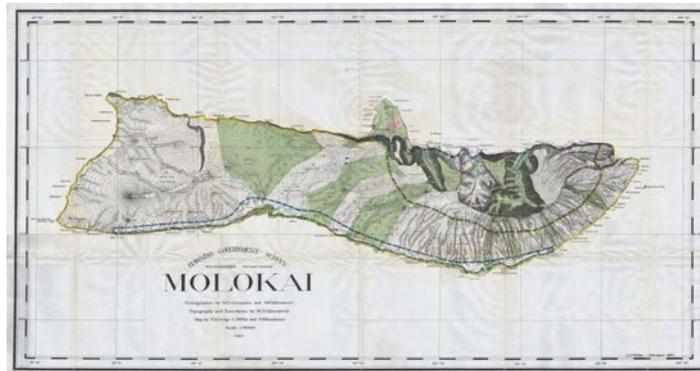


# A FRAMEWORK FOR THE AHA MOKU SYSTEM AND COLLABORATIVE GOVERNANCE

## HISTORY OF THE 'AHA COUNCILS

“There is no man familiar with fishing least he fishes and becomes an expert. There is no man familiar with the soil least he plants and becomes an expert. There is no man familiar with hō`ola least he be trained as a kahuna and becomes expert at it.”<sup>1</sup>

- Following this principle, leaders who govern people manage the resources should be those who are actual practitioners; i.e those who have gained a comprehensive and masterful understanding of the biological, physical, and spiritual aspects of the 'āina. In traditional Hawaiian resource management, those with relevant knowledge comprised what were called the 'Aka Kiole,<sup>2</sup> the people's council.
  - **'Aha** – The kūpuna metaphorically ascribed these councils and the weaving of various 'ike, or knowledge streams, as an 'aha. The individual aho or threads made from the bark of the olonā shrub were woven together to make strong cordage, called 'aha. Thus the early Hawaiians referred to their councils as 'aha to represent the strong leadership created when acknowledged 'ike holders came together to weave their varied expertise for collective decision-making that benefitted the people, land, and natural resources.<sup>3</sup>
  - **Kiole** – The term kiole described the abundant human population, likened to the 'iole or large schools of pua (fish fingerlings) that shrouded the coastline en masse. Thus, Molokai's councils were called 'Aha Kiole, the people's council.<sup>4</sup>
- 'Aha council leadership was determined by the people who collectively understood who the experts were in their community. These were experts in fisheries management, hydrology and water distribution, astronomy and navigation, architecture, farming, healing arts, etc.
- According to Kumu John Ka'imikaua the purpose of the 'aha councils was to utilize the expertise of those with 'ike (knowledge) to mālama 'āina, to care for the natural resources, and to produce food in abundance not just for the people, but for successive generations.



<sup>1</sup> *A Mau A Mau (To Continue Forever): Cultural and Spiritual Traditions of Moloka'i* (Nālani Minton and Nā Maka O Ka 'Āina 2000) [hereinafter *A Mau A Mau*].

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

## HOLISTIC PROBLEM SOLVING OF THE ANCIENT 'AHA COUNCILS

1. Identify problem or issue
2. Critically examine potential solutions including potential effects upon the *āina* using eight resource realms. These realms provided the ethical foundation for the decision making process:<sup>5</sup>
  - a. ***Moana-Nui-Ākea*** – the farthest out to sea or along the ocean’s horizon one could perceive from atop the highest vantage point the farthest out to sea or along the ocean’s horizon one could perceive from atop the highest vantage point.
  - b. ***Kahakai Pepeiao*** – where the high tide is to where the lepo (soil) starts. This is typically the splash zone where crab, limu, and ‘opihī may be located; sea cliffs; or a gentle shoreline dotted with a coastal strand of vegetation; sands where turtles and seabirds nest; or extensive sand dune environs.
  - c. ***Ma Uka*** – from the point where the lepo (soil) starts to the top of the mountain.
  - d. ***Nā Muliwai*** – all the sources of fresh water, ground/artesian water, rivers, streams, springs, including springs along the coastline that mix with seawater.
  - e. ***Ka Lewalani*** – encompasses all the elements and celestial bodies that influence the tides and ocean currents, direct traditional navigation, and guide fishing and planting seasons
  - f. ***Kanaka Hōnua*** – the natural resources important to sustain people. Includes the *kānāwai* (laws) to sustain those resources that are also protected for their intrinsic worth.
  - g. ***Papahelōlona*** – knowledge and intellect that is a valuable resource to be respected, maintained, and managed properly. This is the knowledge of the *kahuna*, the astronomers, the healers, and other carriers of ‘*ike* (knowledge).
  - h. ***Ke ‘Ihi‘Ihi*** – attributes and elements, including natural forces, deities, ancestors, and ceremonial and religious protocols that enhance and perpetuate our *wahi pana* (sacred places).
3. Implement solution with 3 considerations
  - a. Honor our ancestral wisdom
  - b. Address the needs of the present
  - c. Establish abundance and sustainability for future generations

Kumu John Ka‘imikaua expressed that this procedural management resulted in *lōkahi*, “the balance between the land, the people that lived upon the land and the *akua* (gods).” In turn, *lōkahi* manifested “*pono*, the spiritual balance in all things.”<sup>6</sup>

## AHA MOKU SYSTEM UNDER STATE LAW

- **What is it?** - The *aha moku* system is a land, water, and ocean system of best practices that is based upon indigenous resource management practices of *ahupua‘a* and *moku* (regional) boundaries. Its goal is to find methods of sustaining, protecting and keeping the natural balance among the different ecosystems existing within the eight main

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<sup>5</sup> Presentation by Dr. Kawika Winter, ethnobotanist and director of Limahuli Garden and Preserve on the island of Kaua‘i. Dr. Winter is a former *hālau* member of *Hālau Hula o Kukunaokalā*, led by the late Kumu John Ka‘imikaua, who re-introduced the history of the ancient ‘aha councils in his film *A Mau A Mau* and in educational workshops on Moloka‘i. It was Kumu John’s wish to revitalize the ‘aha councils to restore *pono* to the land and people.

<sup>6</sup> *A Mau A Mau*, *supra* note 1.

Hawaiian Islands. It serves in an advisory capacity to the chairperson of the Board of Land and Natural Resources (BLNR). An important focus of the aha moku system is to bring regional concerns from island communities forward to the Department of Land and Natural Resources (DLNR) so issues can be addressed and if needed, mitigated.

The ‘aha were created under Act 288, which recognized that over the past 200 years, Hawaii has suffered through extensive changes to the Native Hawaiian culture, language, values, and land tenure system, resulting in the following:

- Over-development of coastlines;
- Alterations of fresh water streams;
- Destruction of watersheds;
- Decimation of coral reefs;
- The decline of endemic marine and terrestrial species<sup>7</sup>

In addition to these consequences, Act 288 recognized the value of cultural practitioners and their use of knowledge that has been passed down through kupuna, experienced farmers, and fishers to engage and enhance sustainability, subsistence, and self-sufficiency.<sup>8</sup>

Puwalu ‘Ekahi – From August 15-17, 2006, representatives from 43 moku (regions) across the state and over one hundred Hawaiian cultural practitioners, including kupuna and acknowledged traditional experts, joined together to share their mana‘o and call on Native Hawaiians to begin a process to uphold and continue Hawaiian traditional land and ocean practices.<sup>9</sup>

Puwalu ‘Elua – On November 8 and 9, 2006, educators, administrators, cultural practitioners, and kupuna discussed how to incorporate traditional Hawaiian cultural knowledge into an educational framework that could be integrated into a curricula for all public, private, charter, and Hawaiian immersion schools in Hawaii.<sup>10</sup>

Puwalu ‘Ekolu – On December 19 and 20, 2006, policymakers and stakeholders engaged in protecting Hawai‘i’s ecosystems; Native Hawaiian practitioners with expertise in traditional sustainability methods; Native Hawaiian organizations, agency and legislative representatives in state government; and experts in education and environmental advocacy discussed existing programs and their successes and failures in community-building. Participants in Puwalu ‘Ekolu, agreed that statutes, ordinances, and a framework for consultation with Hawaiian communities using the Hawaiian perspective and traditional methods such as the ahupua‘a management system are needed, and that the ‘aha moku system should be established.<sup>11</sup>

From 2006 to 2010, three more puwalu were convened to gather additional community input on best practices in the area of native Hawaiian resource management. Integrating the mana‘o of farmers, fishers, environmentalists, educators, organizations and agencies, and governmental representatives, consensus was reached on the necessity of integrating the ‘aha moku system into government policy.<sup>12</sup>

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<sup>7</sup> 2012 Haw. Sess. Laws Act 288, § 1 at 1:1-8.

<sup>8</sup> 2012 Haw. Sess. Laws Act 288, § 1 at 1-8.

<sup>9</sup> 2012 Haw. Sess. Laws Act 288, § 1 at 2:8-3:7.

<sup>10</sup> 2012 Haw. Sess. Laws Act 288, § 1 at 3:8-19.

<sup>11</sup> 2012 Haw. Sess. Laws Act 288, § 1 at 3:20-4:10.

<sup>12</sup> 2012 Haw. Sess. Laws Act 288, § 1 at 4:11-22.

**‘AHA MOKU ADVISORY COUNCIL (AMAC) AND  
THE ‘AHA KIOLE O MOLOKA‘I LEADERSHIP**

**Statewide ‘Aha Moku Advisory Council (AMAC)**

Po‘o – Moku O Keawe (Hawai‘i)	Pi‘ilani Ka‘awaloa
Po‘o – Moku O Pi‘ilani (Maui)	Kyle Nakanelua
Po‘o – Moku O Kanaloa (Kaho‘olawe)	Les Kuloloio
Po‘o – Nanai Kaula (Lana‘i)	Winifred “Winnie” Basques
Po‘o – Moloka‘i Pule O‘o (Moloka‘i)	Kamalu Poepoe
Po‘o – Moku O Kakuihewa (O‘ahu)	Rocky Kaluhiwa
Po‘o – Manokalanipo (Kaua‘i)	Thomas Hashimoto
Po‘o – Kahumoku (Ni‘ihau)	Keith and Bruce Robinson

**‘Aha Kiole o Moloka‘i**

<b>Po‘o Moloka‘i:</b>	Malia Akutagawa
<b>Po‘o Alaka‘i – Moku o Mana‘e</b>	Hanohano Naehu, La‘a Poepoe, Mahina Poepoe, Malia Waits, Bronson Kalipi
<b>Po‘o Alaka‘i – Moku o Kawela</b>	Kanoe Davis, Keani Rawlins-Fernandez, Lorilei Rawlins-Crivello, Kawika Crivello
<b>Po‘o Alaka‘i – Moku o Pala‘au</b>	Kamalu Poepoe, Lori Buchanan
<b>Po‘o Ahupua‘a o Naiwa</b>	Lori Buchanan
<b>Po‘o Ahupua‘a o Kalaupapa</b>	James Espaniola
<b>Po‘o Alaka‘i – Moku o Kaluakoi</b>	Byron Espaniola, Madonna Dizon
<b>Po‘o – Planning/Consultation</b>	Walter Ritte, Jr.
<b>Po‘o – Cultural Specialist</b>	‘Opu‘ulani Albino
<b>Po‘o – Resource Management</b>	Mac Poepoe

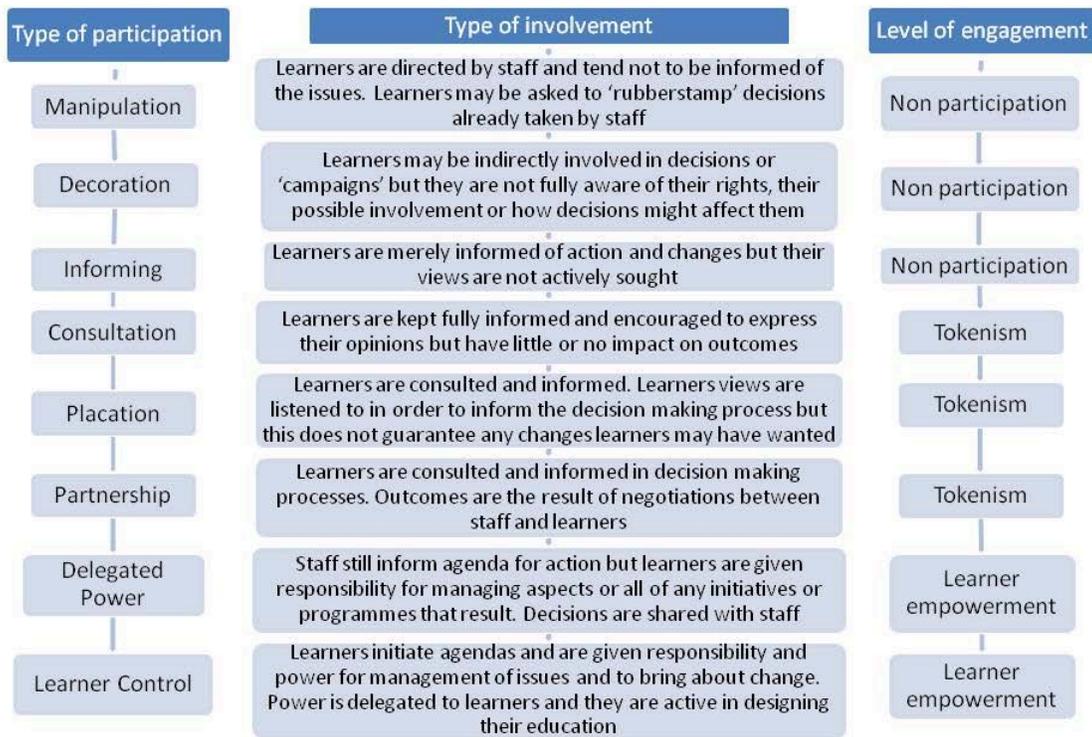
## COLLABORATIVE GOVERNANCE

**Collaborative governance**, brings public and private stakeholders together in collective forums with public agencies to engage in consensus-oriented decision making.

Collaborative Governance stresses six important criteria:

- (1) a forum initiated by public agencies or institutions,
- (2) participants in the forum include nonstate actors,
- (3) participants engage directly in decision making and are not merely “consulted” by public agencies,
- (4) the forum is formally organized and meets collectively,
- (5) the forum aims to make decisions by consensus (even if consensus is not achieved in practice), and
- (6) the focus of collaboration is on public policy or public management. This is a more restrictive definition than is sometimes found in the literature.

## ‘LADDER’ OF PARTICIPATION



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Collaborative governance allows those affected by decisions and those with relevant knowledge to have an influential say in the decision making process. Act 288 and creation of the ‘aha councils are attempts to integrate collaborative governance processes through communication lines to DLNR and through annual reports.

<sup>13</sup> Arnstein’s Ladder of Participation - [https://talintuoh.files.wordpress.com/2013/03/ladder\\_-of-participation.jpg](https://talintuoh.files.wordpress.com/2013/03/ladder_-of-participation.jpg)

**PROS/CONS OF COLLABORATIVE GOVERNANCE**

PROS	CONS
May be cheaper/quicker than litigation	Power imbalances between stakeholders
Greater fulfillment for community from public discussion	Commitment needed by both public/private stakeholders
Educated decisions made by those who are most affected	Decisions may still be made contrary to suggestions of stakeholders
Decisions/deliberations made public	History of antagonism may impede process

**WHAT AREAS OF EXPERTISE MAY THE AHA COUNCILS ADVISE ON?**

The aha councils are allowed to provide advice on the following:

1. Integrating indigenous resource management practices with western management practices in each moku;
2. Identifying a comprehensive set of indigenous practices for natural resource management;
3. Fostering the understanding and practical use of native Hawaiian resource knowledge, methodology, and expertise;
4. Sustaining the State's marine, land, cultural, agricultural, and natural resources;
5. Providing community education and fostering cultural awareness on the benefits of the aha moku system;
6. Fostering protection and conservation of the State's natural resources; and,
7. Developing an administrative structure that oversees the aha moku system.

**Within the DLNR, several divisions are related to these areas:**

**AQUATIC RESOURCES (DAR)**

Manages the State's marine and freshwater resources through programs in commercial fisheries and aquaculture; aquatic resources protection, enhancement and education; and recreational fisheries. **Issues fishing licenses**

**BOATING AND OCEAN RECREATION (DBOR)**

Responsible for the management and administration of statewide ocean recreation and coastal areas programs pertaining to the ocean waters and navigable streams of the State which include 21 small boat harbors, 54 launching ramps, 13 offshore mooring areas, 10 designated ocean water areas, 108 designated ocean recreation management areas, and beaches encumbered with easements in favor of the public. Registers small vessels.

**CONSERVATION AND COASTAL LANDS (OCCL)**

The Office of Conservation and Coastal Lands is responsible for overseeing private and public lands that lie within the State Land Use Conservation District. In addition, to privately and publicly zoned Conservation District lands, OCCL is responsible for overseeing beach and marine lands out to the seaward extend of the State's jurisdiction.

#### CONSERVATION AND RESOURCES ENFORCEMENT (DOCARE)

Responsible for enforcement activities of the Department. The division, with full police powers, enforces all State laws and rules involving State lands, State Parks, historic sites, forest reserves, aquatic life and wildlife areas, coastal zones, Conservation districts, State shores, as well as county ordinances involving county parks. The division also enforces laws relating to firearms, ammunition, and dangerous weapons.

#### FORESTRY AND WILDLIFE (DOFAW)

Responsible for the management of State-owned forests, natural areas, public hunting areas, and plant and wildlife sanctuaries. Program areas cover watershed protection; native resources protection, including unique ecosystems and endangered species of plants and wildlife; outdoor recreation; and commercial forestry. **Issues hunting permits.**

#### HISTORIC PRESERVATION DIVISION (SHPD)

SHPD's three branches, History and Culture, Archaeology, and Architecture, strive to accomplish this goal through a number of different activities.

### IS THERE A LEGAL BASIS TO REQUIRE COLLABORATIVE GOVERNANCE?

- Agencies responsible for protecting traditional and customary Native Hawaiian rights must conduct detailed inquiries into the impacts on those rights to ensure that proposed uses of land and water resources are pursued in a culturally appropriate way.
  - This is the responsibility of the agency, not the developer!<sup>14</sup>
  - The failure of a state agency to take appropriate measures may be a breach of constitutional obligations to protect Native Hawaiian interests and possibly an infringement upon due process rights.
- Ka Pa'akai O Ka 'Aina v. Land Use Commission (Ka Pa'akai),<sup>15</sup>
  - Supreme Court of Hawaii rules that “the State and its agencies are obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians to the extent feasible.”<sup>16</sup>
  - In a dispute brought by Native Hawaiian cultural practitioners opposed to a developer's request before the State Land Use Commission (LUC) to reclassify certain lands to urban zoning on Hawai'i Island in order to build a resort, the Hawai'i Supreme Court noted “[a]rticle XII, section 7 of the Hawai'i Constitution obligates the LUC to protect the reasonable exercise of customarily and traditionally exercised rights of native Hawaiians to the extent feasible when granting a petition for reclassification of district boundaries.”<sup>17</sup> In order to satisfy these obligations the LUC needed to evaluate:
    - (A) the identity and scope of “valued cultural, historical, or natural resources” in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
    - (B) the extent to which those resources—including traditional and

<sup>14</sup> David M. Forman & Susan K Serrano, Ho'ohana Aku, a Ho'ōla Aku: A Legal Primer for Traditional and Customary Rights in Hawai'i 15 (2012).

<sup>15</sup> 94 Hawai'i 31, 35, 7 P.3d 1068, 1071 (2000).

<sup>16</sup> See also Pub. Access Shoreline Hawai'i v. Hawai'i Cnty. Planning Comm'n, 79 Hawai'i 425, 450 n.43, 903 P.2d 1246, 1271 (1995).

<sup>17</sup> Ka Pa'akai, 94 Hawai'i at 46, 7 P.3d at 1083.

- customary native Hawaiian rights—will be affected or impaired by the proposed action; and
      - (C) the feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian rights if they are found to exist.<sup>18</sup>
    - The Ka Pa‘akai ruling now mandates this legal framework be followed by all State and County agencies for the protection of traditional and customary Hawaiian rights.
    - The Statewide AMAC, with direction from local ‘aha councils on each island, could utilize their traditional knowledge and cultural expertise to provide advisories or guidance documents to the DLNR and its multiple divisions on protocol for engagement with Native Hawaiian communities and how to protect traditional and customary rights and practices on the ground.
  - DLNR has consulted with ‘Aha Kiole o Moloka‘i (along with other Native Hawaiian groups, such as the Hawaiian Civic Clubs and OHA) on a variety of resource management issues<sup>19</sup> including in November 2012 when ‘Aha Kiole o Moloka‘i reached an understanding with the state about limiting cruise ship visits to the island following protests the previous year (and earlier, in 2007) that blocked landings at the Kaunakakai pier.<sup>20</sup>

**FINAL RULES OF PRACTICE & PROCEDURE FOR THE ‘AHA MOKU ADVISORY COMMITTEE (AMAC) AND WORKING WITH ‘AHA MOKU ISLAND COUNCILS, AND COLLABORATION WITH STATE, COUNTY, AND FEDERAL ENTITIES**

The ‘ike kūpuna (ancestral knowledge) and ethos of Native Hawaiians exists in the Final Rules of Practice and Procedure of the ‘Aha Moku Advisory Committee (AMAC)<sup>21</sup> adopted in October 2016 and has been reaffirmed throughout the ‘Aha Moku System of island councils who were present at the 9<sup>th</sup> Puwalu<sup>22</sup> held the following month.

The passage of the ‘Aha Moku rules are necessary and timely given the important outcomes and recognition of Indigenous peoples at the 2016 convening of the World Conservation Congress (WCC) of the International Union for the Conservation of Nature (IUCN) hosted by Hawai‘i.<sup>23</sup> The WCC underscored the important role that Indigenous knowledge and ecological models can serve in conservation efforts throughout the world, including Hawai‘i’s “ahupua‘a system . . . which integrate[s] land and sea ecosystems and relationships within a shared geographic, social,

<sup>18</sup> Id. at 47, 7 P.3d at 1084.

<sup>19</sup> Forman & Serrano, supra note 14, at 53.

<sup>20</sup> Id.

<sup>21</sup> FINAL RULES OF PRACTICE AND PROCEDURE, DEP’T. OF LAND & NATURAL RES., ‘AHA MOKU ADVISORY COMM., (Oct. 20, 2016), *available at* [http://www.ahamoku.org/wp-content/uploads/2016/12/FINAL.AMAC\\_Admin\\_Rules\\_effective.102016.pdf](http://www.ahamoku.org/wp-content/uploads/2016/12/FINAL.AMAC_Admin_Rules_effective.102016.pdf).

<sup>22</sup> *Puwalu ‘Eiwa, Ka Holomua Ana O Ka ‘Aha Moku – Puwalu 9, Moving the ‘Aha Moku Forward*, Ala Moana Hotel, Honolulu, Haw. (Nov. 28-29, 2016).

<sup>23</sup> Mahesh Cleveland, *A New Emphasis on Models of Ancient Hawaiian Sustainability*, CIVIL BEAT, Oct. 31, 2016, *available at* <http://www.civilbeat.org/2016/10/a-new-emphasis-on-models-of-ancient-hawaiian-sustainability/>.

cultural, and political context.”<sup>24</sup> The WCC also adopted the “Hawai‘i Commitments” that includes recognizing Aloha ‘Āina as an ethic for the world to strive for in order to “address the tremendous environmental challenges we face.”<sup>25</sup> The document states further that “creat[ing] a stronger culture of conservation . . . [requires looking to] [t]he values and wisdom of indigenous peoples . . . [to] help inform the necessary transformational changes in the . . . governance and regulatory systems of our societies.”<sup>26</sup> The ‘Aha Moku rules manifests here at home a roadmap for the State to integrate the solutions described in the World Conservation Congress’ Hawai‘i Commitments. Moreover, the rules align with international law; particularly the UNDRIP and serves as a vehicle to implementing free, prior, and informed consent.

The rules also provide foundational principles from Hawaiian cosmogony known as the Kumulipo and the metaphysical and epistemological framework for understanding all phenomena known as Papakū Makawalu.<sup>27</sup> It also safeguards traditional knowledge through its adoption by reference of the Paoakalani Declaration ratified in 2003 to protect ‘Ōiwi cultural expressions from misappropriation.<sup>28</sup>

The rules reaffirm statutory and constitutional laws and judicial precedent protecting traditional and customary Hawaiian rights and the public trust. The ‘Aha Moku rules also operationalize the legal methodology set forth in case law respecting ‘Ōiwi rights. In doing so, the rules provide real guidance and concrete measures that DLNR can use to engage Hawaiian communities collaboratively.

These rules are significant in that they also direct the AMAC to collaborate with other state, county, and federal agencies for which DLNR consults with. This would include Maui County governance structures (e.g., the County Council, Planning Department, and the Moloka‘i Planning Commission).

To review these historic provisions, the full text of the Final ‘Aha Moku Rules of Practice and Procedure is provided online at the [www.ahamoku.org](http://www.ahamoku.org) website.<sup>29</sup>

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<sup>24</sup> 083 – *Affirmation of the role of indigenous cultures in global conservation efforts*, IUCN WORLD CONSERVATION CONGRESS, Sep. 1-10, 2016, available at <https://portals.iucn.org/congress/motion/083>.

<sup>25</sup> *The Hawai‘i Commitments*, IUCN WORLD CONSERVATION CONGRESS, Sep. 1-10, 2016, available at [https://portals.iucn.org/congress/sites/congress/files/EN%20Navigating%20Island%20Earth%20-%20Hawaii%20Commitments\\_FINAL.PDF](https://portals.iucn.org/congress/sites/congress/files/EN%20Navigating%20Island%20Earth%20-%20Hawaii%20Commitments_FINAL.PDF).

<sup>26</sup> *Id.*

<sup>27</sup> *Papakū Makawalu*, EDITH KANAKA‘OLE FOUNDATION, available at <https://www.edithkanakaolefoundation.org/current-projects/papaku-makawalu/>.

<sup>28</sup> KA ‘AHA PONO ‘O3: NATIVE HAWAIIAN INTELLECTUAL PROPERTY RIGHTS CONFERENCE, PAOAKALANI DECLARATION 2 (Oct. 3-5, 2003).

<sup>29</sup> See [http://www.ahamoku.org/wp-content/uploads/2016/12/FINAL.AMAC\\_Admin\\_Rules\\_effective.102016.pdf](http://www.ahamoku.org/wp-content/uploads/2016/12/FINAL.AMAC_Admin_Rules_effective.102016.pdf)

**FINAL RULES OF PRACTICE AND PROCEDURE**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

**‘AHA MOKU ADVISORY COMMITTEE**

(Effective October 20, 2016)

**Part 1 General Provisions**

§1-1	Purpose
§1-2	‘Aha Moku Advisory Committee; Established
§1-3	Definitions and Terminology
§1-4	Office
§1-5	Hours
§1-6	Meetings
§1-7	Membership Terms
§1-8	Quorum
§1-9	Authentication
§1-10	Chairperson
§1-11	Vice-Chairperson
§1-12	Executive Director

**Part 2 ‘Aha Moku System**

§2-1	Purpose
§2-2	Application of Hawaiian Indigenous Methodologies and Best Practices
§2-3	Advisory Functions of the ‘Aha Moku Advisory Committee
§2-4	‘Aha Moku Structure
§2-5	Communication Process

**Part 3 Mokupuni; Moku; Ahupua‘a; ‘Ili**

§3-1	Ni‘ihau O Kahelelani (Ni‘ihau)
§3-2	Kaua‘i O Manokalanipō (Kaua‘i)
§3-3	O‘ahu O Kākuhihewa (O‘ahu)
§3-4	Moloka‘i Pule O‘o (Moloka‘i)
§3-5	Lāna‘i A Kaululā‘au (Lāna‘i)
§3-6	Kohe Malamalama O Kanaloa (Kaho‘olawe)
§3-7	Moku O Pi‘ilani (Maui)
§3-8	Moku O Keawe (Hawai‘i)

## Part 4 Severability

§4-1 Severability

### PART 1

#### GENERAL PROVISIONS

**§1-1 Purpose.** This part governs the practice and procedure of the ‘Aha Moku Advisory Committee of the State of Hawai‘i under Act 288 (SLH 2012), H.R.S. § 171-4.5.

