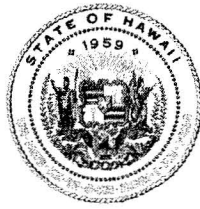
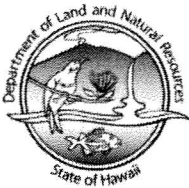


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
HAWAIIAN AFFAIRS**

**Wednesday, February 16, 2011
Time 8:30 AM
State Capitol, Conference Room 329**

**In consideration of
HOUSE BILL 377
RELATING TO PUBLIC LANDS**

House Bill 377 proposes to provide state lease preferences to developers of Hawaiian fishponds. The Department of Land and Natural Resources (Department) supports the general intent of this bill, however, is not in a position to implement the mandate to adopt rules at this time.

The Department continues to face severe budget cutbacks. The Department's general fund appropriations and special fund revenues have dropped significantly over the last several years, and the Department lost more than 10% of its positions over the past two years. The bill imposes duties that would require a substantial amount of staff time and funding. The Department simply does not have the resources and staffing necessary to undertake the additional duties that would be required under this bill.

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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

Jeannine Johnson, Legislative Sub-Committee Chair

Kuli'ou'ou / Kalani Iki Neighborhood Board #2

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 537-7261 (w)

February 12, 2011

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

COMMITTEE ON CULTURE & THE ARTS

Rep. Jessica Wooley, Chair

Rep. Della Au Belatti, Vice Chair

Re: HB377 Relating to Public Lands

Hrg: Wednesday, February 16, 2011 at 8:30 am in Conf. Room 329

Aloha mai kākou,

Under Section 2-14-125 of the Neighborhood Board Plan, I have been appointed as a Delegate with responsibilities to represent the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** on matters approved by the Board. As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, I am pleased to inform you **Neighborhood Board #2** supports HB377 which provides state lease preferences to developers of Hawaiian fishponds. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

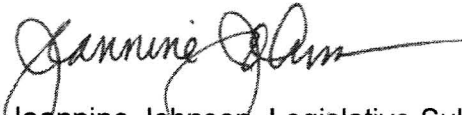
Before Westerners arrived in Hawai'i, native Hawaiians lived a life of self-subsistence and harmony with the land and sea. Native Hawaiians understood that by caring for the land and sea, they too, would be cared for by the land and sea. A great example of this is a native Hawaiian fishpond (loko i'a or loko kuapā) which were first built around the fifteenth century. Hawaiians built 488 fishponds statewide, however only about 60 fishponds remain recognizable today. O'ahu alone had 97 fishponds, but only six accessible ponds remain today. Thirteen fishponds have been restored statewide, with six ponds currently in use: three on Moloka'i, one on the island of Hawai'i, and two on O'ahu.

Currently, the Maunaloa Fishpond Heritage Center is working to stop the sale of two remaining fishponds at auction by the Department of Transportation and obtain the leases. They are Kanewai Fishpond, a royal pond assessed to have the properties that make it eligible for listing on the National Historic Register, and Kalauha'iha'i (Lucas Spring and Fishpond) reported to be the location of a summer home of Kamehameha I and where Queen Ka'ahumanu was said to have renounced the ancient kapu system at the Kalauha'iha'i Assembly. Kalauha'iha'i refers to the scattering of the leaves and breaking of the ancient kapu.

Recognizing the important cultural significance these fishponds represent, at its November 6, 2008 meeting, **Neighborhood Board #2** voted to support preventing any governmental entity from selling culturally significant Native Hawaiian treasurers such as fishponds. Giving preference to developers of Hawaiian fishponds when issuing leases for state land suitable for Hawaiian fishponds will safeguard our last remaining fishponds for future generations.

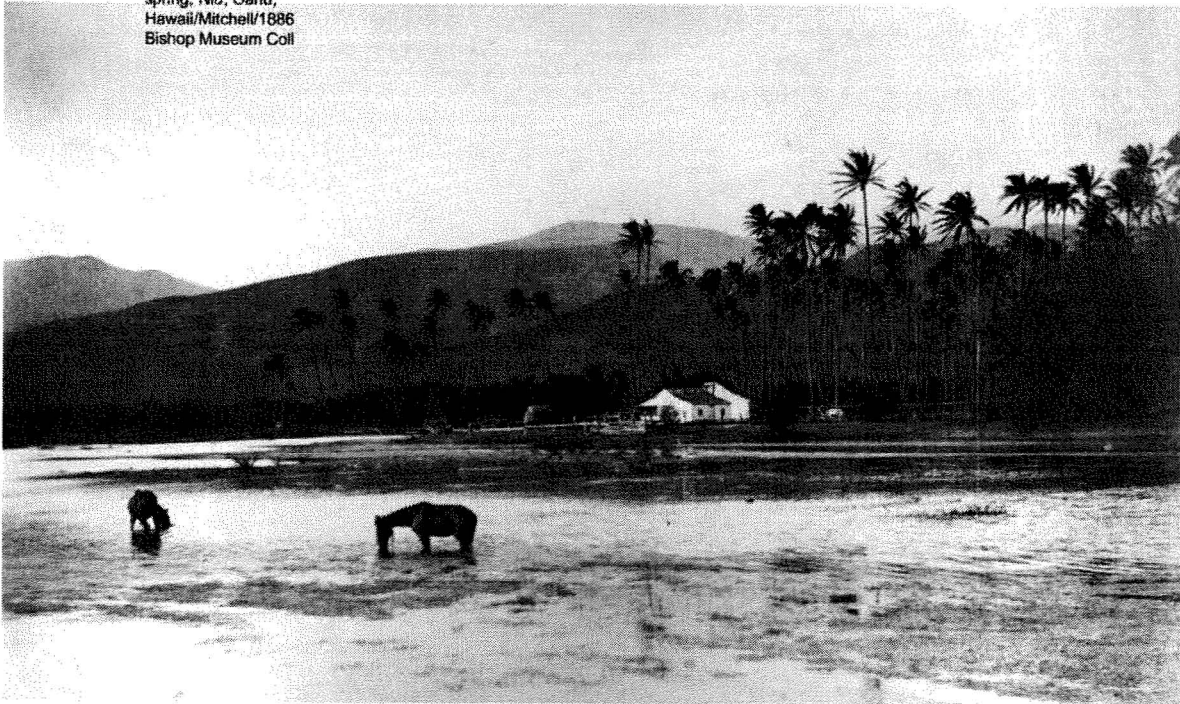
Your support of HB377 is respectfully requested.

'O au iho nō me ke aloha,



Jeannine Johnson, Legislative Sub-Committee Chair
Kuli'ou'ou / Kalani Iki Neighborhood Board #2
5648 Pia Street, Honolulu, HI 96821
Phone: 373-2874 / 537-7261 (work)
Email: jeannine@hawaii.rr.com

Horse drinking fresh water from a
spring; Niu, Oahu,
Hawaii/Mitchell/1886
Bishop Museum Coll



HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

"He lā hou, e ho'oulu lāhui"

A new day, building a nation

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

Rep. Della Au Belatti	Rep. Jessica Wooley
Rep. Jo Jordan	Rep. Ryan I. Yamane
Rep. John M. Mizuno	Rep. Kymberly Marcos Pine
Rep. Dee Morikawa	Rep. Gene Ward

COMMITTEE ON CULTURE & THE ARTS

Rep. Jessica Wooley, Chair

Rep. Della Au Belatti, Vice Chair

Rep. Faye P. Hanohano	Rep. John M. Mizuno
Rep. Jo Jordan	Rep. Dee Morikawa
Rep. Chris Lee	Rep. Kymberly Marcos Pine

NOTICE OF HEARING

DATE: Wednesday, February 16, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329
State Capitol
415 South Beretania Street

Re: TESTIMONY IN SUPPORT OF HB377

From: Tony Costa
Hawaii Nearshore Fishermen
Honolulu, Hawaii
540-1308 office

Testimony

Hawaii Nearshore Fishermen are in strong support of HB377.

In the 2010, Twenty-fifth Legislative Session, HB1665 – Preventing the sale of Government owned fishponds passed. The passage of this bill effectively took a historic fishpond, the Lucas Spring Fishpond otherwise known as Kalauhaihai, off the auction block but more importantly initiated a process to begin the preservation and rehabilitation of a great and historic Hawaiian Fishpond.

Critical to the successful restoration of fishponds are both the ability and feasibility for NGO groups or Government agencies to access and follow through with their work, and also the careful restoration,

reconnection, and revival of the fresh water source that percolates through the subterranean lateral crevices into the ponds and onward into the nearshore environment.

Of the many impediments one faces in such work of property acquisitions and leases and management, particularly with fishponds, are the many State and Federal requirements and permits and certifications needed.

HB377 would allow a preference specific to developers of Hawaiian fishponds by streamlining the permitting process hopefully to lesson some of the many onerous requirements.

The Fishermen's position is firm and clear. In light of the importance that fresh water plays with respect to nearshore habitat and healthy recruitment levels for various nearshore species, we support any effort that helps to encourage the health and regeneration of our nearshore environment.

I attach herewith my testimony for HB1665 as exhibit "A" from last year's session as I believe it also contains relevant testimony toward fishponds and the importance of fresh water to the nearshore. I also attach exhibit "B" which is the lengthily list of Federal & State requirement currently needed to develop fishpond land.

Thank you very much for allowing me to testify and for your positive consideration in passing HB377

Tony Costa
Hawaii Nearshore Fishermen

EX-303-T

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Mele Carroll, Chair
Rep. Maile S.L. Shimabukuro, Vice Chair

Rep. Della Au Befatti Rep. Scott Y. Nishimoto
Rep. Joe Bertram, III Rep. Ryan I. Yamane
Rep. Tom Brower Rep. Gene Ward
Rep. John M. Mizuno

DATE: Wednesday, February 11, 2009
TIME: 9:00 a.m.
PLACE: Conference Room 329
 State Capitol
 415 South Beretania Street

Re: TESTIMONY IN SUPPORT OF HB1665

From: Tony Costa
Hawaii Nearshore Fishermen
Honolulu, Hawaii
540-1308 office

Testimony

HNF are in strong support of HB1665

Fishermen believe there is nothing more important you can do for our nearshore fisheries than rehabilitate the nearshore estuarine habitat – one most important first step component being the fresh spring water revival.

Much has been proclaimed over the past ten years or so about “resource decline” and failed fisheries or other negative assessments about our oceans and reef. Never before has so much attention been given to nearshore resource conditions.

As the various groups rush to promote favorite measures to “save the reef”, we note that habitat loss, fresh water diversion, siltation or pollution rarely gets any attention as an important component in the condition of the reef. Yet, most all State and Non-Governmental groups do seem keener to focus on and malign traditional fishing practices as the single most urgent thing to prohibit as a fix.

While we understand the shortsighted world view most lay people have regarding the nearshore, fishermen remain optimistic that the misunderstanding about our ocean environments and the

fishermen themselves will in time, evolve into a better awareness that will eventually lead to a spirit of shared responsibility and coexistence.

The fishermen believe habitat loss is the primary culprit of any downside in fish population with recruitment being the important factor. Recruitment (new babies surviving) depends on many factors but condition of habitat surely is great. You can't have one without the other.

Biologists also tell us that recruitment is independent of spawning stock biomass (amount of pregnant egg bearing mothers). In other words, if conditions are just right (nursery habitat, water, temp, nutrients, stars lining up etc.) one single pregnant female can be responsible for millions of offspring (hypothetical).

When the kalalimu disappeared from Maunalua Bay due to the siltation associated from the dredging of Koko Marina in the 1950's, the Kala (fish) also disappeared -

We believe the single most effective thing you could do to help in recruitment of nearshore reef species and nearshore pelagic species would be to rehab the nursery grounds. One important ingredient in our nearshore nursery ground is the underground artesian spring waters that naturally percolate into our nearshore areas.

HB 1665 is one small step in insuring that some of these nearshore spring water systems remain not disturbed and as functional as possible by not allowing the sale of public fishpond lands.

The Fishermen want to commend the efforts and energies by all legislators and community members who wrote and are in support of this bill.

We strongly support HB1665

Tony Costa
Hawaii Nearshore Fishermen

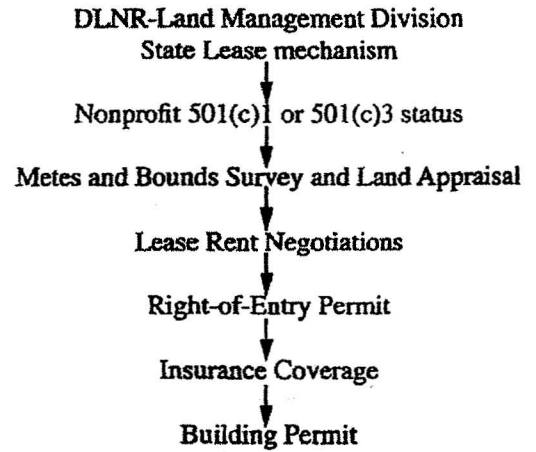
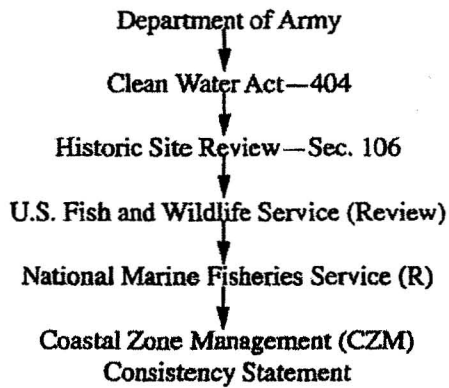
Permit requirements

Here are the permits required for each government entity. The actual permit process may vary depending on the situation.

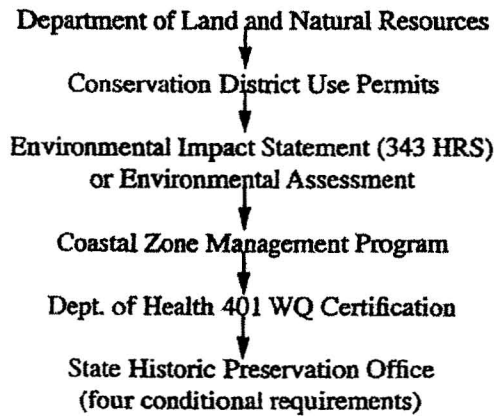
For state-owned loko i'a, additional requirements for state-leased fishponds are as follows:

Exhibit B

Federal permits



State permits



County permits

