

SB 2820

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 Senate Committees on
WATER, LAND AND HOUSING
and
HAWAIIAN AFFAIRS**

**Monday, March 12, 2012
2:55 PM
State Capitol, Conference Room 224**

**In consideration of
HOUSE BILL 2820, HOUSE DRAFT 3
RELATING TO HAWAIIAN FISHPONDS**

House Bill 2820, House Draft 3 proposes to amend Chapters 171 and 183B, Hawaii Revised Statutes (HRS), to require the Department of Land and Natural Resources (Department) to establish the east Honolulu fishpond heritage area. The purposes of the area would be to preserve existing cultural and historical sites; preserve existing native Hawaii fish, plants and endangered birds in the area; and preserve existing spring water sources. The bill also provides state lease preferences for the reconstruction, restoration, repair, or use of Hawaiian and kanaka maoli fishponds and creates a preference for the use of traditional names of Hawaiian fishponds. The Department offers the following comments.

The bill requires the Department to come up with new rules for the leasing of public lands for Hawaiian fishponds. However, existing law¹ is already very thorough and more than adequate on the processes and procedures for the issuance of leases of Hawaiian fishponds on public lands. Therefore, it is absolutely unnecessary for the Department expend its limited resources to adopt any such new rules for leasing purposes.²

House Draft 3 amends the bill to require the Department to "[p]reserve customary and traditional uses of fishponds in the fishpond heritage area". The Department opposes this provision as it is overly broad. In addition, this provision as written may place upon the Department the responsibility to restore the fishponds, which would result in the Department having to expend significant financial and personnel resources.

¹ Hawaii Revised Statutes Section 171-28 and Chapter 183B.

² To the extent the rule making requirement was intended to streamline or exempt applicants from permitting requirements (other than leasing), such as the special management area or conservation district requirements, any subsequent attempts to do so by rules would not be successful as the proposed legislation does not provide for that authority.

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

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

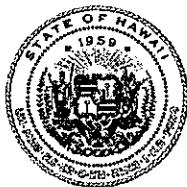
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOOLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

The properties identified in the bill are owned in fee by the State Department of Transportation (DOT), and not DLNR. The properties were acquired in condemnation proceedings with federal highway funds in connection with DOT's Kalaniana'ole Highway road widening project. Please be aware that in the event the properties are offered to be transferred by DOT to DLNR at gratis,³ DLNR would still need to conduct the necessary due diligence prior to a recommendation and final decision by the Board of Land and Natural Resources on any acquisition.⁴ Thank you for the opportunity to provide testimony on this measure.

³ DLNR is in no position to compensate DOT for the lands, and certainly unable to pay fair market value.

⁴ In regards to the parcel identified in the bill as Tax Map Key No.: (1) 3-8-002:027, the fishpond is owned jointly by the surrounding landowners, which includes DOT. Pursuant to a restrictive covenant, any use of the fishpond must be approved by all landowners. As noted in prior testimony, the neighboring private landowners are opposed to fishpond being included in the proposed heritage area.

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
JADE BUTAY
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 12, 2012

**H.B. 2820 H.D. 3
RELATING TO HAWAIIAN FISHPONDS**

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

The Department of Transportation has concerns with H.B. 2820, H.D. 3 as we seek to sell the property identified in the bill as the State owned portions of Kanewai Fishpond (TMK 3-8-002-030 and TMK 3-8-002-027).

Lands outside the Right of Way (HRS 264) are currently under the jurisdiction of the Board of Land and Natural Resources (BLNR) pursuant to HRS 171 and we would support the transfer of these lands identified in the bill as Kalauhaihai Fishpond (TMK 3-7-002:018 and 3-7-002-77) to the Department of Land and Natural Resources.

Thank you for the opportunity to provide testimony.





HB2820 HD3
RELATING TO HAWAIIAN FISHPONDS
House Committee on Finance

March 12, 2012

2:55 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB2820 HD3, which would require the Department of Land and Natural Resources (DLNR) to establish the east Honolulu fishpond heritage area, provide state lease preferences for the restoration of Hawaiian and kanaka maoli fishponds, and create a preference for the use of traditional names of Hawaiian fishponds.

From historic times to the present, fishponds have been an important cultural resource for Native Hawaiians. Today, fishponds not only serve as a source of sustenance for communities, they also offer a wide range of educational opportunities in the areas of 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. Providing lease preferences to fishpond restoration on public land will streamline the permitting and approval processes which have previously hindered efforts to revive these cultural treasures.

Specifically, Kalauha'īha'ī and Kanewai are two of the very few remaining intact Hawaiian fishponds in Honolulu. Kalauha'īha'ī fishpond was actively used up until the 1990s, when the spring that fed it was damaged during the Kalaniana'ole Highway widening project. Although Kanewai fishpond has not been used since it came under state care, its historic value is so great that it has been recognized by the State Historic Register. The restoration of these ponds holds great potential to impact the future health of the surrounding region and to improve cultural and educational opportunities for the surrounding community.

OHA also respectfully requests that subsections (a)(4) and (a)(5) from the original version of HB2820 – which provide for a site for future interpretation of the cultural and historical significance of fishponds and rehabilitation of the fishpond areas – be retained, as these provisions allow the bill to have meaningful physical and educational impact on the community surrounding the fishpond area. Mahalo for the opportunity to testify on this important measure.

	Association of Hawaiian Civic Clubs
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P. O. Box 1135

Honolulu, Hawai'i 96807

TESTIMONY OF PRESIDENT SOULEE STROUD

**HOUSE BILL 2820HD3(HSCR868-12)
RELATING TO HAWAIIAN FISHPONDS**

SENATE COMMITTEE ON WATER, LAND & HOUSING

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

Monday, March 12, 2012; 2:55 pm; Room 224

Aloha Chairman Dela Cruz and Chairman Galuteria and members of the joint committees on Water, Land and Housing, and Hawaiian Affairs. I am Soulee Stroud here in support of House Bill 2820 Relating to Hawaiian Fishponds.

This bill attempts to do several things. It amends HRS 183B and establishes the East Honolulu Fishpond Heritage Area within the DLNR, provides several rules and identifies state-owned parcels by tax map keys to be included in the Heritage Area.

The bill also amends HRS 171 and adds a new section calling for DLNR to provide rules regarding loko i`a lease preferences.

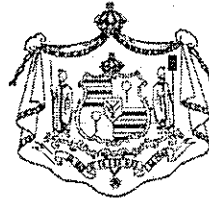
The bill amends HRS 171 a second time calling for DLNR to adopt rules to protect the traditional names of loko i`a.

The bill also provides for all loko i`a under the jurisdiction of DLNR to be held in trust for the Native Hawaiian government upon the establishment of such government.

The Association of Hawaiian Civic Clubs supports all sections of this bill and regrets that it does not protect loko i`a under private ownership.

Thank you for the opportunity to provide testimony.

Contact: jalna.keala2@hawaiiantel.net



O'ahu Council
Association of Hawaiian Civic Clubs
P.O. Box 37874
Honolulu, Hawaii 96837-1122

March 10, 2012

TESTIMONY IN SUPPORT OF HB2820, HD3
RELATING TO HAWAIIAN FISHPONDS

Hearing, Monday, March 12, 2012, 2:55 p.m., Conference Room 224, State Capitol

Senator Brickwood Galuteria, Chair
Senator Pohai Ryan, Vice Chair
Members, Committee on Hawaiian Affairs

Senator Donovan M. Dela Cruz
Senator Malama Solomon, Vice Chair
Members, Committee on Water, Land & Housing

Aloha mai, kākou

The O'ahu Council of the Association of Hawaiian Civic Clubs comprised of 25 civic clubs located on the island of O'ahu testifies in support of HB 2820, HD3, Relating to Hawaiian Fishponds.

HB2810,HD3 directs the Department of Land and Natural Resources to establish the east Honolulu fishpond heritage area, and provides state lease preferences for the reconstruction, restoration, repair, or use of Hawaii and kanaka maoli fishponds, and it creates a preference for the use of traditional names of Hawaiian fishponds.

We know that at one point in time in the history of Hawai'i, fishponds were abundant on all islands and served as sustenance to the community. Today, there remains on O'ahu two that have been restored. We also know that East Honolulu had been known for their massive fishponds. Restoring fishponds is the right thing to do as Hawaii's legislators and others in the community look for alternative ways to provide food to sustain our communities and, at the same time, honor and respect the traditional ways of life of our ancestors.

We urge support for HB 2820, HD3.

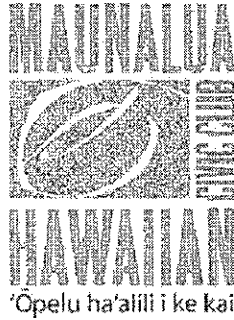
Me kealoha pumehana

A handwritten signature in black ink that reads "Mahealani Cypher". The signature is written in a cursive, flowing style.

MAHEALANI CYPHER
President

About the O'ahu Council, Association of Hawaiian Civic Clubs (AHCC)

The O'ahu Council is one of five councils that comprise the AHCC. It advocates actions that enhance the civic, economic, educational, health and social welfare of our communities and elevates the social and intellectual status of all Hawaiians. Twenty-five clubs located throughout the island of O'ahu comprise the council.



**TESTIMONY IN SUPPORT OF HB2820 HD3
RELATING TO HAWAIIAN FISHPONDS**

Hearing, Monday, March 12, 2012, Conference Room 224, State Capitol

Senator Brickwood Galuteris, Chair
Senator Pohai Ryan, Vice Chair
Members, Senate Committee on Hawaiian Affairs

Senator Donovan Dela Cruz, Chair
Senator Malama Solomon, Vice Chair
Members, Senate Committee on Water, Land and Ocean

From: Kitty M. Simonds, President, Maunalua Hawaiian Civic Club

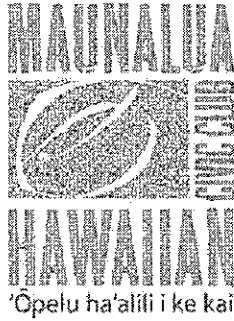
Aloha,

The Maunalua Hawaiian Civic Club supports HB2820, relating to Hawaiian Fishponds as amended.

We have supported preservation of Hawaiian fishponds since we were organized as a civic club. In the rush to develop East Honolulu, the State lost an immense cultural, historic and environmental value and a great amount of knowledge. Wailupe pond, Kalauha`iha`, Kuliouou, Kuapa pond, in east Honolulu--all represented and demonstrated a successful system of resource management that minimized the degree that an ecosystem naturally pulses between abundance and scarcity. This system made it possible for a population to grow and prosper, to maintain a manageable level of abundance. Changes in the environment occur but the health of the ecology remains positive—still—even though only remnants of the past culture still remain. We need to preserve these areas to learn how the system worked to sustain the ecosystem and restore the pond for the use of the people. While the bill only requires preservation, our club believes that we should always work to restore our fishponds.

We have research now, from the John N. Cobb Report to Congress, that shows that in 1900 a million pounds of mullet was sold in the Honolulu fish market. It was the highest priced fish for sale. We believe that 40% to 60% of the mullet in the market came from fishponds on O`ahu. This is based on estimates from other sources as well as data from more contemporary sources.

Maunalua Hawaiian Civic Club
P.O. Box 240388. Aina Haina Station
Honolulu, Hawai`I 96824



Loko i`a contributed to the economy of Hawai`i during the Kingdom and Territorial eras and we are still trying to determine how they contributed to the health of Hawaii's environment.

Fishponds are an important feature of the Kona side of O`ahu. They maintained a steady supply of fresh fish to O`ahu. In 1900 there were 74 fishponds active on O`ahu. This is estimated as less than one half of those active thirty years earlier. Maintenance was minimal and no food was fed to the fish, a very different system from the aquaculture systems that exist today.

Maunalua Hawaiian Civic Club
P.O. Box 240388, Aina Haina Station
Honolulu, Hawai`I 96824

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) / 691-7261 (w)

March 11, 2012

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Brickwood Galuteria, Chair

Senator Pohai Ryan, Vice Chair

COMMITTEE ON WATER, LAND, AND HOUSING

Senator Donovan M. Dela Cruz, Chair

Senator Malama Solomon, Vice Chair

Re: HB 2820, HD3 - Relating to Hawaiian Fishponds

Hrg: Monday, March 12, 2012 at 2:55 pm in Conf. Room 224

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 HB 2820, HD3 which directs the Department of Land and Natural Resources (DLNR) to establish the east Honolulu fishpond heritage area. HB 2820, HD3 also provides state lease preferences for the reconstruction, restoration, repair, or use of Hawaiian and kanaka maoli fishponds as well as creates a preference for the use of traditional names 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.

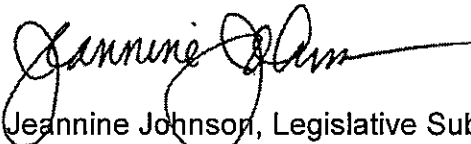
Currently, the Maunaloa Fishpond Heritage Center is working to stop the sale of two remaining fishponds at auction by the Department of Transportation and obtain the leases. They are Kānewai Fishpond, a royal pond assessed to have the properties that make it eligible for listing on the National Historic 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. Directing the DLNR to establish the east Honolulu fishpond heritage area that contains the state-owned parcels with Kānewai Fishpond and Kalauha'iha'i Spring and Fishpond will safeguard Maunaloa's last remaining fishponds for future generations.

Your support of HB 2820, HD3 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 / 691-7261 (work)
Email: jeannine@hawaii.rr.com



March 10, 2012

The Honorable Donovan Dela Cruz, Chair
The Honorable Brickwood Galuteria, Chair
Senate Committees on Water, Land and Housing and on Hawaiian Affairs
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Galuteria and Committee Members:

RE: TESTIMONY IN OPPOSITION TO HB 2820, HD3

We are testifying in strong opposition to House Bill 2820, HD3. This bill proposes to create the East Honolulu fishpond heritage area encompassing State-owned parcels in Kuliouou.

We are a cozy little neighborhood of homes surrounding a small 3-acre lagoon which we call Kuliwai Lagoon (referred to as "Kanewai fishpond" in HB 2820). The Kuliwai/Kanewai Lagoon is privately and jointly owned by the surrounding property owners. The Committee should know that in our deeds (including the State parcel identified as TMK 3-8-002:027 that is included in HB 2820), there is a restrictive covenant which requires that the Lagoon only be used in the manner approved by the surrounding lagoon owners.

In 2008, the Maunalua Fishpond Heritage Center (MFHC) approached the surrounding lagoon owners to assess whether we would support MFHC's desire to access and work in the Kuliwai/Kanewai Lagoon, including conducting research, educational and community activities. Our Kuliwai Lagoon Association met and unanimously agreed that while we are interested in discussing ecological issues, we deeply treasure our privacy and would not allow any public or semi-public uses of the lagoon including the activities contemplated by MFHC. Our Association's position was communicated to MFHC in writing.

Thank you for your consideration of our testimony.

Sincerely,

Dr. Richard T. Mamiya
Richard, Kirsten and Michael Melcher
James and Michelle Trans
Miss Paris Beauty Academy Inc.
Dennis Yeomans

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 09, 2012 2:58 PM
To: WLH Testimony
Cc: bdshafer@gmail.com
Subject: Testimony for HB2820 on 3/12/2012 2:55:00 PM

Testimony for WLH/HWN 3/12/2012 2:55:00 PM HB2820

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Benjamin Shafer
Organization: Individual
E-mail: bdshafer@gmail.com
Submitted on: 3/9/2012

Comments: