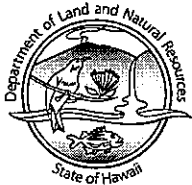


**SB3053**

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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  
KAIIOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
WILLIAM J. AILA, JR.  
Chairperson

Before the Senate Committees on  
HAWAIIAN AFFAIRS  
and  
WATER, LAND AND HOUSING

Wednesday, February 15, 2012  
2:45 PM  
State Capitol, Conference Room 224

In consideration of  
SENATE BILL 3053  
RELATING TO NATIVE HAWAIIANS

Senate Bill 3053 would create an aha moku advisory committee within the Department of Land and Natural Resources to advise the chairperson on the application of best management practices as they relate natural resources management with traditional practices and knowledge. The bill would also provide for the committee's members to be appointed by the Governor (and confirmed by the Senate), allow the committee to appoint its own executive director, and would appropriate funds to support the committee's activities. The Department of Land and Natural Resources (Department) acknowledges the intent of the bill and offers the following comments.

Should this measure advance, the Department suggests that the bill address issues such as organization, objectives, and process, as with such advisory bodies as the Kahoolawe Island Reserve Commission, Historic Places Review Board, Natural Area Reserves System Commission, etc. Further it should include a requirement that it adopt rules for the purposes of the chapter and to guide its conduct.

Finally, should this measure advance, the Legislature should consider a trial period, its duration sufficient to provide a review, audit, and evaluation in order to assess the need for its continuance.

For the above-lying reasons, and that the proposed funding may affect the Governor's budget priorities, the Department has reservations with a full endorsement of the bill in its current form.

- (a) Place the Aha Moku Advisory Committee within the Office of Hawaiian Affairs (“OHA”), perhaps as part of the existing OHA Hui ‘Imi Advisory Council, which could allow the opportunity for more funding for this advisory body, or
- (b) Create the Aha Moku Advisory Committee within DLNR; and at the same time, also create other “advisory committees” within DLNR to advise the BLNR Chair, and afford each advisory committee comprised of special interest groups who are directly affected by BLNR’s actions relating to HRS Chapter 171, including, but not limited to special interest groups in the areas of agriculture, ranching, aquaculture, fishing, hunting, water use, land use, tourism, housing, education, business, military, renewable energy, sustainability, genetic modification, high technology and climate change. These other advisory committees within DLNR should have the same rights, privileges and \$153,000 in State appropriations as the Aha Moku Advisory Committee.

**LURF’s Concerns.** The first major concern is that the current version of SB 3053 would have the effect of creating and favoring a special class, and providing favorable treatment, special rights and privileges, including monetary reimbursement payments, only to one special interest group, thereby rendering the measure unconstitutional. The present version of SB 3053 would create a “**quasi-private entity funded by taxpayers with none of the necessary statutory and administrative requirements.**”

LURF believes the laws enacted by our Legislature must rightly support the free speech and equal protection rights of all citizens, special interest, industry groups and stakeholders groups who may also wish to provide advice to the BLNR Chair relating to the broad spectrum of subject matter areas relating to land and natural resource management, despite such advice being potentially contrary to the advice provided by the Aha Moku Advisory Committee.

LURF therefore respectfully requests that this bill be **held, or amended**, based on the following serious concerns regarding the constitutionality, organization and operation of SB 2053:

1. **The bill constitutes an unconstitutional “Special Law”** creating and favoring a special class limited to a “class of one” and providing favorable treatment, special rights, privileges, the ability to hire its own executive director using state funds and the state reimbursement of necessary expenses to only one special interest group, the Aha Moku Advisory Committee. See *Sierra Club v. Department of Transportation*, 120 Haw. 181, 202 P.3d 1226 (2009) (*Superferry* case). No other special interest group, including other Hawaiian or Native Hawaiian groups, would have the same special relationship with the BLNR Chair, preferential treatment, special rights and State funding.
2. **The bill violates the equal protection clause, due process and free speech rights of the U.S. Constitution** by granting favorable treatment, special rights, privileges, including hiring an executive director and monetary reimbursements, to only one special interest group. Meanwhile, other citizens, special interest groups, industry groups and stakeholders wishing to render advice to the BLNR Chair which is different from or contrary to the advice given by ‘Aha Moku Advisory Committee, are not afforded the same favorable treatment, special rights, privileges and State funding. SB 3053 thus seriously discriminates against groups which possess views which may be different from those held by the Aha Moku Advisory Committee, and raises critical constitutional free speech issues.

3. **The bill may violate the separation of powers doctrine.** The bill appears to be a questionable attempt by the *legislative branch* of government to illegally compel the DLNR, which is a constituent of the *executive branch* of government, to grant a single special interest group (the Aha Moku Advisory Committee), favorable treatment, special rights, privileges and state funding.
4. **Instead of creating a new Aha Moku Advisory Committee within DLNR, which may result in a duplication of efforts, or conflict with OHA and its Hui 'Imi Advisory Council – the best place for the Aha Moku Advisory Committee might be within OHA.** Pursuant to HRS §10-3, OHA serves as “the principle public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians and Hawaiians.” Also, OHA’s purposes includes, “Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for Native Hawaiians and Hawaiians.” HRS §10-3(4).

In fact, the efforts to create an Aha Moku Advisory Committee are very similar to the background of OHA’s current Hui 'Imi Advisory Council.

OHA’s Hui 'Imi Advisory Council can be traced back to the adoption of SCR 106, SD1 (1989), which called for the creation of a task force to examine the provision of services to Hawaiians...and make findings and recommendations concerning the coordination of public and private services available to Hawaiians in the areas of education, economic development, housing, employment, medicine, law, cultural issues, and social service issues.” The Task Force, composed of eighteen public and private sector groups, was named the Hui `Imi Task Force for Hawaiian Services (“Task Force”). In 1991, the Task Force delivered to the legislature its report volumes I and II, which included its findings and thirty-nine recommendations, at which time the formal legislative authorization of the Task Force ended. Nevertheless, the dedicated members of the Task Force continued to work together informally to address a variety of issues relating to the delivery of social services to Native Hawaiians.

In 1997, the Legislature passed Act 376, which temporarily reauthorized the Task Force as the "Hui `Imi Advisory Council," and placed it within the Department of Accounting and General Services for administrative purposes only. Act 376 (1997) specifically provided that “Members shall serve without compensation and without reimbursement for expense, including travel expenses, necessary for the performance of their duties.”

In 2003, pursuant to Act 42, the Legislature found that the work of the Hui `Imi Advisory Council was a valuable resource to the State and the Native Hawaiian community, by serving as a forum in which ideas and concerns relating to human services issues important to Hawaiians may be expressed and shared among the public and private agencies involved in the delivery of those services to the native Hawaiian community. Accordingly, Act 42 (2003) made the Hui `Imi Advisory Council permanent and placed it within OHA for administrative purposes only. Pursuant to HRS §10-18, the Hui 'Imi Advisory Council serves “as a liaison between public and private entities serving the Hawaiian community in the planning and development of collaborative public and private endeavors.”

As noted above, the proposed Aha Moku Advisory Committee is consistent with the statutory purpose and responsibilities of OHA and its Hui 'Imi Advisory Council. Thus, the creation of the Aha Moku Advisory Committee within DLNR may be duplicative with, or maybe even in conflict with OHA and its Hui 'Imi Advisory Council. Given the possible duplication, conflict and fiscal challenges, perhaps the most prudent recommendation would be for the proposed Aha Moku Advisory Committee to be placed within OHA, either as part of the Hui 'Imi Advisory Council, or as a separate advisory body.

5. **The bill lacks the necessary statutory and administrative provisions and requirements.** The bill provides that “oversight” of the Aha Moku Advisory Committee shall be by the BLNR Chair; however, it does not provide any explanation of what that “oversight” may be. SB 3053 lacks the following basic administrative provisions:
- No requirement that its meetings or advice to the BLNR Chairperson be subject to the public notice and hearing provisions of Chapter 91;
  - No defined terms of office or term limits of committee members;
  - No details regarding the organization of the committee, officers, meetings, quorum and notice;
  - No standards, criteria or process relating to the establishment of a salary for the executive director;
  - No standards, criteria or process for the appointment, term of employment, evaluation, or removal of its executive director;
  - No process or procedure relating to its authority or process for handling appropriations, deposits, creating a separate account within DLNR for the committee (or the comingling of funds), power to deposit moneys in any banking institution within or outside the State, disbursements and paying vouchers, performance of the payroll function for its executive director;
  - No process or procedure relating to budget preparation and submission, or auditing;
  - While the bill provides for an annual report to the Legislature and BLNR Chairperson, it lacks any details regarding legislative review of the committee’s program, financial plan, evaluation of the committee’s recommendations, and the appropriation of future general funds;
  - No provision for an audit by the state auditor and follow-up report on the findings and recommendations of the auditor; and
  - No provision relating to whether the Aha Moku Advisory Committee may sue or be sued, or whether the State will be liable for the acts or omissions of the committee, its members or executive director.

For the above reasons, at this time, LURF respectfully requests that this Committee **hold, or amend SB 3053**. As stated above, LURF would **support and amendment of SB 3053**, which would either: (a) place the Aha Moku Advisory Committee within OHA, instead of within DLNR, or (b) create other “advisory committees” comprised of special interest groups who are all directly affected by BLNR’s actions relating to HRS Chapter 171, (relating to agriculture, ranching, aquaculture, fishing, hunting, water, tourism, housing, education, business, military, land use, renewable energy, sustainability, genetic modification, high technology, etc.), and afford each of those special interest groups the same rights, privileges and state funding as the Aha Moku Advisory Committee.

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

NEIL ABERCROMBIE  
GOVERNOR  
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
MICHELLE K. KAUHANE  
DEPUTY TO THE CHAIRMAN  
M. WAIALEALE SARSONA  
EXECUTIVE ASSISTANT

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

ALAPAKI NAHALE-A, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
PROVIDING COMMENTS TO THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS &  
WATER, LAND, AND HOUSING

SB 3053, RELATING TO NATIVE HAWAIIANS

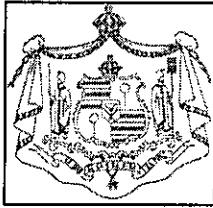
February 15, 2012

Chair Galuteria, Chair Dela Cruz and Members of the Committees:

The Department of Hawaiian Home Lands supports the purpose and intent of this bill to establish the Aha Moku Advisory Committee within the Department of Land and Natural Resources. As a land trust, we appreciate how the proposed moku system will include the use of community expertise and establish programs and projects to improve communication, education, provide training on stewardship issues throughout the region and increase education.

While we support the work of the Aha Moku Advisory Committee and the concept of ahupuaa-based indigenous management practices guiding the oversight of the state's natural resources, we ultimately defer to the Department of Land and Natural Resources, the lead agency, to determine the feasibility and fiscal impact of this measure.

Mahalo for the opportunity to provide these comments.



## **Association of Hawaiian Civic Clubs**

P. O. Box 1135  
Honolulu, Hawai'i 96807

### **TESTIMONY OF PRESIDENT SOULEE STROUD**

#### **SENATE BILL RELATING TO NATIVE HAWAIIANS**

#### **COMMITTEE ON HAWAIIAN AFFAIRS & COMMITTEE ON WATER, LAND, AND HOUSING**

Wednesday; February 15, 2012; Room 224

Aloha Chair Brickwood Galuteria, Vice Chair Pohai Ryan and members of the Committee on Hawaiian Affairs, Chair Donovan Dela Cruz, Vice Chair Malama Solomon and members of the Committee on Water, Land, and Housing. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs here to testify in support of SB 3053.

The history of the Aha Moku Council has a parallel with the Association of Hawaiian Civic Clubs because our member clubs on all islands have participated in each phase of its growth and maturation, including passage of the first Aha Ki'ole/Aha Moku resolution in our 2006 annual convention. We support this bill and continue to support the Aha Moku Council and its members in the future as we have in the last few years.

The level of commitment of the Aha Moku members is deep and sincere, and each shares a depth of experience and expertise of generations gone by. The Native Hawaiian practitioner is becoming a rarity, and it would behoove the legislature and broader community to acknowledge this fact by passing this bill and allowing the Aha Moku advisory committee to fulfill its destiny.

Thank you for the opportunity to testify. We urge the passage of SB 3053.

Contact: [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)



**TESTIMONY IN SUPPORT OF SB3503  
RELATING TO NATIVE HAWAIIANS**

Hearing, Wednesday, February 15, 2012, Conference Room 224, State Capitol

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

Senator Donovan Dela Cruz  
Senator Malama Solomon  
Members Committee on Water, Land and Housing

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

Aloha,

The Maunalua Hawaiian Civic Club supports of SB3503 with all of our hearts, minds and souls. The Association of Hawaiian Civic Clubs have supported formal recognition of the Aha Moku system since 2006 when the first Aha Ki'ole/Aha Moku resolution, tabled by our club, was heard and supported at the AOHCC annual convention.

The bill begins the integration of aha moku system into governmental policy so that a framework for the Hawaiian perspective and traditional methods of resource management can be implemented. It formally recognizes the aha moku system, a system of best practices that is based upon the indigenous resource management practices of moku (regional) boundaries, which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community. It establishes the aha moku advisory committee within the Department of Land and Natural Resources to serve in an advisory capacity to the chairperson of the board of land and natural resources. The committee will consist of eight members appointed by the governor from a list of nominations submitted by the aha moku councils of each island.

The aha moku advisory committee will support and help facilitate the participation of communities in the management of our natural resources based on traditional practices, cultural and other resources to protect, conserve and sustain the resources of the State of Hawaii. The committee's annual report to the legislature will

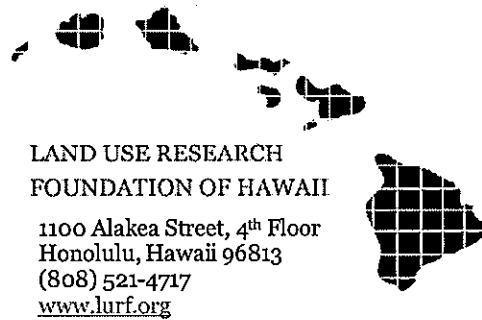
Maunalua Hawaiian Civic Club  
P.O. Box 240388, Aina Haina Station  
Honolulu, Hawai'i 96824



include recommendations and actions taken on those recommendations by the Department of Land and Natural Resources.

The measure is consistent with "The Hawaii 2050 Sustainability Plan" and the State of Hawaii Ocean Resources Management Plan.

The Maunalua Hawaiian Civic Club believes that adoption of the principles of the Aha Moku system of natural resource management can increase the health and condition of our natural resources. Stannard (1989) assessed the population of Hawaii at 800,000 at the time of discovery. The environment then provided 100% of the nutritional and dietary needs of the people. We now have 1.2 million people in the State of Hawai'i and we import 80% of our food and fish. It is evident that changes in our values, governance and the way resources are managed could be improved. We believe that this is a step in the right direction.



LAND USE RESEARCH  
FOUNDATION OF HAWAII

1100 Alakea Street, 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813  
(808) 521-4717  
[www.lurf.org](http://www.lurf.org)

February 14, 2012

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

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

**Comments and Concerns and Opposition to the current form of SB 3053 – Aha Moku Advisory Committee (Establishes Aha Moku Advisory Committee within DLNR; which may advise the BLNR Chairperson; appropriates \$153,000 for necessary expenses, including travel and hiring an executive director)**

**Wednesday, February 15, 2012, 2:45 p.m., in Senate Conference Room 224**

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 appreciates the opportunity to explain our opposition to the current form of this bill.

**SB 3053.** This bill establishes an Aha Moku Advisory Committee within the Department of Land and Natural Resources (“DLNR”), which may advise the Board of Land and Natural Resources (“BLNR”) Chair in carrying out the purposes of Hawaii Revised Statutes (“HRS”) Chapter 171. The BLNR Chair also has a special “oversight” relationship with the Aha Moku Advisory Committee, which will consist of eight members appointed by the Governor and confirmed by the Senate from a list of nominations submitted only by the Aha Moku Councils of each island (a nomination process which appears to be by private special interest groups, without the benefit of a public process or the Sunshine Law). The measure also includes a general fund appropriation of \$153,000 or so much thereof as may be necessary for fiscal year 2012-2013 for the administrative costs related to carrying out its duties; its members shall be reimbursed for necessary expenses, including travel expenses and it may use State funds to hire its own executive director, who shall be exempt from HRS Chapter 76.

**LURF's Position.** LURF believes that the bill is well-intended, and **supports the intent of SB 3053**, which is to provide BLNR with the knowledge of traditional Native Hawaiian Aha Moku resource management practices. However, **LURF has serious concerns, comments and recommendations**, thus, at this time; LURF must **oppose the current version of HB 3053.** LURF would, however, **support amendments** which would either:

KUAKINI HAWAIIAN CIVIC CLUB OF KONA  
Testimony of President Shane Akoni Palacat-Nelsen  
82-6026 Manini Beach Road, Captain Cook, HI 96704

**SENATE BILL 3053  
RELATING TO NATIVE HAWAIIANS**

Before the House  
COMMITTEE ON HAWAIIAN AFFAIRS and WATER, LAND, & HOUSING  
Wednesday, February 15, 2012, 2:45 p.m. Room 224

Aloha Chairman Galuteria and Chairman Dela Cruz, and Committee members of Hawaiian Affairs and Water, Land, & Housing. I am Shane Nelsen, President of the Kuakini Hawaiian Civic Club of Kona. It is with great pleasure that **WE SUPPORT SENATE BILL 3053, RELATING TO NATIVE HAWAIIANS** which establishes the Aha Moku Advisory Committee within DLNR.

The 2011 Association of Hawaiian Civic Clubs Annual Convention held at Turtle Bay, Kahuku, the approximately 300 Delegates agreed to adopt a resolution that supports the Aha Moku. Since 2005, the Association of Hawaiian Civic Clubs walked every step of the way to uphold the Aha Moku system, because we believe in the preservation, perpetuation, and stabilization of the Hawaiian Way Life that encompasses Land and Natural Resources.

The Aha Moku system allows for Native Hawaiians to govern resources that are important to their lifestyle and values.

We ask that the committees on Hawaiian Affairs and Water, Land, & Housing support Senate Bill 3053.

Mahalo Nui Loa,  
Shane Akoni Nelsen

For further information please contact Shane Nelsen, President of Kuakini Hawaiian Civic Club of Kona at [shane.nelsen@gmail.com](mailto:shane.nelsen@gmail.com) .



Vanda Hanakahi, Aha Moku Advisory Committee

**TESTIMONY IN SUPPORT**  
**OF SB 3053**

**RELATING TO NATIVE HAWAIIAN ROLL COMMISSION**

Senate Committee on Hawaiian Affairs

Wednesday, Feb.15, 2012, 2:45p.m., Rm. 224

Senate Committee on Water, Land & Housing

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Submitted by: Vanda Hanakahi, Moloka'i, Chair, on behalf of the other members of the Aha Moku Advisory Committee and the 43 moku from each of the main Hawaiian Islands that they represent: 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 Galuteria, Chair Dela Cruz, Vice Chair Ryan, Vice Chair Solomon and Members of the Senate Committee on Hawaiian Affairs and Senate Committee on Water, Land and Housing:

Thank you for the opportunity to testify in strong support of S.B. 3053, the bill relating to Native Hawaiians and one that establishes the Aha Moku Advisory Committee within the Board of Land and Natural Resources.

The purpose of S.B. 3053 is to complete the purpose of Act 212, the Aha Moku Bill which passed the legislature unanimously into law in 2007. Its intent 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 9<sup>th</sup> 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

HWN/WLH, February 15, 2011

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 believe that initiating the Aha Moku System into state policy through the Board 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.

We urge the passage of S.B. 3053

Mahalo nui loa!

Vanda Hanakahi, Chair, Moloka'i

Aha Moku Advisory Committee

P.O. Box 507, Ho'olehua, HI 96729

Phone: 808-646-1487

Email: [kaiwilauula@yahoo.com](mailto:kaiwilauula@yahoo.com)

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2012 11:26 PM  
**To:** HWN Testimony  
**Cc:** info@schha.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Mike Kahikina, Legislative Chairman  
Organization: SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/14/2012

Comments:

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2012 11:27 PM  
**To:** HWN Testimony  
**Cc:** info@schha.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kamaki Kanahale, Chairman  
Organization: SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/14/2012

Comments:

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
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Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Herbert Hew Len, President  
Organization: Waianae Kai Homestead Community Assn, SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/14/2012

Comments:



**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2012 11:28 PM  
**To:** HWN Testimony  
**Cc:** info@schha.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Beatrice Hew Len, Secretary  
Organization: Mokupuni O Oahu, SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/14/2012

Comments:

**galuteria1 - Davis**

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**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kimo Kelii, Vice President  
Organization: Nanakuli Hawaiian Homestead Community Assn., SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/14/2012

Comments:

**galuteria1 - Davis**

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**Sent:** Tuesday, February 14, 2012 11:28 PM  
**To:** HWN Testimony  
**Cc:** info@schha.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Annie Au Hoon, President  
Organization: Kewalo Hawaiian Homestead Comm Assoc, SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/14/2012

Comments:

## **Testimony of Leimana DaMate**

### **IN SUPPORT OF SB 3053**

#### **RELATING TO NATIVE HAWAIIAN ROLL COMMISSION**

Senate Committee on Hawaiian Affairs

Wednesday, Feb.15, 2012, 2:45pm, Rm 224

Senate Committee on Water, Land and Housing

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Aloha Chair Galuteria, Chair Dela Cruz, Vice-Chair Ryan, Vice Chair Solomon and members of the Hawaiian Affairs Committee and Water, Land, and Housing Committee,

Thank you for the opportunity to testify in support of SB 3053 relating to Native Hawaiians which establishes the aha moku advisory committee within the Department of Land and Natural Resources. This bill is the result of many years of community consultation and effort to integrate Native Hawaiian traditional and generational resource methodology into Hawaii State Policy. For the first time since the overthrow of the Hawaiian Kingdom in 1893, our Hawaiian lawai'a (fishermen) and mahi'ai (farmers) have come forward as a unified group to offer their expert knowledge, experience and willingness to advise the State of Hawai'i on integrating this knowledge into the fabric of state policy.

This in itself is historical because throughout the renaissance and re-emergence of the Hawaiian culture throughout the past decades, important components such as language and hula have been the focus. However, it has always been known that the foundation of the Hawaiian people is the natural and cultural resources. And, because Hawaiians are so indivisibly connected to their 'aina and kai, land and ocean, they cannot be separated. This connection will help all of us who live in and love Hawaii continue to enjoy our resources. Hawaiians, in their moku and ahupua'a, can now advise the policy makers in land and ocean resources on best practices for specific sites. This has never been done before.

For the past seven years, our kupuna and moku representatives have been striving to offer their expert knowledge on resource management to the State of Hawaii through our legislators and agencies. Many of the state and county agencies have already begun to incorporate aspects of the ahupua'a system in their individual divisions through information gleaned from our annual legislative reports, the seven statewide puwalu that were held and countless community and public meetings – but it is being done without the formal participation of the Hawaiian people.

In 2007 and 2011, bills were introduced and unanimously passed by our legislature. While these efforts have been accepted and acknowledged through the passage of Act 212 in 2007, Governor

Abercrombie expressed concerns in 2011 and as a result, the bill was vetoed until those issues could be addressed. Those concerns were answered through meetings and collaborations with the Department of Land and Natural Resources, the Office of Hawaiian Affairs and legislators.

As a result, HB 2806 contains the necessary amendments that we believe satisfies the governors concerns.

I live in my ancestral lands in the ahupua'a of Kahuku, moku of Ka'u, mokupuni (island) of Moku O Keawe (Hawai'i) where my 'ohana continues to practice traditional resource methodology in protecting and preserving our environment and ecosystem. It is the same now, as it has been for countless generations. You can come to Ka'u and know that what you see is what our ancestors saw. It is what we want our grandchildren and their grandchildren to see – a pristine and beautiful land teeming with plentiful resources to sustain all of us. This is one small part of HB 2806 – it is repeated over and over again throughout the traditional 43 moku of Hawaii.

Please accept the traditional knowledge on sustaining our resources that is offered to our state.  
Please pass S.B. 3053

Mahalo,

Leimana DaMate

Phone: 808-497-080, Email: [Leimana@fastnethi.com](mailto:Leimana@fastnethi.com)

**Robert DaMate**

**TESTIMONY IN SUPPORT OF SB 3053**

**Relating to Native Hawaiians**

Submitted to: Hearing of the Senate Hawaiian Affairs Committee and the Senate Water, Land and Housing Committee

Hearing Date: February 15, 2012, 2:45 p.m., Room 224

Aloha Chair Galuteria, Chair Dela Cruz and Members of the Senate Committee on Hawaiian Affairs, and the Senate Committee on Water, Land and Housing:

Mahalo for giving me this opportunity to tell you how important this Bill is. I live in the ahupua'a of Kahuku, the moku of Ka'u, Mokupuni of Moku O Keawe and I am the Ahupua'a representative for my ahupua'a, Kahuku. I am a lawai'a and a mahiai, a beneficiary of generational knowledge handed down to me by my father who was hanai'd by the Kealoha family in Waianae in the early 1920's. I do not have Hawaiian blood. I am a third-generation Korean/Filipino whose parents were raised by Hawaiians to love the land and ocean. I bring this up because the Aha Moku System does not depend on being Hawaiian. It's foundation is generational Hawaiian knowledge of the natural and cultural resources. Like every local resident, especially those who were born and raised in Hawaii, I am a keiki o ka 'aina. I am Hawaiian in my beliefs and in my practices. I have taught my own children and grandchildren, who are Native Hawaiians through their mother how to sustain the marine resources; how to know when to fish and for what; how to know when to plant and why; how to follow our lunar calendars that balances our environment, specific to Ka'u.

All of this is encompassed in the Aha Moku System. We must formally recognize this system so that practices we have used for generations and have proven to work can be handed down and shared – the whole focus of the Aha Moku System is to keep the natural balance intact and protect our ecosystem. The beauty of the Moku System is that it is site-specific. What works in Ka'u does not work in Kaua'i. Laws must be changed to protect our resources as they are, not as some would wish them to be. I want my children and grandchildren, and the generations to come after me, to be able to fish in the same places that my father taught me to fish. SB 3053 would make sure that happens.

I ask, on behalf of my 'ohana, my children and grandchildren - Please support the passage of SB 3053.

Mahalo,

Robert DaMate

P.O. Box 6573

Oceanview, HI 96737

Phone: 808-497-0834

Email: bob@fastnethi.com

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2012 7:20 PM  
**To:** HWN Testimony  
**Cc:** pomroys001@hawaii.rr.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sharon Pomroy  
Organization: Individual  
E-mail: [pomroys001@hawaii.rr.com](mailto:pomroys001@hawaii.rr.com)  
Submitted on: 2/14/2012

**Comments:**

As one of the many hundreds of people that took part in the creation of ACT 212 I am asking you to please pass SB3053. The intent of this bill is to re-establish the Aha Moku system of land and ocean resource management with-in the State department of Land and Natural Resources. It encourages DLNR to consider the mana'o of the Ahapua'a Tenants in how much resources are in the ahapua'a AND how much if any is available for harvest or use at any given time. It can be used to determine if any proposed development will support the ahapua'a resources or aid in it's depletion. This is vital in keeping the culture of the native Hawaiian alive and in touch with those resources that everyone will be depending on. mahalo, pau

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2012 6:24 PM  
**To:** HWN Testimony  
**Cc:** crystalkpaul@yahoo.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Crystal Kia Paul  
Organization: Individual  
E-mail: [crystalkpaul@yahoo.com](mailto:crystalkpaul@yahoo.com)  
Submitted on: 2/14/2012

Comments:



**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 15, 2012 1:30 AM  
**To:** HWN Testimony  
**Cc:** glennmartinez@hawaii.rr.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Glenn Martinez  
Organization: Individual  
E-mail: [glennmartinez@hawaii.rr.com](mailto:glennmartinez@hawaii.rr.com)  
Submitted on: 2/15/2012

Comments:  
Hawaii Farmers Union United SUPPORTS this bill.

The Hawaiians need to have their voice in the very chambers that effect their people and lives.

This could prove to be an eye opener for both teams.

Thank you,  
Glenn Martinez  
Pres. Hawaii Farmers Union United

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 15, 2012 5:53 AM  
**To:** HWN Testimony  
**Cc:** SistahCash@gmail.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Natalie Cash  
Organization: Individual  
E-mail: [SistahCash@gmail.com](mailto:SistahCash@gmail.com)  
Submitted on: 2/15/2012

Comments:

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 09, 2012 9:30 PM  
**To:** HWN Testimony  
**Cc:** rangien2010@yahoo.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Puanani Rogers  
Organization: Ho`okipa Network - Kaua`i  
E-mail: [rangien2010@yahoo.com](mailto:rangien2010@yahoo.com)  
Submitted on: 2/9/2012

**Comments:**

Aloha mai kakou,

My name is Puanani Rogers. I was born and raised in the ahupua`a o Kealia, mokupuni o Kaua`i, Ka pae aina o Hawai`i. I am 72 years old and my peers call me a Kupuna.

I speak in strong support of this measure and would like to deeply thank the writers of this bill. Your kokua and kako`o of this measure states that you, the Legislators, in good faith, are allowing us to continue the work we have already started on each island. The basis of which is to protect, restore, preserve and malama our `aina, wai and kai; from mauka to makai. We can do it, and we need your kokua.

Please support SB3053!

Mahalo a nui for putting your trust in us, o ka po`e i aloha o ka `aina.

Puanani Rogers, Aha Moku o Puna  
Mokupuni o Kaua`i

Ro'o

D  
W

Kawaihapai@hawaii.rr.com

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Aloha

North Shore Neighborhood Board 27 (Sub-District 1 – Mokule'ia to Ka'ena), Ka'ena Point Advisory Group (Cultural Delegate) Mokule'ia Community Association (MCA) Cultural Advisor. Ro'o Kawaihapai Ohana The Department of Interior (DOI) Office of Hawaiian Relations (<http://www.doi.gov/ohr/nativehawaiians/list.cfm>) a Native Hawaiian Organization (NHO). State Historic Preservation Division (SHPD) Lineal Descendant (Ahupua'a of Kawaihapai and Paalaa-Kai) Cultural Descendancy Waialua Moku. Malama Iwi Kupuna. Kupuna Cultural Informants of Waialua Moku Bishop Museum. Bishop Museum Publications Archeology of Oahu (McAllister-1933) The Hawaiian Planter (Handy-1940).

Ahupua'a of Kawaihapai Northwest Coastline of Waialua Moku Island of Oahu. SB 3053 HB 2806

Thomas T Shirai Jr

Page 2

SB 3053 & HB 2806 – Oppose

Kuleanav State Boards & Commissions Island Burial Councils The Environmental Council City & County Neighborhood Boards Oahu. Huna (Confidential) Malama

*Iwi Kupuna. Recognized Lineal Descendant Iwi Kupuna State Level (Chapter 6E) Federal Level (NAGPRA – Native American Graves Protection Act – Chapter 106).*

*Waialua Moku Ka'ena State Park Ka'ena Natural Area Reserve (NAR). Mokule'ia Community Association (MCA) North Shore Neighborhood Board 27 US Army 25<sup>th</sup> Infantry Division Schofield Barracks Ahupua'a of Ka'ena.*

*Friends of Ka'ena Kahiki Mokule'ia Community Association (MCA) Kuleana Department of Land & Natural Resources (DLNR) Ka'ena Point Advisory Group (KPAG) Malama Ka'ena.*

*POCARE Malama Aina*

*SB 3053 Waialua Moku. Hawaiian Electric Company (HECO) North Shore Neighborhood Board 27's North Shore Neighborhood Board 27) North Shore*

*Thomas T Shirai Jr*

*Page 3*

*SB 3053 & HB 2806 – Oppose*

*Neighborhood Board 27 (Sub-District 1 – Mokule'ia to Ka'ena) Oahu Island Burial Council (Waialua Moku Representative – 2000-2004).*

*Honolulu Advertiser (Letter to Editor) KHON2*

*SB 3053 HB 2806 Malama Aina.*

*Thomas T Shirai Jr*

*Kawaihapai Ohana – Po'o*



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#### LOCAL TOP STORIES



### Ancestral Iwi Returned to Mokuleia

By Andrew Pereira

More than two years after ancestral bones were removed from Dillingham Airfield, a Mokuleia man who is a lineal descendant of the remains has put them back where they belong.

It's believed Thomas Shirai Jr. is the first person not affiliated with any native Hawaiian group to reinter his ancestor's iwi. "This is our Christmas present," said Shirai, "to put back our tutu."

Shirai believes the bones are from his great, great, great grandmother, Napuakau Kakulu who died September 13, 1896. She was buried in an area next to the airstrip at Dillingham.

Shirai, who kept meticulous records of his family's history in the area once known as Kawaihapai, says it was those records that convinced the Historic Preservation Division to return the iwi directly to him.

"The big kupuna had a house in the back," said Shirai. "There was a hill and had all these graves around. That's the way it was." In 1997 Shirai registered the unmarked burial ground with the Department of Land and Natural Resources,

which oversees the State Historic Preservation Division, but the records were lost.

After receiving the iwi in a brown cardboard box, Shirai and two workers from the Office of Hawaiian Affairs wrapped them in kapa cloth and placed them inside two lauhala baskets for the car ride from Kapolei to Mokuleia.

Once at Dillingham Airfield the three men hiked past a row of palm trees and overgrown brush to the site of the illegal sand mining. After digging a hole, Shirai carefully placed the lauhala baskets inside and covered them with sand.

"Okay tutu.," Shirai said as he completed the reburial. "Sorry we disturbed you but some people no like listen, so now you back at home."

The State Department of Transportation leases the land at Dillingham Airfield from the U.S. Army. In the fall of 2005 the airfield's supervisor allowed a local contractor to remove high quality sand in exchange for burying dead trees and brush.

DOT spokesman Scott Ishikawa says an investigation showed the supervisor did not profit from the sand mining. The supervisor was officially reprimanded by the DOT but was allowed to keep his job.

In May of 2007 Barry Fukunaga, the former director of the Department of Transportation sent a letter of apology to Shirai.

Andrew may be reached at [apereira@khon2.com](mailto:apereira@khon2.com) or ph. 591-4263.

Story Updated: Dec 26, 2007 at 6:54 PM HST

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## galuteria1 - Davis

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 09, 2012 7:47 PM  
**To:** HWN Testimony  
**Cc:** pomroys001@hawaii.rr.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sharon Pomroy  
Organization: Individual  
E-mail: [pomroys001@hawaii.rr.com](mailto:pomroys001@hawaii.rr.com)  
Submitted on: 2/9/2012

### Comments:

Aloha,

I am Sharon Pomroy from Anahola on the eastside of Kauai. Since the passage of ACT 212 in 2007 until 30 JUN 2021 I was the gubernatorially appointed Kiole representative for the island of Kauai. During hat time the appointment mandated that the Kiole go into their Moku to inform the people about the effort to reestablish the Ahapuaa land management system. To have resource management by the residents of the Ahapuaa done along side of the Federal, State and County agencies that are attempting and currently failing that task. To accurately log the resources of the ahpuua. To protect those same resources from dying out. To foster the thought that ahapuaa management also includes the ocean and freshwater resources.

Passage of SB3053 would allow the work started in 2007 not only to continue but to expand it's current base with more resources allowing outreach via many sources. Those being radio, newspaper and community TV ads and programs. To hold ahapuaa/community educational workshops. It is hoped that with these additional resources there would be better equipment, of which we don't have anything but personal equipment now to show Power Point programs, bring in guest speakers for various discussions and presentations. Pay for meeting rooms. Pay for mailings of information such as a Quarterly Progress report.

SB3053 will become part of a renewal of the Kino that we are all part of. Revitalizing the aina and the kai reawakens our inherant kuliana to respect each other and through that our very limited resources.

Mahalo nui, a pau loa.



## galuteria1 - Davis

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2012 9:11 AM  
**To:** HWN Testimony  
**Cc:** noa.1960@hotmail.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Noa Napoleon  
Organization: Individual  
E-mail: [noa.1960@hotmail.com](mailto:noa.1960@hotmail.com)  
Submitted on: 2/10/2012

### Comments:

All the people who are currently serving as advisory members on this committee should be replaced immediately in order to insure that the organization does not stray from its mandate. I'm concerned that members have prematurely pandered to state initiatives such as it happened with a non-related piece of legislation where Aha advisory members were seen submitting testimony on behalf of the Advisory group. Submitting testimony on unrelated issues prior to the official and formal sanctioning of the Advisory System is premature. This alone reveals that committee members are confused if not completely compromised. I do however support the idea of a grass roots organizing (not-state appointed advisories) as a way of challenging development projects that are controversial. I feel the overall goal set before the advisory committee to recruit cultural experts has been stifled by controlling individuals within the group. I recommend that legislators consider replacing the current group with a new one.

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2012 8:50 PM  
**To:** HWN Testimony  
**Cc:** olindaaiwohi@yahoo.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Olinda [Aiwohi@yahoo.com](mailto:Olinda.Aiwohi@yahoo.com)  
Organization: Individual  
E-mail: [olindaaiwohi@yahoo.com](mailto:olindaaiwohi@yahoo.com)  
Submitted on: 2/10/2012

Comments:

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2012 8:37 AM  
**To:** HWN Testimony  
**Cc:** Kinaulove@yahoo.com  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Moana Roy Kuma  
Organization: Individual  
E-mail: [Kinaulove@yahoo.com](mailto:Kinaulove@yahoo.com)  
Submitted on: 2/13/2012

Comments:  
Support!!!!!!!!!!

Moana R. Kuma/Kona

**galuteria1 - Davis**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2012 1:36 PM  
**To:** HWN Testimony  
**Cc:** hanohano3-Kahikina  
**Subject:** Testimony for SB3053 on 2/15/2012 2:45:00 PM

Testimony for HWN/WLH 2/15/2012 2:45:00 PM SB3053

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kahikina  
Organization: Individual  
E-mail: [hanohano3@capitol.hawaii.gov](mailto:hanohano3@capitol.hawaii.gov)  
Submitted on: 2/14/2012

Comments: