



GOV. MSG. NO. 1405

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 09, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

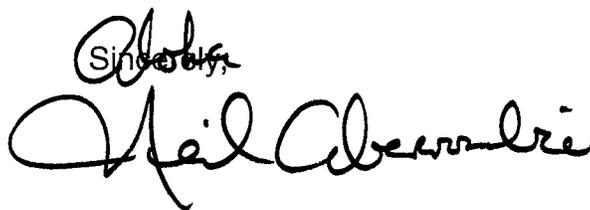
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 09, 2012, the following bill was signed into law:

HB2806 HD2 SD2 CD1

RELATING TO NATIVE HAWAIIANS.
Act 288 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

ORIGINAL

on JUL 9 2012

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 288

H.B. NO. 2806
H.D. 2
S.D. 2
C.D. 1

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

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

17 Currently, many Hawaiian communities are becoming
18 revitalized by using the knowledge of cultural practitioners

HB2806 CD1 HMS 2012-3661-2



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

8 The legislature further finds that on August 15 through 17,
9 2006, the Hoochanohano I Na Kupuna Puwalu series began and native
10 Hawaiian cultural and traditional practitioners who are versed
11 in farming and fishing, ocean, and land ahupuaa methods gathered
12 to discuss and bring forth the wisdom of the kupuna and
13 ancestors. It was a gathering of empirical knowledge handed
14 down from generation to generation on traditional fishing,
15 agriculture, streams, fishponds, and land use methodology based
16 on the ahupuaa system.

17 Representatives from forty-three regions (moku) in the
18 State and over one hundred ahupuaa Hawaiian cultural
19 practitioners, including kupuna and the acknowledged traditional
20 experts, joined together to come forth with their manao and
21 concerns.



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

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

20 On December 19 and 20, 2006, Puwalu Ekolu brought together
21 major policymakers and stakeholders involved in the protection
22 of the Hawaii ecosystem. Native Hawaiian practitioners and



1 experts in traditional methods of sustainability, government
2 policymakers, including members of the legislature, agency
3 directors, environmental groups, educational leaders, and
4 Hawaiian community organizations, discussed existing programs
5 and their successes and failures in community-building.

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

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



1 The purpose of this Act is to formally recognize the aha
2 moku system and to establish the aha moku advisory committee
3 within the department of land and natural resources, which may
4 serve in an advisory capacity to the chairperson of the board of
5 land and natural resources. The aha moku advisory committee may
6 advise on issues related to land and natural resources
7 management through the aha moku system, a system of best
8 practices that is based upon the indigenous resource management
9 practices of moku (regional) boundaries, which acknowledges the
10 natural contours of land, the specific resources located within
11 those areas, and the methodology necessary to sustain resources
12 and the community. The aha moku system will foster
13 understanding and practical use of knowledge, including native
14 Hawaiian methodology and expertise, to assure responsible
15 stewardship and awareness of the interconnections of the clouds,
16 forests, valleys, land, streams, fishponds, and sea. The moku
17 system will include the use of community expertise and establish
18 programs and projects to improve communication, provide training
19 on stewardship issues throughout the region (moku), and increase
20 education. The establishment of this committee does not
21 preclude any person's or organization's right to provide advice
22 to the department of land and natural resources.



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

4 "§171- Aha moku advisory committee; established. (a)

5 There is established the aha moku advisory committee to be
6 placed within the department of land and natural resources for
7 administrative purposes. The committee may advise the
8 chairperson of the board of land and natural resources in
9 carrying out the purposes of this section.

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

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



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

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

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

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

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

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

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

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

21 (7) Developing an administrative structure that oversees
22 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 land and natural resources no later than twenty days prior to
4 the convening of each regular legislative session. The annual
5 report shall include a list of all recommendations made by the
6 committee and the resulting action taken by the department over
7 the course of the prior year."

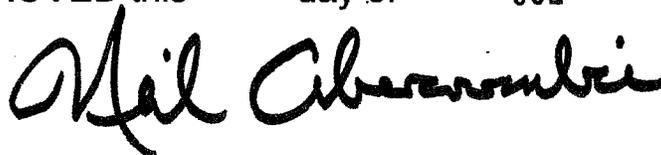
8 SECTION 3. There is appropriated out the general revenues
9 of the State of Hawaii the sum of \$76,500 or so much thereof as
10 may be necessary for fiscal year 2012-2013 for the
11 administrative costs related to carrying out the duties of the
12 aha moku advisory committee.

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

15 SECTION 4. New statutory material is underscored.

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

APPROVED this 9 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII

