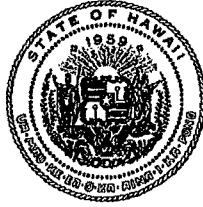


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
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**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
HAWAIIAN AFFAIRS**

**Wednesday, February 11, 2009  
9:00 AM  
State Capitol, Conference Room 329**

**In consideration of  
HOUSE BILL 1806  
RELATING TO HAWAIIAN NATURAL RESOURCE MANAGEMENT**

House Bill 1806 would create an extensive and multilayered system of Native Hawaiian advisory groups, housed within and supported by the Department of Land and Natural Resources (Department). This system would include an Aha Ahupuaa Council Task Force, an Aha Kiole Council, eight Aha Moku Councils, and more than 833 individual Aha Ahupuaa Councils (recommendations of the Act 212, Session Laws of Hawaii (SLH) 2007, final report). As proposed, all of groups' members could be reimbursed by the Department for expenses incurred in the course of their duties. Given the budgetary cuts the Department has had to absorb this fiscal year and further cuts proposed in the Executive Biennium Budget request, the Department opposes this measure as it would severely impact departmental priorities.

The new bureaucracy proposed in this measure is overly extensive, multilayered, and logistically infeasible, especially with the proposed Aha Ahupuaa Councils. The Department would note that during the Great Mahele, King Kamehameha III divided the lands of the islands among 245 konohikis. Along this line of reasoning, this clearly implies that if the system of ahupuaa councils proposed in this bill is implemented, it could create up to 245 individual councils, which for all practical purposes would need to have at least 3 members each (and probably far more). In fact, the final report of Act 212, SLH 2007, states that the Aha Kiole Advisory Committee found more than 833 ahupua'a.

Under the terms of this measure, all members of such councils will be eligible for reimbursement of reasonable expenses including travel and "necessary for the performance of their duties", along with the 12 members of the Aha Ahupuaa Task Force, the 8 members of the Aha Kiole Council, an indeterminate number of members of the Aha Moku Councils, and an equally indeterminate number of members of the Aha Ahupua'a Councils. This would mean that hundreds of persons would be eligible for financial reimbursement, which would place an enormous financial burden on the State when it least afford it. In addition, it is not clear how the

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AQUATIC RESOURCES  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

input from such a plethora of local councils would be integrated with current public policy processes.

Although the Department clearly recognizes the importance of Native Hawaiian perspective into natural resource management, the Departments feel this can be better accomplished via the Office of Hawaiian Affairs (OHA), an organization which is specifically tasked with advancing Native Hawaiian issues. The Department stands ready to work collaboratively with OHA to advance mutual objectives in regard to natural resource management and perpetuation of Native Hawaiian culture and values, so as to build upon the useful accomplishments of the aha kiole advisory committee to date, and with input from other Native Hawaiian groups.

In summary, the numerous ahupuaa-level councils proposed by this measure would create a cumbersome and expensive bureaucracy that would be duplicative of functions facilitated under OHA, and which cannot be supported under current economic conditions.

Kaumoana  
POB 1205  
Kilauea, HI  
96754

February 9, 2009

Testimony in Opposition

Re: HB 1806

HAW Committee; Feb.11, 2009; 9:00 am; Rm. # 329

Aloha Chair Carroll and Committee members,  
Mahalo for your service and for this opportunity to testify.

My husband and I are traditional practitioners in the ahupua'a of Hanalei, Kalihikai, Kalihikai, Namahana and Kilauea, in the moku of Halele'a on the moku puni of Kaula'i.


We support the concept of including the mana'o of our communities in the management of our resources. We participate in community efforts to practice our kuleana.

We participated in the early meetings considering how to provide a respectful process for those with important knowledge to contribute to management planning and implementation. It has been a very frustrating experience as outsiders and those with ulterior motives have high jacked what could have been a true community and pono process.

We strongly oppose this legislation as it describes a program that has not come from our places or our people and is not intended to truly restore or protect our ways or our future.

We hope that someday a pono program will be proposed that correctly includes all the interests of our communities and not just those who seek to profit. This bill does not come from our community and excludes many. We urge you to hold this bill.

Mahalo, me ka pono,



Makaala Kaaumoana

**From:** Noa Napoleon [freeoceanaxs@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 11:39 AM  
**To:** carroll1-Wayne  
**Subject:** HB 1806

**Noa Napoleon  
1750 Kalakaua Ave #103  
Hon HI, 96815**

In strong **support** of  
HB 1806

Relating to: Traditional Natural Resource Management

Hearing date: Feb 11, 2009  
Time: 9:00 am  
Room 329

House Committee on Hawaiian Affairs  
Chair Mele Carroll

Dear Chair and members of the Hawaiian Affairs Committee,

I have just recently become aware of the Aha Kiole Advisory process and do feel the need for cultural resource management is desperately needed at this time. I also feel that state and county agencies will exploit the economic situation facing the State of Hawaii by using the economy to justify the kinds of development projects that otherwise would be considered kapu to native Hawaiians and environmentalists. DLNR in particular will likely use this opportunity to seize control of lands otherwise used for recreational and sustenance purposes by the general public and cultural practitioners. While I have tried to argue for more uniformed rules with regards to enforcement of Hawaii's natural resource laws, I realize that each ahupuaa has special and unique sets of needs that require local communities expertise in determining what is pono for that particular area. My only fear regarding this is that the Moku Councils will become politically aligned with state officials that have in the past used loop holes in the law to justify helping their friends get away with violating rules and or getting exceptions from having to apply for land use permits, without being subject to procurement rules, EIS, etc. The most appealing aspect of the Aha Kiole concept to me is that it will galvanize Hawaiians and strengthen Hawaiian resource management practice into a formal and permanent working body. As the project is adequately funded I'm certain that those selected to organize the various communities will be successful in both correcting old concerns as well as seeing their stated objectives to completion. Mahalo for the opportunity to testify on this very important bill.

Noa Napoleon