



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Leimana DaMate, Executive Director

Before the Senate Committees on
Hawaiian Affairs
Water and Land

Monday, March 23, 2015
1:20 P.M.
State Capitol, Conference Room 224

IN SUPPORT of SCR 55

Requesting the Aha Moku Advisory Committee to engage stakeholders in order to develop and adopt rules for its operation and administration.

SR 24 requests the Aha Moku Advisory Committee (AMAC), with the assistance of the Department of Land and Natural Resources (DLNR) and the Office of Hawaiian Affairs (OHA) engage stakeholders for the purpose of developing and adopting rules for its operation and administration; and, that the AMAC report back to the Legislature regarding the development and adoption of rules prior to the convening of the Regular Legislative Session of 2016. **The Aha Moku Advisory Committee supports this resolution but requests that the Association of Hawaiian Civic Clubs (AHCC) be added to the group assisting in the development of rules.**

The Legislature's intent in Act 288 is to authorize the AMAC to include providing opportunities for Hawaiians to work together to exhibit traditional Hawaiian values and customs that could be applicable to modern governmental affairs. It is also the intent of the Legislature that the AMAC have some independence from state government in its role working alongside and advising state government with regard to Hawaiian traditional and generational values, practices and cultural and natural resource management.

Act 288 was passed in Regular Session of the Legislature in 2012 but did not become operational until June of 2013. However, in keeping with the intent of the Legislature, in 2013 the Po'o members of the AMAC created and ratified a Strategic Plan that describes the foundation and history of the Aha Moku System, its strategy, the mandates of Act 288, and process. This Plan was widely distributed to participants in every community and educational meeting held on every island and continues to be given out freely. All indications show that this plan was well received as we received no opposition. This Strategic Plan is attached to this testimony.

It is understood by kupuna and Po'o that in restoring the Aha Moku System, a traditional cultural and natural resource management system and attempting to share and integrate this process with modern contemporary resource policies is challenging to all. The Strategic Plan is an attempt to achieve this objective but additional guidelines may be needed and positive input is always welcome. However, it is also understood that due to budget and time constraints, the AMAC was not able to reach everyone.



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The Association of Hawaiian Civic Clubs, formed in 1918 by Prince Jonah Kuhio Kalanianaʻole, was created to give Native Hawaiian communities a voice in civic and government affairs. It is comprised of 67 individual Hawaiian Civic Clubs with a membership of over 3,000. With clubs actively operating on every island, the AHCC has a large community reach. The AHCC was essential to the forming of the Aha Moku, is community-based, and is supportive of its mandate. If the AMAC is requested to engage stakeholders for the purpose of developing and adopting rules for its operation and administration, we believe that the help of the AHCC, an established creditable Hawaiian organization that already includes stakeholders, would be advantageous, beneficial and should be included with DLNR and OHA which are two state agencies.

As stated, the AMAC supports SR 24 but believes its objectives would be better achieved with the inclusion of the Association of Hawaiian Civic Clubs.

Attachment: Aha Moku Advisory Committee Strategic Plan is attached separately.

Ke Kukulū Ahu: Aha Moku Advisory Committee Strategic Plan

Integrating Traditional Hawaiian Resource Management and Best Practices into a Contemporary Framework

From the Foundation, We Build

Mai Ke Kahua E Kukulū Ai: Historical Foundation

In the late 1990's and early 2000's, concern over the conditions of the ecosystem of the main Hawaiian Islands by Native Hawaiian resource practitioners reached a critical point. In the need to protect and sustain the lands and oceans of Hawaii which had been decimated in the steady push towards economic stability for the populace of the islands, the lands itself were rapidly declining from vibrant and thriving to steadily waning. It was clear that scientific methods, although successful to a degree was not enough to sustain the resource needs of the general population, and specifically could not maintain the resources as needed by the indigenous people of Hawaii, the kanaka maoli.

Native Hawaiian resource practitioners from each of the main Hawaiian Islands, although historically territorial, were concerned enough to gather to address the problem. This was historical in itself because although the Native Hawaiians were one culture, the different islands were autonomous in their island practices. Fundamentally, they did not share knowledge of the specific resource methodology as it was based on the geography of their districts and the resources they depended upon.

Apprehension among the kanaka maoli grew as government, in their eagerness to halt this resource decline, began to create more and more conservation districts, particularly in the near shore and ocean areas inadvertently, and effectively taking away subsistence fishing and gathering areas upon which Hawaiians depend.

Ho'ohanohano I Na Kupuna Puwalu Series

In 2006, the Native Hawaiian practitioners, in partnership with the Western Pacific Regional Fisheries Council (Wespac), along with the Association of Hawaiian Civic Clubs, the Office of Hawaiian Affairs, the Hawaii State Coastal Zone Management, the Hawaii Tourism Authority and the Kamehameha Schools convened the Ho'ohanohano I Na Kupuna Puwalu Series in order to enable Hawaiians and others to take a more active and supportive role in the management of their natural resources.

Gathering was the expert native Hawaiian cultural and traditional practitioners versed in lawai'a and mahiai, ocean and land ahupua'a methods. The focus of the series was taken from the meaning of its title – Ho'ohanohano I Na Kupuna – to honor and bring forth the wisdom of the kupuna and ancestors through the mana'o of current practitioners. Thus, to explore the empirical knowledge handed down from generation to generation on traditional fishing and agriculture methods so that the natural resources could continue to be protected through the inclusion of Hawaiian perspectives, as they have been for thousands of years.

From these Puwalu, or conferences, a *binding theme emerged*. In order to protect and revitalize the resources of Hawai'i, we would bring forth the successful traditional management practices of indigenous Hawaiians important to the State of Hawaii and to federal agencies.¹

Promoting the *ho'i hou*, or return to using 'localized and indigenous' management methodology of *all* resources at the first Puwalu became the catalyst for future Puwalu planning. The first vital task would be *developing and maintaining a process to uphold and continue Hawaiian and traditional land and ocean practices*. The 'Aha Kiolo community organizational model of pre-western contact Hawai'i was endorsed as a viable structure for moving the vision forward, especially since it was configured to reach out to all of the people through a communication network of identified moku (ancient Hawaiian land division areas).

After designating the 'Aha Kiolo structure as the suitable *'umeke* for the communication and exchange of information between moku and mokupuni, the vision of developing and maintaining the process of traditional Hawaiian best management practices continued. A Mission Statement that focused on these goals was ratified and followed.²

Each subsequent Puwalu centered on themes relevant to reaching the goal of *malama'aina* through action and behavior consistent with traditional Hawaiian methodologies.³

¹ This theme was being realized as an essential element of responsible stewardship at the national level as indicated in fisheries management edicts provided by the Magnuson-Stevens Fishery Conservation Management Act (MSFCMA). Recognition by Congress that fisheries management needed to become decentralized, and would better served by people local to the areas was one important new step in response to the problem of resource depletion. The other step that would spearhead the movement toward better fisheries management in the State of Hawai'i was the call to form cooperative partnerships with indigenous people. "*Of particular concern during the MSFCMA Reauthorization will be cooperative management of marine fisheries (i.e. partnership with the federal government in establishing policy and determining management goals, which they believe fosters economic vitality, environmental health, and rational management of natural resources.*" Magnuson-Stevens Fisher-Conservation Management Reauthorization 2005.

² Mission Statement of 2006: To incorporate appropriate native Hawaiian knowledge and protocols for the preservation, cultivation, and management of all native Hawaiian natural and cultural resources for future generations.

³ *Puwalu Ekahi: Lae'ula (Experts)*, August 15-17, 2006, Convention Center, Honolulu: Perpetuate and preserve the generational knowledge of indigenous practitioners through the continuation of the konohiki management, the kapu system, and the restoration of the aha moku and the ahupua'a management system.

Puwalu 'Elua: Ke Kumu Ike Hawai'i (Educators), November 8-9, 2006, Pacific Beach Hotel, Honolulu: Focus on the values and the spiritual connection between natural resources and native Hawaiians: the ahupua'a concept; generational knowledge; the importance of place names and mo'olelo; seasonal closures and lunar calendars; the Northwest Hawaiian Islands; konohiki connections; marine protected areas and upena (nets). Place-based kapu, limu and pu'uhonua concepts to be developed as an educational framework to integrate this knowledge into curricula for all public, private, charter and Hawaiian immersion schools in Hawaii.

Puwalu 'Ekolu: Lawena Aupuni (Policymakers), December 19-20, 2006, Ala Moana Hotel, Honolulu: Agreed upon those statutes, ordinances, and a framework for community consultation using the Hawaiian perspective and traditional methods such as the ahupua'a management system is needed. Establish the Aha Moku System.

Puwalu 'Eha: Kukulu Ka Upena (Building the Structure) April 10-11, 2007, Ala Moana Hotel, Honolulu: Its goal was to structure the Aha Moku, flesh out its components and identify key resource issues that specifically affect individual moku. Further, ahupua'a listed in existing governmental survey maps were updated with previously undocumented ahupua'a boundaries commonly known to Hawaiian practitioners and their 'ohana, but never before put in writing.

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Po Ka Maika'i, Holomua Ka Aku

(The Blessing to Move Forward)

Ka Pila 212 - Act 212

From the start of the 'Aha Moku Initiative, there was a fundamental realization that changes would need to be made regarding public attitudes as well as current processes in how Hawai'i deals with its resources. Disseminating information, educating and locating experts to indoctrinate the public to return to a better way to care for the 'aina would be one arm of the task toward making meaningful changes. The other arm concerned implementation of policy-affecting measures at the governmental level. Throughout the Puwalu Series, organizers and participants worked toward the goal of creating and refining a bill that would define and guide the way in which the 'Aha Moku could bring forward traditional Hawaiian best practices that would stay true to traditional values yet be integrated with contemporary policies that regulate resource policies today.

In 2007, Act 212 (SB 1853), A Bill for an Act Relating to Native Hawaiians that formulated these goals was signed into law by Governor Linda Lingle.⁴

The Aha Moku System originated in ancient times, yet it contains a structure that can, in all likelihood, *best* support a community and cultural consultation process whereby localities are understood to be the most qualified to determine and maintain their own ecological well-being. Crafted in its original form by Hawaiian practitioners hoping to convey the unparalleled competence of ancient caretakers of the 'aina, Act 212 captures the authentic manner in which the Aha Moku System was intended to function in order to be the most productive. However, there have been

Puwalu 'Elima: E Ho'oni I Nā Kai 'Ewalu! E Ho'āle Ka Lepo Pōpolo! (Stir up the Eight Seas! Rise up the Makaainana!) October 31 – November 1, 2007, Pagoda Hotel, Honolulu: Its goal was to solidify the Hawaiian methods for ecosystem sustainability, prepare for community outreach and begin the process for the Aha Moku Systems.

Ho'o Lei Ia Pae'Aina (Throw the net to bring everyone together in Hawai'i), November 19-20, 2011, Pagoda Hotel, Honolulu: Its goal was to complete the process to integrate Native Hawaiian traditional best practices in natural resource management into the fabric of Hawaii State regulatory policy and to render recommendations for a consultation process through the restored Aha Moku System, a system dating back to the 9th century prior to the arrival of Paoa. The Ho'o Lei Ia Pae'Aina was the culmination of separate puwalu held throughout the summer of 2010 on the eight main Hawaiian islands. At each of the individual island puwalu, lawaia (fishermen), mahiai (farmers), environmentalists, educators, organizations, agencies and members of the general public participated in discussions that focused on the management of natural and cultural resources in Hawaii.

⁴ Act 212, Signed into Law by Governor Linda Lingle on May 9, 2007.

Report Title: *'Aha Moku Councils*

Description: *Establishes an 'aha kiole advisory committee to provide a framework on the formation of an 'aha moku council commission that shall serve as in an advisory capacity on all matters regarding the management of the State's natural resources. Appropriates funds for the advisory committee to carry out its duties.*

"The purpose of this Act is to initiate the process to create a system of best practices that is based upon the indigenous resource management practices of moku (regional) boundaries, which acknowledges the natural contours of the land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community. The 'aha moku council system will foster understanding and practical use of knowledge, including native Hawaiian methodology and expertise, to assure responsible stewardship and awareness of the interconnectedness of the clouds, forests, valleys, land, streams, fishpond, and sea. The council system will include use of community expertise and establish programs and projects that improve communication, education, provide training on stewardship issues throughout the region (moku), and increase education."

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amendments to the original Act consisting of largely administrative additions that moved toward greater compatibility with the contemporary governmental framework.

Ka Pila 288 – Act 288

Resulting from the amendments to Act 212, yet keeping the intent, language and goals of the body, Act 288 additionally defined the Aha Moku System which requires its Advisory Committee to participate in coordinating, educating, advocating and reporting for its communities.

Act 288 (HB 2806) was signed into law on July 9, 2012 by Governor Neil Abercrombie and established the Aha Moku Advisory Committee. The purpose of the Act is “to formally recognize the aha moku system and to establish the aha moku advisory committee within the department of land and natural resources, which may serve in an advisory capacity to the chairperson of the board of land and natural resources.” The Aha Moku Advisory Committee (AMAC) may advise on issues related to land and natural resources management through the Aha Moku System, a system of best practices that is based upon the indigenous resource management practices of moku (regional) 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.

