

Report of Puwalu ‘Umi

Ola honua i ke kūpa’ a k ānaka

*“The earth flourishes with bounty when
k ānaka stand together in support”*



Pagoda Hotel
Honolulu, Hawaii
November 17 - 18, 2017

The Puwalu Conference Series

This conference was the 10th of a series of conferences sponsored by the Western Pacific Regional Fishery Management Council (Council) to document traditional Hawaiian resource management practices, encourage participation of the native Hawaiian community in the Council process and ensure that these practices are addressed in regulations and management plans developed and proposed by the Council.

Beginning in August 2006 the conferences were an effective tool to bring native practitioners together to discuss traditional practices and advise the Council. In 2007, Representative Mele Carroll introduced legislation in the Hawai'i State Legislature to create the Aha Ki'ole Advisory Committee (AKAC). The committee reported to the legislature on the system of best practices for traditional management of Hawai'i's natural resources. Their 2009 report became the basis for the establishment, in 2012, of the Aha Moku Advisory Committee (AMAC) in the Department of Land and Natural Resources to advise the chair of the Board of Land and Natural Resources on the system of traditional natural resource management.

Best practices involved understanding resources in a detailed way based upon the traditional land tenure system. There were five elements of effective traditional resource management:

- An adaptive management regulatory system,
- A code of conduct, a non-regulatory system in support of the regulatory system,
- A community-consultation process.
- An education process, and
- Eligibility criteria to participate in the management of natural resources: knowledge of resources and traditional management values and methods to be eligible to participate in the resource management.

These Puwalu as well as community meetings on the islands are part of the community consultation and education process.

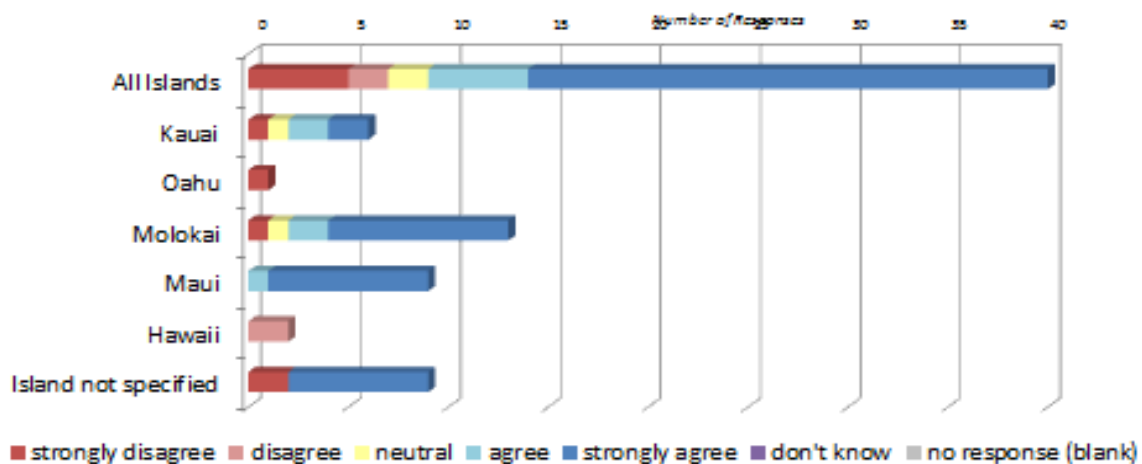
Executive Summary

After Puwala 'Eiwa, in November 2016, participants agreed on actions needed to support their island councils. They discussed and adopted two resolutions from this puwala. The first resolution supported the effort to create opportunities for direct funding of island councils and supports the adoption of the rules of operation and procedure by the 'Aha Moku Advisory Committee. The second resolution requested that a native Hawaiian traditional practitioner be seated on the Hawaiian cultural seat of the Board of Land and Natural Resources (BLNR). It further asks that other boards and commissions, county and State, have a native Hawaiian seat. In 2017, Native Hawaiian activists challenged the commissioner holding the cultural seat at the BLNR. The action resulted in several arrests. State and Municipal governments are considering the addition of cultural seats to certain other governmental commissions and organizations. The Aha Moku can contribute to this process by raising their level of commitment to and engagement with the community and State and municipal administrations.

The rules of operation and procedure were adopted by the AMAC. That action by the AMAC has not been reported to the legislature and minutes of the meeting when the AMAC adopted the rules are not available. The official AMAC website, <http://dlnr.hawaii.gov/ahamoku/>, is offline and not operational at this time. This inaction added to the dissatisfaction with the AMAC. The survey at the 2016 Puwala revealed that AMAC representatives for Hawai'i and O'ahu never consulted with their island councils.

AMAC to Date (island-specific questions)

6. My AMAC representative checks with the island council before making recommendations to the BLNR.
Island: _____



There was discussion at Puwalu ‘Umi about whether the AMAC is assisting the island councils in promoting the ‘aha moku system and whether in four years they have advanced the ‘aha moku system. Discussion on whether to repeal the law creating AMAC and allow island councils to act on their own or try to improve the AMAC by nominating better representatives was evenly divided. The sticking point was that all islands were not similarly organized and island councils were not as influential at the County level as Maui County. Even Kaua’i with little organized structure was able to garner support for projects from Kaua’i County. The AMAC represented a major achievement for the native Hawaiian community. Maui and Moloka’i had organized themselves and were already influential in their communities and at the County level. Hawai’i Island was struggling with organizing into a central structure. O’ahu, the most populous island and the seat of State Government, struggled with inconsistent member participation and a fluctuating leadership but was able to establish operational rules and guidelines and improve relations with the Legislature.

