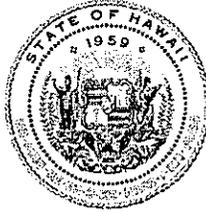


HB 377 HD 2

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
HAWAIIAN AFFAIRS
and
WATER, LAND, AND HOUSING

Monday, March 21, 2011
3:00 PM
State Capitol, Conference Room 224

In consideration of
HOUSE BILL 377, HOUSE DRAFT 2
RELATING TO PUBLIC LANDS

House Bill 377, House Draft 2 proposes to provide state lease preferences to developers of Hawaiian fishponds. The Department of Land and Natural Resources (Department) supports the general intent of this bill, however, is not in a position to implement the mandate to adopt rules at this time. An alternative suggestion would be to give the Board of Land and Natural Resources the discretion (in lieu of mandating) to adopt rules if it becomes necessary to implement this bill. Accordingly, the Department respectfully suggests this bill be amended by replacing "shall" with "may" in relationship to the adoption of any rules.

The Department continues to face severe budget cutbacks. The Department's general fund appropriations and special fund revenues have dropped significantly over the last several years, and the Department lost more than 10% of its positions over the past two years. The bill imposes duties that would require a substantial amount of staff time and funding. The Department simply does not have the resources and staffing necessary to undertake the additional duties that would be required under this bill.

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

GUY H. KAULUKUKUI
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



HB 377 HD2
RELATING TO PUBLIC LANDS
Senate Committee on Hawaiian Affairs
Senate Committee on Water, Land and Housing

March 21, 2011

3:00 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 377 HD2, which would provide state lease preferences for the reconstruction, restoration, repair or use of Hawaiian fishponds.

Fishponds were and continue to be important cultural resources to Native Hawaiians. While fishponds today still serve as a source of sustenance for communities, they also offer a wide range of educational opportunities. Fishponds are used to teach students about math, science and Hawaiian culture. In addition, fishpond restoration has become a major part of the Hawaiian cultural revival movement, with a number of groups across Hawai'i taking on the kuleana of bringing once-forgotten fishponds back to life.

Unfortunately, the permitting and approval processes for fishpond restoration are cumbersome and have hindered efforts to revive these cultural treasures. Providing lease preferences to fishpond restoration would help streamline the process.

OHA urges the committee to PASS HB 377 HD2. Mahalo for the opportunity to testify on this important measure.

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

COMMITTEE ON HAWAIIAN AFFAIRS
Senator Brickwood Galuteria, Chair
Senator Pohai Ryan, Vice Chair

COMMITTEE ON WATER, LAND, AND HOUSING
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

NOTICE OF HEARING

DATE: Monday, March 21, 2011
TIME: 3:00 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

Re: TESTIMONY IN SUPPORT OF HB377hd2

From: Tony Costa
Hawaii Nearshore Fishermen
Honolulu, Hawaii
540-1308 office

Testimony

Hawaii Nearshore Fishermen are in strong support of HB377 hd2

In the 2010, Twenty-fifth Legislative Session, HB1665 – Preventing the sale of Government owned fishponds passed. The passage of this bill effectively took a historic fishpond, the Lucas Spring Fishpond otherwise known as Kalauhaihai, off the auction block but more importantly initiated a process to begin the preservation and rehabilitation of a great and historic Hawaiian Fishpond.

Critical to the successful restoration of fishponds are both the ability and feasibility for NGO groups or Government agencies to access and follow through with their work, and also the careful restoration, reconnection, and revival of the fresh water source that percolates through the subterranean lateral crevices into the ponds and onward into the nearshore environment.

Of the many impediments one faces in such work of property acquisitions and leases and management, particularly with fishponds, are the many State and Federal requirements and permits and certifications needed.

HB377 would allow a preference specific to developers of Hawaiian fishponds by streamlining the permitting process hopefully to lesson some of the many onerous requirements.

The Fishermen's position is firm and clear. In light of the importance that fresh water plays with respect to nearshore habitat and healthy recruitment levels for various nearshore species, we support any effort that helps to encourage the health and regeneration of our nearshore environment.

I attach herewith my testimony for HB1665 as exhibit "A" from last year's session as I believe it also contains relevant testimony toward fishponds and the importance of fresh water to the nearshore. I also attach exhibit "B" which is the lengthily list of Federal & State requirement currently needed to develop fishpond land.

Thank you very much for allowing me to testify and for your positive consideration in passing HB377

Tony Costa
Hawaii Nearshore Fishermen

EX-303-IT

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Mele Carroll, Chair
Rep. Maile S.L. Shimabukuro, Vice Chair

Rep. Della Au Belatti Rep. Scott Y. Nishimoto
Rep. Joe Bertram, III Rep. Ryan I. Yamane
Rep. Tom Brower Rep. Gene Ward
Rep. John M. Mizuno

DATE: Wednesday, February 11, 2009
TIME: 9:00 a.m.
PLACE: Conference Room 329
 State Capitol
 415 South Beretania Street

Re: TESTIMONY IN SUPPORT OF HB1665

From: Tony Costa
Hawaii Nearshore Fishermen
Honolulu, Hawaii
540-1308 office

Testimony

HNF are in strong support of HB1665

Fishermen believe there is nothing more important you can do for our nearshore fisheries than rehabilitate the nearshore estuarine habitat – one most important first step component being the fresh spring water revival.

Much has been proclaimed over the past ten years or so about “resource decline” and failed fisheries or other negative assessments about our oceans and reef. Never before has so much attention been given to nearshore resource conditions.

As the various groups rush to promote favorite measures to “save the reef”, we note that habitat loss, fresh water diversion, siltation or pollution rarely gets any attention as an important component in the condition of the reef. Yet, most all State and Non-Governmental groups do seem keener to focus on and malign traditional fishing practices as the single most urgent thing to prohibit as a fix.

While we understand the shortsighted world view most lay people have regarding the nearshore, fishermen remain optimistic that the misunderstanding about our ocean environments and the

fishermen themselves will in time, evolve into a better awareness that will eventually lead to a spirit of shared responsibility and coexistence.

The fishermen believe habitat loss is the primary culprit of any downside in fish population with recruitment being the important factor. Recruitment (new babies surviving) depends on many factors but condition of habitat surely is great. You can't have one without the other.

Biologists also tell us that recruitment is independent of spawning stock biomass (amount of pregnant egg bearing mothers). In other words, if conditions are just right (nursery habitat, water, temp, nutrients, stars lining up etc.) one single pregnant female can be responsible for millions of offspring (hypothetical).

When the kalalimu disappeared from Maunalua Bay due to the siltation associated from the dredging of Koko Marina in the 1950's, the Kala (fish) also disappeared -

We believe the single most effective thing you could do to help in recruitment of nearshore reef species and nearshore pelagic species would be to rehab the nursery grounds. One important ingredient in our nearshore nursery ground is the underground artesian spring waters that naturally percolate into our nearshore areas.

HB 1665 is one small step in insuring that some of these nearshore spring water systems remain not disturbed and as functional as possible by not allowing the sale of public fishpond lands.

The Fishermen want to commend the efforts and energies by all legislators and community members who wrote and are in support of this bill.

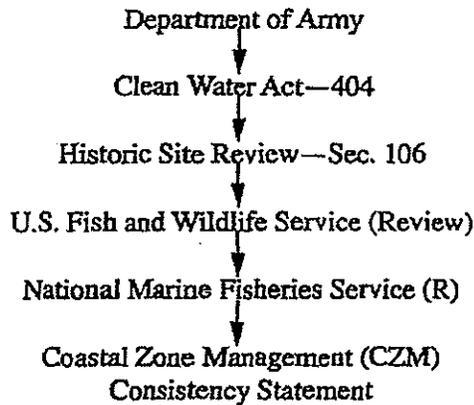
We strongly support HB1665

Tony Costa
Hawaii Nearshore Fishermen

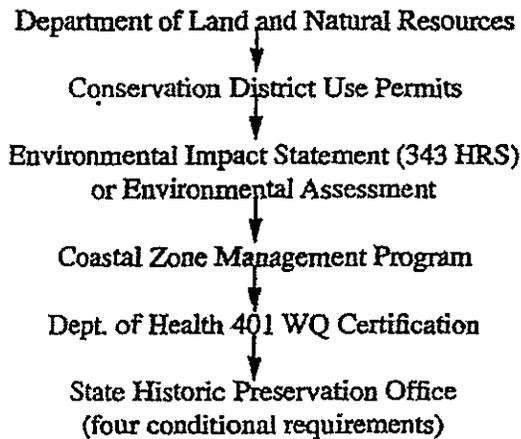
Permit requirements

Here are the permits required for each government entity. The actual permit process may vary depending on the situation.

