

**SB 180 SD1**

**LATE**

**TESTIMONY**

**TESTIMONY OF BRUCE ROBINSON**

**Before the Senate Committee on  
Water and Land**

**Friday, February 14, 2014  
10:05 A.M.**

**State Capitol, Conference Room 211**

**In consideration of  
Senate Bill 180, SD1  
Relating to Ocean Management**

This bill was originally presented as reestablishing the old konohiki fishing rights to Niihau, a concept which I fully support.

After our great, great grandmother, Eliza Sinclair, purchased Niihau from the Hawaiian Monarchy, King Kamehameha V, in a speech delivered at Puuwai, Niihau, in 1865, told the Niihau residents that the Sinclairs were their new landlords. The King requested that the Sinclairs take care of the Niihau residents as best as possible. The Sinclairs promised they would: and as the new konohiki they appointed leaders from the Niihau community, and continued to administer the fisheries the same as it had been under the Monarchy. This konohiki system is still functioning on Niihau today.

The designers of the konohiki system established that the konohiki (landlord) and their tenants shared the fishery. The konohiki would meet with their tenants from time to time and adjust rules as necessary.

For just one example, in the 1950s the owners of Niihau, in an effort to stem Niihau Ranch's financial losses, engaged in commercial fishing for several years. This activity so severely depleted Niihau's near shore fisheries that Niihau's native residents asked that the practice be stopped.

It was discontinued, as they requested: and within the next 20-30 years those fisheries slowly but completely recovered. Thus we can testify that the konohiki system of checks and balances works very well.

SB 180 as proposed however, establishes the konohiki out of the tenant group which takes away the system of checks and balances, and will tend to divide the tenant group, and impair the function of the system. The landlord then finds itself removed from the konohiki position and possibly even prohibited to fish from its own land. This is not fair. Furthermore, the konohiki being appointed from the tenants' group has no tenants, and since by law only his tenants can fish, he (having no tenants) becomes the only person who can legally fish.

I suggest that the old time (and statutory) meaning of konohiki being the landlord be maintained and that this bill be amended to this effect. Also, I request that nothing in this bill should allow any commercial fishing in Niihau waters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce Robinson", written in a cursive style.

Bruce Robinson



**TESTIMONY OF KEITH ROBINSON**

**Before the Senate Committee on  
Water and Land**

**Friday, February 14, 2014**

**10:05 A.M.**

**State Capitol, Conference Room 211**

**In consideration of  
Senate Bill 180, SD1  
Relating to Ocean Management**

Niihau Island tends to be highly unusual in many ways. Several situations exist there, which do not prevail on Hawaii's other islands.

- 1) Without one single exception, every single person among Niihau's owners and residents is descended from people who were natural-born citizens of the Kingdom of Hawaii. Furthermore, the primary language of Niihau continues to be Hawaiian. And Niihau never rubber-stamped the overthrow of the Kingdom of Hawaii: in the 1959 statehood election, Niihau's owners and residents rejected statehood, and Niihau became the only island to vote against it.

Thus, as the last intact, readily identifiable remnant of the Kingdom of Hawaii, Niihau meets every legal qualification needed to obtain the same "nation within a nation" status enjoyed by many American Indian tribes: and such aboriginal peoples almost always retain exclusive fishing rights within their traditional fisheries.

- 2) Niihau has been deeply involved in American national defense work for decades. There is some circumstantial evidence that Niihau's owners first knew in 1925 about Japan's future attack on Pearl Harbor: but by 1933 they definitely did know about it, and were actively preparing for it.

Then later, during the 1950's, Niihau participated in research which created the famous DEW Line, the first great early warning system that prevented any surprise Russian nuclear attack on the U.S.

Before they died, the men who correctly foresaw the Pearl Harbor attack

warned Niihau's present owners, that a great nuclear war might someday come out of the Middle East, and possibly escalate into World War III.

With this Middle Eastern situation now relentlessly worsening every year, exactly as predicted, Niihau continues to work with NASA and the DOD on various research and national defense projects.

- 3) Niihau Island is also the scene of the world's most successful monk seal preservation effort: but in order to protect Niihau's national defense work from being deliberately disrupted or destroyed by environmental activists, this highly successful conservation work was carefully hidden from the eco-nazis, for more than twenty years.

Around 2005, however, intensifying raids by non-Niihau fishermen and boaters threatened to decimate Niihau's monk seals and to destroy the island's marine environment. In 2008, this situation finally forced Niihau's owners to appeal to the National Oceanic and Atmospheric Administration (NOAA) for the protection of Niihau's monk seal population and marine resources: and NOAA, which has intense interest in the survival of the monk seals, and enormous powers under the U.S. Endangered Species Act, is now moving in its ponderous way to establish a protective zone for Niihau's monk seals and marine environment.

NOAA has also assured Niihau's residents and owners, that their traditional subsistence fishing rights will be upheld and protected in any such marine sanctuary agreement. Meanwhile, however, several members of the Hawaii state legislature belatedly heard about this situation in 2013, and became interested in it. Therefore they have introduced several bills into this 2014 session of the Hawaii State Legislature. Most unfortunately, these bills have been introduced so suddenly and recently, that neither Niihau's residents nor its owners have had adequate time to study and consider them.

Therefore, we most gratefully acknowledge the legislature's attempt to help us in these matters: but we must also respectfully beg that some of these bills be deferred until everyone involved has had more time to discuss and consider and comment on them.

Most respectfully  
submitted,

Keith Robinson

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**Date:** Thursday, February 13, 2014 11:16:57 PM

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**SB180**

Submitted on: 2/13/2014

Testimony for WTL on Feb 14, 2014 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kahea	Individual	Support	Yes

Comments: Aloha mai no kakou, Mahalo nui for the opportunity to give testimony. I am in support of this bill and request the following amendment: Section 1. Section 187A-23: Change "the State shall vest in the village elder" to "the State shall vest in the Haku Aina of Niihau the exclusive konohiki rights" as this has been the practice for over a century now but also is an extension of the customary practices of our people for thousands of years now. The agreement Kamehameha V made was with the Sinclairs (now Robinsons) and not with any of us. Our role as tenants has been passed down to us for many generations, and the Robinson's role as Konohiki has been passed down to them in the same manner. We live with great respect of each other's role, and we honor the contract and agreements (written or verbal) made during that time.

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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**SB180**

Submitted on: 2/13/2014

Testimony for WTL on Feb 14, 2014 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keoki Faria	Individual	Support	No

Comments: Aloha mai no kakou, I am writing in support of this bill and request the following amendment: Section 1. Section 187A-23: Change "the State shall vest in the village elder" to "the State shall vest in the Haku Aina of Niihau the exclusive konohiki rights" as this has been the practice of Niihau for over a century now but also is an extension of the customary practices of our people for thousands of years. Me ka mahalo, Keoki

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**Date:** Thursday, February 13, 2014 8:41:01 PM

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**SB180**

Submitted on: 2/13/2014

Testimony for WTL on Feb 14, 2014 10:05AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
brandon peahu	Individual	Oppose	No

Comments: I Brandon Peahu greatly oppose this bill !!!!!!!

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