**§1-2 ‘Aha Moku Advisory Committee; Established.** (a) There is established the ‘aha moku advisory committee to be placed within the department of land and natural resources for administrative purposes. The committee may advise the chairperson of the board of land and natural resources in carrying out the purposes of this part.

(b) The committee shall consist of eight members appointed by the governor and confirmed by the senate from a list of nominations submitted by the ‘aha moku councils of each island. Oversight of the committee shall be by the chairperson of the board of land and natural resources. The committee members shall vote for the committee chairperson and vice-chairperson from among its members.

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

(d) The committee may hire an executive director who shall be exempt from Chapter 76, Hawai‘i Revised Statutes. The executive director may hire an administrative or executive assistant to assist the executive director in accomplishing the purposes of the committee.

(e) The committee may provide advice on the following:

- (1) Integrating indigenous resource management practices with western management practices in each moku;
  - (2) Identifying a comprehensive set of indigenous practices for natural resource management;
  - (3) Fostering the understanding and practical use of Native Hawaiian resource knowledge, methodology, and expertise;
  - (4) Sustaining the State’s marine, land, cultural, agricultural, and natural resources;
  - (5) Providing community education and fostering cultural awareness on the benefits of the ‘aha moku system;
  - (6) Fostering protection and conservation of the State’s natural resources;
- and,

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

(f) The committee shall support and accurately represent information, decisions, recommendations, and actions passed from and initiated by the island ‘aha moku councils.

(g) The committee shall proactively advise the department and its divisions, as well as collaborate with state, county, and federal agencies, and the state legislature on how to affirmatively protect and preserve Native Hawaiian rights, traditional and customary practices, and natural and cultural resources that are protected as part of the public trust. Namely, the committee shall provide guidance to agencies and the state legislature for practical and customized application of statutory and constitutional protections of Native Hawaiian rights and the public trust, and judicial cases respecting the same.

(h) The committee shall engage Native Hawaiian individuals and communities, policy-makers and decision-makers, and other various stakeholders committed to conservation and preservation of natural and cultural resources through annual puwalu and initiate a process to integrate findings, respond to concerns, and implement recommendations resulting from puwalu convenings.

(i) The committee shall submit an annual report in English and Hawaiian to the legislature and the chairperson of the board of land and natural resources no later than twenty days prior to the convening of each regular legislative session. The annual report shall include a list of all recommendations made by the committee, island ‘aha councils, and resulting from Puwalu, and the related actions taken by the department over the course of the prior year.

**§1-3 Definitions and Terminology.** As used in this part, unless the context requires otherwise:

“Agency” means the department of land and natural resources, its divisions, and any federal, state or county agency that the department advises.

“Aha Moku Advisory Committee” means the established committee comprised of members representing each of the eight main Hawaiian islands placed within the department of land and natural resources for administrative purposes.

“Ahupua‘a” means smaller land divisions located within larger land districts (moku) with specific geographic features on land and may also encompass features extending into the sea. Ahupua‘a are land divisions usually extending from the uplands to the sea, so called because the boundary was marked in ancient times by a heap (ahu) of stones surmounted by an image of a pig (pua‘a) where tribute was laid as tax to the chief. Ahupua‘a are community-level land division components that have been implemented in various ways, as part of a larger social-ecological system, with the aim of maximizing resource availability and abundance. Ahupua‘a are culturally appropriate, ecologically aligned, and place specific units of land with access to diverse resources. Ahupua‘a are managed along several bio-cultural zones called Wao.

“‘Āina” means literally “that which feeds.” ‘Āina is the land, and more broadly

the environment. Also inherent in the word ‘āina is a recognition of native Hawaiian genealogical relationships to the natural environment and their physical, cultural, and spiritual interactions with the land.

“Board” means the Board of Land and Natural Resources.

“Chairperson” means the chairperson of the ‘Aha Moku Advisory Committee.

“Code of conduct” means pono cultural protocol(s) used by respective moku to sustain and protect the natural and cultural resources within that moku.

“Collaborative governance” is a governing arrangement wherein one or more public agencies, such as the department of land and natural resources and its divisions, directly engage non-state stakeholders, such as the ‘aha moku advisory committee and island ‘aha moku councils, in a collective decision-making process that is *formal*, *consensus-oriented*, and *deliberative* and that aims to make or implement public policy or manage public programs or assets. Collaboration implies two-way communication and influence between agencies and stakeholders. Although ultimate authority lies with the department, stakeholders directly participate in the decision-making process.

“Committee” means the ‘Aha Moku Advisory Committee.

“Department” means the Department of Land and Natural Resources, its divisions, and also any boards, commissions, or programs established within the Department of Land and Natural Resources.

“Free, prior, and informed consent” is based on the right of Indigenous Peoples to control their own future and the future of their people. It is the right of Indigenous Peoples, including Native Hawaiians, to give or withhold consent to actions that affect their ancestral lands, natural, and cultural resources.

“‘Ike” is traditional Native Hawaiian knowledge.

“‘Ili” means a land section, next in importance to ahupua‘a and usually a subdivision of an ahupua‘a. There are several types of ‘ili. ‘Ili may comprise a single, contiguous strip of land within an ahupua‘a called ‘ili pa‘a. ‘Ili lele typically included non-contiguous portions of mountain, inland, and wetland sections to serve as the ‘umeke ‘ai (“that which filled the poi bowl”) and a fishery for the ipukai (“meat bowl”) for extended ‘ohana. The ‘ili kūpono were considered politically unassociated with the ahupua‘a where it is geographically situated. Thus, Native Hawaiian ‘ili tenants may have distinct rights within their ‘ili, but not within the entire ahupua‘a, and vice versa.

“Island ‘aha moku councils” are locally-established councils on each island at the mokupuni and moku level who engage, collaborate, communicate, and transmit information, findings, recommendations, and decision-making on issues impacting natural and cultural resources to their respective island Po‘o.

“Ka Lewalani” is a resource realm which the ancient ‘aha councils considered when making decisions. It encompasses everything above the land, the air, the sky, the clouds, the birds, the rainbows, etc.

“Ka Pae ‘Āina” is the Hawaiian islands.

“Kahakai Pepeiao” is a resource realm which the ancient ‘aha councils considered when making decisions. It begins where the high tide is to where the lepo starts. This is typically the splash zone where crab, limu, and ‘opihi may be located; sea cliffs; or a

gentle shoreline dotted with a coastal strand of vegetation; sands where turtles and seabirds nest; extensive sand dune environs; and the like.

“Kama‘āina” is a Native Hawaiian born and raised on a certain ‘āina (mokupuni, moku, and/or ahupua‘a), and gains knowledge and familiarity of his/her place and the traditions and customs practiced therein.

“Kama‘āina expert testimony” means testimony from a Native Hawaiian person who is familiar from childhood with a particular locality. Testimony from kama‘āina is recognized as the appropriate method to determine the nature of Hawaiian traditional and customary practices in general, and also specifically in describing the customs exercised in a given area. 50 H. 452, 440 P.2d 76.

“Kanaka Hōnua” is a resource realm which the ancient ‘aha councils considered when making decisions. It includes the natural resources important to sustain people. However, care for these resources are based on their intrinsic value. Management is based on providing for the benefit of the resources themselves, rather than from the perspective of how these resources serve people.

“Kaua‘i O Manokalanipō” is the Native Hawaiian traditional name for the island of Kaua‘i.

“Ke ‘Ihi‘ihi” is a resource realm which the ancient ‘aha councils considered when making decisions. Ke ‘Ihi‘ihi are the tangible and intangible elements that maintain the sanctity or sacredness of certain places that are culturally and spiritually important to Native Hawaiians.

“Kia‘i ‘Āina” means one who cares for and possesses the knowledge of caring for ‘āina. It is also the act of caring for ‘āina.

“Kilo” means an observer with ancestral knowledge.

“Kohe Malamalama O Kanaloa” is the Native Hawaiian traditional name for the island of Kaho‘olawe.

“Kuleana” means responsibility, right, and privilege.

“Kumulipo” means the Native Hawaiian creation chant.

“Kūpuna” means Native Hawaiian elders who maintain ‘ike. Kūpuna also means Native Hawaiian ancestors.

“Lāna‘i O Kaululā‘au” is the Native Hawaiian traditional name for the island of Lāna‘i.

“Lepo” means soil.

“Limu” means Hawai‘i’s edible seaweeds.

“Mālama ‘Āina” means to care for and/or responsibly manage the land, ocean, natural and cultural resources, and ecosystems with the understanding that humans are also part of the natural environment and active participants in its care.

“Ma Uka” is a resource realm which the ancient ‘aha councils considered when making decisions. It begins from the point where the lepo starts to the top of the mountain.

“Mele” means a traditional Native Hawaiian song.

“Moana-Nui-Ākea” is a resource realm which the ancient ‘aha councils considered when making decisions. It is the farthest out to sea or along the ocean’s horizon one could perceive from atop the highest vantage point in one’s area.

“Moku” means large, regional, traditional land districts located within a moku-puni which also typically encompass several ahupua‘a.

“Moku o Keawe” is the Native Hawaiian traditional name for the island of Hawai‘i.

“Moku o Pi‘ilani” is the Native Hawaiian traditional name for the island of Maui.

“Moku representative” is a representative on an island moku council. The moku representative possesses the desirable leadership qualities and/or traditional ‘ike identified and valued by participants in a respective island moku council.

“Mokupuni” means island.

“Moloka‘i Pule O‘o” is the Native Hawaiian traditional name for the island of Molokai.

“Mo‘olelo” means a Native Hawaiian story, tale, myth, history, or tradition.

“Nā Muliwai” is a resource realm which the ancient ‘aha councils considered when making decisions. It comprises of all the sources of fresh water, ground or artesian water, rivers, streams, springs, including coastal springs that create brackish-water and contribute to healthy and productive estuarine environments.

“Native Hawaiian” means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

“Ni‘ihau O Kahelelani” is the Native Hawaiian traditional name for the island of Ni‘ihau.

“O‘ahu O Kākuhihewa” is the Native Hawaiian traditional name for the island of O‘ahu.

“‘Ohana” means indigenous Native Hawaiian families.

“‘Oli” means a traditional Native Hawaiian chant.

“‘Opihi” means limpets.

“Orature” is the body of knowledge of Native Hawaiian kūpuna of the ancient past and ‘ike holders of present day as evidenced through oral accounts conveyed in mo‘olelo, oli, and mele. These vehicles of Native Hawaiian orature describe and interpret subject matter from the Native Hawaiian past in the context of the worldview Hawaiian language frames. It is also a pathway for appreciating aspects of the worldview itself via definitions understood in their appropriate traditional contexts. Native Hawaiian orature contains the mana (power) of the subject matter and the haku (composer) who authored a particular mo‘olelo, oli, or mele and teaches pathways to pono. As such, to express them in hula (dance), in cultural practice, and to give voice to these mo‘olelo, oli, and mele means to give life to these sources of knowledge, to honor the kūpuna who served as haku, and to unwrap the original content and spiritual aspects of ‘ike kūpuna passed down through the generations.

“Palapala Kūlike O Ka ‘Aha Pono Paoakalani Declaration” is a declaration ratified at the 2003 Native Hawaiian Intellectual Property Rights Conference by Native Hawaiian kumu hula; elders skilled in lā‘au lapa‘au, traditional and contemporary artists; and individuals who engage in all cultural expressions, including the spiritual and ceremonial practice, subsistence agronomy, marine economic pursuits, and the maintenance and transmission of Hawai‘i’s oral traditions, teachers and academics, and attorneys.

“Papahānaumoku” is one of the three houses of knowledge that comprise Papakū Makawalu. Papahānaumoku represents the embryonic state of all life forces and their transition to death. It is the birthing cycle of all flora and fauna, including humans. It is the process of investigating, questioning, analyzing and reflecting upon all things that give birth, regenerate, and procreate. It is also a class of experts who are spiritually, physically and intellectually attuned to things born and the habitat that provides their nourishment, shelter, and growth.

“Papahelōlona” is a resource realm which the ancient ‘aha councils considered when making decisions. It is a body of knowledge and intellect that is a valuable resource to be respected, maintained, and managed properly. This is the knowledge of kahuna (priests and experts), kia‘i ‘āina, astronomers, healers, and other carriers of ‘ike.

“Papahulihonua” is one of the three houses of knowledge that comprise Papakū Makawalu. Papahulihonua encompasses both the earth and the ocean. It is the ongoing study of the natural development, transformation and evolution of the earth and ocean. It is also a class of experts who are spiritually, physically, and intellectually attuned to earth and its relationship to the space above and the life forms on it.

“Papahulilani” is one of the three houses of knowledge that comprise Papakū Makawalu. Papahulilani is the space from above one’s head to where the stars sit. It includes the sun, moon, stars, planets, winds, clouds, and the measurement of the vertical and horizontal spaces of the atmosphere. It is also a class of experts who are spiritually, physically, and intellectually attuned to the space above and its relationship to the earth.

“Papakū Makawalu” is the categorization and organization of the natural world and represents as a collective the three houses of knowledge: Papahulilani, Papahulihonua, and Papahānaumoku. Papakū Makawalu is the foundation to understanding, knowing, acknowledging, becoming involved with, and becoming experts of the systems of this natural world. It connotes the dynamic Hawaiian worldview of the physical, intellectual and spiritual foundations from which life cycles emerge. Papakū Makawalu comes from section 13 (Wā ‘Umikūmākolū) of the Kumulipo which begins with Palikū and Paliha‘a, the male and female ancestors of Haumea. Haumea, an ancestor of the Native Hawaiian people, is credited for the pedagogy of categorizing and organizing the natural world known as Papakū Makawalu.

“Po‘o” means the island representative serving on the ‘aha moku advisory committee who is selected by the ‘aha moku councils of their respective island and appointed by the governor. Po‘o may also be appointed locally to serve on island ‘aha moku councils to communicate to Island Po‘o their moku issues and concerns and serve as liaison to hear ahupua‘a concerns under their leadership and kuleana.

“Pono” means right or appropriate behavior or action in accordance with Native Hawaiian traditional and customary norms.

“Precautionary principle” means the standard for managing public trust resources. The precautionary principle means that where there are present or potential threats of serious damage, lack of full scientific certainty should not be a basis for postponing effective measures to prevent environmental degradation; in addition, where uncertainty exists, a trustee’s duty to protect the resource militates in favor of choosing presumptions that also protect the resource.

