

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committees on
WATER AND LAND
and
HAWAIIAN AFFAIRS**

**Monday, March 24, 2014
1:00 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE CONCURRENT RESOLUTION 109/SENATE RESOLUTION 58
REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS AND THE DEPARTMENT OF
LAND AND NATURAL RESOURCES TO FORM A TRADITIONAL LAND USE TASK
FORCE AND PROVIDE A REPORT TO THE LEGISLATURE ON THE FEASIBILITY
OF ESTABLISHING TRADITIONAL LAND USE DISTRICTS**

Senate Concurrent Resolution 109/Senate Resolution 58 requests that the Office of Hawaiian Affairs and the Department of Land and Natural Resources (Department) form a traditional land use task force and provide a report to the legislature on the feasibility of establishing traditional land use districts. **The Department offers the following comments.**

The Department is cognizant of past land management practices during the time before Captain Cook came to Hawai'i, the changes that have occurred since then, and the challenges we face today as it relates to sustainability. The Department fully appreciates its public trust responsibility to protect traditional and customary Native Hawaiian rights.

The Department currently does not have the resources in its budget to support such a work group. In order for the Department to participate in such a work group, funding would have to be appropriated for that purpose.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSEK. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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

NEIL ABERCROMBIE
Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

KEN H. KAKESAKO
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON WATER & LAND AND HAWAIIAN
AFFAIRS**

**MONDAY MARCH 24, 2014
1:00 P.M.
ROOM 225**

**SENATE CONCURRENT RESOLUTION NO. 109/SENATE RESOLUTION 58
REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS AND THE DEPARTMENT OF
LAND AND NATURAL RESOURCES TO FORM A TRADITIONAL LAND USE TASK
FORCE AND PROVIDE A REPORT TO THE LEGISLATURE ON THE FEASIBILITY
OF ESTABLISHING TRADITIONAL LAND USE DISTRICTS**

Chairpersons Solomon and Shimabukuro and Members of the Committees:

Thank you for the opportunity to testify on SCR109/SR58 which requests the Office of Hawaiian Affairs (OHA) and the Department of Land and Natural Resources (DLNR) to form a traditional land use task force and provide a report to the legislature on the feasibility of establishing traditional land use districts. The Hawaii Department of Agriculture supports the intent of this resolution, but defers to OHA and DLNR as to how the task force would be implemented.

Thank you for the opportunity to testify on this resolution.





SCR109/SR58

REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM A TRADITIONAL LAND USE TASK FORCE AND PROVIDE A REPORT TO THE LEGISLATURE ON THE FEASIBILITY OF ESTABLISHING TRADITIONAL LAND USE DISTRICTS

Senate Committee on Hawaiian Affairs

Senate Committee on Water and Land

March 24, 2014

1:00 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SCR109/SR58, which would urge OHA and the Department of Land & Natural Resources (DLNR) to establish a traditional land use task force, to evaluate the feasibility of a new land use district where the perpetuation of traditional practices involving mālama ʻāina may increase the food self-sufficiency and economic resilience of the state.

OHA appreciates these resolutions' description of how traditional land use practices and values can greatly improve the economic and food self-sufficiency of our islands. OHA recognizes the intersection between environmental protection, food security and cultural perpetuation, and has consistently advocated for policies that would promote all three areas. **OHA understands that a traditional land use paradigm based on time-tested concepts, infrastructure and practices developed specifically for the unique characteristics of our island home may significantly advance the environmental, cultural and socioeconomic interests of the state.**

However, given its size and responsibilities, OHA has concerns regarding the fiscal impacts and efficacy of requiring OHA to administer the task force proposed in these resolutions. Without commensurate financial support, the administrative burden of such a task force may divert resources that OHA currently uses to directly address immediate environmental, cultural and socioeconomic issues and concerns. In addition, OHA does not have any regulatory jurisdiction over land uses and does not own or control the substantial tracts of land necessary to implement the vision of these resolutions on a meaningful scale. **OHA respectfully suggests that the traditional land use task force be placed within the DLNR, which may have the institutional capacity, relationships and regulatory jurisdiction to more appropriately and effectively facilitate and implement the tasks proposed in these resolutions.**

Mahalo for the opportunity to testify on this measure.

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

Before the Senate Committees on
Water and Land & Hawaiian Affairs

Monday, March 24, 2014
1:00 P.M.
State Capitol, Conference Room 225

**In Support of
S.C.R. 109 / S.R. 58**

**REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS AND THE
DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM A
TRADITIONAL LAND USE TASK FORCE AND PROVIDE A REPORT
TO THE LEGISLATURE ON THE FEASIBILITY OF ESTABLISHING
TRADITIONAL LAND USE DISTRICTS.**

Senate Concurrent Resolution 109 and Senate Resolution 58 reiterates the State of Hawaii's responsibility to the public trust through the Hawaii State Constitution to conserve and protect Hawaii's natural resources for the benefit of present and future generations. This public trust responsibility extends to the protection of traditional and customary native Hawaiian rights including the native Hawaiian tradition of kuleana to malama'aina.

These resolutions also recognize the utilization of the konohiki system; a traditional resource management tool that can be of assistance to the state in their efforts to enforce sustainability and protection of our fragile ecosystem. Traditional resource management is based on the expert understanding of site-specific areas and their resources by konohiki, those versed in the management of resources through expertise handed down by kupuna for generations.

One of the purposes of Act 288, Hawaii Session Laws 2012, under which the Aha Moku Advisory Committee (Committee) is established 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."

Under Act 288, the Committee 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.

The Aha Moku System is inclusive of eight main Hawaiian Islands and forty-three (43) traditional moku districts. Within these districts the konohiki management system still exists but needs to adapt to contemporary times to address current resource issues such as climate change, sea level rise and other current resource problems impacting our groundwater, wetlands, estuaries and agriculture production.

To fulfill the mandates of Act 288, the Committee has begun the templates and discussion on reinstating the traditional konohiki resource management system throughout the pae'aina, but recognizes the enormity of the project if done only by the Committee. We also recognize and support the advantages of partnering and working within a Traditional Land Use Task Force. We welcome the opportunity to share our traditional resource knowledge that is site-specific with the other proposed task force members in the hope that together, we can not only sustain our unique and different ecosystems throughout the Hawaiian islands, but perpetuate and protect the distinctive cultural heritage of each island through the practices of the konohiki.

We are strongly in support of these measures and urge the Committees to pass S.C.R. 109 and S.R. 58.

Respectfully yours,

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

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: wekeis333@gmail.com
Subject: Submitted testimony for SCR109 on Mar 24, 2014 13:00PM
Date: Friday, March 21, 2014 10:22:10 AM

SCR109

Submitted on: 3/21/2014

Testimony for HWN/WTL on Mar 24, 2014 13:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	Hawaii Sportsmen Alliance	Support	No

Comments: Hawaii Sportsmen Alliance support SCR109. Mahalo, 614 Haihai St Hilo, Hi. 96720

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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Cc: pointman_jeno@msn.com
Subject: Submitted testimony for SCR109 on Mar 24, 2014 13:00PM
Date: Friday, March 21, 2014 7:09:46 AM

SCR109

Submitted on: 3/21/2014

Testimony for HWN/WTL on Mar 24, 2014 13:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Jimmy F Encencio	Individual	Support	No

Comments: oha and dlNr should work on rendering a plan that could make use of lands held in trust by the state for traditional use as in hunting and gathering, subsistence farming and ranching and for other cultural practices...ranching here are those livestock that came with the hawaiians, and those given as gifts to the king by europeans, et al....that are used as a food source...which includes all lands and ocean areas in the archipelago....oha and dlNr must also include in their planning stages hawaiian groups and practitioners to determine best use....

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Cc: kadc31999@gmail.com
Subject: *Submitted testimony for SCR109 on Mar 24, 2014 13:00PM*
Date: Thursday, March 20, 2014 2:06:21 AM

SCR109

Submitted on: 3/20/2014

Testimony for HWN/WTL on Mar 24, 2014 13:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	Individual	Support	No

Comments:

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Cc: rittew@hotmail.com
Subject: Submitted testimony for SCR109 on Mar 24, 2014 13:00PM
Date: Friday, March 21, 2014 1:11:03 PM

SCR109

Submitted on: 3/21/2014

Testimony for HWN/WTL on Mar 24, 2014 13:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte	Individual	Support	Yes

Comments: Aloha my name is Walter Ritte from the island of Molokai, and I am in strong support of SCR 109. Our cultural practices are being regulated out of existence, we need special areas set aside allowing traditional uses and activities.

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To: [HWNTestimony](#)
Cc: nanihawaii@aol.com
Subject: Submitted testimony for SCR109 on Mar 24, 2014 13:00PM
Date: Saturday, March 22, 2014 5:42:50 PM

SCR109

Submitted on: 3/22/2014

Testimony for HWN/WTL on Mar 24, 2014 13:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
nani pogline	Individual	Support	No

Comments: I believe this is a good move to get the government back in touch with the local people, in regards to land use.

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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: paulakomarajr@yahoo.com
Subject: *Submitted testimony for SR58 on Mar 24, 2014 13:00PM*
Date: Wednesday, March 19, 2014 9:30:35 PM

SR58

Submitted on: 3/19/2014

Testimony for HWN/WTL on Mar 24, 2014 13:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. komara, Jr.	Individual	Oppose	No

Comments:

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Cc: saralegal@live.com
Subject: Submitted testimony for SCR109 on Mar 24, 2014 13:00PM
Date: Saturday, March 22, 2014 5:30:28 PM

SCR109

Submitted on: 3/22/2014

Testimony for HWN/WTL on Mar 24, 2014 13:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Steiner	Individual	Support	No

Comments: Dear Legislators: I support this resolution. As a paralegal on the Big Island, I have had opportunity to help defend Native Hawaiians who are just practicing their rights of access from the ocean to the mountains. This is important, as we need to stop criminalizing more and more actions every year, and giving less and less to the host peoples whose Islands we are inhabiting.

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Subject: *Submitted testimony for SCR109 on Mar 24, 2014 13:00PM*
Date: Monday, March 24, 2014 10:39:46 AM

SCR109

Submitted on: 3/24/2014

Testimony for HWN/WTL on Mar 24, 2014 13:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Shaelene Kamakaala	Individual	Support	No

Comments:

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