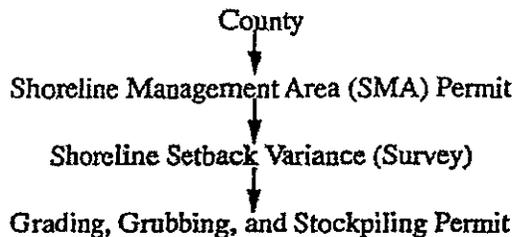
Federal permits



State permits



County permits



For state-owned loko i'a, additional requirements for state-leased fishponds are as follows:

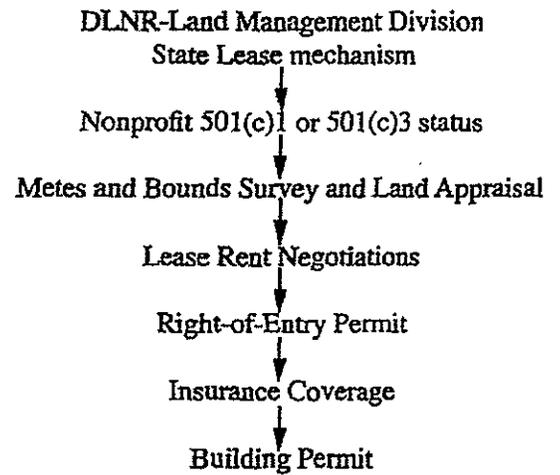


Exhibit B

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 18, 2011 12:37 PM
To: HWN Testimony
Cc: ndavlantes@aol.com
Subject: Testimony for HB377 on 3/21/2011 3:00:00 PM

Follow Up Flag: Follow up
Flag Status: Completed

Testimony for HWN/WLH 3/21/2011 3:00:00 PM HB377

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Nancy Davlantes
Organization: Individual
Address:
Phone:
E-mail: ndavlantes@aol.com
Submitted on: 3/18/2011

Comments:

Rather than give extended lease terms to non-local companies seeking to experiment with open-ocean fish farming here, I think lease preferences should be given to those who want to reconstruct, restore, repair, or use Hawaiian fishponds. We need to go back to the future.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 19, 2011 7:24 PM
To: HWN Testimony
Cc: rittew@hotmail.com
Subject: Testimony for HB377 on 3/21/2011 3:00:00 PM

Follow Up Flag: Follow up
Flag Status: Completed

Testimony for HWN/WLH 3/21/2011 3:00:00 PM HB377

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Walter Ritte
Organization: Individual
Address:
Phone:
E-mail: rittew@hotmail.com
Submitted on: 3/19/2011

Comments:

I am operator of the 60 acs. keawanui fishpond on the island of Molokai. We need help in reaching our food security goals, and our fishponds are tremendous assets for a sustainable answer of feeding our state. We need all the help we can get to make these cultural treasures productive again. Many answers to our problems are right under our noses based on proven traditional knowledge of a productive and balanced ahupua'a system. I am in STRONG support of this bill. Walter Ritte

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 7:49 AM
To: HWN Testimony
Cc: mrgach@att.net
Subject: Testimony for HB377 on 3/21/2011 3:00:00 PM

Follow Up Flag: Follow up
Flag Status: Completed

Testimony for HWN/WLH 3/21/2011 3:00:00 PM HB377

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Michael Gach
Organization: Individual
Address:
Phone:
E-mail: mrgach@att.net
Submitted on: 3/20/2011

Comments:

Aloha Chairs Galuteria and Ryan and Committee Members,

This bill is a win-win for communities as well as the State. It will generate lease revenue on State fishponds which goes uncollected due to the overgrown and often deteriorating conditions at many State fishponds. Especially in light of the recent tsunami, allowing communities and nonprofits access to care for these historic sites will save the State money in maintenance costs.

HB 377 gives preference to those who use Hawaiian fishponds for their intended purpose and streamlines the application approval process. Since ancient times, fishponds have been designed to increase the abundance of fish. They also strengthen communities and provide outstanding educational opportunities. An additional benefit to Hawai'i is that fishponds safeguard water resources like springs which often feed into fishponds. We appreciate your consideration of this bill.

Mahalo nui loa,

Chris Cramer

President

Maunalua Fishpond Heritage Center 501(c)(3)

maunaluafishpondheritage.com

P.O. Box 240204

Honolulu, HI

96824-0204



Aha Kiole Advisory Committee

TESTIMONY IN SUPPORT OF HB 377 HD 2
Relating to Public Lands

Submitted to: Joint Committees on Hawaiian Affairs and Water, Land and Housing

March 16, 2011

3:00 p.m.

Room 224

Aloha Chair Galuteria, Vice Chair Ryan; Chair Dela Cruz, Vice-Chair Solomon, and members of the committees,

On behalf of the Aha Kiole Advisory Committee, we thank you for the opportunity to testify in support of HB 377, HD 2, the bill that provides state lease preferences for the reconstruction, restoration, repair or use of Hawaiian fishponds.

Hawaiian fishponds traditionally known as loko I'a continue to be one of the most important cultural and natural resource assets to each of the islands of Hawaii and to the moku and ahupua'a communities now active in the restoration of the Aha Moku System. Every island has loko I'a that were maintained continuously for sustenance and for the subsistence of the communities surrounding those areas. Native Hawaiians always knew the loko I'a, a traditional natural resource tool used for sustenance and subsistence was and continues to be a significant asset to Hawaii and to its communities. However, over the years since Hawaii became a state, other priorities took precedence over the maintenance of the ponds and many have been lost to development. Fortunately, kupuna on all islands have retained their history and knowledge of many of the loko I'a that had, and some continue to have on communities today.

On the island of Moloka'i, through oral history and generational knowledge handed down by kupuna, it is known that of the over 200-plus fishponds existed to feed not only Moloka'i but all of the islands in the Hawaiian chain. Of that number, there are 53 significant fishponds that fed the greater population. They run from La'au to Puko'o with the smallest pond being 10 acres and the largest, the Pala'au Fishpond located in the Pala'au moku close to the current electric plant was approximately 500 acres.

The meaning of a loko i'a is very profound. Oral history handed down through chants relates that the first loko I'a in Hawai'i was built around the 10th century in Puko'o. The original name of the loko I'a was Kanu'u but was changed to Puko'o because all of the people of Moloka'i formed a human chain and passed the stones that constructed the fishpond hand-to-hand from Wailau Pelekunu on the north side of the island, up the ridges and over the mountain to the east end of Lanikaula where the sacred kukui nut groves are. The profound part of this feat is that

every man, woman and child participated in this achievement and had a hand in feeding the countless generations that were to follow. A loko i'a is meant to feed the people.

Every island has important loko I'a. On Hawaii Island, there is Anaeho'omalu, now used as a tourist attraction, but once feeding the Kohala coast. On O'ahu, there was the Maunalua loko I'a located in Hawaii Kai, once known as the largest fishpond over 500 acres in Hawai'i. There are many smaller loko I'a located on all of the islands, and all fed their communities. In this age of resource sustainability it is important to use the traditional tools and methodology, ancient aquaculture technology that can assist with the food needs of the people of Hawai'i.

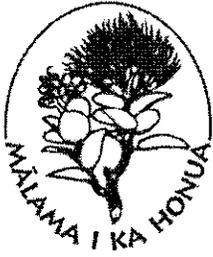
Again, thank you for the opportunity to testify in support of HB 377 HD 2 and we urge the passage of this bill.

Vanda Hanakahi, Kiole, Moloka'i, Chair

Aha Kiole Advisory Committee

P.O. Box 507, Ho'olehua, HI 96729

Phone: 808-336-6184, Email: kaiwilauula@yahoo.com



Sierra Club

Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803

808.538.6616 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON HAWAIIAN AFFAIRS SENATE COMMITTEE ON WATER, LAND, AND HOUSING

March 21, 2011, 3:00 P.M.

(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 377 HD2

Aloha Chair Galuteria, Chair Dela Cruz, and Members of the Committees:

The Hawai'i Chapter of the Sierra Club, with 8,000 dues-paying members and supporters, *supports* HB 377 HD2. This measure would give state lease preference to Hawaiian fishponds.

Techniques for establishing and maintaining aquaculture have been increasingly criticized for their environmental impacts, including erosion, coastal degradation, and increased occurrence of harmful algal blooms (Maso & Garces 2006, Jayappa et al. 2006, Pergent-Martini et al. 2006). These environmental conditions have caused numerous ecological (i.e. fish die-offs, marine mammal strandings) as well as human health concerns, namely the consumption of infected fish and crustaceans and the ingestion of contaminated water (Sapkota et al. 2007, Vasas et al. 2007, Lopez-Rodas et al. 2006, Maso & Garces 2006).

Ironically, Hawai'i is cited as the home of an environmentally sensitive method to raise food for human consumption. Internationally, Hawaiian fishponds are being actively studied as a successful model for adoption (Chopin 2006, Troell et al. 2003). These systems were built to be self-sufficient, and used to grow a variety of fish, invertebrates, and algae. Fishponds, besides being steeped in cultural tradition and offering the potential of an environmentally sensitive source of food, can be a home to endangered marsh birds and other birds, fish and aquatic animals.

In short, we believe the state could encourage the preservation and restoration of new Hawaiian fishponds by giving preference to these projects when leasing state land.

We respectfully request this committee advance this measure. Mahalo for this opportunity to provide testimony.

Jeannine Johnson, Legislative Sub-Committee Chair

Kuli'ou'ou / Kalani Iki Neighborhood Board #2

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 537-7261 (w)

March 20, 2011

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Brickwood Galuteria, Chair

Senator Pohai Ryan, Vice Chair

COMMITTEE ON WATER, LAND, AND HOUSING

Senator Donovan M. Dela Cruz, Chair

Senator Malama Solomon, Vice Chair

Re: HB377 H.D. 2 Relating to Public Lands

Hrg: Monday, March 21, 2011 at 3:00 pm in Conf. Room 224

Aloha mai kākou,

Under Section 2-14-125 of the Neighborhood Board Plan, I have been appointed as a Delegate with responsibilities to represent the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** on matters approved by the Board. As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, I am pleased to inform you **Neighborhood Board #2** supports HB377 HD2 which provides state lease preferences to developers of Hawaiian fishponds. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

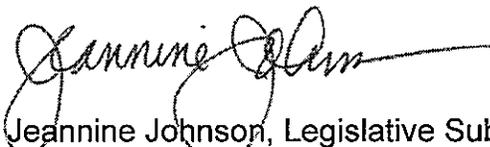
Before Westerners arrived in Hawai'i, native Hawaiians lived a life of self-subsistence and harmony with the land and sea. Native Hawaiians understood that by caring for the land and sea, they too, would be cared for by the land and sea. A great example of this is a native Hawaiian fishpond (loko i'a or loko kuapā) which were first built around the fifteenth century. Hawaiians built 488 fishponds statewide, however only about 60 fishponds remain recognizable today. O'ahu alone had 97 fishponds, but only six accessible ponds remain today. Thirteen fishponds have been restored statewide, with six ponds currently in use: three on Moloka'i, one on the island of Hawai'i, and two on O'ahu.

Currently, the Maunalua Fishpond Heritage Center is working to stop the sale of two remaining fishponds at auction by the Department of Transportation and obtain the leases. They are Kanewai Fishpond, a royal pond assessed to have the properties that make it eligible for listing on the National Historic Register, and Kalauha'iha'i (Lucas Spring and Fishpond) reported to be the location of a summer home of Kamehameha I and where Queen Ka'ahumanu was said to have renounced the ancient kapu system at the Kalauha'iha'i Assembly. Kalauha'iha'i refers to the scattering of the leaves and breaking of the ancient kapu.

Recognizing the important cultural significance these fishponds represent, at its November 6, 2008 meeting, **Neighborhood Board #2** voted to support preventing any governmental entity from selling culturally significant Native Hawaiian treasurers such as fishponds. Giving preference to developers of Hawaiian fishponds when issuing leases for state land suitable for Hawaiian fishponds will encourage the development of traditional aquaculture techniques while safeguarding our last remaining fishponds for future generations.

Your support of HB377 HD2 is respectfully requested.

'O au iho nō me ke aloha,

A handwritten signature in black ink, appearing to read "Jeannine Johnson", with a long horizontal flourish extending to the right.

Jeannine Johnson, Legislative Sub-Committee Chair
Kuli'ou'ou / Kalani Iki Neighborhood Board #2
5648 Pia Street, Honolulu, HI 96821
Phone: 373-2874 / 537-7261 (work)

Email: jeannine@hawaii.rr.com

Horse drinking fresh water from a
spring: Niu, Oahu,
Hawaii/Mitchell/1886
Bishop Museum Coll



UNIVERSITY OF HAWAII AT MĀNOA

School of Ocean and Earth Science and Technology
Department of Geology and Geophysics

Testimony of
NEIL FRAZER, PHD¹
Professor

Before the House Committees on Hawaiian Affairs, and Water, Land & Health

In consideration of

HB377

March 21, 2011 at 3:00 p.m. in Conference Room 224

Summary

I strongly support this bill. Loko i'a (traditional Hawaiian fishponds) are important to Hawai'i in a number of ways: (1) as a reservoir of knowledge to inform industrial aquaculture; (2) for food security in case of quarantine or war; (3) for environmental monitoring; (4) for restoration of coastal waters; (5) for education; and (6) for engendering spiritual and cultural values that promote community spirit.

1. Knowledge reservoir for industrial aquaculture

Hawai'i has a 600-year tradition of proven-sustainable aquaculture. As global aquaculture evolves toward more sustainable practices, such as integrated multi-trophic aquaculture (IMTA), it increasingly imitates our traditional Hawaiian aquaculture. In other words, our fishponds are much more than curiosities—they are beacons guiding industrial aquaculture into its future. A slide show comparing industrial sea-cage aquaculture with loko i'a kuapā can be viewed at <http://www.sites.google.com/site/aquapono/home/powerpoint>

2. Food security in case of quarantine or war

As a state, we are reasonably well prepared for hurricanes, earthquakes and tsunamis, but we are ill prepared for loss of food imported from distant sources. In the event of sudden war, or global pandemic, all marine traffic to Hawai'i might be interrupted or delayed long enough to cause widespread hunger. In Kailua Ahupua'a, where I live, Kaelepulu fishpond (Enchanted Lake) could supply the protein needs of Kailua for several weeks, even in its present neglected state. If Kawainui ponds were restored, we could avert starvation for several months.

3. Environmental monitoring

In many ways, the state of our ponds is an important indicator of ecosystem health. For example, if a pond silts up every time there is a rainstorm, we need to look at upstream erosion. More important, saltwater ponds are important habitat for the juvenile stages of many marine fishes—that's why saltwater ponds (loko i'a kuapā) were located where we find them today.

¹ The undersigned is solely responsible for the views expressed in this letter. As an academic institution, the University of Hawaii does not take positions on the scholarship of individual faculty, and this letter should not be interpreted or portrayed as reflecting the official position of that institution.

4. Restoration of coastal waters

If we don't see recruitment to saltwater ponds it is a sign that the surrounding coastal waters are depleted of fish. But ponds can be used to *restore* fish populations as well as to harvest them: all that is necessary is to allow mature fish to leave the pond to spawn.

5. Education

Ponds are great for keiki because their waters are shallow and protected, and full of fish and other life. Remember how you loved to play in the water, chasing fish around, when you were that age? Just sitting on a wall, watching little fish, can be hugely educational.

6. Cultural and spiritual values

The stones used to build the walls of saltwater ponds were often carried miles from distant stream valleys. Routinely, these walls would be damaged by storm waves or tsunami. As Leimana Naki or Molokai puts it "When Moana comes, Kai gets out of the way." Afterward, people would rebuild the walls together. Working on the walls with other members of the community, we handle the same stones that were handled by those who lived here centuries before us. It is not necessary to have Hawaiian blood in order to benefit spiritually from this experience. I've done it on three separate occasions. It's a lot of fun, and not dangerous if you keep yourself fit in the interim, which is a good idea anyway.

Mahalo for this opportunity to testify, and for your unselfish service to the people of Hawai'i.

Sincerely,



Neil Frazer
Professor of Geophysics