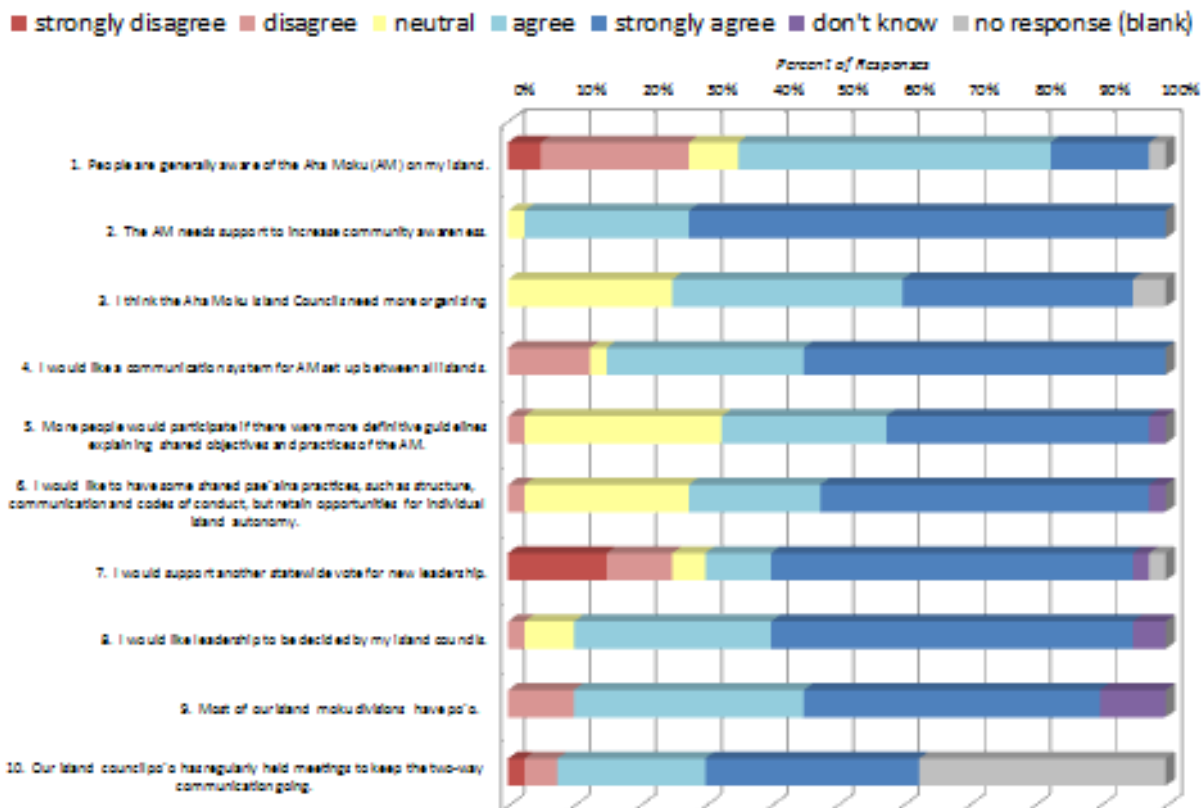
Problems faced by the island councils were similar: declining participation, lack of organization and flagging momentum. Addressing these difficulties was the focal point of Puwalu ‘Umi.

Puwalu Umi

Puwalu ‘Eiwa, in November 2016, resulted in two resolutions for action by the puwalu practitioners. The resolutions asked participants to support the adoption of the rules of operation and procedure by the AMAC, look for ways to support funding opportunities for ‘aha moku councils, support the nomination of a native Hawaiian to occupy the native Hawaiian seat at DLNR and support for the creation of other native Hawaiian seats on State and County boards and commissions. There was discussion of creating an Association of ‘Aha Moku Island Councils (AAMIC).

An ‘aha moku survey was circulated to participants at Puwalu ‘Eiwa. There were 40 respondents to the survey. Survey questions dealt with the public awareness of the ‘Aha Moku system, the need for more outreach, improved communication, the need for new leadership, funding and stronger guidelines for participating in the ‘Aha Moku.

Aha Moku Operations (40 respondents)



There was strong support for the adoption of the AMAC rules. Respondents generally agreed that there was a need for organization on islands as well as a need for funding to assist in the organization. Respondents were disappointed by the performance of the AMAC so far. They felt that the AMAC has not been able to achieve the objectives and goals set up in the early Puwalu. The performance of the Executive Director of the AMAC was criticized. The survey also showed a need for more public outreach and education. In the breakout sessions it was

discussed how the ‘Aha Moku system was not well-known in the community. This made it difficult for the participants in the system to be effective.

The need for leadership and organization was clear.

There was no commitment for the island councils to band together in an Association at Puwalu ‘Eiwa. There was discussion of the proposal but no strong support for the idea and the hope that by adopting the rules of operations and procedures the AMAC would finally be able to fulfill its promise: advising the chairperson of BLNR on traditional resource management and influencing the outcome of regulations for the benefit of Hawai‘i communities. The AMAC did not meet in 2017. The voice at Puwalu ‘Umi calling for repeal of the Act 288 and the end of the AMAC rang loud and clear though no action was taken.

Within the Aha Moku community there is still strong support for the initiative. The old hands, veterans of the Puwalu and actions supporting the ‘aha moku system, still believe that the development and implementation of the ‘aha moku is important. Full implementation benefits the entire Hawaiian community and fulfills the ancestral responsibility that native Hawaiians to take care of this place for the future generations.

Presentation by Justice Michael D. Wilson

Presentation by Justice Michael D. Wilson, associate Justice of the Hawai‘i Supreme Court, the Dinner presentation on November 17, 2017 spoke about Indigenous people, climate change and environmental law. He began by presenting on the potential for disastrous environmental effects from climate change and the effect on Hawai‘i. Wilson identified and recognized important local leaders in the battle against climate change. He recognized religious and international leaders on climate change, e.g., President Barack Obama, Pope Francis, Xi Jinping of China and Ban Ki Moon, U.N. Secretary. The presentation projected that there would be economic and health impacts with increasing global warming. The Paris climate accord was cited as an important agreement that 196 countries agreed to work to limit global warming to less than 2 degrees centigrade ($2^{\circ}\text{C} = 3.6^{\circ}\text{F}$) above the pre-industrial global temperature. While disaster scenarios are pervasive in any discussion on climate change, the real fear is that climate change risks and consequences are not well-known. Disaster scenarios may be a necessary strategy to move governments, people, toward making changes to mitigate and adapt to climate change. Models and hypotheses are presented but the true effects can only be surmised. For native people, who fight for survival of their culture and, in terms of their ability to affect social and political change, are not empowered to bring about beneficial change for their own communities, climate change is not a major focus for them. True enough that the first effects of climate change will be felt by the poor and the poor may be the least able to adapt to and mitigate the effects of climate change. Climate change will disrupt the world order.

Justice Wilson discussed Hawai‘i and the ecosystem functioning of the Hawaiian environment. He talked about the watershed systems and the loss of freshwater reserves in the aquifers. Wilson discussed the stresses on native plants and animals resulting from increasing temperatures. He talked about the economic losses that would be incurred if the disaster

scenarios came true. He cited other leaders in the climate change realm but emphasized that the real leader was the citizen.

Wilson talked about Hawai'i's unique environmental laws. The Hawai'i Constitution recognized "Hawai'i's natural beauty" at Article XI, Section 1. It recognized each citizen's "right to a clean and healthful environment" at Section 9. Wilson cited Article XII, Section 7 recognizing the special rights afforded to native Hawaiians.

In 2014 the Hawai'i Legislature passed Act 218 creating the Environmental Court. This action was acclaimed worldwide as an historic achievement. The law elevated environmental issues to a higher level of importance and provided impetus for the recognition of climate change as the single most important legal issue for judges. Vermont is the only other State that has an environmental court. It was established by law in 1990. Hawaii's Environmental Courts will have broad jurisdiction, covering water, forests, streams, beaches, air, and mountains, along with terrestrial and marine life. 41 countries have approximately 350 environmental courts and tribunals worldwide.

Wilson talked about how important the indigenous voice is to climate change and environmental activism. What may be important is that native Hawaiians' special rights are recognized in the Hawai'i Constitution. That special right gives native Hawaiians standing to sue on issues that impede or prevent traditional native Hawaiian practices. When rights to access and ability to practice is upheld in the Supreme Court, it becomes a public right that benefits all of Hawai'i, this is the goal of implementation of 'aha moku system. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) September 13, 2007 has special significance. The US ratified the UNDRIP December 16, 2010. Their support for "free, prior and informed consent" became "a process of meaningful consultations with tribal leaders." Still, this gives native people and native Hawaiians an additional legal process to influence environmental and climate change policy.

Saturday, November 18, 2017

The meeting continued on Saturday November 18, 2017 with a plenary session at 8:00 am. The first presentation was by Lisa Maruyama, President, Hawai'i Association of Non-profit Organizations (HANO). Maruyama thanked the participants for her invitation to present. She was familiar with the 'aha moku system through her association and work with other non-profit organizations, cultural organizations and community projects.

HANO is a member of the National Council of Nonprofits. HANO advocates for nonprofits and monitors legislation affecting nonprofits. They provide education for nonprofits on governance and practice and training for capacity-building in organizations. They provide consultation services on organizing, board development, strategic and operations planning, meeting facilitation, outcome design and implementation, and staff development.

Maruyama talked about the role of non-profit organizations: what they are, what services they provide and how they are organized. Organizations include schools and parent-teacher associations, homeless shelters, surfing clubs, religious organizations, art organizations, clinics,

veterans organizations, environmental organizations, youth recreational programs and elderly and disabled organizations. Nonprofits provide education for youth and adults in arts, culture, history, and the environment. They engage with citizens and communities through learning and education, communication, participation and volunteerism. Mainly, nonprofits provide essential services and are partners with government to serve critical human needs.

As requested by the Puwala steering committee, Maruyama spent time on talking about nonprofit tax status. She talked about IRS 501(c) (3) status. Application to approval for a 501(c) (3) can take from 3 months to one year. IRS exempt status means you do not pay taxes, except on fundraising revenue, you do not profit, and you cannot engage your nonprofit in political activity. Donations to a 501 (c) (3) are tax deductible. The organizations will need to create a Board of Directors, bylaws, charter and Articles of Incorporation.

Maruyama also presented on Business Registration with the Hawai'i Department of Commerce and Consumer Affairs (DCCA). Business Registration Division (BREG) maintains a registry for all corporations, LLC's, partnerships; LLP's conducting business in the State. You need to register upon start of a new entity. There are annual filing and reporting requirements. Hawai'i law requires every "public benefit corporation" and "charitable organization" to register with the department of the attorney general before conducting any solicitation for money or thing of value.

HANO can assist organizations to achieve their nonprofit organization status. Maruyama answered questions from the participants but the information she provided was extensive and islands will be meeting to determine if they want or need to go through the registration process.

Standard Operating Procedures for Island Councils

Kamalu Poepoe and Letani Peltier presented information on developing standard operating procedures for each of the island councils. They went over The Aha Moku Handbook of Policies and Procedures and The Handbook of the Aha Moku Structure provided to participants.

The Aha Moku Structure

The Aha Moku Structure is based on the ancient Hawaiian community consultation leadership model called the Aha Ki'ole. The structure emphasized broad participation in stewarding resources for Hawai'i, Pae 'Aina Hawai'i. It begins with meetings at the Ahupua'a level. Ahupua'a residents could raise community concerns and interests in matters regarding the ahupua'a, the basic land division in traditional Hawaiian land tenure. Moku are larger land divisions in Hawai'i. Each moku is made up of 2 to 12 ahupua'a. Moku councils are made up of the ahupua'a councils within the moku district. Moku councils meet in support of the ahupua'a communities. The island council membership is made up of all of the moku councils on the island, the Pae'aina Council convenes the eight Po'o of all island councils collaborating with, supporting, and informing island council leaders about issues pertaining to their islands as well as the State of Hawai'i.

While this is the ideal structural organization, and something to strive for, practical matters dictate that an open structure at the moku level is the most functional. Maui and O'ahu operate as open, non-exclusive decision-making organizations that seek representation from every moku on the island. On O'ahu, Waialua moku is the most difficult to get representation from. Kona, Ko'olaupoko, Ko'olaupoko, Wai'anae and Ewa are regularly represented. Decisions are made and actions taken by consensus of all of the people at an island aha moku council meeting. A quorum is that a majority of the moku's are represented at the meeting, with four moku necessary on O'ahu. At times of needed action O'ahu has been able to make recommendations, nominate individuals, respond to correspondence, respond to 106 consultation requests, elect officers, advocate and testify on island and statewide issues. However, the lack of strong organizational charter and by-laws make recruitment and retention of members and officers difficult.

Maui operates on a non-profit structure with a board of directors with representatives from each of their 12 moku on the board. Maui has an extensive resource committee system and some strong moku organizations. The founders of 'Aha Moku O Maui, Inc. spent a year convening meetings in every one of 12 mokus on the island. They sponsored an around the island march to link all of the mokus. Maui county passed a resolution recognizing their organization and the aha moku system. Developers and organizations regularly engage with moku councils seeking advice and consultation. Aha Moku O Maui, Inc. is located in a building in Lahaina granted to them by the county.

While the 'aha ki'ole system lies at the base of the 'aha moku system full functioning of the island council is essential.

Process

The Steering committee provided a Handbook for Policies and Procedures. The Handbook made recommendations on roles, responsibilities and guidelines to assist in the formation of a multi-island council, the Association of 'Aha Moku Island Councils. The participants discussed the recommendations in their breakout sessions and caucusing. There was no attempt to adopt these recommendations. Maui island council felt that while they needed a boost to get the island council operating as it did in 2008 and 2009. For the boost they decided that an around the island pilgrimage, similar to what they did to organize the original council, might be the way to go and to increase recruitment for their island.

Aha Moku Council of O'ahu felt that they just needed to have a few meetings to re-organize. The council suffered through various interim rotating chairs. Letani Peltier volunteered to chair the O'ahu council and asked for documents and history of the O'ahu council to revive the organization. Charles Ka'ai'ai and Kitty Simonds would compile the information for Peltier.

Kaua'i and Hawai'i islands were in various stages of organizing their islands, looking for leadership and direction. Both of these islands had good island councils at different times in their history.

Moloka'i is organized around the original 'aha ki'ole system and reported that, with a few difficulties, the system was working for them.

Organizing efforts continue with Lana'i, Ni'ihau and Kaho'olawe. Kaho'olawe while not having a population has an organization and a mission to restore and care for the island. The Kaho'olawe Island Reserve Commission (KIRC) manages the access to the island, volunteers and scientists, and the fishing around the island. The organization received the deed to the island in 1994 and received access control from the Navy in 2004. They are currently working on creating a sustainable funding plan to recover the island.

Break out Session

Breakout sessions were planned for late morning. Breakouts were to be used for island caucusing and discussion of the core issues of Puwalu 'Umi: organizing island councils to be able to access funding opportunities and development of an association of 'aha moku island councils.

Islands were also given tasks to discuss: determining aha moku councils standards, determining the official aha moku island council and creating a timeline of island councils history.

Puwalu Breakout: Maui

Maui was represented by:

Timothy Bailey
Joyclyn Costa
Blossom Feteira
Vernon Kalanikau
Keeaumoku Kapu
Uilani Kapu
Kennard Kekona
Terrance Lind
Felimon Sadang
Jade Alohalani Smith
Donna Sterling
Orpha Kaina
Dee Ann Kaina
Drusilla Kaina

Summary of Discussion:

What Maui needs to do going forward:

- Document moku activities
 - Mokus keep sending their documents to Keeaumoku (minutes, reports, correspondences etc)

- Mokus make sure to document work they do with local agencies
- Keeamoku to continue to compile Moku documents
- Each moku to establish operational procedures to deal with each type of issue (land, water, burials, etc.)
- Recruitment and re-establishing buy-in for aha moku system for Maui:
 - Each moku go back to their communities and meet with groups, have meetings etc (make sure to document; have sign in sheets etc)
 - Update the presentation about aha moku for each moku to use for recruitment
 - Hold Maui puwalu
- Each moku schedule their meetings so that everyone's meeting schedule can be posted on the website (set date for each month)

Discussion on overall structure:

- Each moku, at their next meeting, present options for possible next steps for Acts 212 and 288 and get input
- One option is to propose sunset of AMAC under Act 288 while making sure the aha moku system continues to be mandated
 - Description of the structure is in Act 212, acknowledgement of the structure is in Act 288
 - The Act defines what aha moku is, but not who it is
 - Need the Aha Moku Council to be recognized as a formal part of the system (then no need go through AMAC)
 - Act 212 is the ritual/foundation – don't change it

Keeamoku Kapu, chair of 'Aha Moku O Maui, talked about structure. Maui was at one time the most organized of aha moku island councils. People reported on moku meetings and would send the minutes to him but slowed after the last Puwalu meeting. Need to get back to the structure again; it's more of a necessity now because of the response by chair of the Board of Land and Natural Resources, Suzanne Case.

Timmy Bailey read the letter from Suzanne Case. The five questions are the same questions that have been asked from the beginning:

- 1) Under what legal authority does Wespac (Western Pacific Regional Fishery Management Council) support the Aha Moku Island Councils?
- 2) What funding and staffing has Wespac provided for this initiative since 2006?
- 3) What is the source of those funds?
- 4) Who have been the recipients of those funds? and
- 5) What have been the uses of those funds?

Bailey commented: from the beginning, Wespac has been the only organization that made it possible for us to meet and work on traditional natural resource management and practice so we can advise them on the management of Hawai'i's marine resources. The letter refers to the Association of Aha Moku Councils. That association has not even been formed yet. There is no agreement. The Department of Land and Natural Resources (DLNR) is considering

the Councils separate from AMAC, but that's not correct, the AMAC members were selected from recommendations made by island councils.

Timmy asked: do we work through AMAC or go through existing channels via Aha Moku? AMAC is another opportunity to influence regulations. Citizens have a right to testify and make recommendations on State regulations, native Hawaiians have an additional opportunity as native Hawaiian beneficiaries under the State Constitution (Article XII, § 7). AMAC is an additional opportunity to affect regulations. Timmy explained the history and background of the Act 212 and 288 and in Act 288 states "The establishment of this committee does not preclude any person's or organization's right to provide advice to the department of land and natural resources." Others said that Maui needs to proceed forward with what they've been doing. It has been effective on Maui.

Timmy: We need a stronger base and representations through the moku and Councils. Do we need to put DLNR on notice that this is how Maui operates or ignore the DLNR letter? Need to think about how to mandate the Councils. One way is to let AMAC sunset. Maui's structure has been maintained, and we can strengthen and improve it.

Ui Kapu said Maui has always worked with government officials. Case doesn't realize we put Kyle Nakanelua is under our charter, he is a member of the 'aha moku council of Maui by virtue of his recommendation and selection as the Maui AMAC representative, but Maui is the only council to do that. We need to submit our charter to the higher level. Maui's charter is in the 2009 report. We tried to get the other islands to do the same, but they haven't (they're still working on it).

Maui Moku groups are already getting letters from developers and organizations asking for advice and input. We need to make sure those are collected, filed and archived.

Ui was not sure if Association of the aha moku island councils is the right way to go. It may be better for other islands to follow what Maui did with forming nonprofit. Maui never wanted to have a po'o because the intent was for each of the moku to work on issues most important to them, and so that one person did not take control.

At the 2016 Puwalu Maui moku members (Jade and others) testified and explained what the aha moku is intended to do.

Issues on Maui, even when brought forth, have not been addressed through DLNR. Mokus can go and work with the Maui agencies and organizations, build the community capital through local channels on Maui and document that involvement. When we work with the agencies, they need to understand the structure they're working with.

Keeaumoku asked if each of the mokus have a protocol for how to deal with issues when they come up? Jade Smith says her community is small, have land and ocean focus, work with partners. Keeaumoku said aha moku should be the "first responders", and mokus need to have well-defined protocols so that things can get done. Moku need to develop functional operational procedures for each issue (land, water etc) – that's what makes us functional.

Timmy said it's been ten years, so we need to go back to recruit and get buy in from the communities again. What's the protocol for recruiting people? Be inclusive – the bill states that. Let people know it's about natural resources. People understand the aha moku system intuitively because people on Maui grew up with that concept. Even the commercial tour operators doing tours to Molokini understood. They were told that if they don't regulate themselves, state will come in and regulate. Recruitment is anyone who understands what the aha moku concept is about. Moku members should go to community organizations and give presentations. Aha moku O Maui can help.

Timmy said DLNR will always be happy to get our help in cleaning up the mess we never create. What we need to do is for our voices to help prevent them from making a mess in the first place. Kupuna said our task after first puwalu was to go back home and learn our own history. There is a resolution from first stewards and papers published in fishery symposium proceedings about traditional natural resource management. These documents can be used for the recruitment meetings.

O'ahu and Hawai'i Island Breakout

O'ahu and Hawai'i island joined together in the break out session.

O'ahu was represented by:

Ululani Beirne
Makani Christensen
Kaliko Chun
Gayla Ann Halinak-Lloyd
Hanale Hopfe
Lu'ukia Nakanelua
Kaleo Paik
Letani Peltier

Hawai'i was represented by:

Josephine Dela Cruz
Teresa Nakama
Terri Napeahi
Julia Peleiholani
Reed Shook
Robert Shook

Ululani Beirne led the session and started with the question: if the need for documentation was clear? Was there an understanding that documenting council efforts brought legitimacy to organization? There was agreement among the participants.

There is a strong need for recruitment for the O'ahu aha moku, she said. We need to draw people in instead of pushing them away. For issues, we need to identify the problem and determine how to solve it. We need to understand the structure of governance to be more effective. She encouraged the other moku to have a po'o and not impose your beliefs in other moku. Talk about the moku first and hopefully ahupua'a are encouraged to join. One way moku can organize is by ability. Included in the bunch are ahupua'a – they don't match the talent structure exactly but it works.

Teresa Nakama said on Hawai'i island Hilo moku can hold meetings but the size of the island makes island level meetings difficult so there has never really been an island meeting. She compared her island with Moloka'i. On Moloka'i, they decided the moku po'o meets once every two months. O'ahu island takes a longer time to have a meeting and have a longer meeting to accommodate for po'o who work on O'ahu.

Teresa asked if we decided we're not under the state. She would like to see it on paper that we are not part of the State. The young leaders that shy away from aha moku are with other organizations. Teresa asked if there was a statement made by the attorney general saying that we're not a State Board or Commission.

Under William Aila, former chair of Land and Natural Resources, the opinion of he and the Executive Director of the AMAC that island councils were a board or commission of the State. The executive director used that opinion to undermine the operations of island councils. At a public meeting (of which there are no minutes) of the AMAC at DLNR Attorney General Dan Morris acknowledged that island councils were not a Board or Commission under the State Uniform Information Practices Act, purposes of which are:

- (1) Promote the public interest in disclosure;
- (2) Provide for accurate, relevant, timely, and complete government records;
- (3) Enhance governmental accountability through a general policy of access to government records;
- (4) Make government accountable to individuals in the collection, use, and dissemination of information relating to them; and
- (5) Balance the individual privacy interest and the public access interest, allowing access unless it would constitute a clearly unwarranted invasion of personal privacy. [L 1988, c 262, pt of §1]

Julia Peleiholani said she will put together a fact sheet for the Aha Moku.

Theresa said: we can all start holding meetings in our mokus, then have an island Council. Until they have their meeting and we communicate that they have had their meeting then we come together. She asked:

- What is going to work?
- How often should Hawaii meet? Do what works,
- What is in palapala? Standards fact sheet needed.
- Where are the gaps that need to be filled?

- Start small, where do we meet?
- Who are the leaders? If it is not clear, reset, and start over.
- What happens when the AMAC members no longer represent the people?
- Is this going to work?

Robert Shook was elected to lead Hawaii island at a Kona ‘Aha Moku meeting. The group decided to meet February 10, 2018 at Kanoa Park. They will need an agenda and work to rid the process of animosity and develop a Kumukuauhau for the ‘aha moku Hawai’i. Kumukuauhau for aha moku.

The group also decided that they need some brochures or a video – some outreach materials that can be shared. Outreach materials were developed early on that can be made available but might need updating. Website needs to be updated.

Asked why there are so many levels. Ululani said the problem is the AMAC does not listen to the island po‘o. Sometimes the AMAC and island po‘o may have different understandings. The AMAC needs to understand government interactions, authorities and responsibilities and the island po‘o don’t want to be government workers.

Moving on to what the gaps are that need to be filled in understanding the structure and how to operate. Ululani said in the beginning it was supposed to be about the people who fish and work the land, and then it turned to people scheduling meetings for when the people who know the land can come. Working to get the island po‘o, the people who know the resources are left behind. Even in this process of starting over again we don’t want to lose sight of whether the people who are involved are still representing the resource users.

All of the mokus O‘ahu have a representative but they don’t come to all of the meetings. The question for O‘ahu is who’s the po‘o? It is Kaleo Paik until we can get someone who is from O‘ahu. Kaleo is the interim chair of O‘ahu after Makani Christiansen resigned and Michael Lee declined the position. Kaliko and Kaleo work on O‘ahu but live on Big Island. O‘ahu folks are not at the table. When we make decisions we must speak for the O‘ahu fishermen.

Young man wants to serve as interim president. Letani?

The documentation part is important for decision-making in the absence of participation from all mokus. Always leave the door open to the meetings and ask people to come.

Letani Peltier volunteered to chair the O‘ahu Council. Ululani said she’s happy to have Letani volunteer because we need someone who can do the job. Beat the bushes for the fishermen, lo‘i and fishponds. That’s our kuleana to take care of those people. Julia Peleiholani offered to be his secretary.

Ululani reiterated that she wants to make sure our fishermen’s voices are served. Ulu said we’ll go right through and check the sample to see if it resonates with O‘ahu.

Ululani said O‘ahu really has their own operating plans and history. Letani said it’s worth using it, but the documentation that has already been developed should be reviewed.

Ululani said everyone gets busy with their lives and the reason O‘ahu has been put on hold is because we’re against what they’re doing in AMAC. We couldn’t make a change because by law they were in position and the names were sent in by us. They had the voice. Instead of us carrying on, what happened is now we have the po‘o sitting with AMAC who never came out to talk to any of us. We have that in our setup. What we need is a leader who can contact everyone in the different mokus. That person should feed into the AMAC po‘o. Leimana used to avoid us in community meetings.

The prime characteristic of the po‘o is to be able to bring the mokus together and contact everyone, and translate what they learn to AMAC.

There was some discussion about the original nominations. Leimana will probably attempt to submit other names to load the AMAC with her supporters, so we have to make a more compelling and persuasive argument to follow what is in the law. Committee members are nominated by the governor from a list of candidates submitted by the island councils. The Senate then consents to the nominations. It is rumored that Leimana is working with DLNR and Forestry and DOBOR pay her salary. AMAC hasn’t been funded since 2016. Important thing is that the island councils need to recommend people of the AMAC.

The State Attorney General that attends AMAC meetings brought in the person from Office of Information to run a 45 minute presentation on who is affected by what laws on boards and commissions. The 9 people there, no one else, are governed by regulations of the Uniform Information Practices Act. Island councils don’t have to publish their meeting notifications but they still listen to Leimana tell them that they have to publish their agenda.

Letani asked who the official moku po‘o was previously – Rocky, Shea etc. in Ko‘olaupoko, Carl Jellings, Hanalei Hopfe, Shad Kane, Mike Lee, used to be po‘o. They haven’t been called in a while. They would come if they were called – no one has taken the time to call them and set a meeting. Cannot be when they are associations and others. Makani, Kitty, Charley, Mahalani, Rocky haven’t been notified for quite a while. Shad Kane too.

When we do the nominations, the AMAC people will say this isn’t coming from the people; so we need to documentation from the old meetings. Just to make it powerful. The AMAC, though, do not have the authority to challenge recommendations of the island councils.

For the next nomination process, would Auntie be interested in it for AMAC? Kitty said we owe Letani a binder – he said he can start putting something together.

If it’s happening across the state, everyone should agree to it. Examples of issues that go across the state: taking sand from islands, Mauna Kea, etc. The participants ranked the issues of importance under Task 2, and Letani and Mark took notes, Ulu has it too. Dealing with issues have, historically, been an obstacle to the developing of strong organizations.

So, the next step is looking at O‘ahu rules and comparing it to the other ones. O‘ahu needs to look at the way moku business is conducted and correct weaknesses and improve our conduct and actions. There are attempts at trying to start other moku councils on O‘ahu but this council has records of meetings and actions going back to at least 2010, responding to Act 212.

Moving on to the criteria – we can agree on the one before. Letani read it. Since 2010 have agendas and participants and minutes. Letani took notes.

Action Items:

- Get O‘ahu rules from Charley, since there’s many people’s mana‘o behind it – hold a meeting to do side by side with the other. Charley will bring to next meeting.
- Check if the volunteer president is accepted in the mokus with Julia as secretary.
- Julia to make a fact sheet of actions and activities of the ‘aha moku.
- Submit island documents to Puwalu organizers for finalization for the handbook.
- Submit fact sheet of FAQs that addresses misinformation surrounding the AMAC and aha moku councils.
- Letani to put together a timeline.
- e-mail notes to letani@hawaii.edu.

Moloka‘i Breakout:

Moloka‘i was represented by:

Malia Akutagawa
Opuulani Albino
Lori Buchanan
Kanoelani Davis
Madonna Dizon
Byron Espaniola
Guy Hanohano Naehu
Kamalu Poepoe
Mac Poepoe
Keani Rawlins-Fernandez
Loretta Ritte
Walter Ritte

Moloka‘i went over the actions that islands were tasked to be completed in the breakouts found in the “Aha Moku Handbook for Policies and Procedures:”

“Task #1: Each island will convene and decide what they would like to develop in terms of operational procedures. These are beginning steps and may be amended as needed in the future by each island.

Task # 2: We will all participate in selecting the standards that are important to us all at the state level. These standards will define our ideologies, goals and objectives collectively and help to guide our individual island processes in keeping with the Aha Moku mission of resource care through a combined community effort of lōkahi.

Task #3: We will clarify, through an appropriate criteria-based assessment, the legitimacy of the Island Council of each mukupuni, as this is the Council that will convene all Moku Councils on each island.”

Task 1 – The group discussed task 1. There needs to have clarification on the relationship of the Paeaina level and the AMAC. AMAC is not necessary for the Aha Moku to function. The government puts the AMAC on top but on the Aha Moku Council level the Ahupuaa is on top. Currently lacks the collective process to bring the issue back up.

What makes up the collective? – reached out via public meeting; invited other stakeholders to weigh in on the issue; the problem is that no one wants to step up as Ahupua’a po’o; most are not originally from there; not enough confidence to represent the ahupuaa.

Another problem is that the transient snowbirds don’t have the historical baggage and may provide an unbiased perspective,

What are the criteria to become an Ahupua’a po’o? – a person that can listen and has community concern; has to be endorsed by a kupuna; need to have Hawaiian blood, have to have love for aina; (how do you prove connection?); must have generational knowledge; long time residence and must have love for the aina; as long as the po’o knows how to take care of the ahupua’a – have to have training in order to serve as a po’o; minimum residence time – 10 years; if trained the residence time can be reduced; no intent of moving; person should have ties in the community;

These have been discussed already and Molokai already knows what they want; the issue is getting people on board; need to identify the problem; empowering them with Kuleana;

Leadership eligibility should be broad because there is no one who wants to come to the table.

Work with the economic system to promote green jobs and ensure sustainability.

When Aha Moku organizes the governance independent of DLNR; no matter who comes in the community has a voice.

Task 2 – the language for #6 should be revised from **must** to **should**. For Task 2, list of priorities for island councils, item 6 reads: “_____ 6. Aha Moku issues and concerns must be directly related to resource care, management and/or sustainability.” The recommendation is to strike the word “must” and replace with “should.”

Moloka'i members discussed that there was an election held for the aha moku representatives.

Task 3 – All checked and agreed to go back to the records and populate the timeline and requirements.

Kaua'i Break out:

Kaua'i was represented by:

Crystallyn Bilyou
Theodore Blake
Troy Hanohano
Terrie Hayes
Madonna Kalilimoku
Billy Kaohelaulii
Kelea Levy
Rhodalyn Libre
Malia Nobrega-Oliveira
Kamelaoha Hanohano Smith
Aaron Tui
Hanakia Tui

Kaua'i discussed the letter from Suzanne Case. Malia Akutagawa remarked that the letter shows a misunderstanding of law. It implies that other councils are legitimate. It is important that the island councils demonstrate that they are legitimate with a structure and history.

Malia provided an overview of the aha moku legislation and the connection to aha moku in antiquity. Some of the expertise has to be modern but with Hawaiian 'ike (knowledge). Kaua'i members set a date for a moku meeting of December 11, 2017. They recommended that four things be put on the agenda: Kuleana (responsibility), public reporting and communication, Mission/Vision and goals and objectives for the Council. Kamealoha volunteered that he had an idea for a vision or mission for the Kaua'i aha moku. What moku are represented on the island Councils? Moku Po'o are for Na Pali-Tommy Hashimoto; for Kona-Billy Kaohelaulii and Kane Turalde; for Halalea-Aggie; Carol Hovell; and for Puna-Kamealoha Smith. There was no contact for Mana.

There was a comment that not everyone representing the entire island were here at the meeting. Kamealoha responded that all were invited. There was a feeling that they could not go through with the exercise without everyone represented.

Plenary session:

In the plenary session the discussions about organizing the island councils continued.

Oahu pointed out that the AMAC positions must come from the island councils as stated in the law. It was further implied that 'aha moku positions must come from ahupua'a councils. That is not in the law but island councils may organize as they wished. That is the point; island councils are not under any requirements on how to organize. It is important that island councils organize.

Maui did all these in 2009. They are continuing to document moku activities, which are forwarded to Keeaumoku Kapu as Director of 'Aha Moku O Maui, Inc.

Big Island will schedule a meeting to take place in 2018.

Molokai will have a training activity and work on a process to address issues.

Regarding the Case letter Malia stated that it misinterprets law. She cannot rely only on AMAC and only go to the Executive Director as that invalidates work of island councils. The letter indicates a gross misinterpretation of the law to allow DLNR to operate in a vacuum and attempts to invalidate the procedures adopted by AMAC in 2016, last year. It warrants a response.

Aha moku represents the grass root levels. The response letter needs to recite purpose of the law. It implies Wespac impropriety and the Council will respond to the letter for their part. The Aha Moku must respond to the letter and copy the Board of Land and Natural Resources and legislators. Response should include letter and timelines of the island councils. It should also include participants lists that shows longtime participation. Include copies of the invitation letter to this puwalu as well as the Crabbe letter. The goal is to send the letter out by December 15, 2017.

Question on development of association of island aha moku councils should put before island councils.

Need to submit names before January for AMAC

Report Out on Break-out Sessions:

Big Island announced that they're going to have a moku meeting. Theresa thanked everyone and is excited to pass the baton.

Kiani Fernandez reported out for Molokai. He reported that they added operational administrative committee, a training committee, and a communication committee to the council template after reviewing the process implementation template. The communication committee would get more participation. Another item added was to ensure that concerns and issues reported from the ahupua'a po'o all the way to the island council. The island council could address this concern or issue and report it back down to the ahupua'a from which it came. Training the new folks appropriately would be the kuleana of the training committee. The biggest concern was reciprocal information so that everything that went upstream will come back

down to the people. That was something we agreed on; for the most part what's in the sample fits Moloka'i's needs.

Task 2 was ranking the Aha Moku Councils Pae'āina (State Level) Standards (in the briefing book, The Aha Moku Handbook of Policies and Procedures Handbook 3, Process Implementation)– and for us, the most important thing was number 9: All AMAC advisory recommendations must come the aha moku. Second was number 10: The Association of Aha Moku Councils will reflect and encourage the collective participation of all community stakeholders through the Moku structure and with respect to the protection and viability of the natural and cultural resources of Hawai'i. Third highest ranking was 7: The Association of Aha Moku Councils recognizes the history and knowledge base of island cultural practitioners. And in descending order:

Fourth, was 4: The Kiole structure is the framework by which the Association of Aha Moku Councils will transmit information and concerns;

Fifth, was 5: The Association of Aha Moku Councils will utilize a custom made resource reporting form for all islands;

Sixth, was 3: The Association of Aha Moku Councils will build capacity for Island Council operations by seeking funding and support initiatives;

Seventh, was 5: The Association of Aha Moku Councils will utilize a custom made resource reporting form for all islands;

Eighth, was 2: Identification of an island's districts, boundaries, realms and kuleana are to be determined with respect to that island's Council through collaboration with its Moku Councils; Ninth, was 8: A regularly updated website will be used for Communication from the Island Councils; and

Tenth was 6: Aha Moku issues and concerns must be directly related to resource care, management and/or sustainability.

For the Criteria-based assessment, Moloka'i met several and has a record of what was applicable. Dates and activities will be worked out at home. Kamalu Poepoe has all of the information. There was a comment that when they rated all the numbers, number 6 was interesting – the word “must” triggered a long discussion, because management was the major goal in the beginning but today as Hawaiians management and governance are primary concerns. It got a lower rating because the word “must” was included. Replace with “should.” Another comment was that some meetings they talk about economics or other things that aren't the concern – start the meeting by saying the point of the meeting is malāma 'āina. There was talk of broadening the meeting discussions.

Kaua'i will have a meeting, and they're confident they can come to something strong as intended.

Letani said for Task 1, O'ahu Council has a distinct structure and bylaws, and O'ahu will review and revise as necessary with input from moku representatives. We're not restarting, we're kickstarting. For Task 2, rating the standards, we thought the most important standard was 9. Number 7 was the second most important one, to bring the voices to the state. 3rd was 3. 4th was

2. 5th was 4. Some of this was tough to prioritize. 6th was number 5. 7th was number 6. 8th was number 10, 9th was number 1, and 10th was number 8.

Ulu said O'ahu met all of the criteria, and she thanked Kamalu for working hard on this. Ulu said O'ahu started in 2010. She took responsibility for stepping back. Makani Christiansen, past O'ahu Chair said a lot of the issues he was putting on the table, were political, and then he ran for office. We have seen the process through in Act 212 and 288, and we haven't given up.

Timmy said Maui is a rebel when it comes to looking at the task. That doesn't mean intentional but we did all of this in 2009, including setting the structure and criteria in our legislative report. That's a tool that everyone can look at. One of the discussion points was the term po'ou which evolved into this whole process. Maui's island meetings, 24 meetings and soliciting all of the mana'o with another 24 meetings of presentation resulted in consensus on final report. There are new players and people who don't understand the intent; so in moving forward Maui needs to document the moku's activities. That gets forwarded to Ke'eaumoku at Aha Moku o Maui Inc. Wanted to make sure the council system was in place before 288. Ke'eaumoku compiles the documents and forwards them; one thing brought up was a burial issue to identify the person in each ahupua'a. Another thing was that the chair should be the facilitator at the lower levels. Another thing was that mokus need to establish their operating procedures to make sure the land issues are dealt with appropriately and not personal issues. Maui wants to work on recruitment and buy in. In the beginning, almost 900 people to begin with. People understood it because generationally they grew up there and could relate; they were still practicing. The participation was overwhelming. 11 years later and Act 288, people have lost interest and deviated, and there are some personal interpretations. We need to update the presentation and reestablish that connection for recruitment. How would you identify people to recruit? They know themselves though. It's not about development, it's about protection and putting the resources over the people as the highest entity. Part of it was to hold the Maui Puwahu, address 4 or 5 hundred people at one time. Each moku would schedule their meetings so that they can be posted on the website, and there would be more intimate meetings to recruit volunteers. Timmy and Ke'eaumoku are willing to go into that. Maui feels strongly that at this puwahu we need to move back to the islands before we make any resolutions and have to do damage control later. Act 212 is like the secret rituals that shouldn't be touched; the governance part is the pala pala, charter, incorporation. That's when the authority or human factor isn't working, fall upon the governance to clarify that. That's why we encourage the charter, so it's doesn't allow the po'ou to deviate from the purpose. Allows the people to have the authority. Last but not least – Act 288, one possible solution is to get rid of all of those things if you make a recommendation to sunset the committee. We're looking at the venue because there's strong language in 288 to formally recognize the aha moku system, and then it defines the system and talks about the committees that Maui has brought in, and then it talks about the expertise necessary. The island councils could fall underneath it directly. So, we're looking at those options – still discussing and coming up with a good template, but the Acts are a foundation and use that language. Intention is to give the people the voice to protect the highest entity, which is our common resources. We discussed the letter from Suzanne Case and we realized that unfortunately it was a lash out toward Wespac and we shouldn't concern ourselves with it, because they just don't understand. We need to have outreach about aha moku; between the two laws, there's enough meat in there to move in the direction we want to move.

Ulu said maybe the name – association of aha moku island councils – maybe something we should reconsider.

Malia said creating an association, have the reps talk about an alliance instead of association. The reason we discussed was we realized that what is being discussed at DLNR is a misrepresentation of who we are. We were accused of not following the sunshine law, but we don't have to follow that. Only AMAC. But ED was telling DLNR that we are illegitimate because of that. We can strengthen individual islands by working together; we should still strive for a level of transparency to prevent discrepancy between the AMAC annual report and what is discussed in the councils. We have to be a little more formal.

Summary

Puwalu 'Umi restated the commitment island councils had to the 'Aha Moku movement. It tried to overcome the inertia and disappointment of the 'Aha Moku Advisory Committee. Five years ago there was great hope that the Hawaiian resource practices and traditions could be implemented in management of Hawai'i's natural resources. Native rights to resources might be advanced. Island councils have committed to continuing the work to empower native communities and improve the natural resource outlook for Hawai'i. The traditions and practices of native Hawaiians will continue to be a valuable source of understanding and the way to improve the natural resource of Hawai'i Pae'aina.



Puwalu ‘Umi, Ola honua i ke kupa‘a kānaka

Puwalu 10, ‘Aha Moku Island Councils

Pagoda Hotel, Honolulu, Hawai‘i

November 17 - 18, 2017

Resolution in Support of Developing Strong Island Councils and an Association of ‘Aha Moku Island Councils

WHEREAS Puwalu ‘Umi, Ola Honua I ke Kupa‘a Kanaka convened on November 17 and 18, 2017, in Honolulu with 60 ‘Aha Moku practitioners and experts from the islands of Kaua‘i, Mano Kalanipo; O‘ahu, Ke One O Kakuhihewa; Moloka‘i Pule O‘o; Maui, Na Hono A‘o Pi‘ilani and Aha Moku, Inc.; Kaho‘olawe, Kohe Malamalama O Kanaloa; and Hawai‘I, Moku O Keawe;

WHEREAS the ‘Aha Moku island councils are recognized in HRS §171.4.5 Aha moku advisory committee; established:

“(b) The [‘Aha Moku Advisory Committee (AMAC)] 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 aha moku advisory committee shall be by the chairperson of the board of land and natural resources. The committee members shall select the committee chairperson from among the members”;

WHEREAS island councils are community organizations separate and independent from rules governing the AMAC and State Boards and Commissions;

WHEREAS the future of the ‘Aha Moku and the ‘Aha Moku Advisory Committee is contingent on the continued, independent and autonomous functioning of the island councils;

WHEREAS the successful functioning of the island councils is dependent on their ability to receive direct funding for their operations and administration, funding is necessary for the effective administration, operation and management of island councils;

WHEREAS ‘Aha Moku island councils seek stronger representation and a greater voice in the management of natural and cultural resources in the Pae‘aina O Hawai‘i in order to fulfill ;

WHEREAS the ‘Aha Moku Advisory Committee (AMAC) has not provided the representation required pursuant to HRS §171 4.5;

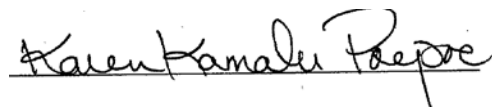
WHEREAS island councils need to be organized and recognized as a legal structure, business or nonprofit entity to successfully participate in fund-raising opportunities and, if organized as a nonprofit, may seek tax exempt donations;

WHEREAS a nonprofit designation does not mean that the organization does not intend to make a profit, rather it means that the organization has no owners and that funds realized in the operation of the organization will not benefit owners;

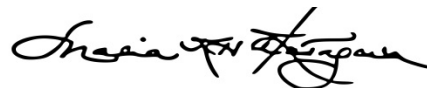
NOW, THEREFORE, BE IT RESOLVED on this day, in the Malama of Welehu and the rising of Hilo, November 18, 2017, that the islands of Kaua‘i—Mano Kalanipo; O‘ahu—Ke One O Kakuihewa; Moloka‘i Pule O‘o; Maui—Na Hono A‘o Pi‘ilani and Aha Moku, Inc.; Kaho‘olawe—Kohe Malamalama O Kanaloa; and Hawai‘i—Moku O Keawe implement actions to develop the ‘Aha Moku island councils with legal organizational structures capable of receiving direct funding and conduct fiscal management and administration to incorporate appropriate Native Hawaiian knowledge and protocols for the preservation, cultivation and management of all Native Hawaiian natural and cultural resources for future generations.

BE IT FURTHER RESOLVED that the islands of Kaua‘i—Mano Kalanipo; O‘ahu—Ke One O Kakuihewa; Moloka‘i Pule O‘o; Maui—Na Hono A‘o Pi‘ilani and Aha Moku, Inc.; Kaho‘olawe—Kohe Malamalama O Kanaloa; and Hawai‘i—Moku O Keawe join together in an association of ‘Aha Moku island councils to further the ‘Aha Moku initiative for the benefit of all of the people of Hawai‘i, that this association of ‘aha moku island councils shall not interfere with the actions of individual island councils in the implementation of their island kuleana, and that island councils be inclusive, organize and recruit members to expand the ‘Aha Moku initiative, for example, by providing for presentations on the ‘Aha Moku initiative and traditional cultural resources management to organizations and at events.

BE IT FURTHER RESOLVED that copies of this resolution be sent to ‘aha moku island Councils, Board of Trustees of the Office of Hawaiian Affairs, Hawai‘i State Legislature Senate Committee on Hawaiian Affairs and House Committee on Ocean, Marine Resources & Hawaiian Affairs, the Governor of the State of Hawai‘i, and Mayors of all Counties in Hawai‘i.



Kamalu Poepoe, ‘Aha Ki‘ole O Moloka‘i



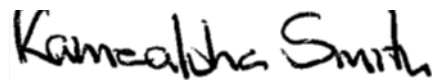
Malia Akutagawa, Po‘o, Aha Ki‘ole O Moloka‘i



Kyle Nakanelua, Alaka‘i, Hale Mua



Blossom Feteira, Friends of Moku‘ula



Kamealoha Hanohano Smith, Kaiāulu Anahola



Kaleo Paik, ‘Aha Moku O O‘ahu

