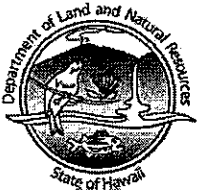


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**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  
FINANCE**

**Friday, February 25, 2011  
4:00 PM  
State Capitol, Conference Room 308**

**In consideration of  
HOUSE BILL 377, HOUSE DRAFT 1  
RELATING TO PUBLIC LANDS**

House Bill 377, House Draft 1 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



**HB 377 HD1**  
**RELATING TO PUBLIC LANDS**  
House Committee on Finance

February 25, 2011

4:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 377 HD1, which would provide state lease preferences for the reconstruction, restoration, repair or use of Hawaiian fishponds.

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.

Unfortunately, the permitting and approval processes for fishpond restoration are cumbersome and have hindered efforts to revive these cultural treasures. Providing lease preferences to fishpond restoration would help streamline the process.

OHA urges the committee to PASS HB 377 HD1. Mahalo for the opportunity to testify on this important measure.

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 24, 2011

### COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

Re: HB377 H.D. 1 Relating to Public Lands

Hrg: Friday, February 25, 2011 at 4:00 pm in Conf. Room 308

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 Maunalua 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 treasures such

COMMITTEE ON FINANCE

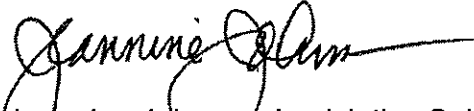
February 24, 2011

Page 2

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](mailto:jeannine@hawaii.rr.com)

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





**PACIFIC  
AMERICAN  
FOUNDATION**

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Feb.25, 2011

Rep. Marcus Oshiro & Members of the Finance Committee

Testimony

**Subject: In Support of House Bill 377**

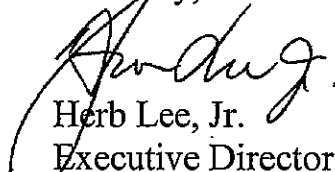
Aloha. I am writing in support of HB 377 regarding State owned fishponds. I agree that this bill is a win-win for communities as well as the State. It will generate lease revenue on State fishponds which goes uncollected due to the overgrown and often deteriorating conditions at many State fishponds. Allowing communities and nonprofits access to care for these historic sites will save the State money in maintenance costs.

The Pacific American Foundation has been active in building curriculum and training teachers and students in science, language arts, social studies and math in the context of the ancient Hawaiian fishpond. It is important that students and communities have access to these wonderful and profoundly motivating "community classrooms" on every island.

HB 377 gives preference to those who use Hawaiian fishponds for their intended purpose and streamlines the application approval process. Since ancient times, fishponds have been designed to increase the abundance of fish. They also strengthen communities and provide outstanding educational opportunities.

I hope that you will give this bill your highest consideration.

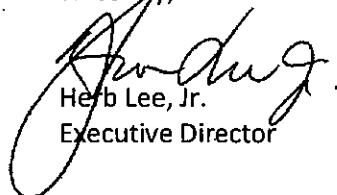
Sincerely,

  
Herb Lee, Jr.  
Executive Director



**PACIFIC  
AMERICAN  
FOUNDATION**

Sincerely,



Herb Lee, Jr.  
Executive Director

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

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

Rep. Pono Chong	Rep. Chris Lee
Rep. Isaac W. Choy	Rep. Dee Morikawa
Rep. Denny Coffman	Rep. James Kunane Tokioka
Rep. Ty Cullen	Rep. Kyle T. Yamashita
Rep. Sharon E. Har	Rep. Barbara C. Marumoto
Rep. Mark J. Hashem	Rep. Gil Riviere
Rep. Linda Ichiyama	Rep. Gene Ward
Rep. Jo Jordan	

NOTICE OF HEARING

DATE: Friday, February 25, 2011  
TIME: 4:00 P.M.  
PLACE: Conference Room 308  
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



EXHIBIT

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 Belatti      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

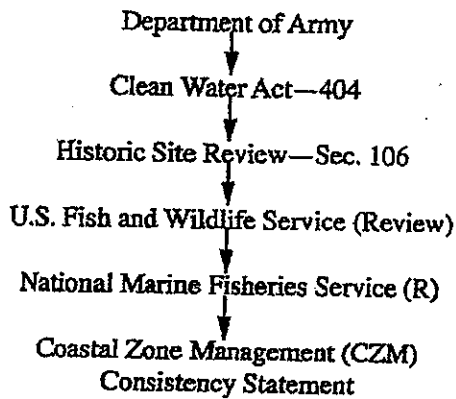
Tony Costa  
Hawaii Nearshore Fishermen

### Permit requirements

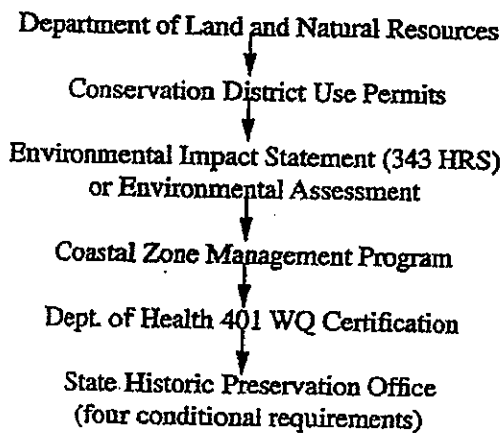
Here are the permits required for each government entity. The actual permit process may vary depending on the situation.

EXHIBIT B

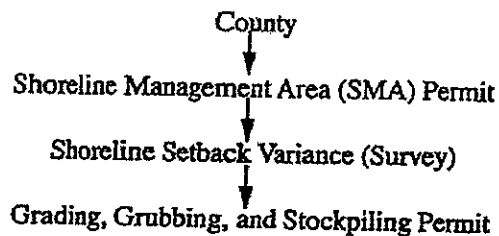
#### Federal permits



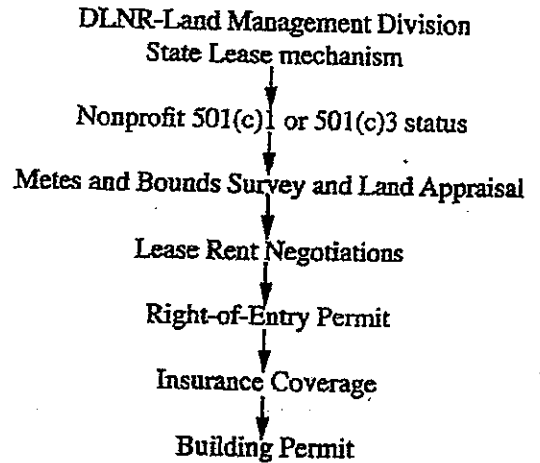
#### State permits



#### County permits



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



**In Support HB 377**

Feb.24, 2011

Aloha Rep. Oshiro and Finance Committee Members,

This bill is a win-win for communities as well as the State. It will generate lease revenue on State fishponds which goes uncollected due to the overgrown and often deteriorating conditions at many State fishponds. Allowing communities and nonprofits access to care for these historic sites will save the State money in maintenance costs.

HB 377 gives preference to those who use Hawaiian fishponds for their intended purpose and streamlines the application approval process. Since ancient times, fishponds have been designed to increase the abundance of fish. They also strengthen communities and provide outstanding educational opportunities. An additional benefit to Hawai'i is that fishponds safeguard water resources like springs which often feed into fishponds. We appreciate your consideration of this bill.

Mahalo nui loa,

*Chris Cramer*

President

Maunalua Fishpond Heritage Center 501(c)(3)

[maunaluafishpondheritage.com](http://maunaluafishpondheritage.com)

P.O. Box 240204

Honolulu, HI

96824-0204