

**TESTIMONY**  
**HB1665 HD1**  
**LATE**

LATE TESTIMONY



**HB 1665, HD 1, RELATING TO HAWAIIAN FISHPONDS**  
Senate Committee on Water, Land, Agriculture, and Hawaiian  
Affairs

March 18, 2009

3 p.m.

Room: 229

The Office of Hawaiian Affairs (OHA) SUPPORTS, with amendments,

HB 1665, HD 1, which would prohibit the Board of Land and Natural Resources from selling public land on which government-owned Hawaiian fishponds are located. While OHA supports the intent of this bill, we are concerned that it would preclude the state from transferring fishponds to certain organizations, such as OHA, whose objective in acquiring these properties would be to restore and mālama them.

Fishponds were and continue to be important cultural resources to Native Hawaiians. While fishponds today still serve as a source of sustenance for communities, they also offer a wide range of educational opportunities. Fishponds are used to teach students about math, science and Hawaiian culture. In addition, fishpond restoration has become a major part of the Hawaiian cultural revival movement, with a number of groups across Hawai'i taking on the kuleana of bringing once-forgotten fishponds back to life. Considering the number of fishponds that have already been lost to development, we understand the desire to safeguard these cultural resources from falling into the wrong hands. However, we must also ensure that we do not prevent these cultural resources from being placed into the right hands.

OHA notes that most state-owned fishponds are Ceded Lands, and as such cannot be alienated from the Public Lands Trust, in accordance with Office of Hawaiian Affairs v. Housing & Cmty. Dev. Corp., 177 P.3d 884 (Haw. 2008). However, not all state-owned fishponds are Ceded Lands. For example, Kalauha'eha'e, or Lucas Spring, in Hawai'i Kai, was once privately owned and then condemned and put up

for auction by the state Department of Transportation. Therefore, the fishpond is owned by the state but not designated as Ceded Lands.

Local community groups have approached various organizations, such as OHA and Kamehameha Schools, to acquire Kalauhaʻehaʻe from the state to ensure the protection of the pond and its use for educational purposes. We are concerned that if passed, the bill as currently drafted may prevent good-intentioned organizations from taking on this kuleana if they so choose.

Therefore, we recommend an amendment to the bill that would allow the state to sell or transfer government-owned, non-Ceded Lands fishponds to Native Hawaiian organizations, such as OHA, land trusts and educational institutions that plan on restoring and maintaining these cultural resources.

OHA respectfully requests that the committee amend and then pass HB 1665, HD 1. Thank you for the opportunity to testify.

**LATE TESTIMONY**

# LATE TESTIMONY

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 17, 2009 11:24 PM  
**To:** WTLTestimony  
**Cc:** napua.leong@gmail.com  
**Subject:** Testimony for HB1665 on 3/18/2009 3:00:00 PM

Testimony for WTL 3/18/2009 3:00:00 PM HB1665

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Napua Leong  
Organization: Individual  
Address:  
Phone:  
E-mail: [napua.leong@gmail.com](mailto:napua.leong@gmail.com)  
Submitted on: 3/17/2009

**Comments:**

I strongly support keeping government-owned Hawaiian fishponds in the public trust. To allow these fishponds to be sold to private entities would destroy the integrity of these prominent cultural resources that provide the State with critical infrastructure for sustainable aquaculture.

**TESTIMONY**  
**HB1665 HD1**  
**LATE**  
**(END)**