

Testimony of Bruce Robinson



Before the Senate Committee on
Ways and Means

Friday, February 28, 2014
10:00 a.m.
State Capitol, Conference Room 211

In Support of S.B. 2125 S.D. 1 RELATING TO MARINE LIFE CONSERVATION DISTRICT

Aloha Chair Ige, Vice-Chair Kidani and Members of the Senate Committee on Ways and Means.

Senate Bill 2125 prohibits the taking or possessing of aquatic life or fish feeding, and the operation of certain vessels and crafts, in marine waters within the two miles of the shoreline of an island with a population of less than five hundred individuals, except by an individual domiciled on the island or accompanied by such and individual.

On behalf of the Native Hawaiian residents and the Konohiki of Ka Aina O Kawelonakala, more commonly known as Niihau, we thank you for the opportunity to give you our mana'o on this bill that relates to our island. This testimony is signed by 92 Hawaiians who are Native Hawaiian residents of Niihau and their extended families who live on Kauai. As you know, the residents of Niihau live as our native ancestors did, in harmony with nature, the land and the sea. We survive on the bounty of the ocean, and what we can grow ourselves. Opihi and fish is a staple for us – we have no modern conveniences such as stores where we can purchase our food. We grow it, we gather and we fish. This is our lifestyle and has been for generations.

We believe in sustaining our resources and follow a strict seasonal system where we allow the resources to recover, spawn and reproduce. Following that system, we have always had enough to sustain our village and our people. However, in recent years, people who do not belong to Niihau have decimated our resources and we have had to appeal to our legislators for kokua.

We **SUPPORT** Senate Bill 2125 SD 1. We, as Konohiki and residents of Niihau, and as direct descendants of the original inhabitants of the island dating from 1864, as well as our 'ohana, and supporters of Niihau, urge this Committee to pass S.B. 2125 SD 1.

Mahalo for your consideration.

Respectfully yours,

Bruce Robinson
Ka Aina O Kawelonakala
Phone: 808-335-3500
Email: niihauisland@hawaiian.net



Senators,

I am in opposition of SB2125. You are treading on dangerous waters here. Privatizing the ocean is unlawful and in opposition to the State Constitution. Has anyone researched why the request for a 2 mile restricted area? Do the people of Niihau fish from boats? If so, how many fishing trips are made and how many boats do they fish from? Is fishing an activity that is practiced often and religiously? How many islanders are fishermen? The passing of this bill would give a precedent to other private land owners, ie.Lanai, or any other coastal land owner to attempt to privatize the ocean around and in front of them. There are also some issues and discoveries that lead us to believe that the Robinson Family stands to profit handsomely from Military Contracts that require a 2 mile closure around the Island. Hmmm. Dangerous implications here. Do not pass this bill.



From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: cycads@hawaii.rr.com
Subject: Submitted testimony for SB2125 on Feb 28, 2014 10:00AM
Date: Friday, February 28, 2014 8:58:37 AM

SB2125

Submitted on: 2/28/2014

Testimony for WAM on Feb 28, 2014 10:00AM in Conference Room 211

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

Comments: This is a bad Bill and Just gets worse as it goes along the process. It is Unconstitutional and restricts even the deep sea area which the Niihau people do not use and have not used for the 35 years I have fished outside the island. Now they want to stop All Boats and even Surfboards. It si a privatization that will hurt everyone even the Hawaiians. Especially those Hawaiians that do not work or are guest of the Land owners who force this on Hawaii citizens. Please Kill this before it takes away our right to access our State waters. There are much better ways to govern over fishing if this is really about that. It is very clears to Kauai that it is about the Robinson's right to control more area that it does not own and make our Tax dollars go into enforcing this crazy idea.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: iamaki66@gmail.com
Subject: Submitted testimony for SB2125 on Feb 28, 2014 10:00AM
Date: Thursday, February 27, 2014 7:41:22 PM

SB2125

Submitted on: 2/27/2014

Testimony for WAM on Feb 28, 2014 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Amaki	Individual	Oppose	Yes

Comments: Aloha my name is Ian Amaki I am from the island of Kauai i am also born an raised on the westside of the island. I am a fishermen that like to visit niihau when ever weather permits an that's not very offten. I think that there is a better way to solve this problem like instead of a complete shut down we have an area that the Hawaiian can gather there fish from. Why can't we let the public of Kauai speak out on this bill instead of a secret bill why can't we give time so everybody can speak out there opinion. Thank you very much fir taking the time to read my comment

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB2125 on Feb 28, 2014 10:00AM*
Date: Thursday, February 27, 2014 10:21:12 PM

SB2125

Submitted on: 2/27/2014

Testimony for WAM on Feb 28, 2014 10:00AM in Conference Room 211

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: snoriffej@gmail.com
Subject: Submitted testimony for SB2125 on Feb 28, 2014 10:00AM
Date: Thursday, February 27, 2014 10:35:32 PM



SB2125

Submitted on: 2/27/2014

Testimony for WAM on Feb 28, 2014 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Thompson	Individual	Oppose	No

Comments: I am a born and raised local person with a sailboat. My sailboat is a Coast Guard Documented vessel. This bill was originally introduced as a measure to restrict fishing. It was then amended to prohibit all vessels within 2 miles. I have often sailed to Niihau and i do not fish. I have never ventured onto shore on Niihau. It has often been necessary for me to anchor in waters off the coast of Niihau during my sailing excursions between Hawaiian Islands. This bill will prevent me from doing so. During certain weather conditions I will be put in grave danger if I can not use the shelter of the island for temporary mooring.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kaheaf@gmail.com
Subject: *Submitted testimony for SB2125 on Feb 28, 2014 10:00AM*
Date: Thursday, February 27, 2014 9:35:49 PM

SB2125

Submitted on: 2/27/2014

Testimony for WAM on Feb 28, 2014 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kahea	Individual	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kaheakeeki@gmail.com
Subject: *Submitted testimony for SB2125 on Feb 28, 2014 10:00AM*
Date: Thursday, February 27, 2014 9:37:43 PM



SB2125

Submitted on: 2/27/2014

Testimony for WAM on Feb 28, 2014 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Keoki Faria	Individual	Support	No

Comments:

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

Before the Senate Committee on
Ways and Means

Friday, February 28, 2014
10:00 a.m.
State Capitol, Conference Room 211

**In Support of
S.B. 2125 SD 1**

RELATING TO MARINE LIFE CONSERVATION DISTRICT

Senate Bill 2125 SD 1 prohibits the taking or possessing of aquatic life or fish feeding, and the operation of certain vessels and crafts, in marine waters within two miles of the shoreline of an island with a population of less than five hundred individuals, except by an individual domiciled on the island or accompanied by such an individual.

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 from those earlier times until today, the people of Niihau who are directly descended from the original Hawaiian inhabitants of the island retain this knowledge and are the ones who are wise in the ways of the land and the ocean, who use the knowledge of their ancestors, and who continue to teach, assess, and learn using generational knowledge. This results in an unbroken line of distinguished performance outcomes unmatched by resource management methodology in other areas of 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.” Niihau embodies everything that Act 288 has mandated the Aha Moku to do. It embodies everything that the Legislature, when they created the Aha Moku entity, asked us to do – bring the peoples voices forward and protect their cultural and natural resources.

Niihau is an island rich in natural ocean resources and has sustained the people of Niihau for centuries. Through dedication to the sustainability of their resources they have been able to

maintain and shelter the very source of their existence until recently. Now, because their own resources have been depleted, outsiders are plundering very fish, opihi and other marine species that the people depend upon. Remember, there are no stores on Niihau.

Although there are many reasons why Niihau must be protected, I ask that you also look at:

1. The importance of spirituality: The Native Hawaiians who live on Niihau are part of the shoreline and ocean and are symbiotic with the island. They go to the ocean not only for sustenance, but for cleansing, prayer and renewal.
2. The protection of monk seals: The monk seals, an endangered species protected by federal law, are abundant on Niihau and also have suffered from outside influences. What is not largely known is that the seals have a special relationship with the Niihau inhabitants. They have reached the unspoken but very real rapport with the people and all have learned to live with each other.
3. The protection of the Hawaiian way of life: There is no place left in Hawaii where the native Hawaiian population still exists where the primary dependence for food is the ocean; where the Hawaiian language, in the dialect of that specific island is spoken primarily and English is a secondary learned language; and where Christianity is strong and prevalent, Hawaiian traditions have never been lost.

Thank you for the opportunity to testify. The Aha Moku Advisory Committee believes in the people of Kawelonakala. We ask you to help us protect Niihau, this piece of Hawaii. If this is lost, we will never have it again and we have lost far too much that can never be reclaimed.

We strongly support this bill and urge its passage.

Respectfully yours,

Leimana DaMate, Executive Director
Aha Moku Advisory Committee
Ph: 808-587-1498

COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk

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Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

February 28, 2014

**TESTIMONY OF ROSS KAGAWA
COUNCILMEMBER, KAUAI COUNTY COUNCIL**

ON

SB 2125, SD1, RELATING TO MARINE LIFE CONSERVATION DISTRICT

Committee on Ways and Means

Friday, February 28, 2014

10:00 a.m.

Conference Room 211

Dear Chair Ige and Committee Members:

Thank you for this opportunity to submit testimony in strong opposition of SB 2125, SD 1, prohibiting fishing and boating in marine waters within two miles of the shoreline of an island with a population of less than five hundred (500) individuals, except for those who reside on that island. My testimony is submitted in my individual capacity as Councilmember of the Kaua'i County Council.

I strongly oppose this measure and am against any fishing restrictions around any island; but more specifically the island of Ni'ihau, which this bill affects. It is our right as local Kaua'i residents to fish responsibly and follow all government regulations.

For the reasons stated above, I respectfully ask the Committee to defer this measure indefinitely. Again, thank you for this opportunity to submit testimony.

Sincerely,

ROSS KAGAWA

Councilmember, Kaua'i County Council

AB:cy



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Hwy., Suite 200
Honolulu, Hawaii 96817

February 13, 2014

The Honorable David Y. Ige, Chair
Senate Committee on Ways and Means
Hawaii State Capitol
Honolulu, Hawaii 96813

Senate Bill 2125

Aloha Chair Ige:

During an Office of Hawaiian Affairs' (OHA) meeting on February 5, 2014, the OHA Board of Trustees listened to the concerns of Mr. Bruce Robinson from the island of Niihau who was also accompanied by a large number of Niihau residents.

Mr. Robinson and his group asked for OHA's support of SB 2125, which would establish a two mile ban on fishing around the island of Niihau by non-residents. They argued that Niihau residents depend on subsistence fishing to put food on their table and that outsiders were literally stealing food off of their dinner tables. All of us were very sympathetic to their concerns and voted to support SB 2125.

However, since then, OHA's Kauai/Niihau Trustee Dan Ahuna held a community meeting with Kauai residents regarding SB 2125. Trustee Ahuna found that, in their opinion, the issue is not about preserving traditional fishing grounds around Niihau, but to prevent Kauai residents from competing with Bruce Robinson's commercial tours to the island. They also feel that Mr. Robinson's efforts to establish a Monk Seal Sanctuary around Niihau is odd since the seals will compete with Niihau residents for their fish.

Another concern Kauai residents voiced is that Mr. Robinson receives large sums of money from federal contracts and yet most of the Niihau residents are so poverty stricken that they must apply for food stamps. If these accusations are true, one must question the real motivation for the two-mile ban on fishing around Niihau.

The Honorable David Y. Ige, Chair
Senate Committee on Ways and Means
Senate Bill 2125
February 13, 2014
Page 2

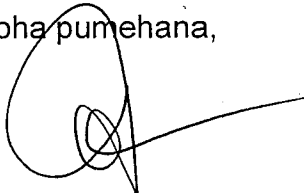
For these reasons, I ask that you and the members of the Senate Ways and Means Committee hold SB 2125 until the allegations made by the Kauai community are addressed.

I have attached a copy of the following information from OHA Trustee Dan Ahuna's Community meeting on Kauai dated February 7, 2014:

- (1) Sign-in Sheets;
- (2) Beneficiary/Community Question Forms;
- (3) A list of Federal Contracts awarded to the Robinson family.

Mahalo for your attention regarding my concerns. Please feel free to contact me at any time at (808) 594-0204 if you have any questions.

Aloha pumehana,

A handwritten signature in black ink, appearing to be 'Rowena Akana', with a long horizontal stroke extending to the right.

ROWENA AKANA
Trustee-at-large
Office of Hawaiian Affairs

CC: WAM COMMITTEE MEMBERS

ATTACHMENTS



From: [Muratake, Tadashi](#)
To: [WAM Testimony](#)
Subject: FW: SB 2125
Date: Thursday, February 27, 2014 6:25:57 PM

From: Muratake, Tadashi
Sent: Friday, January 31, 2014 7:18 AM
To: 'WTLtestimony@capitol.hawaii.gov'
Subject: SB 2125

Aloha,

My name is Tadashi Muratake, and I strongly oppose this Bill. I am a lifelong fisherman of Hawaiian decent and I find this Bill highly offensive. I stand in opposition of this Bill for a number of reasons. First of all, there still is no hard data to support such a harsh measure that would deeply impact so many lives. Here are some questions that need answers before moving forward. How many people currently live on Niihau?, what is their annual fish consumption?, what is the fish population?, what was the fish population five years ago?, Is there a significant change?, what has been the impact on the fish population since bringing more monk seals to Niihau from the North West Hawaiian Islands? How many recreational fisherman/commercial fishermen fish the waters around Niihau? These questions need answers.

Secondly, Taking away such a large portion of my fishing grounds would be devastating to my family's survival. I am a lifelong resident of Kauai and have been fishing and diving the waters around Niihau for over thirty years. If anyone should know about the fish population around Niihau it is the fishermen, and I can tell you that it is healthy.

Also, how can it be ok for Bruce robinson to allow the military and tourists access to the island and at the same time try to deny other Hawaiians access to the ocean that he does not own? Bruce Robinson should not be making a profit from true outsiders while at the same time asking the state to help him deny Hawaiians their right to fish and gather.

Finally, trying to protect our marine resources by stepping on our rights as fishermen and Hawaiians is not the answer. Hopefully if we work together we can come up with a better answer. Mahalo, and Aloha!



From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: teresamlee.51@gmail.com
Subject: Submitted testimony for SB2125 on Feb 28, 2014 10:00AM
Date: Thursday, February 27, 2014 10:30:42 PM

SB2125

Submitted on: 2/27/2014

Testimony for WAM on Feb 28, 2014 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L. Nakama	BIFA	Oppose	No

Comments: We oppose SB2125---- We already have existing laws that protects Public Property up to the high tide water markings of the vegetation line. As representatives of the public we your constituents request that our constitutional rights be protected from such illegal act of SB2125. The shorelines of every Island in Hawaii State belongs to the public as public property up to the high tide vegetation line. This violates our constitutional rights of public property and access to our shorelines. This will open up court cases of our violations of our constitutional rights to public access to our shorelines and native gathering rights that goes miles out into our ocean from each and every Island of Hawaii Nei.

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