

JAN 19 2007

A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIAN PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Native Hawaiian
2 traditional and cultural practices as they pertain to the land
3 and the ocean, 'aina and kai, are in immediate danger of further
4 loss in the main Hawaiian Islands. Native Hawaiians for
5 thousands of years before foreign contact successfully
6 controlled their own destiny, nurtured the integrity of their
7 people, and protected and preserved their native cultural
8 traditions, and reserve the right to continue to do so,
9 particularly as these traditions reflect their deep spiritual
10 connection to the ocean and to the land. In addition, various
11 western statutes and rules that have been promulgated since the
12 arrival of foreigners to Hawai'i have not been successful in
13 protecting the oceans, coastlines, forest areas, watersheds, or
14 rivers and streams from becoming degraded, polluted, or
15 destroyed.

16 The legislature further finds that Hawaiian indigenous and
17 endemic species of marine and terrestrial life, found nowhere



1 else on the earth, are in imminent danger of extinction. The
2 United States Commission on Ocean Policy - in its vision and
3 strategy for the twenty-first century and beyond - envisions
4 clean, safe, prospering, and sustainably managed ecosystems
5 while preserving a high level of biodiversity and a wide range
6 of critical natural habitats. The guiding principles of the
7 commission are, among others, sustainability,
8 ocean-land-atmosphere connections, ecosystem-based management,
9 and the use of best available science and information.

10 In 2005, Governor Lingle acknowledged through Executive
11 Order No. 2005-01, the creation of the Hawai'i Ocean and Coastal
12 Council, that there is a need to protect the near-shore waters
13 and coastline, to gather information, and to provide advice and
14 recommendations on direction and planning for addressing ocean
15 and coastal matters throughout the State to foster coordinated
16 approaches that support local initiatives on ocean and coastal
17 concerns. However, because the State is comprised of separate
18 islands, it is difficult, if not impossible to impose blanket
19 laws that affect the marine resources as they differ island to
20 island, and sometimes district to district.

21 Native Hawaiian people, as the host culture and those most
22 familiar with the specific natural resources, district to



1 district, have not been consulted on the policy-making level on
2 laws that directly impact their culture, despite the fact that
3 traditional cultural methods as defined under ahupua'a
4 management systems have sustained the Hawaiian Islands for
5 thousands of years.

6 In addition, the legislature finds that in August 2006, a
7 puwalu consisting of traditional lawaia (fishing) and mahiai
8 (agriculture) kupuna and experts from every district in Hawai'i
9 was held to address the critical impacts to the Native Hawaiian
10 culture and resources, and to come to consensus on a process to
11 protect and perpetuate the pristine and unique ecosystem of
12 Hawai'i. This puwalu, through a resolution, called for the
13 continuation of the ahupua'a management system using konohiki,
14 kapu, and the creation of an 'aha moku through which the
15 ahupua'a management system can be applied.

16 The purpose of this Act is to establish a task force at the
17 University of Hawaii to develop a plan to create a permanent
18 'aha moku as an advisory body to the governmental agencies
19 involved with regulatory policies pertaining to the ocean and to
20 the land.

21 SECTION 2. (a) There is established within the University
22 of Hawaii an 'aha moku task force to develop a plan for



1 formation of a permanent 'aha moku advisory council, which would
2 advise governmental agencies involved with regulatory policies
3 pertaining to ocean and land use in Hawaii.

4 (b) The 'aha moku task force shall include the following:

5 (1) Representatives of each moku of each island;

6 (2) One member representing the Association of Hawaiian
7 Civic Clubs;

8 (3) One member representing the office of Hawaiian
9 affairs;

10 (4) One member appointed by the president of the senate;
11 and

12 (5) One member appointed by the speaker of the house of
13 representatives.

14 (c) The task force shall elect its chair and shall:

15 (1) Identify the governmental agencies and their
16 respective policies related to ocean, coastal, and
17 land issues, and determine how these agencies would be
18 advised by the 'aha moku advisory council;

19 (2) Determine the protocols of the appointment of a
20 representative from each moku of each island to the
21 'aha moku advisory council, including consultation



1 with the most knowledgeable kupuna or traditional
2 practitioner accepted by that specific moku;

3 (3) Hold public hearings to assure input of the Native
4 Hawaiian community on the findings and proposed
5 recommendations of the task force.

6 (d) The task force shall submit its findings and
7 recommendations no later than twenty days prior to the convening
8 of the regular session of 2008.

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$, or so
11 much thereof as may be necessary for fiscal year 2007-2008, for
12 the work of the task force.

13 The sum appropriated shall be expended by the University of
14 Hawaii for the purposes of this Act.

15 SECTION 4. This Act shall take effect on July 1, 2007.

16

INTRODUCED BY: Norman Sakumaha



Report Title:

Native Hawaiian Practices; 'Aha Moku

Description:

Creates a task force within the University of Hawaii to develop a plan for formation of a permanent 'aha moku advisory council to advise government agencies involved with regulatory policies for ocean and land use in Hawaii.