“Public Trust” is the Constitutional obligation to protect the natural and cultural resources of the State, preserve species and ecosystem health and the exercise of Native Hawaiian and traditional and customary rights and practices, including the natural and cultural resources on which Native Hawaiians depend. It requires the State to exercise the precautionary principle in managing Hawai‘i’s natural and cultural resources for the benefit of present and future generations of Native Hawaiians and the general public.

“Puwalu” means a conference or gathering of Native Hawaiian cultural practitioners and elders, teachers, conservationists, scientists, legislators and policymakers at all levels of government (county, state, and federal), ‘aha moku advisory committee leadership, leaders of island ‘aha moku councils, and other stakeholders committed to natural and cultural resource protection in the Hawaiian Islands.

“United Nations Declaration on the Rights of Indigenous Peoples” is an international instrument adopted by the United Nations in 2007 and later signed by the United States of America in 2010. It enshrines the rights that constitute the minimum standards for survival, dignity and well-being of the Indigenous Peoples of the world.

“Wao Akua” means the sacred, montane cloud forest, core watershed, native plant community that is non-augmented and an area that was traditionally kapu (human access usually forbidden and prohibited).

“Wao Kele” is the saturated forest just below the clouds, the upland rainforest where human access is difficult and rare, and an area that is minimally augmented.

“Wao Nahele” is the remote forest that is highly inconvenient for human access; a primarily native plant community; minimally augmented; and utilized by early Hawaiians as a bird-catching zone.

“Wao Lā‘au” is a zone of maximized biodiversity comprised of a highly augmented lowland forest due to integrated agroforestry of food and fuel trees, hardwood trees, construction supplies, medicine and dyes, and lei-making materials.

“Wao Kānaka” is where the early Hawaiians chiefly settled. These were the kula lands, the sloping terrain between the forest and the shore that were highly valued and most accessible to the people. These were the areas where families constructed their hale, cultivated the land, conducted aquaculture, and engaged in recreation. For coastal ahupua‘a, Wao Kānaka also extended into the sea to include fishponds and fisheries.

**§1-4 Office.** The principal office of the committee is at the Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Hawai‘i. All communications to the committee shall be addressed to 1151 Punchbowl Street, Honolulu, Hawaii, 96813 unless specifically directed.

**§1-5 Hours.** The committee’s office shall be open from 7:45 a.m. to 4:30 p.m. of each day of the week except Saturdays, Sundays and holidays unless deemed otherwise by necessity.

**§1-6 Meetings.** (a) The committee may meet and exercise its powers in any part of the State of Hawai‘i.

(b) Regular meetings of the committee shall be held quarterly in Honolulu on the island of O‘ahu and are subject to Chapter 92, Hawai‘i Revised Statutes.

(c) Special meetings may be convened by the chairperson at any time by giving notice to each member at least five days prior to the date of the meeting; provided however, that the notice shall not be required if all members present in the State agree and sign a written waiver of the notice.

(d) All committee meetings shall be voice recorded or video-taped to preserve an administrative record of the committee’s proceedings and as a back-up to written minutes.

(e) All committee meetings shall be transcribed verbatim to preserve the accuracy of the administrative record.

(f) All meetings of the committee shall be open to the public; provided, that the committee may meet, pursuant to sections 92-4 and 92-5, Hawai‘i Revised Statutes, in executive session, from which the public may be excluded, by a recorded vote of two-thirds of the members present.

(g) The committee shall post all meeting notices and agendas on the State Online Calendar as soon as such notices are filed with the Lieutenant Governor’s Office.

(h) Meeting minutes, notes, copies of the sign-in sheet, and any recordings of the meeting shall be submitted to the committee’s main office within 30 days of a meeting.

**§1-7 Membership Terms.** (a) The terms of the committee members shall be for four years.

(b) No person shall be appointed consecutively to more than two terms as a member of the committee; provided that membership shall not exceed eight consecutive years.

(c) The governor may remove or suspend for cause any member of the committee after due notice and public hearing

(d) In the event that there is a permanent vacancy on the committee, for any reason, the governor may select an individual from a list of nominations from the respective island ‘aha moku councils to complete the duration of the current unexpired term.

**§1-8 Quorum.** Five members of the committee shall constitute a quorum to transact business and the concurrence of a simple majority of the committee members present shall be necessary to approve any action of the committee.

**§1-9 Authentication.** All official orders and other actions of the committee shall be authenticated or signed by the chairperson or in the chairperson’s absence, the vice-chairperson.

**§1-10 Chairperson.** The committee shall select from among its members a chairperson who shall preside at all meetings, serve the will of the committee, and perform such other duties as may be assigned. The chairperson may be removed from this office by a majority vote of the committee members.

**§1-11 Vice-Chairperson.** The committee shall select from among its members a vice-chairperson who shall preside over meetings in the event of a temporary absence of the chairperson.

**§1-12 Executive Director.** (a) The executive director may hire an administrative or executive assistant to assist the executive director in accomplishing the purposes of the committee.

(b) The executive director shall be responsible to and under the authority of the committee.

(c) The executive director shall be responsible for planning and scheduling all committee meetings.

(d) The executive director shall timely and regularly report to the committee all correspondences to and from the committee and shall also prepare and draft correspondence for the committee.

(e) The executive director shall report bi-monthly to the committee all correspondence, communications, and issues related to the business of the committee.

(f) The executive director is responsible for developing a budget for review and approval by the committee.

(g) At every regular meeting, the executive director shall provide a financial report detailing budget line item expenditures, remaining balance, and projected future expenses.

(h) The executive director shall be responsible for preparing, drafting, and publishing the annual report. The executive director shall integrate Island Po‘o reports into the annual report. The executive director shall transmit the annual report to the committee for final review and approval prior to submittal to the legislature.

(i) The executive director shall only offer testimony in public hearings before agencies and the legislature related to specific findings, policies, and recommendations that have been formally approved by the committee at its meetings. The executive director shall not act contrary to, in opposition to, and without notice or authority of the committee’s official findings, policies, recommendations, and decisions.

(j) If the department, other agencies, and the legislature inquire on island-specific issues, the executive director shall only consult with and seek a response from the respective Island Po‘o for which the matter corresponds to. In these instances the executive director shall defer to the Island Po‘o on next steps and recommended action. The executive director shall not act independently and without consent and authority

from the Island Po‘o on matters affecting the respective Po‘o’s ahupua‘a, moku, and mokupuni issues and concerns.

(k) The executive director shall have available in the office of the committee up-to-date public records of the issues and actions of the committee.

(l) The committee shall conduct annual performance evaluations of the executive director.

(m) Non-performance and poor performance of any of the duties in these administrative rules, and the committing of unauthorized actions that are contrary to the committee’s decisions shall constitute grounds for removal and termination of the executive director; subject, however, to concurrence of the department chair and the applicable employment laws administratively attached to the executive director’s position.

## **PART 2**

### **‘AHA MOKU SYSTEM**

**§2-1 Purpose.** (a) The purpose of this part is to introduce the historical framework for the ‘aha moku system, more properly known as the ‘aha kiole (people’s councils) in ancient times; its successes in ensuring ecological health, sustainability, and abundance; and the necessity of returning to the foundational precepts that governed the ‘aha councils anciently in order to restore natural and cultural resource health today.

(b) The purpose of this part is also to restore the Indigenous methodologies employed by ancient kūpuna who led and guided the work of the ‘aha kiole in order to ensure resource health and abundance at the ecosystem level and to honor cultural and ancestral beliefs and knowledge systems.

(c) The purpose of this part is also to responsibly utilize the traditional knowledge and expertise of the committee serving in an advisory function in a manner that enhances the capacity of the department, its divisions, and other agencies to mālama ‘āina and implement their statutory and constitutional obligations to affirmatively protect the public trust, traditional and customary rights and practices of Native Hawaiians, and the natural and cultural resources that Hawai‘i’s Indigenous people depend on for subsistence, cultural, and religious purposes.

(d) The purpose of this part is also to recognize the ‘aha moku advisory committee as a global leader integrating Indigenous resource management models into modern legal and regulatory structures, serving as a vehicle for promoting the rights of Native Hawaiians as Hawai‘i’s Indigenous people, and ensuring that their right to free, prior, and informed consent is respected.

(e) The purpose of this part is also to expressly convey the communication process in which the ‘aha moku advisory committee, the department, and its divisions shall employ in cooperation and collaboration with island ‘aha moku councils who

represent the issues and concerns of Native communities seeking to care for their natural and cultural resources.

### **§2-2 Application of Hawaiian Indigenous Methodologies and Best Practices.**

(a) The ‘aha moku system is grounded in the foundational practices adopted by the ancient ‘aha councils who formed as a means to govern the people and manage the ‘āina within moku and ahupua‘a. ‘Aha council leadership was determined by the people who collectively understood who the experts were in their community. They were experts in fisheries management, hydrology and water distribution, astronomy and navigation, architecture, farming, healing arts, etc. Thus, the leaders who governed the people and managed the resources were actual practitioners, those who had gained a comprehensive and masterful understanding of the biological, physical, and spiritual aspects of the ‘āina. These experts utilized their knowledge to kia‘i ‘āina, or care for the natural resources and produce food in abundance – not just for the people of that time, but for all successive generations.

(b) ‘Aha council leaders who governed the people and managed the resources were those who were actual practitioners; those who had gained a comprehensive and masterful understanding of the biological, physical, and spiritual aspects of the ‘āina. The kūpuna metaphorically ascribed these councils and the weaving of various ‘ike, or knowledge streams, as an ‘aha. The individual aho or threads made from the bark of the olonā shrub were woven together to make strong cordage, called ‘aha. Thus the early Hawaiians referred to their councils as ‘aha to represent the strong leadership created when acknowledged ‘ike holders came together to weave their varied expertise for collective decision-making that benefitted the people, land, and natural resources.

(c) ‘Aha moku leaders throughout Ka Pae ‘Āina gathered often to learn from each other. These religious and educational exchanges allowed them to adopt innovations, make improvements, and progress forward together. As the lands and the people flourished, the ‘aha moku councils elected to divide moku into smaller, more manageable units of land called ahupua‘a. From here, the people managed themselves under the guidance of their own experts, forming their own ‘aha ahupua‘a. Governance remained within the ahupua‘a unless an issue affected the entire moku. These councils would convene according to whether decision-making was necessary at the island-wide (mokupuni), regional (moku), or more specifically at the ahupua‘a level. Representative leadership was present at all of these levels.

(d) The people governed themselves through the ‘aha councils for seven hundred years from the second century, A.D. until the Tahitian migration and introduction of the hierarchical ali‘i system in the end of the ninth century. Kumu John Ka‘imikaua shared the results of ‘aha governance during this rich period of development:

*“After the passing of the first seven generations under the ‘aha councils, peace was established. By the sixteenth generation, there was no more manufacture of weapons and no knowledge of war amongst the people. The leadership of the ‘aha councils was so proficient in providing for the people’s needs. Everyone had*

*enough food, materials for housing, and clothing. There were no rich, no poor. Because of the ‘aha councils, the people were able to progress and expand their farming and fishing abilities and excel spiritually. About three-hundred years after the formation of the ‘aha moku councils, the lands became abundant and the population of the islands increased.”*

(e) In assessing natural and cultural resource management issues, the ‘aha moku advisory committee members shall incorporate the following methodology employed by ancient kūpuna:

- (1) Accountability to and protection of the eight resource realms:
  - (i) Moana-Nui-Ākea – the farthest out to sea or along the ocean’s horizon one could perceive from atop the highest vantage point in one’s area.
  - (ii) Kahakai Pepeiao – where the high tide begins to where the lepo starts. This is typically the splash zone where crab, limu, and ‘opihi may be located; sea cliffs; or a gentle shoreline dotted with a coastal strand of vegetation; sands where turtles and seabirds nest; extensive sand dune environs; and the like.
  - (iii) Ma Uka – from the point where the lepo starts to the top of the mountain.
  - (iv) Nā Muliwai – all the sources of fresh water, ground or artesian water, rivers, streams, springs, including coastal springs that create brackish-water and contribute to healthy and productive estuarine environments.
  - (v) Ka Lewalani – everything above the land, the air, the sky, the clouds, the birds, the rainbows, etc.
  - (vi) Kanaka Hōnua – the natural resources important to sustain people. However, care for these resources are based on their intrinsic value. Management is based on providing for the benefit of the resources themselves, rather than from the perspective of how these resources serve people.
  - (vii) Papahelōlona – knowledge and intellect that is a valuable resource to be respected, maintained, and managed properly. This is the knowledge of kahuna (priests and experts), konohiki, astronomers, healers, and other carriers of ‘ike.
  - (viii) Ke ‘Ihi ‘Ihi – elements that maintain the sanctity or sacredness of certain places.
- (2) Consider and weigh issues, problems, and potential solutions in terms of their impact, both beneficial and adverse, to the eight resource realms described above.
- (3) Adopt measures and implement solutions that
  - (i) Are determined to be non-harmful and/or beneficial to each of the resource realms;
  - (ii) Honor the ancestral past and wisdom of the kūpuna;

- (iii) Address the needs of the present;
- (iv) And establish abundance and sustainability for future generations.

(f) Traditional Knowledge. Understanding that Papahelōlona is knowledge and intellect that must be treated properly, the committee adopts the practices of honoring the three houses of knowledge known collectively as Papakū Makawalu. These three houses of knowledge are Papahulilani, Papahulihonua, and Papahānaumoku. Additionally, the committee shall:

- (1) Protect, respect, maintain, manage, and prevent the misappropriation of Native Hawaiian traditional knowledge in accordance with the provisions set forth in the Palapala Kūlike O Ka ‘Aha Pono Paoakalani Declaration.
- (2) Recognize, uphold, and apply with pono the vast store of Native Hawaiian traditional knowledge contained in orature, including oli, mele, mo‘olelo, hula, other Native cultural expressions, oral histories, and kama‘āina expert testimony; archival literature; and expressed in the living culture and traditional practices of Native Hawaiians for the protection of cultural and natural resources.

(g) In determining and maintaining the ecological health of nā ahupua‘a and protecting the natural and cultural resources within nā ahupua‘a, the statewide ‘aha moku advisory committee and the island ‘aha moku councils shall employ indigenous tools of assessment and ahupua‘a design principles adopted by the ancient kūpuna which include mālama of the biocultural zones traditionally known as nā wao:

- (1) Wao Akua - sacred, montane cloud forest, core watershed, native plant community that is non-augmented and an area that was traditionally kapu (human access usually forbidden, prohibited).
- (2) Wao Kele - saturated forest just below the clouds, the upland rainforest where human access is difficult and rare, and an area that is minimally augmented.
- (3) Wao Nahele - remote forest, highly inconvenient for human access; a primarily native plant community; minimally augmented; and utilized by early Hawaiians as a bird-catching zone.
- (4) Wao Lā‘au - a zone of maximized biodiversity, comprised of a highly augmented lowland forest due to integrated agroforestry of food and fuel trees, hardwood trees, construction supplies, medicine and dyes, and lei-making materials.
- (5) Wao Kānaka - where the early Hawaiians chiefly settled. These were the kula lands, the sloping terrain between the forest and the shore that were highly valued and most accessible to the people. These were the areas where families constructed their hale, cultivated the land, conducted aquaculture, and engaged in recreation. For coastal ahupua‘a, Wao Kānaka also extended into the sea to include fishponds and fisheries.

(h) Recognizing that the wao as described in paragraph (g) above are not universally applicable for every moku-puni and that each moku-puni by their topography, geology, total elevation, microclimates, and ecosystems may not have integrated all of

these wao, or may have contained more wao than mentioned here, and/or may have named and categorized them differently, the committee provides the above designations in paragraph (g) as a generalized standard and appends “Attachment A: Hawaiian Terms and their Descriptions for Landscape Zones Based on Elevation” with additional categorizations by elevation.

(i) Recognizing that the kūpuna also named and categorized landscape and oceanscape features and that there were appropriate biota, ecologies, and uses for these various features of land and sea, the committee appends “Attachment B: Definitions and Descriptions of Land and Ocean Terms.”

**§2-3 Advisory Functions of the ‘Aha Moku Advisory Committee.** (a) The committee, in its advisory role, reaffirms and shall protect all Native Hawaiian rights, customarily and traditionally exercised for subsistence, cultural and religious purposes.

(1) Native Hawaiians have standing and unique rights that are distinguishable from those of the general public. 79 H. 425, 903 P.2d 1246. These rights stem from several sources of Constitutional and statutory law. Haw. Const., art. XII § 7, HRS § 1-1, HRS § 7-1.

(2) The Hawai‘i Supreme Court has provided a framework by which the state must fulfill its statutory and Constitutional obligations to affirmatively protect Native Hawaiian traditional and customary rights and practices. 94 H. 31, 7 P.3d 1068. Under this framework, state and county agencies, when reviewing land use applications, must independently assess:

(A) The identity and scope of valued cultural and historical or natural resources in the petition area including the extent to which traditional and customary Native Hawaiian rights are exercised in the petition area.

(B) The extent to which those resources including traditional and customary Native rights will be affected or impaired by the proposed action; and

(C) The feasible action, if any, to be taken by the state to reasonably protect Native Hawaiian rights if they are found to exist.

(b) The committee, in its advisory role, shall liberally apply the “precautionary principle” when advising agencies regarding development or use of lands under the public trust.

(c) The legislature, in establishing the ‘aha moku advisory committee, reaffirmed the customary laws of ancient pre-contact Hawai‘i, from which the ‘Aha Kiole (people’s councils) formed. This being so, and with the formal adoption by the United States of the United Nations Declaration on the Rights of Indigenous Peoples, the committee and the respective island moku councils shall serve as vehicles for free prior and informed consent and reaffirms the following articles in the declaration with respect to the treatment of Native Hawaiians as the Indigenous people of Hawai‘i:

(1) Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and

develop their own indigenous decision-making institutions. UNDRIP Art. 18.

(2) States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. UNDRIP Art. 19.

(3) Indigenous people have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. UNDRIP Art. 32(1).

(d) The ‘aha moku advisory committee is a global leader in the integration of Indigenous resource management models into modern legal and regulatory structures. The International Union for the Conservation of Nature has recognized that Indigenous peoples and local communities can provide examples of sustainability to serve as global models, including by means of their traditional knowledge. The International Union for the Conservation of Nature also specifically acknowledged that “the indigenous people of Hawai‘i sustained a population of up to one million people through the ahupua‘a system of land management, which integrated land and sea ecosystems and relationships within a shared geographic, social, cultural, and political context.” Act 288 and the ‘aha moku advisory committee represent one of the first codifications of this developing international policy.

**§2-4 ‘Aha Moku Structure.** (a) Within the physical geography of each moku, communities and residents select their moku representative(s) according to the desirable leadership qualities and/or traditional ‘ike that align with the needs of that moku.

(b) The duties of each island representative is to serve as a liaison between the various moku of their respective island, their ‘aha moku advisory committee island Po‘o, and the department.

(c) Each island moku representative, in consultation with the communities and residents within their moku, shall select Po‘o candidate names to the governor for consideration in serving on the ‘aha moku advisory committee when the term of their present Po‘o is nearing expiration.

**§2-5 Communication Process.** (a) In order for the ‘aha moku advisory committee and those participating in the ‘aha moku system to be effective in advising agencies, the department, its divisions, and the board, representatives in island ‘aha moku councils will relay their concerns about site-specific natural and cultural resource issues to their respective island Po‘o serving on the ‘aha moku advisory committee.

(b) Information, requests, or comments should be in writing and can be received via email, facsimile or U.S. postal service. The respective island Po‘o will work with the executive director to ensure these concerns will be forwarded to the appropriate department division(s) for response or consideration.

(c) The communication route shall be as follows:

(1) All issues or concerns brought before the island ‘aha moku councils

concerning their region and nā ahupua‘a therein will be brought forward by island moku representatives and forwarded to the respective island Po‘o serving on the ‘aha moku advisory committee;

- (2) The respective island Po‘o works with the executive director to forward the ahupua‘a and moku issues and concerns to the appropriate department division(s). Said division(s) will work with the respective island Po‘o to resolve the island issues. For ease of process, the respective island Po‘o shall follow the sample provided in “Attachment C - ‘Aha Moku Advisory Committee Communication and Networking Form.”
- (3) If the issues are not mitigated or resolved by the impacted community(s) and the department division, the issue will then be submitted to the board for further discussion, guidance, and/or decision.

### **PART 3**

#### **MOKUPUNI; MOKU; AHUPUA‘A; ‘ILI**

**§3-1 Ni‘ihau O Kahelelani (Ni‘ihau).** There are three traditional moku within the mokupuni of the island of Ni‘ihau. They are Kona, Ko‘olau, and Puna. The ahupua‘a located within each moku are:

- (1) Ko‘olau: Okii, Apu, and Koolaukani.
- (2) Puna: Pūeo, Nomilu, Kalaoa, and Honuaula.
- (3) Kona: Hālālī‘i, Koahi, Kaikane, Pahau, Mauuloa, Nonopapa, Halo, Pauahula, Puuwai, Kaumuhonu, Keanauhi, Pohueloa, Nianiau, and Lehua.

**§3-2 Kaua‘i O Manokalanipō (Kaua‘i).** There are five traditional moku within the mokupuni of Kaua‘i. They are Halele‘a, Ko‘olau, Puna, Kona, and Nā Pali. The ahupua‘a located within each moku are:

- (1) Halele‘a: Hā‘ena, Wainiha, Lumaha‘i, Waikoko, Waipā, Wai‘oli, Hanalei, Kalihiwai, Kalihikai.
- (2) Ko‘olau: Nāmāhana, Kilauea, Kāhili, Waiakalua, Pila‘a, Waipakē, Lepeuli, Ka‘aka‘aniu, Moloa‘a, Pāpa‘a, ‘Aliomanu, and Anahola.
- (3) Puna: Kamalomalo‘o, Keālia, Kapa‘a, Waipouli, Olohena, Wailua, Hanamā‘ulu, Kalapakī, Nāwiliwili, Niumalu, Ha‘ikū, and Kipū.
- (4) Kona: Māhā‘ulepū, Pā‘ā, Weliweli, Kōloa, Lāwa‘i, Kalāheo, Wahiawa, Hanapēpē, Makaweli, Waimea, Pōki‘i, Niu, Waiawa, Mānā, Ka‘ula‘ula, Hā‘ele‘ele, Polihale, Kā‘aweiki, Kauhao, and Mākaha.
- (5) Nā Pali: Miloli‘i, Nu‘alolo, Awa‘awapuhi, Honopū, Kalalau, Pōhakuao, Hānakoā, Hānakāpī‘ai.

**§3-3 O‘ahu O Kākuhihewa (O‘ahu).** There are six traditional moku within the mokupuni of O‘ahu. They are Ko‘olau Loa, Ko‘olau Poko, Kona, ‘Ewa, Wai‘anae, and Waialua. The ahupua‘a and ‘ili within each moku are:

- (1) Ko‘olau Loa: Waimea, Pūpūkea, Paumalū, Kaunala, Waiale‘e, Pahipahi‘ālua, Nā‘opana 1, Nā‘opana 2, Kawela, Hanakaoe, ‘Ō‘io 1, ‘Ō‘io 2, Ulupehupehu, Kahuku, Keana, Malaekahana, Lā‘ie 1, Lā‘ie 2, Kaipapa‘u, Hau‘ula, Mākaō, Kapaka, Kaluanui, Papa‘akoko, Hale‘aha, Kapano, Pūhe‘emiki, Wai‘ono, Punalu‘u, Kahana, Makaua, and Ka‘a‘awa.
- (2) Ko‘olau Poko: Kualoa 1, Kualoa 2, Hakipu‘u, Waikāne, Waiāhole, Ka‘alaea, Waihe‘e, Kahalu‘u, He‘eia, Kāne‘ohe, Mokapu, Kailua, and Waimānalo.
- (3) Kona: Waikīkī, Kuli‘ou‘ou, Niu, Wailupe, Wai‘alae Iki, Waialae Nui, Pālolo, Mānoa, Kewalo, Honolulu, Pauoa (Lower), Pauoa (Upper), Nu‘uanu, Kapālama, Kalihi, Kahauiki, and Moanalua.
- (4) ‘Ewa: Hālawa, ‘Aiea, Kalauao, Waimalu, Waiau, Waimanō, Mānana, Mānana Iki, Mānana Uka, Mānana Nui, Wai‘awa, Waipi‘o, Waikele, Hō‘ae‘ae, and Honouliuli.
- (5) Wai‘anae: Nānākuli, Lualualei, Wai‘anae, Mākaha, Kea‘au, ‘Ōhikilolo, Mākua, Kahanahāiki, and Keawa‘ula.
- (6) Waialua: Ka‘ena, Keālia, Kawaihāpai, Kamananui, Kawailoa, Mokulē‘ia 1, Mokulē‘ia 2, and Pa‘ala‘a.

**§3-4 Moloka‘i Pule O‘o.** There are five traditional moku within the mokupuni of Moloka‘i. They are Kaluako‘i, Pālā‘au, Kawela, Mana‘e, and Ko‘olau. The ahupua‘a located within each moku are:

- (1) Mana‘e: Keōpukaloa, Keōpuka‘u‘uku, Moakea, Pōhakupili, Lūpehu, Honoulimalo‘o, Honouliwai, Kūmimi, Moanui, Waialua, Puniuohua, Kainalu, Kawaikapu, Honomuni, ‘Aha‘ino 2, ‘Aha‘ino 1, Kūpeke, Pūko‘o, Mapulehu, Kalua‘aha, ‘Ualapu‘e, Kahananui, Manawai, East ‘Ōhi‘a, West ‘Ōhi‘a, Keawanui, Ka‘amola, Pua‘ahala, Wawaia, Kumu‘eli, Kapualei, and Kamalō.
- (2) Kawela: Kapuaoko‘olau, Makolelau, Kawela, Makakupa‘ia, Kamiloloa, Kapa‘akea, and Kaunakakai.
- (3) Pālā‘au: Kalama‘ula, Kahanui, Nā‘iwa, Ho‘olehua, Pālā‘au, Kalaupapa, Makanalua, and Kalawao.
- (4) Kaluako‘i: Punakou and Kaluako‘i.
- (5) Ko‘olau: Hālawa, Wailau, Pelekunu, and Waikolu.

**§3-5 Lāna‘i O Kaululā‘au (Lāna‘i).** There are two traditional moku within the mokupuni of the island Lanai. They are Kona and Ko‘olau. The ahupua‘a located within

each moku are:

- (1) Ko‘olau: Paomai, Mahana, Maunalei, Kalulu, Kaunolu, Palawai, Paawili, and Kaohai.
- (2) Kona: Kamao, Palawai, Paawili, Kealiaaupuni, Kealakapu, Kaunolu, Kalulu, Kamoku, and Ka‘a.

**§3-6 Kohe Malamalama O Kanaloa (Kaho‘olawe).** There are four moku within the mukupuni of Kaho‘olawe. They are Kona, Koolau, Honuaua and Molokini. The ahupua‘a located within each moku are:

- (1) Kona: Lae O Kaka, Kamohio, Kaneloa, Wai Kahulu, and Kealaikahiki.
- (2) Ko‘olau: Honokoa, Kii, Ahupa, Kaukamoku, Kuheia, Kaulana, Papaka, Lua O Kealialuna, Hakioawa, Owawahie, and Konapou.
- (3) Honuaua: Paeahu, Palauea, Maluaka, Mooloa, Moomuku, Kanehena, Kualapa, Kahili, Papake, Kaloi, Kanaio, and Aualu. (Note: While this moku is physically located on the Island of Maui, it traditionally connects to Kanaloa.)
- (4) Molokini: No ahupua‘a.

**§3-7 Moku o Pi‘ilani (Maui).** There are twelve moku within the mukupuni of Maui. They are Hāmākuapoko, Hāmākualoa, Ko‘olau, Hāna, Kīpahulu, Kaupō, Kahikinui, Honua‘ula, Kula, Wailuku, Lahaina, and Kā‘anapali. The ahupua‘a within each moku are:

- (1) Hāmākuapoko: Paniau, Kalialinui, ‘A‘apueo, Wai‘ōpua, Keāhua, Kailua, Hōkū‘ula, Honohina, Waiawa, Hāli‘imaile, Pā‘ia, and Pāiheie.
- (2) Hāmākualoa: Ha‘ikū, Pa‘uwela, Ku‘i‘aha, Kaupakulua, Ulumalu, ‘Ōpana, Hea‘a‘ula, Uaoa, Pe‘ahi, Keali‘i, Halehaku, Honopou, Ho‘olawa, Honokalā, Mokuapapa, Waipi‘o, Puōlua, Huelo, Haneho‘i, Hanawana Hoalua, Pu‘uomaile, and Pāpa‘a‘ea.
- (3) Ko‘olau: Makaiwa, Ka‘aiea, Punalu‘u, Mo‘oloa, Kōlea, Lo‘iloa, Keopuka, Honomanū, Nu‘a‘ailua, Ke‘anae, Pālauhulu, Wailua, Kalā‘e Kekuapawela, Waiohue, Makapehu, Puakea, Pa‘akea, Kapa‘ula, Wailaulau, Pu‘uhaehae, Hopenui, Honoluluunui, Makapipi, ‘Ōpiko‘ula, Waiāhole, Kea‘a, Ula‘ino, Kea‘a, and Makapu‘u.
- (4) Hāna: Honomā‘ele, Kawela, Kauamanu, Ka‘elekū, Honokalani, Wākiu, Kawaiapapa, Niumalu, Palemo, Wānanalu, Olo‘ewa, Papa‘auhai, Aleamai, Haneo‘o, Hamoa, Pōhue, Mōkae, Maka‘alae, Kāki‘o, Waiohonu, Pu‘uiki, Pūku‘ilua, Hā‘ō‘ū, Hulihana, Kākūhalahala, Pōhakanele, ‘Āhuake‘io, Kihapūhala, Papahawahawa, Mū‘olea, Koali, Wailua, Pu‘uhaoa, Paehala, Kakiweka, Hāhālawe, and Pua‘alu‘u.
- (5) Kīpahulu: Kaumakani, Papauluana, ‘Alae, Kākalahale, Halemanō, Kalena, Kīko‘o, Ma‘ulili, Kakanoni, Kapua‘ikini, Pōpō, and Kukui‘ula.
- (6) Kaupō: Kālepa, Nu‘anu‘aloe, Mikimiki, Mā‘alo, Kahuwai, Niumalu,

- Pu‘ulani, Manawainui, Kepi‘o, Ke‘alepa, Mokui‘a, Hikiaupe‘a, Puka‘auhuhu, Kou, Pu‘umāneoneo, Kaumahalua, Nu‘u, Kumu, Wai‘ōpai, Kūkoa‘e, Huilua, and Kīpapa.
- (7) Kahikinui: Manawainui, Mehamenui, Naka‘aha, Naka‘ohu, Kīpapa, Alena, Luala‘ilua, and Auwahi.
- (8) Honua‘ula: Auala, Kanaio, Kalo‘i, Kauna‘uhane, Pāpaka, Keone‘ō‘io, Kualapa, Kanahena, Nau, Mo‘omuku, Mo‘olua, Mohopilo, Mo‘o‘iki, Maluaka, Ka‘eo, Pāpa‘anui, Waipao, Kalihi, Keauhou, Palauea, and Paeahu.
- (9) Kula: Kama‘ole, Kēōkea, Waiohuli, Kalepolepo, Kōheo, Ka‘ono‘ulu, Alae, Waiakoa, Kealahou, Kamehame, Pūlehu, and ‘Ōma‘opio.
- (10) Wailuku: Nākalele, Keawalua, Pōelua, ‘Owāluhi, Ahoa, Kahakuloa, Makaliua, Waihe‘e, Ahikuli, Waiehu, Wailuku, Waikapū, Kama‘alae‘a, ‘A‘Alaloloa, Papalua, Ukumehame, Olowalu, Awalua, and Kūlanaokala‘i.
- (11) Lāhainā: Launiupoko, Waianu‘ukole, Halaka‘a Polapola, Makila, Pāhoa, Kaua‘ula, Pūehuehu, Waine‘e, Ku‘ia, Kelaweā, Kanahā, Pu‘unua, Moa, Kapunakea Pana‘ewa, Māla, Punau, Pū‘ou, Kūholile‘a, Pu‘uiki Kahoma, ‘Aki, and Hāhākea.
- (12) Kā‘anapali: Honokōwai, Mo‘omoku, Māhinahina, Kahana, Mailepa‘i, ‘Alaeloa, Honokeana, Nāpili, Honokahua, Honolua, Hononana, and Honokōhau.

**§3-8 Moku o Keawe (Hawai‘i).** There are six moku within the mukupuni of Hawai‘i. They are Hilo, Puna, Ka‘ū, Kona, Kohala, and Hāmākua. The ahupua‘a within each moku are:

- (1) Hilo: ‘Ō‘ōkala, Humu‘ula, Wapunalei, Kīlau, Manowai‘ōpae, Pū‘alaea, Kihalani, Laupāhoehoe, Pāpa‘alua, Mā‘onalulu, Kapehu, Kea‘alau, Waioka, Maulua, Kūlanaki‘i, Kaiākea, Pu‘u‘ōhua, Nīnole, Waikaumalo, Piha, Kanuku, Nanue, Piha, Honohina, ‘Ōpe‘a, Uwapuni, Lepoloa, Kauniho, Kaluakailio, Umauma, Wailua, Kaumae‘e, Hakalau, Kaloalua, Wailea, Kaiwiki, Kuhua, Honomū, Mālamalama, Lā‘imi, Ka‘akepa, Kaupakuea, Mākea, Kahua, Makahanalua, ‘Alalā, Pepe‘ekeō, Kula‘imano, Kawainui, Onomea, Kahali‘i, Alakahi, Moku‘ōnikī, Pu‘umoi, Kalaoa, ‘Aleamai, Ka‘ie‘ie, Ka‘āpoko, Pāpa‘ikou, Pāhoehoe, Pauka‘a, Kīkala, Maumau Kaiwiki, ‘Alae, Papā‘a, Mokuhonua, Wainaku, Kalalau, Pu‘u‘eo, Pi‘ihounua, Hāla‘i, PUnahoa, Pōnahawai, Kaūmana Kūkūau, Waiākea, and Honohononui.
- (2) Puna: ‘Ōla‘a, Kea‘au, Waikahekahe Maku‘u, Pōpōkī, Hālonā, Keonepoko, Ka‘ohe, Waiakahi‘ula, Nānāwale, Wa‘awa‘a, Kahuwai, Halepua‘a, Kānekīkī, Koa‘e, Pu‘ua, Halekamahina, Kula, Kūki‘i, Kapoho, Pū‘āla‘a, A‘ahalanui, Laepao‘o, Oneloa, Pohiki, Ka‘ukulau, Keahialaka, Pu‘ulena Kali‘u Kaniahiku, Pāhoa, Nānāwale, Waiakahi‘ula, Kauaea, ‘Opihikō,

Kau‘eleau, Kamā‘ili, Ke‘eke‘e, Kehena, Keauohana, Kēōkea, Kīkala  
Kaimū, Mākena, ‘I‘ilewa, Kalapana, Kupahu‘a, Hulunānai, Kaunaloa,  
Kapa‘ahu, Kahauale‘a, Poupou, Pūlama, Kamoamo, Lae‘apuki, Panau,  
Kealakomo, Kahue, and ‘Āpua.

- (3) Ka‘ū: Keauhou, Kapāpala, ‘Āhulili, Ka‘ili‘ula, Waimuku, u‘ukoa, Makakupu, Ka‘ala‘ala, Kanaio, Ka‘apahu, Keāiwa, Wailoa, Halelua, Kumu, Kauhuu‘ula, Iliokaloa, Pā‘au‘au, Pālima, Hi‘onamo, Makakā, Kōpū, Kulua, Moa‘ula, Kamehame, Mohokea, Punalu‘u, Wailau, Nīnole, Hīlea, Ka‘alāiki, Hōkūkano, Hi‘ona‘ā, Honu‘apo, Kī‘olokū, Nāpaukū/Paukū, Kapuna, Kaunāmano, Kāwala, Kahilipali, Wai‘ōhinu, Kiolaka‘a, ‘A‘āka‘a, Pu‘umaka‘ā, Kau, Wai‘ōma‘o, Pālauhulu, Kawela, Mohowae Pu‘u‘eo, Kamā‘oa, Kea‘a, Pākini, Kī‘ao/Ki‘a‘ao, Pu‘uki, Kahuku, and Manukā.
- (4) Kona: Hanakeaumoe, Kapu‘a, ‘Ohepu‘upu‘u, Okoe, Honomalino, Kāliki, Omoka‘a, Miloli‘i, Kapukawa‘a, Ho‘ōpūloa, Anapuka, Papa, ‘Alikā, Kīpāhoehoe, Ka‘apuna, ‘Opīhiale, ‘Ōlelomoana, Kolo, Kukuiopa‘e, Waikaku‘u, Ka‘ohe, Pāhoehoe, ‘Ala‘ē, Haukalua, Haleili, Maku‘u, Maunaoni, Honokua, Waiea, Kalāhiki, Kauhakō, Ho‘okena, Keālia, Kauleolī, Ki‘ilae, Kēōkea, Hōnaunau, Ke‘ei, Kahauloa, Kalamawai‘awa‘a, Waipuna‘ula, Kīloa, Kealakekua, Ka‘awaloa, Keōpuka, Onouli, Kanakau, Ke‘eke‘e, Haleki‘i, Hōkūkano, Honua‘ino, Lehu‘ula, Kawainui, Kuamo‘o, Mā‘ihi, Honalo, Keauhou, Kahalu‘u, La‘aloa, Pāhoehoe, Kaumalumalu, Hōlualoa, Puapua‘a, Kahului, Wai‘aha, Pua‘a, ‘Auhaukea, Hienaloli, Honua‘ula, Keōpū, Moeauoa, Lanihau, Keahuolū, Kealakehe, Honokāhau, Kaloko, Kohanaiki, ‘O‘oma, Kalaoa, Hāmanamana, Haleohiu, Maka‘ula Kau, Pu‘ukala Awalua Kaulana, Mahai‘ula Makalawena, Awake‘e Manini‘ōwali, Kūki‘o Ka‘ūpūlehu, Pu‘uwa‘awa‘a, and Pu‘uanahulu.
- (5) Kohala: Hukia‘a, ‘Opīhipau, Kealahewa, Hualua, Ka‘auhuhu, Kahe Hāwī, Pāhoa, Honomaka‘u, Kapu‘a, Pūehuehu, Lā‘aumāmā, Nā‘ula, Honopueo, Kapa‘au, ‘Āinakea, ‘Iole, Nuku‘iu, Hala‘ula, ma‘ulili, Pū‘eke, ‘Āpuakōhau, Kukuiwaluhia, Halellua, Nāpāpa‘a, Hālawa, ‘A‘amakāō, Makapala, Niuli‘i, Wai‘āpuka, ‘Anau, Makanikahio, Pololū, Honokāne, Keamuku, Waikōloa, Waimea, Kalāhuipua‘a, Puakō, Lālāmilo, Pu‘uki, Hōkū‘ula, Wai‘auia, Haleana, Kauniho, Ke‘ōniki, Lanikepū, ‘Ōuli, Momounoloa, Pauahi, Kapia, Pānolu‘ukia, Pu‘ukawaiwai, Kawaihae, Pu‘ukapu, Pukalani, Nohoāina, Paulama, Waikā, Kahuā, Pāhinahina, Mākīloa, Kalālā, Koki‘o, Pōhakuloa, Kaihō‘oā, Ki‘iokalani, Puaiki, Puanui, Kehena, Kaupalaoa, Makeanehu, Kaiholena Pao‘o, Lamaloloa, Kaipuha‘a, Ka‘ōaeae, Koai‘e, Lapakahi, Pu‘ukole Ka‘oma Māhukona, Kamanō, Kou, Kapa‘a, Kapunapuna, Hā‘ena, Awalua, Kukuiipahu, Puakea, Honoipu, ‘Upolu, Kokoiki, and Pu‘uepa.
- (6) Hāmākua: Manawaiale‘e, Kaiwiki, Niupe‘a, Mā‘onakōmālie, Ke‘ehia, Ka‘ala, Kealakaha, Hō‘ea, Manowaikōhau, Ka‘āwikiwiki, Kekualele, Ka‘ao, Kūka‘iau, Koholālele, Ka‘ohe, ‘A‘āmanu, Pa‘auilo, Hauola,

‘Opihilala, Mānienie, Kamō‘au‘au, Kamaui, Pōhakupaku, Kemau, Kaumō‘ali, Kaunāmano, Henehene‘ula, Kalua, Naohule‘elua, Ka‘ohe, Ka‘apahu, Waika‘alulu, Papalele, Kalōpā, Keāhua, Māhukuolo, Wēhā, Pā‘auhau, Ka‘ao, Ōuhi, Pakīloa, Kalua, Pā‘alae, Nienie, Pāpa‘anui, Haina, Nāmoku, Pāpua‘a, Laukā, Kuliha‘i, Āhualoa, Papaki, Au, Kuilei, Kawela, Honokai‘a, Mālanahae, Kapa‘a‘ula, Māwai, Mo‘oiki, Hauko‘i, Ka‘ahakea, Ka‘auhuhu, Kapulena, Wai‘ale‘ale, Waikōloa, Kamoku, Pāpalapuka, Pa‘akō, Niupuka, Hanapai, Kalakala‘ui, Pu‘u‘ōpaha, Kea‘a, Waiko‘eko‘e, Kanāhonua, Kukuihaele, Lālākea, Waipi‘o, Muliwai, Waimanu, Laupāhoehoe, Nāko‘okā, ‘Āpua, Waikapu, and Honopue.

