

**TESTIMONY**  
**SB 1199**  
**LATE**

**TESTIMONY IN SUPPORT OF SB 1199**

**Description:** Designates certain state waters surrounding the island of Molokai as the Molokai Community-Based Subsistence Fishing Area.

**Senate Committee on Water, Land, Agriculture and Hawaiian Affairs**

**Conference Room 229, Time: 2:45 p.m.**

**Date: February 27, 2009**

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Aloha Chair Hee, Vice-Chair Tokuda and Members of the Committee:

The following residents (14) of the island of Moloka'i support the passage of Senate Bill 1199. Most are long-time Moloka'i fishermen, and almost all were born and raised on Moloka'i.

All of the residents listed below agree that Moloka'i's fisheries must be protected and restored, and that a community-based plan is necessary in order to accomplish this goal. SB 1199 recognizes the importance of Moloka'i fisheries, and the value of traditional resource management practices. The bill would help to initiate a planning process that is based on these practices, and draws on the collective wisdom of those who best know Moloka'i and its resources.

We urge the Senate to help our community to protect our fisheries by passing SB 1199.

**Aka Hodgins**  
P.O. Box 9  
Kaunakakai, Hawai'i 96748

**Didi Ka'akemaka**  
P.O. Box 482255  
Kaunakakai, Hawai'i 96748

**Kammy & Harry Purdy**  
P.O. Box 84  
Ho'olehua, Hawai'i 96729

**Milton Place**  
P.O. Box 1065  
Kaunakakai, Hawai'i 96748

**Kevin Misaki**  
P.O. Box 254  
Kaunakakai, Hawai'i 96748

**Joe Reich**  
P.O. Box 825  
Kaunakakai, Hawai'i 96748

**Thomas Matayoshi**  
HC-01-831  
Kaunakakai, Hawai'i 96748

**Steve Morgan**  
P.O. Box 72  
Maunaloa, Hawai'i 96770

**August (Junior) Rawlins, Jr.**  
P.O. Box 1528  
Kaunakakai, Hawai'i 96748

**Harris (Black) Dudoit**  
P.O. Box 926  
Kaunakakai, Hawai'i 96748

**Mervin Dudoit**  
P.O. Box 1034  
Kaunakakai, Hawai'i 96748

**Karen Holt**  
P.O. Box 354  
Kaunakakai, Hawai'i 96748

**Karen Joao**  
P.O. Box 481  
Kaunakakai, Hawai'i 96748

**Cornwall (Sonny) Friel**  
P.O. Box 102  
Kaunakakai, Hawai'i 96748

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**LATE TESTIMONY**



TESTIMONY OF  
AHA KIOLE ADVISORY COMMITTEE

**IN SUPPORT OF THE INTENT**  
**SB 1199**

**Description:** Designates certain state waters surrounding the island of Molokai as the Molokai Community-Based Subsistence Fishing Area.

**Senate Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**Conference Room 229, Time: 2:45 p.m.**  
**Date: February 27, 2009**

Aloha Chair Hee, Vice-Chair Tokuda and members of the Committee:

The Aha Kiole Advisory Committee (AKAC) was created through Act 212 in Legislative Session 2007 to create a system of best practices based upon the indigenous resource management practices of traditional moku (regional) boundaries of the State of Hawaii. It is the belief of Native Hawaiian practitioners that restoring the traditional methodology of resource management on all islands will strengthen resource sustainability. Although kupuna and practitioners from all of the eight islands, using generational knowledge, contributed to the restoration process of the Aha Moku System it's inception leaned heavily on the knowledge of the traditional Aha Moku process brought forth by the traditional resource practitioners of Moloka'i, most notably by respected Hawaiian historian John Kaimikaua and the pure Hawaiians of Ni'ihau.

Of all of the islands, Moloka'i and Ni'ihau are the islands who, as a whole, have practiced their traditional methodology of resource management. Their generational resource processes are intact and have never been abandoned.

Moloka'i is traditionally known as "Moloka'i Pule O'o" which translates to "Moloka'i with its ripening prayers" so named because this island has always been noted for its powerful Kahuna, or spiritual guides. Moloka'i is also known as "Moloka'i koa'upu'upe'I" or "Moloka'i with its dreadful warriors". Moloka'i warriors were trained not for war, but to protect the people and their riches, or their abundance of natural resources. This prevented other Polynesian cultures from taking control of the island, and ensured that their practices continued. Moloka'i continues to be one of the least developed of the main Hawaiian Islands with a high percentage of people of Hawaiian ancestry.

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Ni'ihau, a privately owned island is the only island where the majority of the population is native Hawaiian who still speaks its indigenous Hawaiian language. Without the conveniences of the modern world, the people depend on the ocean as its "ipu kai" or "ice box" and generationally have strived to protect and sustain its many resources. The people depend on the marine resources for the majority of its subsistence. Yet, although the people pay taxes to the State of Hawaii and are considered part of the main Hawaiian Islands, they have no protection from contemporary recreational or commercial use of their waters. It is common for recreational and tourism vessels to dump their waste in the near-shore areas, and for others to Clorox the reefs of Ni'ihau. This kills the reef forever, thus depriving the people of Ni'ihau of their precious subsistence – fish and limu. And, because of the distance of Ni'ihau from any law enforcement agency, usually located on Kaua'i, in essence there is no enforcement or protection of marine resources.

We believe that SB 1199, if amended to include Ni'ihau and adjusted to reflect our amendments can be a meaningful and strong vehicle that will protect the subsistence, natural and cultural resources of both islands as well as restore the abundant marine and aquatic life for which these islands were previously known.

We support the intent of SB 1199 which we interpret to be a support mechanism for the Aha Moku System as outlined in Act 212. This System is focused on the protection and perpetuation of ecosystem sustainability that is site specific and based on geographic definitions and traditional boundaries of areas, and the attributes of resources located within those boundaries. The Aha Kiole Advisory Committee, as part of the Aha Moku System is attached to the Dept. of Land and Natural Resources (DLNR) is in place and is a natural consultation component to the agency. Unfortunately, DLNR. has been resistant to this consultation process.

SB 1199, as originally written actually undermines the effectiveness of the Aha Moku System. DLNR has not been effective in bolstering aquatic resources, either through policies or enforcement. The Aha Moku System, through Act 212 is meant to assist government agencies in the protection of resources. Traditional fishing practices exercised for purposes of subsistence, culture and religion are already known and traditionally exercised on both islands. We do agree that existing marine activities outside of traditional ones should be identified and listed by DLNR to assist communities in resource management.

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We are very grateful to the Hawaii State Legislature for their faith in the native Hawaiian traditional methods of ecosystem management and ask that SB 1199 be passed with our amendments.

The Aha Kiolo Advisory Committee representing the islands of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Oahu, Kauai and Ni'ihau are in support of HB 670 as amended. Thank you for your consideration in hearing this testimony.

Respectfully,



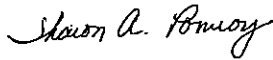
Vanda Hanakahi, Moloka'i, Chair  
Vice-Chair



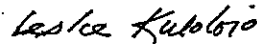
Timothy Bailey, Maui



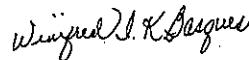
Hugh Lovell, Hawai'i



Sharon Pomroy, Kaua'i



Leslie Kuloloio, Kahoolawe,



Winifred Basques, Lana'i



Charles Kapua, O'ahu



Jean Ilei Beniamina, Niihau

Attachment: SB 1199 Amended

# LATE TESTIMONY

**Report Title:**

Molokai and Ni'ihau Community-Based Subsistence Fishing Area Areas

**Description:**

Designates certain state waters surrounding the ~~island of~~ Molokai as the Molokai Molokai/Ni'ihau Community-Based Subsistence Fishing Area. Areas.

SENATE  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

S.B. 1199

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## A BILL FOR AN ACT

RELATING TO FISHING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that in ancient times, the people of Molokai were known for their ability to produce abundant quantities of food, and the island of Molokai and its surrounding ocean was frequently referred to as "Aina Momona," meaning "abundant land." The people of Ni'ihau, the majority of whom are pure-blooded Native Hawaiians have traditionally depended on the ocean resources as their main source of subsistence. The people of Molokai and Ni'ihau maintained a sustainable and self-sufficient food supply for over a thousand years through

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careful stewardship. However, modernization and abandonment of traditional resource management have has led to the severe decline of Molokai's Moloka'I and Ni'ihau's marine resources. Ignorance of lack of meaningful stewardship traditional and generational knowledge threatens to cause irreparable harm to the cultural, social, and economic well-being of the Islands.

Today, subsistence remains an important component of the lives of the people of Molokai and Ni'ihau, as it supplements their traditionally low income. Subsistence, especially fishing, can constitute twenty-five per cent of the income of an average Molokai family. Thirty-five per cent of Molokai residents rely on some form of subsistence for their food supply. One hundred percent of Ni'ihau residents rely on marine resources for subsistence.

The decrease in the abundance and diversity of the nearshore fishery on Molokai can be attributed to:

- (1) ~~Less~~ General lack of knowledge of traditional methods of fishery management which allow fisheries to replenish themselves;
- (2) Increase in commercial fishing;
- (3) Lack of enforcement of state regulations;

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- (4) Recreational pursuits such as canoe races, which attract hundreds of recreational fishing boats; and
- (5) Poor management of agricultural practices, which have led to excessive amounts of sediment deposited on the south shore reefs of Molokai damaging the coral reef habitats.

The decrease in the abundance and diversity of the nearshore fishery on Ni'ihau can be attributed to:

- (1) Lack of enforcement of state regulations;
- (2) the need for stronger protection of ocean

resources from contemporary society.

The residents and community organizations of Molokai and the residents of Ni'ihau are eager to assist in developing a management plan that incorporates traditional knowledge, active monitoring, and enforcement activity for the management of the nearshore ~~fishery~~ **fisheries** on Molokai and Ni'ihau.

Comment [01]: This is the Aha Moku System in action.

The purpose of this Act is to create and amend fishing provisions that affect the ~~community~~ communities on the islands of Molokai and Ni'ihau. Specifically, this Act establishes a community-based subsistence fishing areas around the islands of Molokai and Ni'ihau to protect the fish stocks and coral reef habitats.

Comment [02]: Duplicates the work of the Aha Kiole and moku systems.



SECTION 2. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§188- Molokai and Ni'ihau community-based subsistence fishing areas; restrictions; regulations. (a)

There is designated the Molokai and Ni'ihau community-based subsistence fishing areas on the island of Molokai, and on the island of Ni'ihau which shall consist of all state waters and submerged lands within an irregular line \_\_\_\_\_ miles offshore that is parallel to the contours of the shoreline of the islands of Molokai and Ni'ihau.

(b) In addition to the provisions of this chapter and any traditional management systems established by the 'aha kiolo advisory committee or the 'aha moku council, the following uses or activities shall be regulated in the Molokai and Ni'ihau community-based subsistence fishing areas:

- (1) Any activities with a commercial purpose, as defined in section 187A-1;
- (2) The issuance of any commercial marine license, as defined in section 187A-1;
- (3) The issuance of any aquarium fish permits, as defined in section 188-31;

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- (4) Fishing with self-contained underwater breathing apparatus and spears; and
- (5) Any other use or activity that the department of land and natural resources, in consultation with the inhabitants of the islands of Molokai and Ni'ihau, the 'aha kiole advisory committee or 'aha moku council.

(c) The department of land and natural resources, shall consult with the Aha Kiole Advisory Committee; the specific traditional moku of Moloka'I - Kaluakoi, Palaau, Kawela, Koolau and Halawa; and with the residents of Ni'ihau; to establish rules for the Molokai and Ni'ihau community-based subsistence fishing areas., to include;

- (1) A determination of fishing practices that are customarily and traditionally exercised for purposes of native Hawaiian subsistence, culture, and religion in the fishing areas;
- (2) Identification of existing marine activities permitted by the department of land and natural resources containing a description of specific activities currently conducted in the fishing area, including evaluation and monitoring processes and methods of funding and enforcement;  
and,

LATE RESUBMISSION

(3) Limits on the harvest of aquatic life, unless used for subsistence as those terms are defined in section 187A-1, in the fishing area.

(d) The department of land and natural resources shall adopt rules pursuant to chapter 91 necessary for the purpose of this section."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

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Aloha Senator Hee, Senator Tokuda Senator Kokubon

If I am not there in person I apologize to Kupuna from Molokai ,But I must respectfully but Strongly oppose SB1199, If it were not for the i"ā and the sale of i"ā in this westernized Hawaii I for one would not have been afforded the ability to hone my skills that was taught to me early on by my father and that has fed my family over these many years .

This Generational Knowledge We posses as nearshore Lawaia far supersedes the simple basic but somewhat complex fundamental generational knowledge pertaining to fishing. this is the kind of knowledge not so easily passed from one generation to the next ,

A little of Just what it take"s ,We have memorized every inch of fishing grounds that we fish miles and miles of grounds that we know by memory and this is not even the tip , , One has to be skilled in spotting scouting and tracking fish this entales many many signs ,environmental habitat depth element changes, clarity .and species all of which different approaches are necessary. every specie will have a different approach a different technique ,every environmental elemental change can change all together one"s approach in targeting a certain specie, every adjustment made in oaring in calling a surround ,in throwing alu is made at precise times,every move of the net is done with precise timing and team work a simple mistake by one and the fish will quickly escape.

Your ability to start and to finish no matter the hour"s or it be light or darkness. this trade is not for the weak not for the fearful not for the steady paced. this trade requires strength, fearlessness and speed when necessary, But most of all it requires Knowledge it requires experience years of experience

Hawaiian"s did not learn and master their trades from books they did it through experience paying with blood and sweat

Through this Bill I foresee the end of feeding villages through this bill I foresee Kupuna without, through this Bill I foresee not one expert lawaia remaining on Molokai to teach on hand and daily this honorable Profession, I respectfully ask this committee Water Land Hawaiian Affairs to hold SB1199

Mahalo a nui

Carl Pao Jellings SR.

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Harry K. & Marlene K. Purdy III  
Db: Na Hua o ka `Aina  
P.O. Box 84  
Ho`olehua, Moloka`i, HI 96729  
Phone 808-567-6601

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS  
Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

DATE: Friday, February 27, 2009  
TIME: 2:45 p.m.  
PLACE: State Capitol, Conference Room 229

TESTIMONY OF SUPPORT FOR SB 1199

Aloha Senator Hee, Senator Tokuda and Committee Members:

We, the Purdy Ohana are in support of SB 1199. Moloka`i is a special place blessed with the opportunity to take the lead in preserve our natural resources. Fortunately Moloka`i has not experienced over development, over population, and over use of our natural resources (a common threat throughout the other Hawaiian Islands). SB 1199 will allow us to protect our sustainable lifestyle and improve the quality of our surrounding ocean waters and reef that is a substantial supplier of Molokai's source of food.

The recently published report by the United States Geological Survey documents "The Coral Reef of South Molokai: Portrait of a sediment-threatened fringing reef," is an excellent reference as to why SB 1199 is important to Moloka`i and our aquatic resources. The report gathers the work of USGS Senior Marine Geologist Mike Field and many other scientists and researchers who have intensely studied our reef system. Based on this study our surrounding water must be managed before more damage is done.

This piece of Legislation SB 1199 will mandate Molokai's residents and our fishing community to create policy that will sustain our way of life as we work to be responsible stewards of our land and sea.

Mahalo,

Harry K & Marlene K Purdy

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**From:** Mailing List  
**Sent:** Friday, February 27, 2009 2:03 PM  
**To:** Trina Ishii  
**Subject:** FW: Testimony in support of SB 1199 on 2/27/2009 2:45pm. Con.Rm #: 229

Forwarding email to WTL committee. Thank you Trina.

**Regards,**  
Casey Alinan  
Senate IT HelpDesk  
Help Desk  
Email: [c.alinan@capitol.hawaii.gov](mailto:c.alinan@capitol.hawaii.gov)

**LATE TESTIMONY**

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**From:** ilei b [<mailto:jeanilei@yahoo.com>]  
**Sent:** Friday, February 27, 2009 12:38 PM  
**To:** Public Access Room  
**Cc:** Mailing List  
**Subject:** Testimony in support of SB 1199 on 2/27/2009 2:45pm. Con.Rm #: 229

To those concerned,  
Please help submit my testimony of support to the Committee on Water and Land.

[par@capitol.hawaii.gov](mailto:par@capitol.hawaii.gov)

[mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)

Friday February 27, 2009

To: Committee on Water T Land

Cc: [jeanilei@yahoo.com](mailto:jeanilei@yahoo.com)

Sub: Testimony in support of SB 1199 on 2/27/2009 2:45pm. Con.Rm #: 229

Testifier Position: Support

Testifier will be present: No

Submitted by: ilei Beniamina

Organization: "Niihau a Kahelelani"

Address:

Phone: 808-245-8260

Email: [jeanilei@yahoo.com](mailto:jeanilei@yahoo.com)

Comments:

Kako'o piha o Ni'i'hau i keia pila SB 1190 no ko Moloka'i 'aina aloha o ka Ulukukui.

Me ka wiwo'ole,  
Ilei beniamina  
Ni'ihau a kahelelani  
Submitted on: 2.27.2009

**LATE TESTIMONY**

**TESTIMONY**  
**SB 1199**  
**LATE**  
**(END)**