

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
WILLIAM J. AILA, Jr.
Chairperson

Before the House Committee on
AGRICULTURE

Monday, February 10, 2014
10:01 A.M.
State Capitol, Conference Room 312

In consideration of
HOUSE BILL 2357
RELATING TO HAWAIIAN KONOHIKI MANAGEMENT

House Bill 2357 proposes to authorize the Aha Moku Advisory Committee (AMAC) to provide advice on establishing and applying traditional konohiki management practices to restore fishery food stocks and environmental well-being, in consultation with fishery communities. **The Department (Department) of Land and Natural Resources appreciates the intent of this measure and offers the following comments, but believes the bill is unnecessary.**

Under Act 288, Session Laws of Hawaii 2012, AMAC may provide advice on the following:

- 1) Integrating indigenous resource management practices with western practices in each moku;
- 2) Identifying a comprehensive set of indigenous practices for natural resource management;
- 3) Fostering the understanding and practical use of native Hawaiian knowledge, methodology, and expertise;
- 4) Sustaining the State's marine, land, cultural, agricultural, and natural resources;
- 5) Providing community education and fostering cultural awareness on the benefits of the aha moku system;
- 6) Fostering protection and conservation of the State's natural resources; and,
- 7) Developing an administrative structure that oversees the aha moku system.

There is nothing under the current mandates that preclude the consideration of previously used konohiki management practices.

Since AMAC became operational in July 2013, it has strived alongside the Department to address these mandates, and the issue of konihiki management rights arose during an AMAC meeting in Kalaupapa, Molokai. However, priority during the last nine months has been on

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

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

organizational development of AMAC and individual aha moku committees on each island statewide. Without a solid structure in place, implementation of the mandates under Act 288 will not be effectuated without proper adequate resources to operate.

The current priority for the Department is to secure funds for AMAC to continue to operate as the Legislature provided no funding for Fiscal Year 2013-14 after its establishment. Current operational funds were given to the Department by the Office of Hawaiian Affairs in the amount of \$76,550, but those funds will run out by the end of February 2014.

Until AMAC is able to continue to operate and funding is secured for the rest of this fiscal year, as well as for the next fiscal year, it is premature and unnecessary for amendments to Act 288 to be made at this time.

**Testimony of Leimana DaMate
Aha Moku Advisory Committee**

Before the House Committee on
AGRICULTURE

Monday, February 10, 2014
10:01 A.M.
State Capitol, Conference Room 312

**In Support of
H.B. 2357**

RELATING TO HAWAIIAN KONOHIKI MANAGEMENT

House Bill 2357 authorizes the Aha Moku Advisory Committee (Committee) to provide advice on establishing and applying traditional konohiki management practices to restore fishery food stocks and environmental well-being, in consultation with fishery communities.

Since original habitation in ancient times, indigenous Hawaiians have understood that their survival depended on the conditions of the areas they lived in. Understandably then, a strict and effective resource management foundation had to be established for determining the behavior in which the people of the islands gather food from the land and the ocean. Centuries of observation and practice not only honed practitioner's efficiency in gathering but insured, through judicious maintenance, well-stocked areas at all times. And since those earliest times, people relied on the konohiki- the ones who were wise in the ways of the land and the ocean, who came with knowledge from their ancestors, who continued teaching, assessing, and learning generationally in an unbroken line of distinguished performance outcomes unmatched by resource management methodology in Hawai'i today.

One of the purposes of Act 288, Hawaii Session Laws 2012, is to "formally recognize the Aha Moku System, a system of best practices that is based upon the indigenous resource management practices of moku 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." The Act also specifies that advice may be provided on:

- 1) Integrating indigenous resource management practices with western practices in each moku;
- 2) Identifying a comprehensive set of indigenous practices for natural resource management;
- 3) Fostering the understanding and practical use of native Hawaiian knowledge, methodology, and expertise;

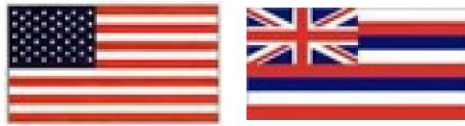
- 4) Sustaining the State's marine, land, cultural, agricultural, and natural resources;
- 5) Providing community education and fostering cultural awareness on the benefits of the aha moku system;
- 6) Fostering protection and conservation of the State's natural resources; and,
- 7) Developing an administrative structure that oversees the aha moku system.

During a Committee meeting in Kalaupapa in September, 2013, the issue of konohiki management was discussed. There was general consensus that this issue would be pursued. However, since the Committee became officially situated within DLNR in July, 2013, it has focused on organizational development within the islands, moku and ahupua'a. A further challenge is that the Committee was not funded for FY 2013-14. Current operational funds were provided by the Office of Hawaiian Affairs in the amount of \$76,500 for the fiscal year, but those funds will be exhausted by the end of February, 2014.

The Committee supports this bill but feels that it cannot move forward until the very foundation of its existence can be secured through funding that is critically needed to continue its existence.

Thank you for the opportunity to testify.

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Unity, Equality, Aloha for all



To: AGR
For hearing Monday February 10, 2014

Re: HB2357 RELATING TO HAWAIIAN KONOHIKI MANAGEMENT.
Authorizes the Aha Moku Advisory Committee to provide advice on establishing and applying traditional konohiki management practices to restore fishery food stocks and environmental well-being, in consultation with fishery communities.

Testimony recommending amendment or defeat

Section 1(d)(8) as proposed adds new language saying that the aha moku advisory committee may provide advice on

"Establishing and applying traditional Hawaiian konohiki management practices to restore fishery food stocks and environmental well-being in consultation with members of fishery communities who engage in traditional Hawaiian fishery sustainability practices."

I would point out that Section 1(d)(1) also makes clear that the aha moku advisory committee is given the responsibility of "Integrating indigenous resource management practices with western management practices in each moku" in the course of developing the advice it will give.

The language proposed for part (8) explicitly restricts consultation to be "with members of fishery communities who engage in traditional Hawaiian fishery sustainability practices." But that would contradict the part (1) objective of "Integrating indigenous resource management practices with western management practices."

This committee must choose whether the primary goal is to serve a political purpose of racial separatism and glorification of a single ancient approach to fishery management and sustainability, or whether the primary goal is to utilize all available knowledge, both ancient and modern, of all ethnic groups, to serve the purpose of long-term ecological sustainability and productivity of the fishery.

Either this bill should be defeated or else the proposed language of the new part (8) should be amended to say

"Establishing, applying, and integrating traditional Hawaiian konohiki management practices and modern fishery management practices of all ethnic groups to restore fishery food stocks and environmental well-being in consultation with members of all fishery communities who engage in traditional or modern fishery sustainability practices."

onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 9:41 AM
To: AGRtestimony
Cc: cycads@hawaii.rr.com
Subject: Submitted testimony for HB2357 on Feb 10, 2014 10:01AM

HB2357

Submitted on: 2/7/2014

Testimony for AGR on Feb 10, 2014 10:01AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Holzman	Individual	Oppose	No

Comments: This is another attempt by the Robinsons to get control of public resources and State waters. Why would anyone want to give two brothers more control over it's tenants and the people of Hawaii? Give Niihau to the people of Niihau let them govern their affairs. Let them decide without the fear of being kicked off Niihau. Do not give more power over the people to a oppressive dictator. Konohiki's should not be dictators for their own personal greed. This needs to be studied by a task force on the Socio-economic impacts to Kauai and Niihau and the State before making rules that would make more division on Kauai nui. We have a constitution in Hawaii not a feudal system.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ALOHA

MY NAME IS EDWIN RAY "A'ALONA " DELA CRUZ. I OPPOSE BILL HB 2357. WHEN HAWAII BECAME A TERRITORY OUR KONOHIKI RIGHTS WERE STRIPPED FROM OUR PEOPLE. AS HAS ALOT OF OUR TRADITIONS. DUE TO THE ACTIONS OF A FEW PEOPLE, I SEE WHY YOU ARE TRYING TO RESURRECT AN OLD SYSTEM THAT WORKED HUNDREDS OF YEARS AGO. THIS SYSTEM WILL NOT WORK TO PROTECT OUR RESOURCES FROM WHOM YOU ARE TRYING TO RESTRICT. FOR THEY DO NOT CARE ABOUT THE LAWS THAT ARE IN PLACE NOW. WHAT WE NEED IS BETTER LAW ENFORCEMENT, NOT MORE LAWS THAT ARE NOT ENFORCED. IN TODAYS AGE ALL THIS WILL CREATE IS CHAOS WITHIN THE DIFFERENT COMMUNITIES (TURF WARS). ALSO AFTER HAWAII BECAME A TERRITORY THER WAS A PERIOD THAT PEOPLE WHO HAD KONOHIKI RIGHTS COULD REAPPLY FOR IT. THOSE WHO HAVE THE KONOHIKI RIGHTS APPLIED AND THOSE WHO DIDN'T SUBMIT THE PAPERWORK DON'T HAVE THEIR KONOHIKI. AGAIN I BELIEVE THAT IT IS AN OUT DATED SYSTEM FOR TODAYS WORLD. I BELIEVE THIS BILL WILL HURT OUR PEOPLE MORE THAN IT WILL HELP OUR PEOPLE. I AM A STRONG PRACTITIONER OF MY HAWAIIAN CULTURE AND I OPPOSE THIS BILL.

MAHALO NUI

A'ALONA DELA CRUZ

onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 08, 2014 11:08 AM
To: AGRtestimony
Cc: makani.christensen@gmail.com
Subject: Submitted testimony for HB2357 on Feb 10, 2014 10:01AM

HB2357

Submitted on: 2/8/2014

Testimony for AGR on Feb 10, 2014 10:01AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
makani	Individual	Oppose	No

Comments: I strongly oppose this measure. Laws must be made based on facts rather than opinion. In the laws current state, there are no checks and balances to ensure facts come forward to create laws rather than proper traditional knowledge. Until the aha moku system or the konohiki system is properly established, we cannot afford to pass this law. It will cause a rift in our community. If we are looking for Hawaiian Rights, then lets not piece meal it.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 7:06 PM
To: AGRtestimony
Cc: icalkins@hawaii.rr.com
Subject: Submitted testimony for HB2357 on Feb 10, 2014 10:01AM
Attachments: .~lock.DEMOCRATIC PARTY LINE.odt#

HB2357

Submitted on: 2/6/2014

Testimony for AGR on Feb 10, 2014 10:01AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
IRA CALKINS	Individual	Support	No

Comments: IRA CALKINS INNER-GOVERNMENTAL RESEARCH 730 Captain Cook Ave Unit 426 Honolulu, Hawaii 96813-2161 808-4696434 808-3498667 FAX 5454707 Washington D.C. 202-697-9782 It does not matter what the people think, the Democratic Party has already decided for us on all bills before the State of Hawaii Legislature . The chairman's in all committee meetings has a script to follow that the Speaker of the House, and the Speaker of the Senate has given the Committee Chairs to follow, to instruct the committee how to vote on a any given bill in all committees of the State of Hawaii Legislature. It is determined ahead of time by the Democratic Party how a committee will vote on any given bill in the State of Hawaii Legislature there is no democracy in this state, no will of the people. It appears the Legislators are being black mailed in to voting the Democratic party line or the Democratic Party will not support them in there next election. Ira Calkins

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onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 3:40 PM
To: AGRtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB2357 on Feb 10, 2014 10:01AM*

HB2357

Submitted on: 2/6/2014

Testimony for AGR on Feb 10, 2014 10:01AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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