## PART 4

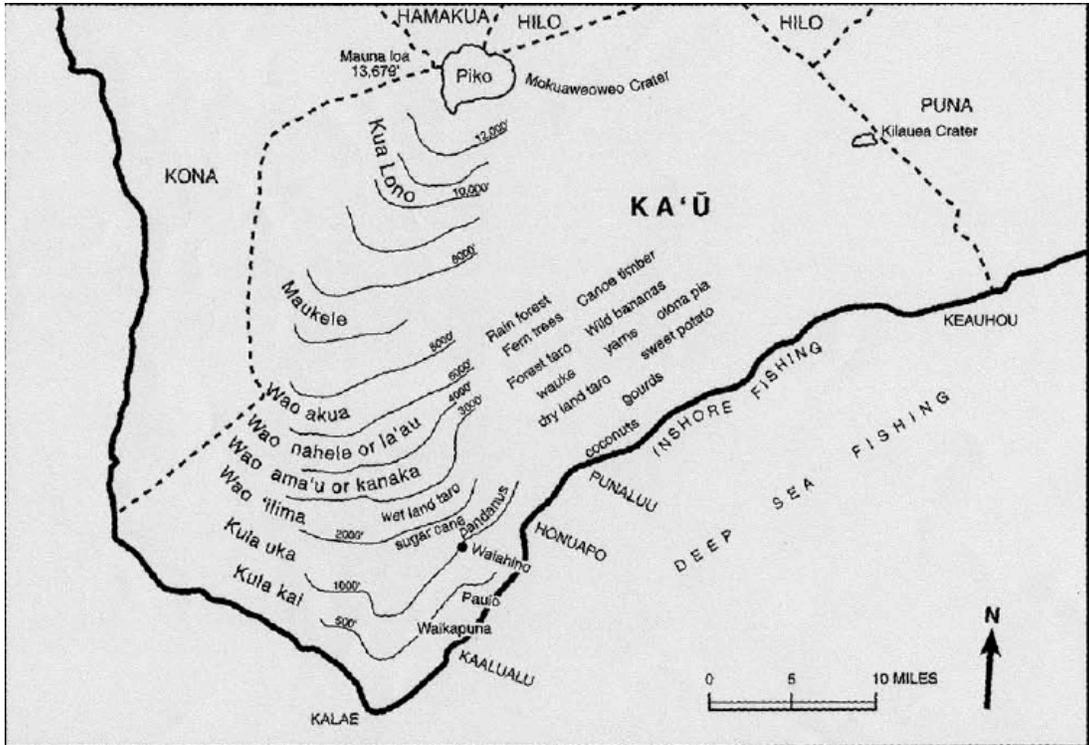
### SEVERABILITY

§ 4.1 **Severability.** If any provision of these rules or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application; and to this end, the provisions of these rules are declared to be severable.

**ATTACHMENT A**  
**Hawaiian Terms and their Descriptions for Landscape Zones Based on Elevation**

		Concepts or Descriptions		
Hawaiian Terms	Generalized Hawaiian Terms	Pogue (1978:10–11)	Malo (1951:16–17)	Kamakau (1976:8–9)
wēkiu, kualono, pane po’o, piko		peak	peaks or ridges forming summits	peak of mountain, hills on top of kuahiwi
loa’i pele, lua pele, lua’i		craters on peak	rounded abysses are craters	round places on top of kuahiwi-craters
mauna, kua lono, kuahiwi	kuahiwi-mountain; mauna-entire mountain; high elevation in the middle of the island	high elevation in middle of island	mountains in island’s center	above where forests grow
kua mauna, mauna, kahakua		below kuahiwi	mountainside below kuahiwi	highest places which cover over in fog and have great flanks [slopes] behind and in front, directly in front of or in back of summit, mountain top
kuamuamu, kuaheia, kuahea		below mauna where scattered trees grow	below mauna where small trees grow	below kua mauna
wao waonahale, wao ‘ēiwa, kuahiwi, wao lā’au	kawao-inland regions	below kuahea	below kuahea where larger sized forest trees grow	makai of kuahea is kuahiwi proper, where small trees begin to grow, timberland mauka of wao koa
wao ma’ukele, wao kele wao lipo, wao koa		below wao ‘ēiwa where tall trees grow; inland regions where koa can grow	below wao ‘ēiwa where monarchs of the forest grow	region where trees are tall; inland regions where koa can grow
wao ‘ēiwa				makai of wao lipo
wao ma’ukele				makai of wao ‘ēiwa
wao akua		below wao ma’ukele where fewer trees are found	below wao ma’ukele where trees of smaller size grow	makai of wao lipo, makai of wao ma’ukele
wao kanaka, mau		where tree fern (‘ama’u’ama’u) grows and man cultivates	below wao akua where men cultivate the land and fern grows	makai of wao akua, area where people cultivate

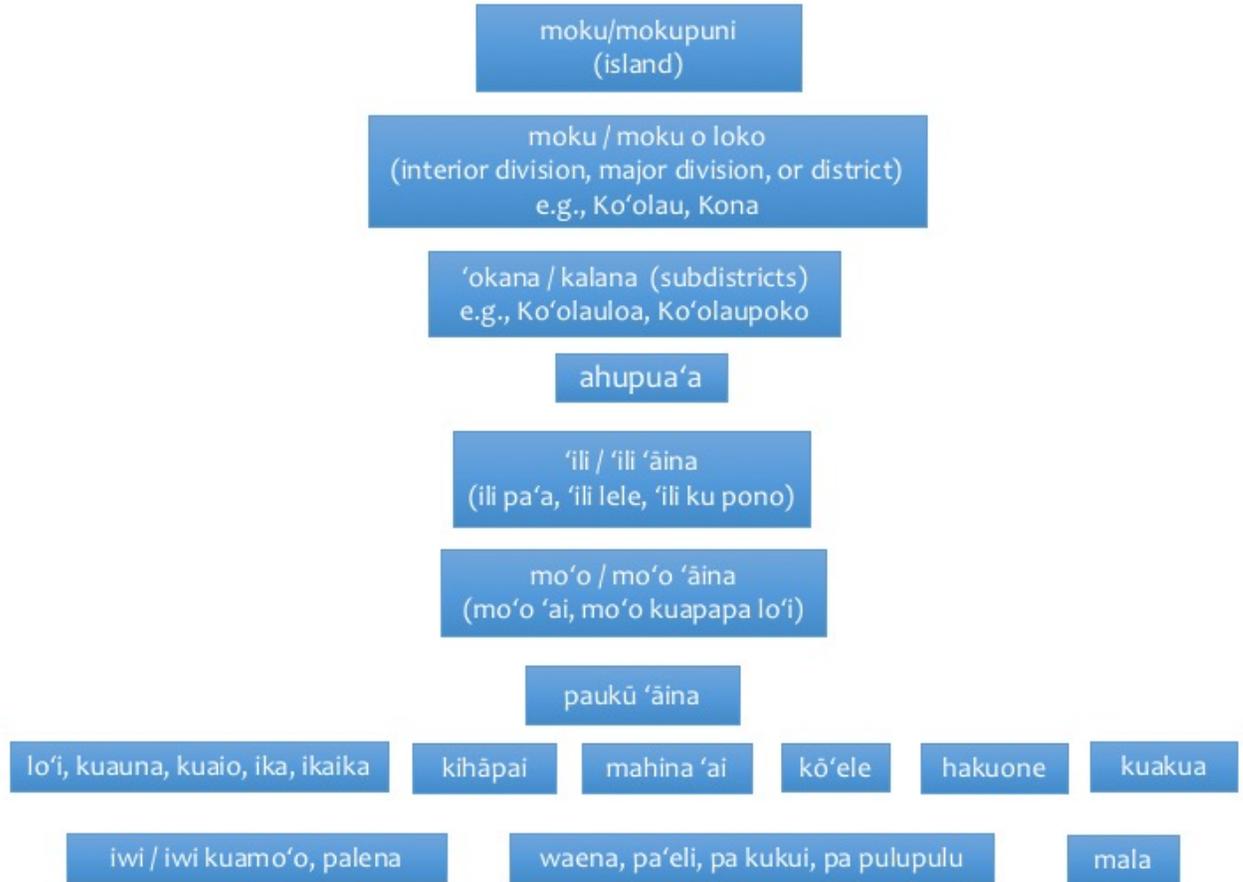
		Concepts or Descriptions		
Hawaiian Terms	Generalized Hawaiian Terms	Pogue (1978:10–11)	Malo (1951:16–17)	Kamakau (1976:8–9)
'ama'u				makai of wao kanaka, the fern belt
āpa'a, 'ilima,		below wao kanaka	below mau where land is hard, baked, or sterile	both terms refer to areas makai of 'ama'u, grasslands
'ilima, wao 'ilima		below āpa'a	below āpa'a	
pāhe'e		below ilima	below ilima where land is slippery	makai of āpa'a, and 'ilima, pili grass and 'ilima growths
kula	kula-plain, field, open country	below the pāhe'e where people dwell	below pāhe'e where there is open country, near to habitations of men	makai of pāhe'e, open country
kahakai		beach along sea	below kula bordering the ocean	coast
kahaone, kalawa				sandy beach, curve of the seashore down to the water's edge
'ae kai				Water's edge



Hawaiian ecological zones (Mueller-Dombois 2007 adapted from Handy and Handy 1972).

**ATTACHMENT B**  
**Hawaiian Terms for Landscape and Oceanscape Features**

(adapted from Native Planters, Handy, Handy, & Pukui (rev. ed. 1991))



Ahupua'a  
Seaward

Pu'eone  
(sandy edge of the sea)  
beach, inshore dunes, outer sand bar

kai pualena  
("the yellowish sea," where streams flow in and roil the waters )

kai kohola  
(shallow sea inside the reef, the lagoon)

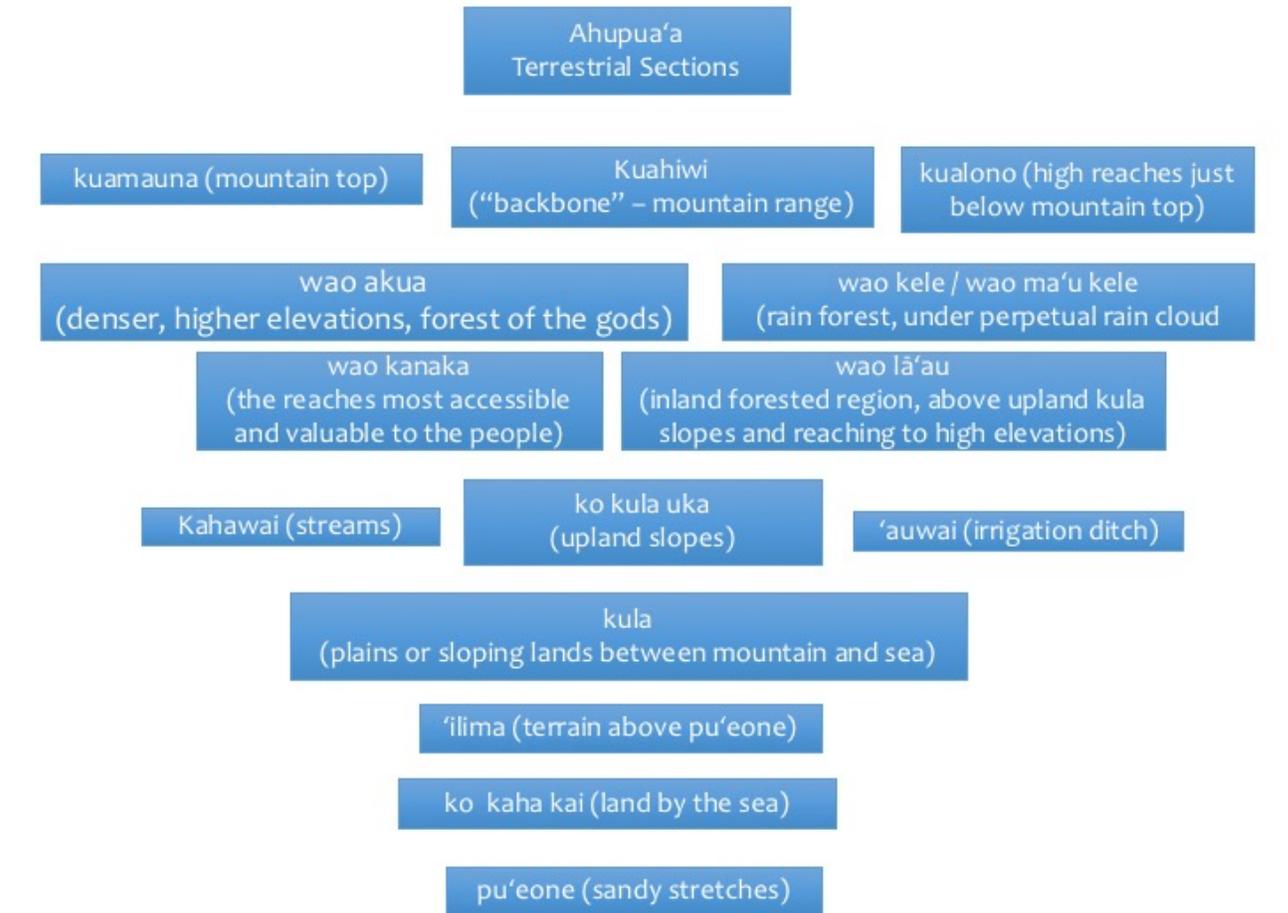
po'ina nalu / kai po'i  
("sea breaking," where wave breaks)

kai uli  
(the deep blue sea)

kai ele  
(the dark sea)

kai popolohua mea a Kane  
(purplish-blue, reddish-brown sea of Kane designating the far reaches of the immeasurable sea)

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**Definitions and Descriptions of Land and Ocean Terms  
from Native Planters, Handy, Handy, & Pukui (rev. ed. 1991)**

Moku = cut off, detached – refers to an island. The use of “moku” by Polynesians in general suggest and understanding that islands are segments that were part of a larger continental land mass, but are now cut off.

Large islands = mokupuni.

‘okana = large districts

Other names/colloquialisms:

Moku-o-loko = interior division, the major division or district

Kalana = same as ‘okana; but other definitions differ, suggesting kalana are subdistricts/subsections to the larger districts (‘okana)

The moku-o-loko or ‘okana were subdivided into ahupua‘a – the chief political subdivision for the purpose of taxation.

‘Ili or ‘ili ‘āina = the most permanent units of land, the sections of the ahupua‘a allotted to the families which lived on them and cultivated them. It is likely that the right to continue to use and to cultivate ‘ili stayed with the ‘ohana (extended families) regardless of any transfer of title to the ahupua‘a. The ‘ili was a land division, whereas the ahupua‘a was a tax unit.

Different kinds of ‘ili:

‘ili pa‘a = complete ‘ili, in one piece

‘ili lele (jump strips) = ‘ili in separate pieces, near the sea and in the uplands.

Example: a beach plot in Kaka‘ako, O‘ahu, taro plots near a Spring (Punahou), and a forest patch on the steep slope above Mānoa Valley comprise one ‘ili lele.

‘ili ku pono ( ‘ili standing in their own right) = strip of land not subject to transfer at the time of reallocation of landed chiefdoms as compared to ‘ili o ka ahupua‘a (‘ili belonging to the ahupua‘a). ‘ili ku pono, of all divisions and varieties of land rights, carried the only form of title that was permanent. These ‘ili kupono were tax-free and exempt from even the slight tribute of work usually required of other ‘ili ku pono proprietors by their superior chief. Ka‘ahumanu possessed ‘ili of this sort also, in Waikiki. On O‘ahu there were ‘ili that were independent of any ahupua‘a.

Mo‘o or mo‘o ‘āina = long strips of arable land within an ‘ili. Usually associated with wet-taro planting in valley bottoms where strips of lo‘i extend along the streams and ditches, although dryland kalo and sweet potato planting were also called mo‘o.

Mo‘o ‘ai = refers specifically to a strip of land where taro was planted

Mo‘o kuapapa lo‘i = long row of lo‘i

It was the practice of planters to give individual names to their mo‘o ‘āina.

Other Terms Referencing Land Usage:

pauku ‘āina (piece cut off) = parcels of land where wet taro was grown, but smaller in area than mo‘o.

lo‘i = a single irrigated taro flat

kuauna/kuaio/ika/ikaika = banks of taro flats, upon which banana and sugar cane were planted. The banks were made solid when built by beating with the butt ends of coconut leaf stems (ku‘au).

koele/hakuone/kuakua = farms of the ali‘i on kula lands (which the maka‘ainana cultivated for the ali‘i)

koele – farm cultivated for ali‘i (does not refer to a subdivision, but to a reserved plot)

hakuone – farm cultivated for konohiki (does not refer to a subdivision, but to a reserved plot)

mahina ‘ai = farms of the people on kula lands

kihapai = piece of land, other than lo‘i, cultivated by hoa‘āina (tenant) that is his plantation (as distinguished from koele or haku one cultivated for the ali‘i and konohiki). Kihapai is “a dry land patch demarked by ridges of small stones, earth or weeds)

iwi (bone) or iwi kuamo‘o (backbone) = the line of rocks and refuse thrown up along the side of mo‘o ‘āina or kihapai in clearing. these iwi or iwi ‘āina demarked boundaries of plantations and arable holdings. Hence they were called palena (bounds). Not mere rubbish heaps, but served for planting sugar cane round about the field of dry taro in upland Kona, Ka‘u, and Kohala. In upland Kona, palena may be seen buried in woods or occasionally bounding taro plantations. On windward O‘ahu, and on hillsides of Maunaloa, Molokai, iwi ‘āina separating former sweet-potato patches are evident as dry lines of stones descending with the slope. These are also present on Lana‘i.

waena (in the midst) = types of clearings used on Hawai‘i island to plant dryland taro, these were clearing made in the midst of forests from Hilo to Kona

pa‘eli = an enclosed place (pa) where a planter digs holes (‘eli), applied to taro plantings on dry lava slopes such as those of coastal Kona and parts of Ka‘u, where each taro was planted in a hole excavated in crumbling lava.

Pa kukui – taro cultivated in enclosed clearings (pa) in the candlenut (kukui) groves of the lower forest zone, as was seen in Hamakua, Hawai‘i before the forests were destroyed on the slopes to make way for sugar-cane fields. Taro flourished in the pa kukui, fertilized by decaying leaves, trunks, and branches of kukui.

Pa pulupulu = where there were fern-tree (pulupulu) forests at relatively low altitudes such as in the Hilo and Puna districts of Hawai‘i island. The kupuna toppled over fern trunks and planted kalo within the holes made by the removal. The discarded fern trunks with their starchy core removed for use as food for men or feed for hogs were heaped around the clearing, making an enclosure (pa).

Mahina ‘ai (contraction for mahi ana i ka ‘ai for “cultivation of food”) = not a land division term, but merely designated land under cultivation, specifically taro, for ‘ai refers particularly to taro, “the food,” or staple. Refers to dry-taro cultivation as well as wet.

Pawa – an open expanse or a period of time, used for “open ground under cultivation,” has same general meaning as mahina ‘ai and mala

Kuakua – section (also applied to a section of fishnet), referred to small sections of arable land, but not as specific a designation for a subdivision as ‘ili, mo‘o, and pauku

Au – descriptive term applied to lands where taro was cultivated

Kaha – descriptive term applied to lands where taro could not be cultivated

Mala – field or patch in which sweet potatoes were planted, or that was used for this purposes. Stone lines thrown up along the sides of the mala were termed iwi

Ika – bounds marked along the edges of a plot where grass and weeds were thrown out.

Kaika – refers to cultivated piece of land (may be a shortening of ikaika) a planting ground marked with a number of ika between patches

koele – farm cultivated for ali‘i (does not refer to a subdivision, but to a reserved plot)

hakuone – farm cultivated for konohiki (does not refer to a subdivision, but to a reserved plot)

koele and hakuone were named; in the days of the monarchy they came to be called poalima (fifth day) patches because tenants were required to work on them on Fridays.

Koele title is not like the ‘ili kupono, it was merely a piece of land allocated to his own use by the ali‘i of the ahupua‘a or ‘okana during the perd of his proprietorship

Irrigated lo‘i were demarked by ‘auwai, streams, or earth or stone embankments of terraces

Strips (mo‘o) of dry arable land planted in dry taro or sweet potato were bounded generally by little ridges (iwi) of stone thrown up out of the fields.

Ipu kai (meat bowl) – strip of beach land with its fishing rights

Umeke ‘ai (poi container hung in a net) – upland plot for cultivation

Other Land Areas: geographical in nature rather than dealing strictly with habitation or cultivation.

Ko Kaha Kai (land by the sea) – where canoe made landfall, a broad sandy beach and the flats above it, or the more rugged shore of cove or harbor with its rocky terrain – depending on locale.

Kaha = term applied to areas facing the shore but not favorable for planning.

‘ilima = terrain just above the sandy stretches (pu‘eone), so named because often ‘ilima papa grew there, also pohuehue and ‘auhuhu to stun fish in the inlets and sea pools. ‘ilima terrain was part of the ko kaha kai. The plants growing in the ko kaha kai were useful to the planter’s or fisher’s economy.

Kula lands – the plains or sloping lands between mountain and sea, without trees, stretches of pili grass used to make thick rain-repellant thatch for hale, sweet potatoes, red soil typical of kula lands both on leeward and windward coasts, where pineapple and sugar cane grow now. Red soil is oldest geologically, evolved from decomposed basalt oxidized by sun, rain, and air.

Ko kula uka – upland slopes, native ginger and other flowering plants, medicinal herbs, thich-growing clumps of shrubs, variety of trees

Kahawai – the place having fresh water, area beyond or intersecting the kula lands, prime lands for habitation and subsistence. The valley stretching down from the forested uplands, carved out and made rhich in humus by its flowing stream. Here maka‘ainana made level plots for taro terraces, diverting stream water through ‘auwai into the lo‘I, or descending series of lo‘i. maka‘ainana could build home here or put

a shelter for heavy cultivation periods and put main dwelling below. This is the area also to access medicinal herbs and flowers.

pahe'e = a wet, soft, or slippery area

apa'a = arid or dry

pa'a means firmly bound, also became a term of affection for land long lived upon.

Wao = the wild, a place distant and not often penetrated by humans.

Wao la'au = inland forested region, often a jungle, above the upland kula slopes reaching to high elevations.

Hawaiians recognized and named many divisions or aspects of the wao:

Wao kanaka = the reaches most accessible, and most valuable, to the people

Wao kanaka and wao la'au provided the people with the hard wood of the koa for spears, utensils, and logs for boat hulls; lauhala for thatch and mats; mamaki tree bark for making kapa cloth; kukui for oil and lights; wild yams and roots for famine time; sandalwood, prized when shaved or ground as a sweet scent for bedding and stored garments.

Wao akua = denser and higher elevations above, forest of the gods, remote, awesome, seldom penetrated, source of supernatural influences, both evil and beneficent

Wao kele or wao ma'u kele = the rain forest, where giant trees and tree ferns ('ama'u) under almost perpetual cloud and rain.

Kuahiwi (backbone) = mountain range or mountainous region

Kuamauna = the mountain top

Kualono = the high reaches just below the mountain top

Mauna = the term for a specific mountain mass (e.g. Mauna Kea)

Pali = precipice

**ATTACHMENT C**  
**Sample Communication and Networking Form**

<b>‘Aha Moku Advisory Committee Communication and Networking Form</b>	
Month: June/ July	
<b>Section 1: For Executive Director</b>	
List of all Issues Forwarded for AMAC Review/ Action (including internal) for the month: <ol style="list-style-type: none"> <li>1. Resolution to recognize and thank AG and Governor for financial support through oil spill trust funds.</li> <li>2. Suggested dates for AMAC meetings through rest of year.</li> <li>3. Additional comments for Administrative Rules draft.</li> <li>4. Etc.</li> </ol>	
<b>Section 2: For AMAC Committee Members</b>	Description
Island:	
Issue: Case No.(if available) Brief explanation of issue:	
Method of Public Engagement (please describe the process of gathering public input and feedback, including the number of public responding):	
Kūkākūkā: Invites comments and questions from Committee	
Committee Recommendation: Some recommendations will need to be held for quarterly meetings. Others (minor issues) may be made after allowing for communication through this process.	

**Section 2: For Committee Members:**

**Island: Hawai'i**

1. Issue:
2. Case No.(if available)
3. Brief explanation of issue:
4. Method of Public Engagement (please describe the process of gathering public input and feedback, including the number of public responding):
5. Kūkākūkā
6. Committee Recommendation:

**Island: Maui**

1. Issue:
2. Case No.(if available)
3. Brief explanation of issue:
4. Method of Public Engagement (please describe the process of gathering public input and feedback, including the number of public responding):
5. Kūkākūkā
6. Committee Recommendation:

**Island: Kaho'olawe**

1. Issue:
  2. Case No.(if available)
  3. Brief explanation of issue:
  4. Method of Public Engagement (please describe the process of gathering public input and feedback, including the number of public responding):
  5. Kūkākūkā
- Committee Recommendation:

**Island: Lana'i**

1. Issue:
  2. Case No.(if available)
  3. Brief explanation of issue:
  4. Method of Public Engagement (please describe the process of gathering public input and feedback, including the number of public responding):
  5. Kūkākūkā
- Committee Recommendation:

**Island: Moloka'i**

1. Issue: Ocean usage for Sport Events (Canoe, paddleboard, etc.)
2. Case No.(if available)
3. Brief explanation of issue: Usage and resource impacts problematic on Moloka'i. All interested individuals and organizations- including canoe and paddleboard associations- will collaborate together to begin a creation of island standards and expectations for resource management during events (areas of protection, capping the number of total boats at one time, overfishing, etc.) . The outcome of this working group **will be presented to the 'Aha Kiole o Moloka'I ('AKM) Island Council to be forwarded as a recommendation to the DLNR-DAR and DOBOR.**
4. Method of Public Engagement: Meeting being held on June 29, 4:30pm at OHA conference room.
5. Kūkākūkā

Committee Recommendation:

**Island: Moloka'i**

1. Issue: Facilitate Public Meeting for East End Boat Ramp Proposal
2. Case No.(if available)
3. Brief explanation of issue: The Mana'e community has indicated an interest in the 'AKM facilitating a meeting to address the proposal to place a boat ramp to serve Mana'e area. To date: Many residents against, some for. The 'AKM would like to insure that all Mana'e moku residents have an opportunity to voice their mana'o, **which will be presented to the 'AKM Island Council to be forwarded as a recommendation to the DLNR, County Council and Legislature.**
4. Method of Public Engagement: Plans will be to go to each of the major 'ahupua'a that has the potential for a boat ramp. Begin in July.
5. Kūkākūkā

Committee Recommendation:

**Island: Moloka'i**

1. Issue: CBSFA for Mo'omomi
2. Case No.(if available)
3. Brief explanation of issue: The 'AKM Pala'au Moku leadership facilitated in the initiation of the Mo'omomi Konohiki Council, which would be the community management portion of the proposed Mo'omomi CBSFA. Seventeen Pala'au Moku po'o (all) signed in support of the letter that went to each of the 20 moku residents ( randomly selected from a broad range within the community- no interest groups, and including opposition) invited to serve as initial community board for resource management of the area. 18 accepted.
4. Method of Public Engagement: 'AKM will facilitate the first meeting in July to start the process of organization and operations for this council, which continue independently afterward. **The results of the initial meeting will be presented to**

**the ‘AKM Island Council to be forwarded to the DLNR- CBSFA unit.**

5. Kūkākūkā

Committee Recommendation:

**Island: Moloka’i**

1. Issue: Commercial Hunting of Axis deer on Moloka’i
2. Case No.(if available)
3. Brief explanation of issue: Because of the recent interest of island residents in the issue of deer hunting for commercial use, both for and against, the ‘AKM has initiated a community meeting for each moku to gather public sentiment and to consider a management plan from the information gathered. The outcome of these community gatherings **will be presented to the ‘AKM Island Council to be forwarded as a recommendation to the DLNR- DOFAW.**
4. Method of Public Engagement: First meeting for all island: June 28 Mitchell Pau’ole Center
5. Kūkākūkā

Committee Recommendation:

**Island: Oa’hu**

1. Issue:
2. Case No.(if available)
3. Brief explanation of issue:
4. Method of Public Engagement (please describe the process of gathering public input and feedback, including the number of public responding):
5. Kūkākūkā

Committee Recommendation:

**Island: Kaua’i**

1. Issue:
2. Case No.(if available)
3. Brief explanation of issue:
4. Method of Public Engagement (please describe the process of gathering public input and feedback, including the number of public responding):
5. Kūkākūkā

Committee Recommendation:

**Island: Ni'ihau**

1. Issue:
2. Case No.(if available)
3. Brief explanation of issue:
4. Method of Public Engagement (please describe the process of gathering public input and feedback, including the number of public responding):
5. Kūkākūkā

Committee Recommendation: