the State of Hawaii the sum of \$76,500 or so much thereof as may be necessary for fiscal year 2012-2013 for the administrative costs related to carrying out the duties of the aha moku advisory committee.

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

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2012.

(Approved July 9, 2012.)

Note

1. Edited pursuant to HRS §23G-16.5.