

Honolulu, Hawaii

FEB 14 2007

RE: S.B. No. 1853
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian
Affairs, to which was referred S.B. No. 1853 entitled:

"A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS,"

begs leave to report as follows:

The purpose of this measure is to preserve and sustain Native
Hawaiian indigenous resources management practices by creating an
Aha Moku Council System that will provide advisory assistance to
the Department of Land and Natural Resources on all matters
regarding the management of the State's natural resources.

Specifically, this measure amends chapter 187A, Hawaii
Revised Statutes, to add a new section that:

- (1) Establishes an Aha Moku Commission to assist in the
formation of regional Aha Moku Councils, which will
serve in an advisory capacity on all matters regarding
the management of the State's natural resources; and
- (2) 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 resources management.

Testimony in support of this measure was submitted by the
Office of Hawaiian Affairs; the State Council of Hawaiian
Homestead Associations; the Association of Hawaiian Civic Clubs;
the Oahu Council, Association of Hawaiian Civic Clubs; Ko'olaupoko



Hawaiian Civic Club; Princess Ka'iulani Hawaiian Civic Club; the Nature Conservancy; the Pacific Islands Resource Management Institute; a petition with twenty-nine signatures of Maui residents; written testimony of four private individuals; and several private individuals offering oral testimony. The Department of Land and Natural Resources submitted comments.

For thousands of years, Native Hawaiians have used traditional indigenous knowledge that has been passed on for generations to protect Hawaii's environment and sustain its abundance of resources. As Western sciences overshadowed Native Hawaiian practices and traditions relating to land and ocean use, evidence of environmental deterioration began to appear, such as over-development of the coastline, alteration of fresh water streams, destruction of watersheds, decimation of coral reefs, and the decline of endemic marine and terrestrial species.

Today, many Hawaiian communities are becoming revitalized by using the knowledge of cultural practitioners that has been passed down through kupuna and experienced farmers and fishers. This knowledge has allowed communities to engage in and enhance sustainability and self-sufficiency. Furthermore, many Hawaiian communities are interested in and willing to advise government agencies, organizations, and other interested groups in integrating traditional knowledge and ahupua'a management practices.

At the Ho'ohanohano I Na Kupuna Puwalu Series, all thirty-seven moku came together for the first time. The puwalu resulted in a unanimous consensus that a proactive approach is necessary to protect Hawaii's natural resources and ecosystems, and to sustain the traditional Native Hawaiian practices. Your Committee finds that developing an Aha Moku Council System that incorporates and represents all thirty-seven moku statewide will enable the development of a comprehensive set of best practices for natural resources management, which will reflect and sustain traditional Native Hawaiian practices.

Although there was overwhelming testimony in support of establishing an Aha Moku Council System, there were concerns that the means and structure of the Council System and its administrative Aha Moku Council Commission were too broad and cumbersome to effectively achieve its objectives and carry out its purposes. Your Committee, however, recognizes that the traditional Native Hawaiian practices relating to resources



management are becoming a dying art as the number of kupuna and Native Hawaiian practitioners are dwindling. Your Committee further recognizes that the kupuna and Native Hawaiian practitioners have directly sought out the assistance of the Legislature on this matter. Thus, your Committee strongly believes that these traditional practices and methods need to be preserved and sustained, but recognizes that there needs to be additional time allotted to coordinate and examine the structure and selection of members to the Aha Moku Councils and Commission to ensure that the Council System, upon its establishment, will successfully achieve its goals and objectives.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the new section added to chapter 187A, Hawaii Revised Statutes, and replacing it with language that creates an Aha Moku Council System Advisory Committee to:
 - (A) Explore, examine, and derive best practice models for the creation of an Aha Moku Council System and Aha Moku Council Commission;
 - (B) Explore best practice models to establish an administrative structure, including member criteria and selection, for the creation of an Aha Moku Council Commission to oversee an Aha Moku Council System;
 - (C) Establish goals and objectives for an Aha Moku Council Commission and Aha Moku Councils to accomplish, including benchmarks for long-term planning;
 - (D) Establish a feasible operational budget for an Aha Moku Council Commission;
 - (E) Submit written reports of its findings and recommendations, including any legislation, to the Legislature prior to the convening of the 2008 and 2009 Regular Sessions;
- (2) Deleting the blank appropriation amount and replacing it with an appropriation of \$111,000 for each year of the 2007-2009 fiscal biennium for the administrative costs



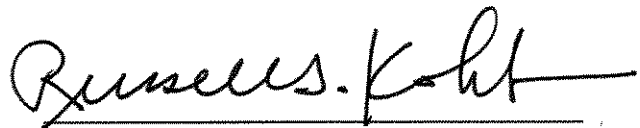
of the Aha Moku Council System Advisory Committee and for allowing each of the thirty-seven moku statewide to participate in the discussion on the creation of an Aha Moku Council System; and

- (3) Making technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee believes that these amendments fulfill the intent of this measure, which is to preserve and sustain the Native Hawaiian indigenous resource management practices.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1853, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1853, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,



RUSSELL S. KOKUBUN, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

Bill / Resolution No.:* S.B. 1853	Committee Referral: WAH, WAM	Date: 2/9/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol	X			
HEE, Clayton	X			
SLOM, Sam	X			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	

*Only one measure per Record of Votes