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# 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 landownership was unknown, and public, common use of the  
16 ahupua'a resources demanded that boundaries be drawn to include  
17 sufficient land for residence and cultivation, freshwater  
18 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. Whatever 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 its remaining natural potential. We  
11 already know some of the problems that restoration has to deal  
12 with. 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'ohanohano 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, experts in  
19 traditional methods of sustainability, and government  
20 policymakers, including members of the Hawaii state legislature,  
21 Hawaii state agency directors, environmental groups, educational  
22 leaders, and Hawaiian community organizations discussed existing





1 programs, their successes and failures in community capacity  
2 building improved. In conclusion, it was agreed that the  
3 statutes and ordinances, and a framework for community  
4 consultation using the Hawaiian perspective and traditional  
5 methods such as the ahupua'a management system was needed and  
6 the creation of the "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. The Hawaii Revised Statutes is amended by  
 13 adding a new chapter to title 12 to be appropriately designated  
 14 and to read as follows:

15 "CHAPTER

16 AHA MOKU COUNCIL SYSTEM

17 § -1 Aha moku council system and commission; purpose.

18 (a) The purpose of the aha moku council system, which shall  
 19 consist of thirty-nine aha moku councils, with the  
 20 administrative assistance of the aha moku council commission and  
 21 executive secretary, shall be to collect information and  
 22 recommendations from the ahupua'a residents within each moku and



1 people who are knowledgeable on the moku, to advise the State,  
2 including the governor, the department, and the legislature,  
3 based on the indigenous resources management practices of moku  
4 boundaries that acknowledge the natural contours of the land,  
5 the specific resources located within the moku, and the  
6 methodology necessary to sustain those resources and the  
7 community to, among other things:

- 8 (1) Ensure the future sustainable use of the State's  
9 marine, land, cultural, agricultural, and natural  
10 resources;
- 11 (2) Create a system of "best practices";
- 12 (3) Foster understanding and practical use of knowledge,  
13 including native native Hawaiian methodology and  
14 expertise; and
- 15 (4) Establish programs and projects to improve  
16 communication, education, and training on stewardship  
17 issues within individual mokus.
- 18 (b) The councils shall:
- 19 (1) Be consulted in an advisory capacity to all state  
20 agencies; and
- 21 (2) Submit information and recommendations to relevant  
22 state agencies when a moku feels it is necessary to



1 do so within the context of any state activity.

2 § -2 **Definitions.** For the purposes of this chapter:

3 "Aha moku council commission" or "commission" means the  
4 administrative office of the council system that is responsible  
5 for providing administrative and technical support services to  
6 enable all of the councils to carry out their mandates.

7 "Aha moku council" or "council" means a council composed of  
8 the most knowledgeable experts in the trade of lawaia (fisher),  
9 mahiai (farmer), practioners, and kupuna for each moku of the  
10 islands of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Oahu, Kauai,  
11 Niihau, and Molokini.

12 "Ahupua'a resident" means a resident who lives in the  
13 ahupua'a as the resident's primary and permanent residence.

14 "Department" means the department of land and natural  
15 resources.

16 "Moku" means a district designated by the regions listed in  
17 section -3(b).

18 § -3 **Aha moku council commission; establishment.**

19 (a) There is established the aha moku council commission which  
20 shall be placed within the department for administrative  
21 purposes. The commission shall consist of one representative  
22 who shall serve all of the aha moku councils, be appointed by



1 the governor, and serve as the executive secretary of the aha  
2 moku council system. The governor shall make the appointment  
3 based on recommendations made by the councils. The commission  
4 shall provide administrative support to each council to enable  
5 the council to carry out the formation and operation  
6 determinations as listed in section -5, upon the council's  
7 request.

8 (b) The aha moku council system shall be composed of  
9 councils for each of the mokus identified in this section within  
10 the islands of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Oahu,  
11 Kauai, Niihau, and Molokini, which each constitute a region, as  
12 follows:

13 (1) The island of Hawaii shall consist of the mokus of  
14 Kau, Puna, Hilo, Hamakua, Kohala, and Kona;

15 (2) The island of Maui shall consist of the mokus of  
16 Hamakualoa, Hamakuapoko, Hana, Honuaula, Kaanapali,  
17 Kahikinui, Kaupo, Kipahulu, Koolau, Kula, Lahaina, and  
18 Wailuku;

19 (3) The island of Molokai shall consist of the mokus of  
20 Halawa, Kaluakoi, Kawela, and Palaau;

21 (4) The island of Lanai shall consist of the mokus of  
22 Koolau and Kona;



1 (5) The island of Kahoolawe shall consist of the moku of  
2 Kahoolawe;

3 (6) The island of Oahu shall consist of the mokus of Ewa,  
4 Kona, Koolaupoko, Koolauloa, Waialua, and Waianae;

5 (7) The island of Kauai shall consist of the mokus of  
6 Halelea, Kona, Koolau, Napali, and Puna;

7 (8) The island of Niihau shall consist of the mokus of  
8 Kona and Koolau; and

9 (9) The island of Molokini shall consist of the moku of  
10 Molokini.

11 § -4 **Executive secretary.** (a) The executive secretary  
12 shall:

13 (1) Certify the elections conducted by each council;

14 (2) Ensure that the electoral processes, including the  
15 qualifications of membership, adopted by each moku is  
16 in accordance with state and federal laws;

17 (3) Communicate the findings of each council in reports to  
18 the governor, department, and legislature, whenever  
19 requested to do so by any of the councils; and

20 (4) Serve as record keeper of all reports and findings  
21 prepared by all councils for public viewing purposes.



1 (b) The executive secretary shall not be a voting member  
2 on any council.

3 (c) The executive secretary shall serve without  
4 compensation, but shall be reimbursed for necessary expenses  
5 incurred during the performance of the executive secretary's  
6 duties.

7 § -5 **Council operations.** Each council shall determine  
8 and adopt for the individual council the following, in  
9 accordance with law, based on a consensus developed by  
10 interested parties during regional community meetings and other  
11 sources of input:

- 12 (1) The electoral process for the members of each council;  
13 (2) The number of members in each council;  
14 (3) Qualification for membership on each council; and  
15 (4) Term limits for the members of each council.

16 § -6 **Advisory capacity; advocacy; regional community**  
17 **development programs.** (a) All state agencies shall obtain  
18 advisory input from all councils that are likely to be affected  
19 by the state agency's proposed activity, for management and  
20 maintenance of marine, land, cultural, agricultural, and natural  
21 resources to ensure their future sustainable use.

22 (b) The councils shall:



- 1 (1) Treat the ahupua'a as the basis of the State's  
2 traditional resource management system;
- 3 (2) Hold meetings to collect information and  
4 recommendations from the individual council's ahupua'a  
5 residents and people who are knowledgeable of the  
6 moku, on management strategies to perpetuate the  
7 marine, land, cultural, agricultural, and natural  
8 resources of the moku;
- 9 (3) Act as advocates for the people and resources  
10 found in the moku; and
- 11 (4) Communicate the information and recommendations of the  
12 ahupua'a, including proposed legislation, through its  
13 executive secretary to the governor, department, and  
14 legislature, by requesting the executive secretary to  
15 submit the information for consideration to the  
16 governor, department, or legislature,  
17 to assist the State in the development of a comprehensive set of  
18 best sustainable practices for marine, land, cultural,  
19 agricultural, and natural resources management.
- 20 (c) The councils may establish regional community  
21 development programs for fishery, agriculture, water, or land  
22 use within State jurisdiction to provide access and





1 sustainability practices to a region's fishery and agriculture  
2 that enhances the region's community education, cultural  
3 awareness, and participation in protection and preservation of  
4 the state's natural resources.

5       § -7 **Rule-making authority.** The department, in  
6 consultation with the councils, representatives of state and  
7 county marine and fishery, agriculture, water and land use  
8 agencies and appropriate Hawaiian organizations, including the  
9 office of Hawaiian affairs and the department of Hawaiian home  
10 lands, shall adopt rules pursuant to chapter 91 necessary to  
11 carry out the purposes of this chapter."

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

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

18       SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Aha Moku Councils

**Description:**

Establishes Aha Moku Commission to assist in the formation regional Aha Moku Councils which shall serve 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. (HB1948 HD1)

