



Office  
1149 Bethel St., Ste. 415  
Honolulu, HI 96813  
877.585.2432 toll-free ph/fx

Mailing Address  
P.O. Box 37368  
Honolulu, HI 96837

www.KAHEA.org  
kahea-alliance@hawaii.rr.com

**H.B. 1806 and H.B. 905 'Aha Kiolo  
Room 329, 9:00 am  
February 11, 2009**

Aloha Chairperson Carroll and members of the House Committee on Hawaiian Affairs,

KAHEA strongly supports community-based resource management. However, we have serious concerns about the <sup>genesis</sup>genus of the 'Aha Kiolo and therefore offer the following suggestions for improving HB 1806 and HB 905.

**Strong Support for Traditional Resource Management**

KAHEA commends the individual cultural practitioners who have committed themselves to working towards a community-based resource management system, despite the obstacles. It is clear the current resource management efforts in Hawai'i are failing to ensure that our natural environment is healthy and able to provide for our food security. If drastic changes are not made, it is reasonable to expect that Hawai'i's environmental challenges will soon spiral out of control.

We also strongly endorse the scholarship of Kumu John Kaimikaua and support his vision for a modern 'Aha Moku system. For centuries, Native Hawaiians have successfully managed Hawai'i's natural resources to provide for a healthy environment, sustainable source of food, and strong cultural identity. To ensure Hawai'i's natural and cultural resources endure for generations to come, it is imperative that traditional resource management tools be reintroduced as a fundamental component of modern resource management.

That said, KAHEA has serious concerns about the development and manipulation of the 'Aha Kiolo Advisory Committee.

**Reason for Concern: 'Aha Kiolo Misused by WESPAC**

For nearly 10 years, KAHEA staff, board, and volunteers worked together with several other groups and individuals to establish the strongest possible protections for the Northwestern Hawaiian Islands. It was a long and intricate process that included over 100 public meetings, 40 formal hearings, and at last count over 180,000 public comments. At every turn in this process, however, the Western Pacific Fishery Management Council (WESPAC) opposed greater protection for the imperiled natural and cultural resources of the NWHI. Their tactics included manipulating data, misusing federal funds, violating federal open records/open meeting laws, and misdirecting public concern. As a result, WESPAC is currently under investigation by two federal



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agencies and defendant in one federal open records lawsuit. All of these legal inquiries are connected to WESPAC's attempt to undermine marine resource protections in Hawai'i, especially Papahānaumokuākea.

Unfortunately, these issues began to taint the development of the modern 'Aha Moku system when, in 2006, WESPAC funded a series of public meetings called "Ho'ohanohano I Na Kūpuna Puwalu." The structure and process for creating the 'Aha Moku Councils was developed at these Puwalu series. Certain members of public, however, who had been critical of WESPAC's efforts in the past were denied entry or required to pay prohibitive entrance fees to attend the meetings. This raised serious community concerns about the eventual 'Aha Kiole Advisory Committee that was ultimately created by Act 212.

The community's concerns were confirmed in October 2008 when a letter was sent from the 'Aha Kiole Advisory Committee to President Bush opposing the designation of marine monuments in other regions of the Pacific. The letter (attached) echoed many of the same criticisms that WESPAC had long raised about greater protections from commercial fishing in the Northwestern Hawaiian Islands.

The 'Aha Kiole Advisory Committee was established by Act 212 "to initiate the process to create a system of best practices that is based upon the indigenous resource management practices...". The Committee's authority did not include commenting on substantive policy decisions, especially those not affecting any 'ahapua'a in the islands. Unfortunately, the 'Aha Kiole Advisory Committee stepped beyond its legal mandate and violated the terms of Act 212 by taking a formal position on the designation of marine protected areas in the Northern Marianas Islands. This misuse of its authority has hampered the overall effort to establish meaningful, traditionally-informed, community-based resource management in Hawai'i.

In order to support the development of legitimate community-resource management and to prevent the manipulation of the 'Aha Moku System in the future, we suggest the following amendments.

#### **4 Amendments: Help to Ensure Genuine Community-Based Management**

##### **1. No Federal Funding**

Strict rules limit the use of federal funds to influence and implement projects on a state-by-state basis because such a relationship is ripe for abuse. The State of Hawai'i should endorse these standard practices and prohibit the use of federal funds by the phase or



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level of the 'Aha Kiole system. To be truly legitimate, community-based resource management should fully supported by local funding.

## 2. Compliance with Sunshine and Rule-Making Requirements

One of the primary issues with the operation of the 'Aha Kiole Advisory Committee to date has been the lack of transparency. This includes the failure to notify people of public meetings, failure to provide minutes of meetings, and failure to submit reports for public comment. These concerns are exacerbated by the lack the transparency and accountability requirements in the current versions of the 'Aha Kiole bills.

Our suggestion is to add the standard language requiring the 'Aha Kiole comply with Hawai'i's Sunshine and Rule-Making procedures outlined in Hawai'i Revised Statutes Chapter 91 and 92.

## 3. Broad Community-Based Nominations Process; Formal Elections Process

In addition to transparency, significant community concern has been raised regarding the nomination process for the current 'Aha Kiole members. To prevent this type of controversy in the future, any 'Aha Kiole entity should abide by a broad community-based nominations process and a formal elections process. This should include accepting nominations from any entity or individual with a background in traditional Native Hawaiian resource management. This can include the Royal Order of Kamehameha I, the Association of Hawaiian Civic Clubs, individual Civic Clubs, Hula Halau, Hawaiian Charter Schools, and the Office of Hawaiian Affairs. Nomination requirements should be broadly construed to allow for the participation of individuals who are intimately familiar with an area, but not necessary residents (e.g. individuals evicted from their family's traditional land).

Instead of selection by the Governor, seats on the interim 'Aha Kiole Task Force and individual 'ahapua'a councils should follow standard election procedures, much like the Neighborhood Boards in the City & County of Honolulu. In addition, vacancies on the 'ahapua'a, moku, kiole should not be filled by the Supreme Court Justice, but rather by the Mayor of each county after a more reasonable period for the body to chose its own replacements.

## 4. Strictly Limited Purpose and Authority

Any effort to continue the development of a modern 'Aha Moku system must include the safeguards necessary to ensure past trespasses are not repeated. Clearly defining the purpose and authority of future 'Aha Kiole entities is crucial to addressing the historical



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[kahea-alliance@hawaii.rr.com](mailto:kahea-alliance@hawaii.rr.com)

trust issues that have plagued implementation of this community-based management system so far.

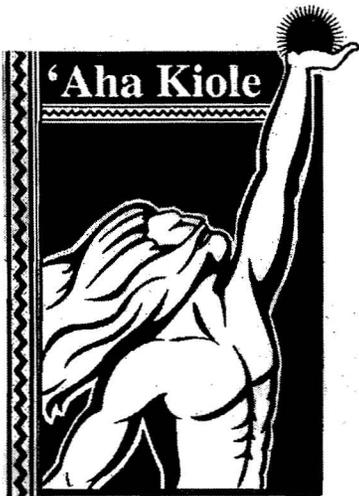
The purpose of any future 'Aha Kiole entity must strictly limited to information collection regarding traditional and customary resource management approaches in specific areas. The purpose of collecting this information must be limited to advising state authorities on how to address specific resource management challenges.

The existence of the 'Aha Kiole also cannot be grounds for limiting the development of any other model or type of community-based resource management regime. Hawai'i's resources are in crisis, and communities are rising to meet this challenge in unique and successful ways. Recognition and support for genuine community-based management, however, should not be used as grounds for limiting the options available to communities for addressing their dire resource management situations. Communities currently developing community-based management programs should not be required to engage with or postpone implementation because of an 'Aha Kiole entity.

Finally, given the historical misuse of the 'Aha Kiole system together with the common understanding that no one organization is able to speak for all Hawaiians, it is imperative that the authority of any 'Aha Kiole entity NOT include representing 'ahapua'a to entities outside of the 'Aha Kiole system. To be successful, the 'Aha Kiole system must abide by a strict protocol that ensures its authority is specifically targeted to assist the decision-making of the state's resource managers.

Mahalo,

Marti Townsend  
Program Director



**'Aha Ki'ole Advisory  
Committee Members:**

**Ilei Beniamina**  
Niihau  
Phone: 808 245-8269  
jeanilei@yahoo.com

**Sharon Pomroy**  
Kauai  
Phone: 808 346 6725  
pomroys001@hawaii.rr.com

**Charles Kapua**  
Oahu  
Lcea030@hawaii.rr.com  
Phone: 808 479-3263

**Vanda Hanakahi (Chair)**  
Molokai  
Phone: 808 560-6203  
hanakahi@sandwiches.net

**Winifred "Winnie" Basques**  
Lanai  
Phone: 808 565-6871  
winnie@aloha.net

**Leslie Kuloloio**  
Kahoolawe  
Phone: 808 871-4001  
Kuloloio@clearwire.net

**Timothy Bailey**  
Maui  
Phone: 808 357-2934  
paulokealeioku@hawaiiantel.net

**Hugh Lovell**  
Hawaii  
Phone: 808 885 5569  
Pih52@yahoo.com

For more information:  
www.ahaki'ole.com  
ahaki'ole@gmail.com

October 13, 2008

President George Bush  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear President Bush,

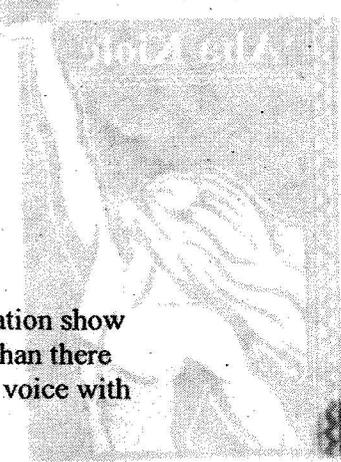
On behalf of the Aha Ki'ole Advisory Committee, of the State of Hawaii, we strongly oppose the establishment of a national marine monument in the three islands north of Saipan in the Commonwealth of the Northern Mariana Islands (CNMI).

The Aha Ki'ole Advisory Committee was created when the Hawaii State Legislature unanimously passed Senate Bill 1853, a Bill that created the Aha Moku System – a natural resource ecosystem management process in Hawai'i that integrates empirical knowledge into current land and ocean use policies. This Act was written by almost 100 Native Hawaiian ocean and land resource practitioners representing the forty (40) traditional land districts in the State of Hawaii. It encompasses all of the main Hawaiian Islands. Governor Lingle signed this Bill into law in June 2007, thus creating Act 212.

The Native Hawaiian communities have followed the progress of the Pew Foundation's attempts to establish another national marine monument in CNMI with anger, trepidation, and despair. These strong and passionate emotions are universally felt by Hawaiians whenever the word "Papahānaumokuākea" is mentioned. This is the name your administration picked for our islands. When you created the national marine monument of the Northwest Hawaiian Islands, it was done without the participation of the Native Hawaiian people. Except for a handful of people, Hawaiians did not know that the Pew Foundation was planning to take three-fourths of Hawaiian lands and make it into a monument. Hawaiians found out by reading the newspaper after the fact – just like everyone else. But, Hawaiians are not "everyone else" – they are the indigenous people of Hawaii and this monument was considered a "taking" by the Bush Administration.

We ask that you not compound your grave mistake with Hawaii by creating another monument in CNMI against the wishes of their people. The indigenous people of the Northern Marianas need protection for their heritage. All of the elected officials of the Mariana's, including Governor Ben Fitial, Senate President Peter Reyes, Speaker of the House Arnold Palacios and all four mayors of the CNMI emphatically said "NO" to the establishment of this monument. As leaders elected by the people to represent them, why will you not listen to them?

Aha Kiolo Advisory Committee  
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The actions of the Pew Foundation reflected by the actions of your Administration show that there is no consideration for the indigenous people of CNMI – any more than there was any consideration for the Native Hawaiians. Native people do not have a voice with you or your administration.

Have you even realized that your actions have taken away a huge part of the Hawaiian culture and heritage, and now will take an integral part of the CNMI culture away from the native people – with no hope of ever getting this part of their heritage back? Another pacific island culture forever changed by the actions of a different culture too far away to even understand the ramifications of their actions.

The trust of the Hawaiian people in you and your administration, as well in the Republican Party has been irrevocably broken by the taking of the Northwest Hawaiian Islands. You are breaking the trust of the native people of the Northern Marianas.

We urge you, President Bush, to please listen to the people of CNMI – as you never listened to the Native Hawaiians. We will forever mourn the loss of our north western islands. Please do not inflict this heartbreak and rage on another pacific culture.

Respectfully yours,

Vanda Hanakahi, Chair  
Kiolo, Moloka'i

Leska Kulolio, Vice-Chair  
Kiolo, Kahoolawe

Timothy Bailey  
Kiolo, Maui

Winifred Basques  
Kiolo, Lana'i

Hugh Lovell  
Kiolo, Hawai'i

Charles Kapua  
Kiolo, O'ahu

Sharon Pomroy  
Kiolo, Kaua'i

Ilei Beniamina  
Kiolo, Ni'ihau



# KO'OLAUPOKO HAWAIIAN CIVIC CLUB

February 11, 2009

TO: Rep. Mele Carroll, Chair  
And Members  
House Committee on Hawaiian Affairs

FROM: Mahealani Cypher, President  
Ko'olaupoko Hawaiian Civic Club

SUBJECT: H. B. 905, Relating to Native Hawaiians

The Ko'olaupoko Hawaiian Civic Club supports House Bill 905 and urges this committee to pass this bill.

Mahalo for this opportunity to share our mana'o.

P. O. Box 664  
Kaneohe, HI 96744  
Ph. (808) 235-8111  
[malamapono@aol.com](mailto:malamapono@aol.com)  
[www.koolaupokohcc.org](http://www.koolaupokohcc.org)

**Rep. Maile Shimabukuro**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 5:31 PM  
**To:** HAWtestimony  
**Cc:** kehaulani.watson@gmail.com  
**Subject:** Testimony for HB905 on 2/11/2009 9:00:00 AM  
**Attachments:** AhaKiole\_President.pdf

Testimony for HAW 2/11/2009 9:00:00 AM HB905

Conference room: 329  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Trisha Kehaulani Watson  
Organization: Individual  
Address: PO Box 61395 Honolulu, HI 96839  
Phone: (808) 392-1617  
E-mail: [kehaulani.watson@gmail.com](mailto:kehaulani.watson@gmail.com)  
Submitted on: 2/10/2009

LATE TESTIMONY

**Comments:**

I am writing in opposition to this bill. While a fine theory of practice, the reality is that this bill has failed in practice due to inappropriate influences from organizations like Wespac. This organization has failed to create an open selection process in creating its members. They have boldly gone beyond their statutory boundaries in taking a position on the CNMI sanctuary designation (see attached file). Until a more appropriate selection process can be implemented and more appropriate oversight provided for this committee, it should not pass.

Further, it would be premature to pass this bill while federal investigations are ongoing as to Wespac's lobbying activities, which relate to this council.

In difficult economic times, it seems that our monies can be better spent than on councils that are so entrenched with corruption and have done nothing but create community division.

Thank you for this opportunity to testify.