
A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIANS.

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

1 **PART I. AHA MOKU ADVISORY COMMITTEE**

2 SECTION 1. The legislature finds that, over the past two
3 hundred years, Hawaii has experienced extensive changes. These
4 changes include the deterioration of the Hawaiian culture,
5 language, values, and land tenure system, which have in part
6 resulted in the over-development of the coastline, alteration of
7 fresh water streams, destruction of life-giving watersheds,
8 decimation of the coral reefs, and the decline of endemic marine
9 and terrestrial species.

10 Native Hawaiian culture has knowledge that has been passed
11 on for generations and is still practiced for the purpose of
12 perpetuating traditional protocols, caring for and protecting
13 the environment, and strengthening cultural and spiritual
14 connections. It is through the aha moku councils that native
15 Hawaiians protected their environment and sustained the
16 abundance of resources that they depended upon for thousands of
17 years.



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

10 The legislature further finds that on August 15 through 17,
11 2006, the Hoohanohano I Na Kupuna Puwalu series began and native
12 Hawaiian cultural and traditional practitioners who are versed
13 in farming and fishing, ocean, and land ahupuaa methods gathered
14 to discuss and bring forth the wisdom of the kupuna and
15 ancestors. It was a gathering of empirical knowledge handed
16 down from generation to generation on traditional fishing,
17 agriculture, streams, fishponds, and land use methodology based
18 on the ahupuaa system.

19 Representatives from forty-three regions (moku) in the
20 State and over one hundred ahupuaa Hawaiian cultural
21 practitioners, including kupuna and the acknowledged traditional



1 experts, joined together to come forth with their manao and
2 concerns.

3 The conclusion of Puwalu Ekahi called for the creation of a
4 resolution calling on native Hawaiians to begin a process to
5 uphold and continue Hawaiian traditional land and ocean
6 practices. Perpetuating and preserving the knowledge of the
7 practitioners through the continuation of konohiki management,
8 the kapu system, and the creation of an aha moku and the ahupuaa
9 management system was the consensus of Puwalu Ekahi.

10 On November 8 and 9, 2006, Puwalu Elua brought together
11 educators, administrators, cultural practitioners, and kupuna to
12 discuss the values and the spiritual connection between natural
13 resources and native Hawaiians; the ahupuaa concept;
14 generational knowledge and learning; the importance of place
15 names and moolelo; seasonal closures and lunar calendars;
16 fishing practices; the Northwestern Hawaiian islands; konohiki
17 connections; marine protected areas; upena (nets); place-based
18 kapu; limu; and puuhonua concepts that could be developed as an
19 educational framework to integrate this knowledge into a
20 curricula for all public, private, charter, and Hawaiian
21 immersion schools in Hawaii.



1 On December 19 and 20, 2006, Puwalu Ekolu brought together
2 major policymakers and stakeholders involved in the protection
3 of the Hawaii ecosystem. Native Hawaiian practitioners and
4 experts in traditional methods of sustainability, government
5 policymakers, including members of the legislature, agency
6 directors, environmental groups, educational leaders, and
7 Hawaiian community organizations, discussed existing programs
8 and their successes and failures in community-building.

9 In conclusion, it was agreed that statutes, ordinances, and
10 a framework for community consultation using the Hawaiian
11 perspective and traditional methods such as the ahupuaa
12 management system are needed, and the aha moku system should be
13 established.

14 Between 2006 and 2010, three more puwalu were convened to
15 gather additional community input on best practices in the area
16 of native Hawaiian resource management. All puwalu were open to
17 the public and included farmers, fishers, environmentalists,
18 educators, organizations and agencies, and governmental
19 representatives who, through discussions on the integration of
20 these practices into regulation and common utilization, came to
21 the consensus of the necessity of integrating the aha moku
22 system into government policy. The information gathered from



1 all puwalu has been compiled into annual comprehensive reports
2 to the legislature as required by Act 212, Session Laws of
3 Hawaii 2007, as amended by Act 39, Session Laws of Hawaii 2009.

4 The purpose of this part is to formally recognize the aha
5 moku system and to establish the aha moku advisory committee
6 within the office of Hawaiian affairs, which may serve in an
7 advisory capacity to the chairperson of the board of trustees of
8 the office of Hawaiian affairs. The aha moku advisory committee
9 may advise on issues related to land and natural resources
10 management through the aha moku system, a system of best
11 practices that is based upon the indigenous resource management
12 practices of moku (regional) boundaries, which acknowledges the
13 natural contours of land, the specific resources located within
14 those areas, and the methodology necessary to sustain resources
15 and the community. The aha moku system will foster
16 understanding and practical use of knowledge, including native
17 Hawaiian methodology and expertise, to assure responsible
18 stewardship and awareness of the interconnections of the clouds,
19 forests, valleys, land, streams, fishponds, and sea. The moku
20 system will include the use of community expertise and establish
21 programs and projects to improve communication, provide training
22 on stewardship issues throughout the region (moku), and increase



1 education. The establishment of this committee does not
2 preclude any person's or organization's right to provide advice
3 to the department of land and natural resources.

4 SECTION 2. Chapter 10, Hawaii Revised Statutes, is amended
5 by adding a new section to be appropriately designated and to
6 read as follows:

7 "§10- Aha moku advisory committee; established. (a)

8 There is established the aha moku advisory committee to be
9 placed within the office of Hawaiian affairs for administrative
10 purposes. The committee may advise the chairperson of the board
11 of trustees of the office of Hawaiian affairs in carrying out
12 the purposes of this section.

13 (b) The committee shall consist of eight members appointed
14 by the governor and confirmed by the senate from a list of
15 nominations submitted by the aha moku councils of each island.
16 Oversight of the aha moku advisory committee shall be by the
17 chairperson of the board of trustees of the office of Hawaiian
18 affairs. The committee members shall select the committee
19 chairperson from among its members.

20 (c) The members shall not receive compensation for their
21 service, but shall be reimbursed for necessary expenses,
22 including travel expenses, incurred while participating in



1 meetings and events approved in advance by the chairperson of
2 the board of trustees of the office of Hawaiian affairs.

3 The aha moku advisory committee may hire an executive
4 director who shall be exempt from chapter 76.

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

7 (1) Integrating indigenous resource management practices
8 with western management practices in each moku;

9 (2) Identifying a comprehensive set of indigenous
10 practices for natural resource management;

11 (3) Fostering the understanding and practical use of
12 native Hawaiian resource knowledge, methodology, and
13 expertise;

14 (4) Sustaining the State's marine, land, cultural,
15 agricultural, and natural resources;

16 (5) Providing community education and fostering cultural
17 awareness on the benefits of the aha moku system;

18 (6) Fostering protection and conservation of the State's
19 natural resources; and

20 (7) Developing an administrative structure that oversees
21 the aha moku system.



1 (e) The committee shall submit an annual report in English
2 and Hawaiian to the legislature and the chairperson of the board
3 of trustees of the office of Hawaiian affairs no later than
4 twenty days prior to the convening of each regular legislative
5 session. The annual report shall include a list of all
6 recommendations made by the committee and the resulting action
7 taken by the office of Hawaiian affairs over the course of the
8 prior year."

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

14 The sum appropriated shall be expended by the office of
15 Hawaiian affairs for the purposes of this part.

16 **PART II. ISLAND BURIAL COUNCILS**

17 SECTION 4. The legislature finds that the existing island
18 burial councils have had difficulty meeting quorum requirements.
19 The Molokai island burial council has not been able to meet
20 since April 2008 because the State has not been able to attract
21 large landowners on Molokai to serve on the island burial
22 council. Recently, meeting quorum has also become a problem for



1 the other island burial councils. Maui and Hawaii have canceled
2 nine meetings due to quorum issues.

3 The purpose of this part is to facilitate island burial
4 council meetings and business by establishing a reduced quorum
5 requirement for island burial council meetings.

6 SECTION 5. Section 6E-43.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 1. By amending its title to read:

9 **"§6E-43.5 Island burial councils; creation; appointment;
10 composition; quorum; duties."**

11 2. By amending subsection (d) to read:

12 "(d) The councils shall hold meetings and acquire
13 information as they deem necessary and shall communicate their
14 findings and recommendations to the department. Notwithstanding
15 section 92-3, whenever the location and description of burial
16 sites are under consideration, the councils may hold closed
17 meetings. The members present at the scheduled start time of
18 any meeting shall constitute a quorum to do business.

19 Concurrence of a majority of the members present at a meeting
20 shall be necessary to make any action of a council valid."

21 **PART III. MISCELLANEOUS PROVISIONS**

22 SECTION 6. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 2012.



Report Title:

Native Hawaiians; Aha Moku Advisory Committee; Island Burial Councils; Appropriation

Description:

Establishes the aha moku advisory committee within OHA.
Establishes a quorum requirement for island burial councils.
Makes an appropriation. (SD1)

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