

Aha Kiole Advisory Committee

**TESTIMONY IN SUPPORT OF SB 23, RELATING TO
THE 'AHA KIOLE ADVISORY COMMISSION**

Submitted to: Finance Committee

April 8, 2011, Room 308

Submitted by: The Aha Kiole Advisory Committee: Vanda Hanakahi, Moloka'i (Chair), Leslie Kuloloio, Kahoolawe, (Vice-Chair); Timmy Bailey, Maui; Winifred Basques, Lana'i; Pi'ilani Ka'awaloa, (Po'o) Hawai'i; Charles Kapua, O'ahu; Sharon Pomroy, Kaua'i; Keith Robinson, (Konohiki) Ni'ihau.

Aloha Chair Oshiro and Members of the Finance Committee;

You have our deep appreciation and gratitude for hearing SB 23. Thank you for the opportunity to testify in strong support of this measure.

The Aha Moku System is a true community consultation process through which communities can promote, educate and organize traditional resource management principles, practices and knowledge gleaned from thousands of years of Native Hawaiian kupuna (ancestral) knowledge and history that is site-specific. Everything focuses on the sustainability and protection of natural and cultural resources in Hawai'i. This consultation process includes every resident in Hawai'i, and every stakeholder interested in the health and welfare of our ecosystem and environment will be a participant in this process.

We humbly ask you to support the passage of S.B. 23.

Mahalo nui loa,

Charles Kapua, Kiole, Oahu on behalf of the Aha Kiole Advisory Committee

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FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 08, 2011 1:43 PM
To: FINTestimony
Cc: ekkj1959@gmail.com
Subject: Testimony for SB23 on 4/8/2011 2:00:00 PM

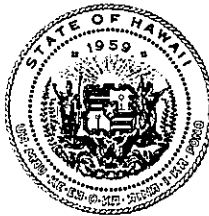
Testimony for FIN 4/8/2011 2:00:00 PM SB23

Conference room: 308
Testifier position: comments only
Testifier will be present: No
Submitted by: Elmer Kaai
Organization: Individual
Address:
Phone:
E-mail: ekkj1959@gmail.com
Submitted on: 4/8/2011

Comments:

I support the intent; however, it needs a little more work. The role of the Aha Kiole changed and I believe that these changes should be further discussed among all stakeholders.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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
KAIHOLEAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
FINANCE

Friday, April 8, 2011
2:00 P.M.
State Capitol, Conference Room 308

In consideration of
SENATE BILL 23, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO NATIVE HAWAIIANS

Senate Bill 23, Senate Draft 1, House Draft 1 would establish an aha kiole council within the Department of Land and Natural Resources (Department) to advise the Governor and the Legislature on natural resource management decisions based on an aha moku system. While the Department agrees that developing management philosophies to account for best practices of an aha moku system, and indigenous practices, would benefit the natural resources management of the State, it is never-the-less concerned by several parts of the legislation and offers the amendments described below and detailed in the attached proposed House Draft 2.

The Department suggests that the Aha Kiole Advisory Council advises the Office of the Chairperson of the Department of Land and Natural Resources rather than the Governor and the Legislature as the bill is currently drafted. The Department further suggests that references to the Aha Kiole Advisory Council providing advice to "state and county agencies" be removed from the legislation, such that the advisory council serves in an advisory capacity solely to the Department. The Department also suggests the requirement to select an executive director be omitted from the legislation since the advisory council will select its own chairperson who can organize the activities of the advisory council as an uncompensated member of the advisory council, especially since funds are not appropriated for hiring an executive director.

Finally, the Department agrees that advisory council members should be reimbursed for necessary expenses incurred in the performance of their duties under the legislation, but suggests that reimbursable expenses must be approved by the Department in advance.

Thank you for this opportunity to provide testimony.

S.B. NO. 23

S.D. 1

Proposed H.D. 2

A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, over the past two
2 hundred years, Hawai'i has seen and experienced severe changes in
3 a variety of instances. One such instance includes the
4 deterioration of the Hawaiian culture, language, values, and
5 land tenure system, which have in part resulted in the over-
6 development of the coastline, alteration of fresh water streams,
7 destruction of the life-giving watersheds, decimation of the
8 coral reefs, and the decline of endemic marine and terrestrial
9 species.

10 Native Hawaiian culture has knowledge that has been passed
11 on for generations, and is still living for the purposes of
12 perpetuating traditional protocols, caring for and protecting
13 the environment, and strengthening cultural and spiritual
14 connections. It is through the 'aha moku councils that native

____.B. NO. _____

1 Hawaiians protected their environment and sustained the
2 abundance of resources that they depended upon for thousands of
3 years.

4 Today, many Hawaiian communities are becoming revitalized
5 by using the knowledge of cultural practitioners that was passed
6 down through kupuna, and experienced farmers (mahi'ai) and
7 fishers (lawai'a) to engage and enhance sustainability,
8 subsistence, and self-sufficiency. Furthermore, many Hawaiian
9 communities are interested, concerned, involved, willing, and
10 able to advise government agencies, organizations, and other
11 interested groups in integrating traditional knowledge and
12 ahupua'a management practices.

13 The legislature further finds that on August 15 to 17,
14 2006, the Ho'ohanohano I Na Kupuna Puwalu series began and native
15 Hawaiian cultural and traditional practitioners who are versed
16 in lawai'a and mahi'ai, ocean, and land ahupua'a methods gathered
17 to discuss and bring forth the wisdom of the kupuna and
18 ancestors. It was a gathering of empirical knowledge handed
19 down from generation to generation on traditional fishing,
20 agriculture, streams, fishponds, and land use methodology based
21 on the ahupua'a system. Representatives from thirty-seven moku
22 in the State and over one hundred ahupua'a practitioners,

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1 including kupuna and the acknowledged traditional experts of
2 each moku, all joined together to come forth with their mana'o
3 and concerns.

4 The conclusion of Puwalu 'Ekahi was the creation of a
5 resolution calling on native Hawaiians to begin a process to
6 uphold and continue Hawaiian traditional land and ocean
7 practices. Perpetuating and preserving the knowledge of the
8 practitioners through the continuation of the konohiki
9 management, the kapu system, and the creation of an 'aha moku and
10 the ahupua'a management system was the consensus.

11 On November 8 and 9, 2006, Puwalu 'Elua brought together
12 educators, administrators, cultural practitioners, and kupuna to
13 discuss the values and the spiritual connection between natural
14 resources and native Hawaiians; the ahupua'a concept;
15 generational knowledge and learning; the importance of place
16 names and mo'olelo; seasonal closures and lunar calendars;
17 fishing practices; the Northwestern Hawaiian islands; konohiki
18 connections; marine protected areas; 'upena (nets); place-based
19 kapu; limu; and pu'uhonua concepts that could be developed as an
20 educational framework to integrate this knowledge into a

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1 curricula for all public, private, charter, and Hawaiian
2 immersion schools in Hawai'i.

3 On December 19 and 20, 2006, Puwalu 'Ekolu brought together
4 major policymakers and stakeholders in the protection of the
5 Hawai'i ecosystem. Native Hawaiian practitioners and experts in
6 traditional methods of sustainability, government policymakers
7 including members of the legislature, state agency directors,
8 environmental groups, educational leaders, and Hawaiian
9 community organizations discussed existing programs and their
10 successes and failures in community building. In conclusion, it
11 was agreed that statutes, ordinances, and a framework for
12 community consultation using the Hawaiian perspective and
13 traditional methods such as the ahupua'a management system are
14 needed, and the creation of the 'aha moku councils should be
15 established.

16 Between 2006 and 2010, three more puwalu were convened to
17 gather additional community input on best practices in the area
18 of native Hawaiian resource management. All puwalu were open to
19 the public and included farmers, fishers, environmentalists,
20 educators, organizations and agencies, and governmental
21 representatives who, through discussions on the integration of
22 these practices into regulation and common utilization, came to

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1 the consensus of the necessity to integrate the 'aha moku system
2 into government policy. The information gathered from all
3 puwalu has been compiled into a comprehensive report to the
4 legislature as required by Act 212, Session Laws of Hawaii 2007.

5 The purpose of this Act is to create an 'aha kiole advisory
6 council which will be located within the department of land and
7 natural resources and shall serve in an advisory capacity to the
8 office of the chairperson of the department of land and natural
9 resources. The 'aha kiole advisory council will advise the
10 office of the chairperson of the department of land and natural
11 resources on issues related to land and natural resource
12 management through the 'aha moku system, a system of best
13 practices that is based upon the indigenous resource management
14 practices of moku (regional) boundaries, that acknowledges the
15 natural contours of land, the specific resources located within
16 those areas, and the methodology necessary to sustain resources
17 and the community.

18 SECTION 2. (a) There is established the 'aha kiole
19 advisory council to be placed within the department of land and
20 natural resources for administrative purposes as provided in
21 section 26-35, Hawaii Revised Statutes. The 'aha kiole advisory
22 council shall advise the office of the chairperson of the

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1 department of land and natural resources in carrying out the
2 purposes of this Act. The 'aha kiole advisory council shall
3 consist of eight members selected by the 'aha moku councils of
4 the respective islands without regard to sections 26-34 and
5 78-4, Hawaii Revised Statutes. The 'aha kiole advisory council
6 members shall select the chairperson of the 'aha kiole advisory
7 council. The 'aha kiole advisory council members shall not
8 receive compensation for their service but shall be reimbursed
9 for necessary expenses, including travel expenses, incurred
10 while attending meetings approved in advance by the office of
11 the chairperson of the department of land and natural resources.

12 (b) The 'aha kiole advisory council shall:

13 (1) Provide advisory input based upon the indigenous
14 resource management practices of each moku to the
15 office of the chairperson of the department of land
16 and natural resources;

17 (2) Aid in the implementation of a comprehensive set of
18 best practices for natural resource management;

19 (3) Foster the understanding and practical use of
20 knowledge, including native Hawaiian methodology and
21 expertise;

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(4) Ensure the future sustainable use of the State's marine, land, cultural, agricultural, and natural resources;

(5) Enhance community education and cultural awareness;

(6) Participate in the protection and preservation of the State's natural resources;

(7) Engage in discussion with and participate in meetings and events held by the various moku statewide; and

(8) Establish an administrative structure that oversees the 'aha moku system.

(c) The 'aha kiole advisory council shall submit an annual report to the office of the chairperson of the department of land and natural resources no later than twenty days prior to the convening of each regular legislative session. The annual report shall include a list of all recommendations made by the 'aha kiole advisory council and the resulting action taken by the department of land and natural resources over the course of the year.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2011-2012 and the same sum or so much thereof as may be necessary for fiscal year

____.B. NO. ____

1 2012-2013 for reimbursement of necessary expenses, including
2 travel expenses, incurred by members of the 'aha kiole advisory
3 council while attending meetings approved in advance by the
4 office of the chairperson of the department of land and natural
5 resources.

6 The sums appropriated shall be expended by the department
7 of land and natural resources for the purposes of this Act.

8 SECTION 4. This Act shall take effect upon its approval.

9

S.B. NO. 23
S.D. 1
Proposed H.D. 2

Report Title:

Aha Kiole Advisory Council

Description:

Establishes an aha kiole advisory council placed within the department of land and natural resources to serve in an advisory capacity to the office of the chairperson of the department of land and natural resources on all matters regarding the management of the State's land and natural resources. (Proposed HD2)

S.B. NO. 23

S.D. 1

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6 development of the coastline, alteration of fresh water streams,
7 destruction of the life-giving watersheds, decimation of the
8 coral reefs, and the decline of endemic marine and terrestrial
9 species.

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11 on for generations, and is still living for the purposes of
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14 connections. It is through the 'aha moku councils that native

1 Hawaiians protected their environment and sustained the
2 abundance of resources that they depended upon for thousands of
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4 The conclusion of Puwalu 'Ekahi was the creation of a
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11 was agreed that statutes, ordinances, and a framework for
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17 gather additional community input on best practices in the area
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19 the public and included farmers, fishers, environmentalists,
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4 legislature as required by Act 212, Session Laws of Hawaii 2007.

5 The purpose of this Act is to create an 'aha kiole advisory
6 council which will be located within the department of land and
7 natural resources and shall serve in an advisory capacity to the
8 ~~[governor and the legislature.]~~ office of the chairperson of the
9 department of land and natural resources. The 'aha kiole
10 advisory council will advise the ~~[governor and the legislature]~~
11 office of the chairperson of the department of land and natural
12 resources on issues related to land and natural resource
13 management through the 'aha moku system, a system of best
14 practices that is based upon the indigenous resource management
15 practices of moku (regional) boundaries, that acknowledges the
16 natural contours of land, the specific resources located within
17 those areas, and the methodology necessary to sustain resources
18 and the community.

19 SECTION 2. (a) There is established the 'aha kiole
20 advisory council to be placed within the department of land and
21 natural resources for administrative purposes as provided in
22 section 26-35, Hawaii Revised Statutes. The ~~[commission]~~ 'aha

1 kiolo advisory council shall advise the [~~governor and the~~
2 ~~legislature~~] office of the chairperson of the department of land
3 and natural resources in carrying out the purposes of this Act.

4 The 'aha kiolo advisory council shall consist of eight members
5 selected by the 'aha moku councils of the respective islands
6 without regard to sections 26-34 and 78-4, Hawaii Revised
7 Statutes. The 'aha kiolo advisory council members shall select
8 the chairperson of the 'aha kiolo advisory council. The 'aha
9 kiolo advisory council members shall not receive compensation
10 for their service but shall be reimbursed for necessary
11 expenses, including travel expenses, incurred [~~in the~~
12 ~~performance of their duties under this Act.~~] while attending
13 meetings approved in advance by the office of the chairperson of
14 the department of land and natural resources.

15 (b) The 'aha kiolo advisory council shall:

16 (1) Provide advisory input based upon the indigenous
17 resource management practices of each moku to [~~state~~
18 ~~and county agencies;~~] the office of the chairperson of
19 the department of land and natural resources;

20 (2) Aid in the implementation of a comprehensive set of
21 best practices for natural resource management;

- (3) Foster the understanding and practical use of knowledge, including native Hawaiian methodology and expertise;
- (4) Ensure the future sustainable use of the State's marine, land, cultural, agricultural, and natural resources;
- (5) Enhance community education and cultural awareness;
- (6) Participate in the protection and preservation of the State's natural resources;
- (7) Engage in discussion with and participate in meetings and events held by the various moku statewide; and
- (8) Establish an administrative structure that oversees the 'aha moku system[~~;~~ and
- ~~(9) Select an executive director].~~

(c) The 'aha kiole advisory council shall submit an annual report to the [~~governor and the legislature.~~] office of the chairperson of the department of land and natural resources no later than twenty days prior to the convening of each regular legislative session. The annual report shall include a list of all recommendations made by the 'aha kiole advisory council and the resulting action taken by [~~state and county agencies~~] the

1 department of land and natural resources over the course of the
2 year.

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2011-2012 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2012-2013 for reimbursement of necessary expenses, including
8 travel expenses, incurred by members of the 'aha kiole advisory
9 council while attending meetings approved in advance by the
10 office of the chairperson of the department of land and natural
11 resources.

12 The sums appropriated shall be expended by the department
13 of land and natural resources for the purposes of this Act.

14 SECTION 4. This Act shall take effect upon its approval.

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Aha Kiole Advisory Council

Description:

Establishes an aha kiole advisory council placed within the department of land and natural resources to serve in an advisory capacity to the ~~[governor and the legislature]~~ office of the chairperson of the department of land and natural on all matters regarding the management of the State's land and natural resources. [~~SD1~~] (Proposed HD2)



Testimony in support of SB23, Relating to Native Hawaiians

Submitted to: The Committee on Finance

From: Kitty M. Simonds, President Maunalua Hawaiian Civic Club

Aloha Chairman Marcus Oshiro and members of the Committee,

The Maunalua Hawaiian Civic Club supports SB23 and thanks the House Committee on Finance for hearing this measure. SB23 proposes the establishment of an Aha Kiole Advisory Commission within the Department of Land and Natural Resources to advise the Governor and the Legislature on the management of the State's land and natural resources. We believe that traditional management of natural resources will benefit the environment and all the people of Hawaii.

The Western Pacific Regional Fishery Management Council supported this initiative since 2006. The Council has taken an ecosystem approach to management of natural resources in Hawaii, American Samoa, Guam and CNMI archipelagos. The Aha Moku system with its attention to community consultation and adaptive management makes ecosystem-based management of natural resources quicker to implement and more responsive to the community. The Aha Moku system, working together with the regional fishery management council will strengthen the support for sustainable management of the ocean and land natural resources.

Thank you for the opportunity to support this measure.

Maunalua Hawaiian Civic Club
P.O. Box 240388, Aina Haina Station
Honolulu, Hawai'i 96824



SB23 SD1 HD1
RELATING TO NATIVE HAWAIIANS
House Committee on Finance

April 8, 2011

2:00 p.m.

Room 308

The Office of Hawaiian Affairs offers the following comments on SB23 SD1 HD1, which would establish an 'Aha Kiole Advisory Council placed within the Department of Land and Natural Resources (DLNR) to advise the Governor and the Legislature on the management of the state's land and natural resources.

OHA supports the intent of SB23 SD1 HD1 as the bill would allow the state to improve its resource management policies through adoption of traditional, community-based natural resource management.

Creating an 'Aha Kiole Council would empower Native Hawaiians to participate in the management of Hawai'i's natural, cultural, and historical resources. It would also aid the State in making better resource management decisions. Local communities that have lived off the resources of their respective ahupua'a and have studied the area's conditions and resources over generations, have the best knowledge on when it is the proper time to harvest, to kapu, to heal, to monitor, to inspect, and to take accountings. Native Hawaiians have centuries of traditional knowledge upon which to draw and have an interest in perpetuating Native Hawaiian traditions and customs and the resources they rely upon, for generations to come. The 'Aha Kiole Council can provide much needed input to state agencies, particularly those agencies and divisions that may not have institutional knowledge of Native Hawaiians traditional, community-based natural resource management. Ultimately there is potential for the council to assist the state in becoming better resource managers.

OHA supports an open and fair selection process of the proposed eight-member 'Aha Kiole Council and believes that a transparent and inclusive selection process would strengthen the council and any actions it may undertake.

Mahalo for the opportunity to testify on this important matter.