

# Statewide 'Aha Moku System

## 'Aha Moku Advisory Committee (AMAC) and the 'Aha Moku Island Councils:

- Established by Act 288 (2012).
- Purpose:
  - to integrate indigenous resource management practices with western management
  - to identify a comprehensive set of indigenous practices for natural resource management
  - to foster understanding and practical use of Native Hawaiian resource knowledge, methodology, and expertise
  - to sustain the State's marine, land, cultural, agricultural, and natural resources
  - to provide community education and foster cultural awareness of the benefits of the 'Aha Moku system.
- 'Aha Moku system is comprised of councils functioning at the island and moku (traditional district) levels that are meant to engage Native Hawaiian communities locally and by utilizing grassroots-driven, bottom-up processes. These island 'aha moku councils are supposed to have a direct line of communication with their Po'o or representative on the State 'Aha Moku Advisory Committee (AMAC).
- The AMAC serves in an advisory capacity to State Department of Land & Natural Resources (DLNR) and its various Divisions.
- Eight (8) AMAC Po'o serve as liaisons between the State and their respective island councils.
- The island 'aha moku councils submit 3 candidate names for Po'o to represent them on the AMAC. The governor chooses one nominee from the 3 candidates and the Senate reviews the nominees and confirms them to serve on the AMAC.



**The 'Aha Moku & traditional Hawaiian methodologies & knowledge when addressing cultural and natural resource management.**

# The Island Burial Councils



## The Island Burial Councils (IBC)s

- IBC members are appointed by the Governor from a list provided by the DLNR and the Office of Hawaiian Affairs (OHA).
- The IBCs are composed of regional (moku) representatives who at least possess an understanding of Hawaiian culture, history, customs, and in particular, beliefs and practices relating to the care and protection of Native Hawaiian burial remains.
- There are also development/large property owner interests represented on the IBCs.
- The primary responsibilities of the IBCs are
  - to assist in the inventory/identification of Native Hawaiian burial sites and make recommendations regarding appropriate management, treatment, and protection of Native Hawaiian burial sites.
  - to determine preservation in place or relocation of iwi kūpuna that have been “**previously identified**” in the course of an archaeological inventory survey or known through oral or written accounts before a proposed land use project takes place.
  - to recognize lineal and cultural descendants requesting to be consulted on IBC determinations for specific iwi kūpuna and moepū that they have a direct or secondary relationship to.
    - **lineal descendant** = person with direct or collateral genealogical connections to certain iwi kūpuna.
    - **cultural descendant** = person who has genealogical connections to Native Hawaiian ancestors who resided and/or are buried in the same ahupua’a as a certain iwi is located.
  - in consultation with lineal and cultural descendants, to review and approve **burial treatment plans** that include mitigation measures to protect burials and burial sites. [90 day process for decision-making]
- If in the course of construction or other activity in the project post-approval phase an iwi kupuna is **inadvertently discovered**, the State Historic Preservation Division (SHPD) makes a determination of whether to relocate iwi or preserve in place [1-3 day process for decision-making]
  - in practice, SHPD consults first with IBC Chair, regional representative on IBC, and any known lineal and cultural descendants.

# Recommended Strategies for Engaging 'Aha Moku Island Councils and Island Burial Councils Respecting Native Hawaiian Kanaloa Practices

In order to facilitate a smooth process between the interests of Native Hawaiian cultural and religious practitioners and agencies handling marine mammal stranding events, necropsies, and custody of iwi Kanaloa, it makes sense to utilize collaborative processes and frameworks such as the 'Aha Moku System and the Island Burial Councils.

## Why the 'Aha Moku and Island Burial Councils?

- The 'Aha Moku Island Councils and the Island Burial Councils primarily consist of Kanaka Maoli who are connected to local communities and possess cultural expertise in 'O'iwi culture, history and customs.
- These councils are recognized under State law and provide mechanisms for engagement and consultation with Native communities to inform government on Native Hawaiian practices and beliefs.
- These councils can serve to mediate potential conflicts and develop protocols and procedures that outline how government can work better with Native Hawaiian Kanaloa practitioners for mutually beneficial results.
- The Island Burial Councils recognize cultural and lineal descendants and develop burial treatment plans for previously identified burials. A similar framework could be adopted by Island Burial Councils for burial of iwi Kanaloa at sea after NOAA no longer needs necropsied whales for scientific research and as potential subjects for ongoing criminal/civil investigations.
- When a deceased Kanaloa washes ashore or when a stranded Kanaloa dies, these Kanaloa could be determined as "inadvertent discoveries" within the meaning of State burial laws. The State Historic Preservation Division (SHPD) could be seen as an agency to have kuleana in the decision-making with consultation of the appropriate Island Burial Council chair, regional representative, and cultural and lineal descendants. The remains of Kanaloa could be determined to be iwi kupuna in the sense that Native Hawaiians possess genealogical and familial connections to Kanaloa.
- The Island Burial Councils may also serve as an extension of SHPD when dealing with iwi Kanaloa as "sacred objects" within the meaning of NAGPRA. If iwi Kanaloa are housed in federal agencies, and museums and institutions receiving federal funding the Island Burial Councils and recognized cultural and lineal descendants would be recognized as Native Hawaiian Organizations (NHOs).
- Utilizing the framework provided within the Island Burial Councils for developing burial treatment plans, the NAGPRA loophole presented when competing claimants of NAGPRA protected items (iwi, moepu, sacred objects, and cultural patrimony) fail to reach consensus on their final disposition and repatriation. Typically in these situations, the federal agency or museum/institution receiving federal funding retains these items in their possession. Conversely, under the Island Burial Councils, all parties are more likely to come to agreement in the formation of a burial treatment plan and the Island Burial Council possesses final authority on the approval of these plans (not the agency/institution/museum holding these NAGPRA protected items).
- The Island Burial Councils may have greater reach and authority to preside over iwi Kanaloa beyond NAGPRA. For example, under the auspices of SHPD in its review of land use permit applications for both public and private projects that may affect cultural/historic sites and properties, including iwi kupuna and burial sites, the Island Burial Councils could be triggered if iwi Kanaloa are also included for protection or already considered ancestral bones through Native Hawaiian genealogical connections to Kanaloa through the Kumulipo and also as 'aumakua (family deities). Thus these projects may also be subject to burial treatment plans.

# Recommended Strategy for 'Aha Moku and Island Burial Council Integrated Process

## Develop Kanaloa Stranding Response Policy

Leadership from 'Aha Moku Island Councils and Island Burial Councils (IBCs) convene to review/co-develop a policy presented by Kai Palaoa/Kia'i Kanaloa network. 'Aha Moku Island Council works with AMAC representatives, DLNR-SHPD, Island Burial Councils, OHA and other agencies to reach agreement.

Iwi Kanaloa in the Possession of Federal Agencies and Museums/Institutions within the meaning of NAGPRA and Other Entities Holding Iwi Kanaloa that are subject to SHPD Review for both Public and Private Projects

Initiate burial treatment plan process with project applicant, federal agency, museum or other repository with input from cultural and lineal descendants, NHOs (e.g., Kai Palaoa/Kia'i Kanaloa network, 'Aha Moku Island Council representatives). IBC provides final authority and approval on burial treatment plan.

## Kanaloa Strands and Dies or Deceased Kanaloa Washes Ashore

'Aha Moku representatives affiliated with moku /ahupua'a where stranding occurs are notified. 'Aha Moku works with cultural claimants as well as SHPD, IBC chair and IBC regional representative, known cultural descendants in the area, Kai Palaoa/Kia'i Kanaloa network, and SHPD to facilitate response and coordinate with agencies handling marine mammal strandings.

## Deceased Kanaloa is in State of Decomposition and NOAA does not Require a Necropsy

SHPD makes a determination in consultation with appropriate IBC Chair, IBC regional representative, known lineal/cultural descendants, Island 'Aha Moku Council representative, and Kia'i Kanaloa practitioners of that locale to make a determination as to burial, collection of niho and other bone parts for Native Hawaiian carvers, crafters, religious practitioners. SHPD also consults with other State and County agencies handling public health and safety issues.

Caring for our ancestors...

