



April 4, 2012

Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
Senate Committee on Ways and Means

Support of HB 2806 HD2, SD1 Aha Moku Advisory Committee (Establishes the Aha Moku Advisory Committee within OHA. Establishes a quorum requirement for island burial councils. Makes an appropriation.)

Wednesday, April 4, 2012, 9:10 a.m., in Senate Conference Room 211

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF supports HB 2806, HD2, SD1 because it is our understanding that the *Aha Moku* Advisory Committee is best suited to be within the Office of Hawaiian Affairs (OHA), rather than in the Department of Land and Natural Resources (DLNR), since the purpose of creating the *Aha Moku* Advisory Committee is similar to the purpose for which the OHA was created. Such an amendment would be consistent with the companion Senate version - SB 3053, SD1. We would respectfully recommend, however, that this Committee consider an **amendment to this measure which would require prior consultation with and approval by the OHA Board of Trustees, and a funding allocation to OHA to place the *Aha Moku* Advisory Committee within OHA.**

LURF also believes that the redefinition of "quorum" for Island Burial Councils to "the members present at the scheduled start time of any meeting," is a reasonable temporary measure to address the quorum issues that have reportedly prevented several Island Burial Councils from meeting and conducting business. It is very important that the Island Burial Council be able to conduct their business with a legal quorum, thus, LURF would respectfully recommend that this Committee consider an **amendment providing for a "sunset date" to allow OHA, Island Burial Council representatives and interested community members to discuss and make further recommendations regarding addressing island burial council quorum issues.**

Thank you for your consideration, and the opportunity to present LURF's comments, concerns and suggested amendments relating to this measure.



Leimana DaMate, Aha Moku Advisory Committee

COMMENTS

ON HB 2806 HD2 SD1

RELATING TO NATIVE HAWAIIANS

Senate Committee on Ways and Means

Wednesday, April 4, 2012, 9:10a.m., Room 211

Submitted by: Leimana DaMate on behalf of the Aha Moku Advisory Committee and the 43 moku from each of the main Hawaiian Islands that they represent: Vanda Hanakahi, Moloka'i; Leslie Kuloloio, Kahoolawe; Ke'eaumoku Kapu, Maui; Winifred Basques, Lana'i; Pi'ilani Kaawaloa, Hawaii; Charles Kapua and Rocky Kaluhiwa, O'ahu; Sharon Pomroy, Kaua'i; and Keith and Bruce Robinson, Konohiki, Ni'ihau.

Aloha Chair Ige, Vice Chair Kidani and Members of the Senate Committee on Ways and Means,

Thank you for the opportunity to offer comments on HB 2806, HD2, SD1, the bill relating to Native Hawaiians and one that establishes the Aha Moku Advisory Committee within the Office of Hawaiian Affairs, and adds a Part II that deals with the Island Burial Councils.

The intent of this Bill is to complete the purpose of Act 212, the Aha Moku Bill which passed the legislature unanimously into law in 2007. Its objective is two-fold: First, to integrate the Native Hawaiian cultural and traditional values into the fabric of state policy; and Second, to address the severe changes to the physical and cultural landscape accumulated over the past 200 years in the State of Hawai'i which were responsible for the deterioration of the natural resources, our unique ecosystem as well as the Hawaiian culture.

The Aha Moku System is the restoration of the Native Hawaiian land and ocean tenure system that dates back to the 9th century, prior to the arrival of Paa. This is the system that was responsible for the sustainability of the natural and cultural resources of the people. It is a site-specific process and its practices were honed through countless generations of native practitioners whose sole purpose is to sustain and perpetuate the resources upon which the people were and continue to be dependent upon. This system is simple, yet sophisticated, is based upon the scientific observations of expert resource managers, and is flexible enough to allow for natural and unexpected changes within the environment.

Aha Moku Testimony

Senate Committee on Ways and Means,

April 3, 2012

There are 567 traditional ahupua'a within the State of Hawai'i, and they comprise the 43 moku or larger land districts on each island. Each ahupua'a and each moku are geographically different and unique in their resources. Because of this distinction, it has come to light over the past decades that the western method of having one law that manages such diverse geography within eight islands does not work. For example, when the lobster season is open in the state, the lobsters are actually spawning on the south side of the Island of Hawai'i. The moku system allows for community participation and sharing of knowledge within each different ahupua'a.

For the first time in history, the Native Hawaiian people are striving to work within the Hawaii State System to share their generational and empirical knowledge of Hawaii's natural resources in a unified effort to stem the on-going deterioration of our state's natural assets. This effort has the wide-spread support of the general public as well as active participation of the kanaka maoli. However, this can only be done through direct collaboration between the native people and state agencies that ensures trust and cooperation. We have worked with OHA and DLNR throughout the year to mitigate any concerns and together, strive for the most common sense way to advise on the use of Native Hawaiian traditional practices within the natural resource system. We believe that initiating the Aha Moku System into state policy through the Department of Land and Natural Resources will begin the process of halting the degeneration of our ecosystem, perpetuate the Hawaiian culture, and ensure the protection of our unique environment for all of Hawaii for future generations. Everyone will benefit from this.

Mahalo nui loa!

Leimana DaMate

Aha Moku Advisory Committee

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