The Aha Moku Advisory Committee (AMAC) may provide advice to the Chairperson of the Board of Land and Natural Resources on the following:

- (1) Integrate indigenous resource management practices with western management practices in each moku;
- (2) Identify a comprehensive set of indigenous practices for natural resource management;
- (3) Foster the understanding and practical use of native Hawaiian resource knowledge, methodology, and expertise;
- (4) Sustain the State’s marine, land, cultural, agricultural, and natural resources;
- (5) Provide community education and foster cultural awareness on the benefits of the Aha Moku System;
- (6) Foster protection and conservation of the State’s natural resources; and
- (7) Develop an administrative structure that oversees the Aha Moku System.

Further, the committee shall submit an annual report in English and Hawaiian to the legislature and the chairperson of the Board 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 committee and the resulting action taken by the department over the course of the prior year.

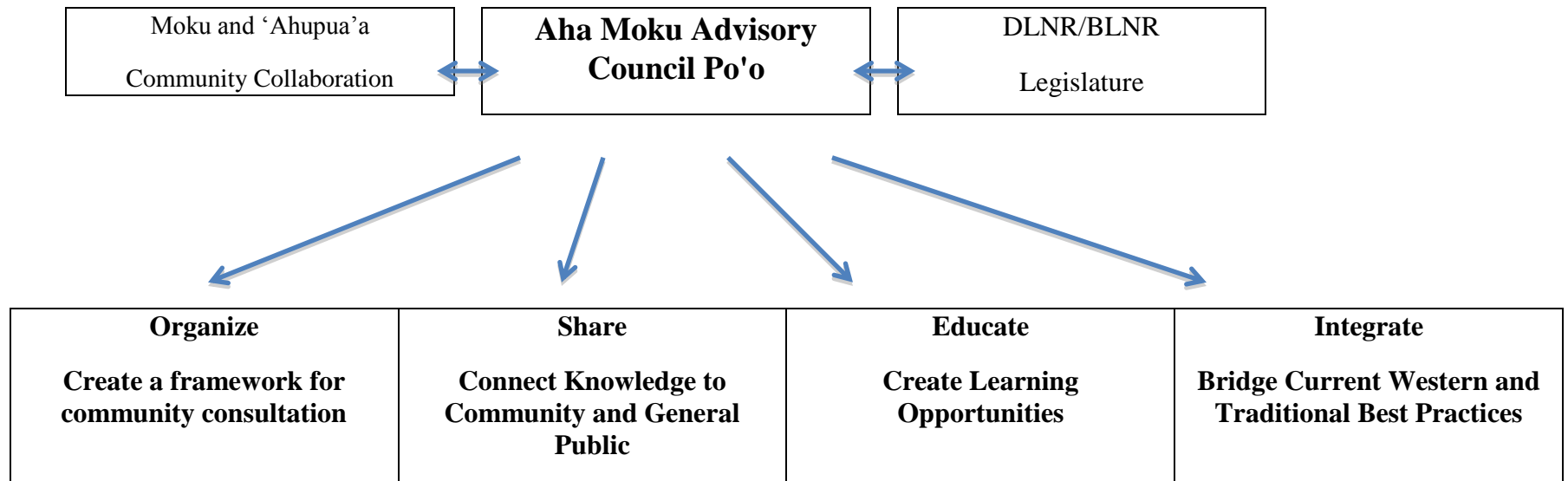
Both the Aha Moku System and Act 288 promote a shared objective of integrating Hawaiian ‘ike (knowledge) and encouraging community-based management that points to a two-fold process that is systemic rather than separate: The AMAC may advise the DLNR in matters pertaining to Hawaiian resource knowledge (by law) *and* The AMAC po’o will engage their communities as active participants in matters related to resource health, and promoting Hawaiian knowledge and practices through education (by ‘Aha Moku system requirements). This essential two-fold process requires an involvement by the AMAC po’o in both the state DLNR as well as the individual island community organizational venues.

Two-pronged Strategy for Success

Implementing Community-Based Hawaiian Management of State Resources

Source	Aha Moku System Requirements	Act 288 Requirements
Leadership Duties	<p>AMAC Kiole</p> <p>Increases understanding of DLNR Administrative Rules</p> <ul style="list-style-type: none"> • Increases understanding of DLNR divisions, strategic plan • Participates in DLNR events and promotes community building • Coordinates and conducts island consultations with moku Po’o and others so that all have same understanding of each resource • Promotes Hawaiian Traditional practices and knowledge for resource sustainability • Reports and discusses problem-solving strategies for island resource issues • Establishes programs and projects aimed at increasing awareness of responsible stewardship • Ensures that Administrative Rules, Title 13, are compatible with Native Hawaiian resource ecosystem values and methodologies 	<p>AMAC Kiole</p> <ul style="list-style-type: none"> • Integrate indigenous resource management with western management practices in each moku; • Identify indigenous practices for natural resource management; • Foster understanding of NH resource knowledge, methodology, expertise; • Sustains State natural resources; • Provide education and cultural awareness on moku system; • May advise DLNR regarding indigenous peoples’ methodology for resource management • Consults with AMAC board, executive director and DLNR/BLNR • Submits annual report to the Chair of the BLNR and to the Legislature
Outcome	<p>A stronger rapport between DLNR, Hawaiian communities and the general public can be achieved when common understanding is reached. The gap between western science (under which DLNR operates) and Hawaiian science (under which Native Hawaiian resource practitioners operate), through the Aha Moku System, must be bridged.</p> <p>Communities can become participants in the management of their local ecosystems. They may relieve some of the burden of state concerns in their areas by taking responsibility as citizens, and through education may affect change with more conscientious behaviors.</p>	<p>The DLNR will have not only a communication network at hand for better interaction regarding community issues, but it will have as well a knowledge source of traditional Hawaiian best practices as alternatives for handling current resource issues that are problematic or ineffective.</p> <p>The Native Hawaiian values on natural and cultural resource will become embedded into the fabric of state policy.</p>

Diagram for AMAC Kioloa Responsibilities



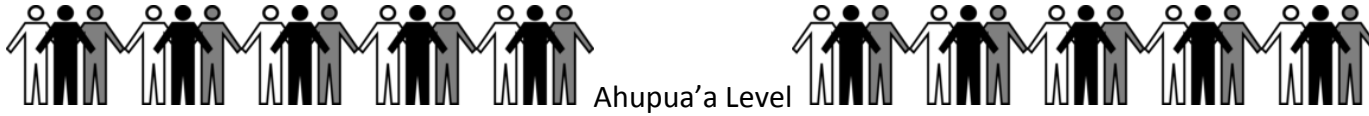
Aha Moku - E Paepae I Na Pohaku

(The Gathering of the Stones)

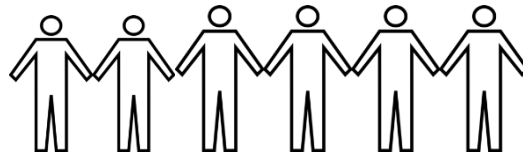
The 'Aha Moku began from an ancient Moloka'i system used on all islands dating from the 9th century as translated from oral histories. Called the 'Aha Kiolo, this land/ocean resource management system helped each island community maintain its resources through a community consultation process. The konohiki and experts in various disciplines of natural resource knowledge convened regularly in order to assess and deal with needs of the ecosystem. The Puwalu series brought the ancient system to light as a format for contemporary practitioners to revitalize their practices with an emphasis on regaining depleted resources, restoring unproductive areas, and enlightening the next generation of caretakers.

This restoration generated at the Puwalu evolved into the adoption and implementation of a modified Aha Moku structure starting from the Lepo Popolo ('ahupua'a and moku residents- the people) to 'Ahupua'a and Moku leaders, and finally, the Mokupuni leadership. This organizational structure became the catalyst for determining how to proceed with these new (but ancient) guidelines for communication with the people themselves. The 'Aha Moku system will provide a system for people to assess and monitor their own areas, relearn successful techniques for insuring a steady supply of resources and caring for the 'aina, and it also gives the people a "place to go" with their concerns. Additionally, it has given rise to a more effective way of being heard- as a collective rather than individual voice.

While the basic structure remains as *people to moku leaders to island Po'o*, each island has a unique demographic that requires different handling. Some of the more populated islands are finding the need to seek established Hawaiian organizations through which they can more effectively function. In terms of internal organization, the 'Aha Moku system follows each islands lead, and does not limit the approach to a firm set of rules. **This flexibility of meeting individual island needs for a workable arrangement is the heart of the 'Aha Moku system.** The goal of each island is to determine a reliable network through which communication can occur and better practices can be advocated.



Ke Ala Lepo Popolo: Mana'o of the People



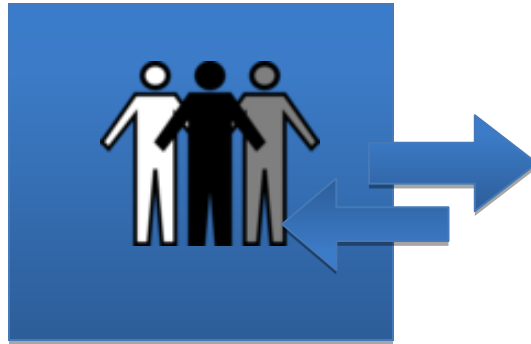
Moku Representative Level

Ke Ala Paepae Honua 'Ahai Moku

Moku Representative meets with ahupua'a residents and brings moku information, needs and concerns to and from Aha Moku



'Aha Moku Advisory Committee Level



Department of Land and
Natural Resources

And

Hawaii State Legislature

Ke Ala Moku:

- Made up of Chair and Vice Chair, Island Po'o and Executive Director
 - Liaison for Moku Concerns and Process Implementation
- Advisory to the DLNR on issues related to Natural Resources
 - Communication with the Hawaii State Legislators

E Pa'a Maila Ke Kahua, Lokahi Ka Na Lahui

(Strengthen the Foundation, Unite the Nation)

Island communities have begun to establish their moku councils and leadership. The various islands have discerned their own operational configurations such as meeting venues, meeting style and conduct, decision-making, and so forth- internal matters are best handled with what works for the island community. But the basic 'Aha Moku communication structure throughout the state of Hawai'i remains as Lepo Popolo (people) - Ahupua'a- Moku- Island-State.

At the level of operation that oversees statewide business, however, there are matters that would be most prudently handled systematically or in the same way statewide- to promote efficiency, to gain validity, and to signify accord. *Lokahi* is the hallmark of the Aha Moku Advisory Council's Strategic plan because its meaning indicates a pulling together to work for a common cause.

While each island may have individual internal operations, effective interaction with state and county agencies and the DLNR for sharing information, for example, would require procedures that link the island councils as a group seeking a common goal. A common issue reporting form for all mukupuni would ease the process of translation by the DLNR and contain only agency-related information, rather than a collection of fragmented and unrelated reports.

The wisdom of *Lokahi* as a tool for organization is evident in other areas as well. Unity of purpose in AMAC goal-related programs and projects, collaboration with other Hawaiian agencies, and educational plans would demonstrate a consistency of operation among the many communities.⁵

⁵ In a study of 12 different Native American Resource Advisory Councils from various areas of the United States and Canada, they all contained common initiatives related to work carried out by the Councils themselves. They all worked toward accomplishing the unifying themes of education, community help programs, and most evidently- reclaiming environmental health using indigenous practices. Lokahi was at the forefront of these efforts, most especially because interest was an essential element for the success of their programs. We hope to emulate their success stories

Aha Moku Advisory Committee – Ke Ahi Pio’ole

(Strategic Plan – The Eternal Flame Continues)

Presented is a matrix of the significant focus areas needed to implement a successful community conservation effort. It lists first the mandatory areas listed in Act 288 and represents the AMAC strategic plan of action that is designed to complement the advisory role we have to the DLNR. We wish to execute both roles competently and effectively, and to co-exist as a bridge that can integrate traditional Hawaiian resource management and Best Practices into the contemporary state framework of management.

No	Act 288	Function	Description	Resources Tools	Implementation Timeframe
1	Integrate indigenous resource management practices with western management practices in each moku	A. Revitalize Traditions	Important and known practices shared so that people become aware of the time-honored <i>Lawena</i> of resource management, showcasing methods, traditions, practitioners, <i>wahi pana</i> , and important traditional gathering areas	Media, social media calendars TV, DVDs educational pamphlets curriculum student interns	Begin September 2013 On-going
			Organize Ahupua’a Councils	Generational Families, Communities	On-going
2	Identify a comprehensive set of indigenous practices for natural resource management	B. Unify Traditional Moku Statewide	Create a set of cohesive attributes statewide for divisions, expectations, <i>kanawai</i> , regarding resource management in the state and county plans. Definition of the collective and larger standards at a statewide level that will demonstrate a unified and organized approach, from which individual community and island structures can be modified	Hawaii County Plan Maui County Plan City & County of Honolulu Plan Kauai County Plan DLNR, Admin Rules Legislature	Begin July 2013
3	Foster understanding and practical use of NH resource knowledge, methodology and expertise	F. Publicize Successes Work with establishments	Successful outcomes of island efforts are made visible. Result is that DLNR, state, public, and agencies/organizations are aware of the positive impact to resource protection and cultural preservation. Attend community meetings.	Website Social Media Media Reports	Begin in September 2013
4	Sustain state’s marine, land, cultural, agricultural, natural resources	C. Unify Process for Reporting Issues	Create an integrated process for reporting issues for all islands to result in a uniform format at the state level demonstrating an organized channel from which information is presented to the DLNR. And BLNR.	Reporting form	July 2013 Continuous

5	Provide community education; foster cultural awareness on benefits of the Aha Moku System	H. Educate the Next Generation, general public, community groups	As Hawaiians, one of the most important duties we have is to pass on to our children the Kuleana of perpetuating cultural practices and fostering an innate responsibility to care for the 'aina. Meet with educational leaders to explain the importance of site-specific resource management. Meet with community groups and leaders to explain the Aha Moku System	Create curriculum for schools that include state (common core) standards. Create informative media (video, web site, interactive dvd) mele, oli, hula training in practices Moon calendar Leadership training	Begin October 2013, Continuous
6	Foster protection and conservation of the State's natural resources	D. Work with DLNR Hawaiian Groups, Environment & Conservation,	Recognition and support of DLNR is gained by fostering collaborative interactions related to resource management concerns. Support and collaboration from existing Hawaiian organizations and others on Aha Moku System	DLNR Divisions, Hui Malama 'o Mo'omomi Resource Management Plan, Hawaiian Civic Clubs Neighborhood Boards	Continuous
7	Develop an administrative structure that oversees the aha moku system	E. Create Protocol for Advisory Group, Aha Moku Councils, Ahupua'a Solidify the organization of the Island Aha Moku Councils.	A clear and definitive set of protocols (process) is created underscoring the importance of our intent to represent an authoritative and knowledgeable body of resource management experts based on traditional Aha Kiole principles. Re-organization of moku and ahupua'a councils that are site specific Organization of general public into ahupua'a/moku communities	Code of conduct Purpose and Focus Mission Statement/ Vision Statement/ Objectives: Traditions: Pule, Oli, Decision-making Process	Island Moku/Mokupuni meetings Continuous
		F. Budget	Development of a 5-year budget projection that will encompass the needs of the AMAC and the individual islands to ensure success in its mandates and permanence within the state system;	Identification of and research on the needs of the individual islands and AMAC organizational needs	July 2013 On-going
		G. Annual Puwalu	Organize and implement an annual Puwalu, prior to the submittal of the legislative report. Construction of the Puwalu must be open to the public.	Collaboration with other agencies, organizations	September 2013
		H. Administrative Rules	Standardize Native Hawaiian practices specific to each island (general) and study where these practices are impacted by Title 13, Administrative Rules for the Dept. of Land and Natural Resources	Title 13 Hawaii Revised Statutes	Begin in July 2013 On-going

[Type text]



SCR55/SR24

**REQUESTING THE AHA MOKU ADVISORY COMMITTEE TO ENGAGE STAKEHOLDERS
IN ORDER TO DEVELOP AND ADOPT RULES FOR ITS OPERATION AND
ADMINISTRATION**

Senate Committee on Hawaiian Affairs
Senate Committee on Water and Land

March 23, 2015

1:20 p.m.

Room 224

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **COMMENTS** on SCR55 and SR24, which urge the Aha Moku Advisory Committee (Advisory Committee) to consult with stakeholders in adopting operational and administrative rules, with the assistance of the Department of Land and Natural Resources (DLNR) and OHA.

The Advisory Committee has a commendable mission of advising the Chairperson of the Board of Land and Natural Resources (BLNR) on such important matters as:

- Integrating indigenous resource management practices with Western management practices in each moku;
- Fostering the understanding and practical use of Native Hawaiian resource knowledge, methodology, and expertise; and
- Sustaining the state's marine, land, cultural, agricultural, and natural resources.

OHA believes that the traditional, place-based approach underlying the Advisory Committee's mission has the potential to significantly improve environmental stewardship throughout our islands, by allowing the management of lands and resources to be guided by local communities with the most knowledge of their place. Although the Advisory Committee's mission and efforts may benefit all who call Hawai'i home, OHA has now become its sole funder, and has provided the Advisory Committee with nearly \$250,000 in OHA trust funds to support its continued operations. As OHA has previously testified, OHA believes it appropriate for the state to now resume funding this important and innovative approach to natural and cultural resource management.

With respect to the instant resolutions, it is unclear whether they intend for the Advisory Committee to adopt its own rules, as may be most consistent with the legislative intent behind its establishment; in addition, it is unclear whether such rules are intended to be promulgated through the Chapter 91 process. OHA notes that the Advisory Committee currently lacks its own administrative rulemaking authority under statute. See HRS § 171-4.5. Rather, only the BLNR currently has the statutory authority to promulgate

rules under Hawai'i Revised Statutes Chapter 91 for the purposes of carrying out the Advisory Committee's mission.

If these resolutions do intend for the BLNR to adopt rules under Chapter 91 on behalf of the Advisory Committee, OHA notes that such an approach may be inconsistent with the legislative intent relating to the Advisory Committee's independence from state government. Alternatively, if the intent of these resolutions are for the Advisory Committee to directly adopt "rules" on its own, without further statutory amendment such "rules" must be limited to procedures regarding only the Advisory Committee's own "internal management . . . and not affecting the rights of or procedures available to the public." See Chapter 91-1(4).

It is unclear whether either of these outcomes reflects the desired intent of these resolutions.

Mahalo for the opportunity to testify on these measures.

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: jadesmith@quixnet.net
Subject: *Submitted testimony for SCR55 on Mar 23, 2015 13:20PM*
Date: Sunday, March 22, 2015 11:12:25 AM

SCR55

Submitted on: 3/22/2015

Testimony for HWN/WTL on Mar 23, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
J. Alohalani Smith	Aha Moku O Kaupo	Support	No

Comments:

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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Subject: Submitted testimony for SCR55 on Mar 23, 2015 13:20PM
Date: Friday, March 20, 2015 9:30:24 AM

SCR55

Submitted on: 3/20/2015

Testimony for HWN/WTL on Mar 23, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Ho`okipa Network - Kauai	Support	No

Comments: Aloha kakou, My name is Puanani Rogers. I was born, raised and still live in the Ahupua`a of Kealia, Kauai. I am also a member of the Kauai Aha Moku Advisory Council. I testify in STRONG SUPPORT of this measure. Right now the system is flawed and I believe this measure will help us to move forward. Mahalo for voting YES to SCR 55.

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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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: cmkaai@hawaiiantel.net
Subject: Submitted testimony for SCR55 on Mar 23, 2015 13:20PM
Date: Sunday, March 22, 2015 7:23:47 PM

SCR55

Submitted on: 3/22/2015

Testimony for HWN/WTL on Mar 23, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Charles M. Kaaiai	Individual	Support	No

Comments: While this action is needed and warranted at this time, it should not have been necessary for the legislature to step in. The legislature should have been confident that the intent of Act 288 would have been followed and supported by the AMAC. Island Moku Councils have been battling with the Aha Moku Advisory Committee to get the AMAC to be accountable to the island Councils. These very Councils supported the nomination of these committee members. The Committee chair and the executive director have continually erected barriers to accessing the island representatives. The ED undermined the Island Councils and supported the development of other Councils to obfuscate and hide the actions and requests of the island Aha Moku Councils. The ED has used her interpretation of the the Sunshine law to prevent island Councils from meeting to inform and advise the AMAC representatives on island issues. The Committee has been ineffective in representing the established island Councils because of that. As is obvious from the AMAC reports submitted to the legislature over the past two years the reports do not reflect the actions and initiatives of the island Councils and often the AMAC report is in opposition to island initiatives. disagreement and disappointment with the AMAC positions are widespread and deepening. The integrity and veracity of the AMAC and their ED is in question.

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Name: Donna Dean Sterling

Title: Moku Representative, Kahikinui, Maui

Organization: Hawaii Island Aha Moku Council System

Committee(s) Senate Committee on Hawaiian Affairs, Senate Committee on Water and Land

Date of Hearing: March 23, 2015

Room No.: Room 224

Measure no. SRC55 Relating to the Aha Moku Advisory Committee

Aloha Chairs Shimabukuro and Theilen committee members.

Mahalo for the opportunity to submit testimony in support of SCR55. My name is Donna Dean Sterling and I have been serving as the Aha Moku Representative of the Kahikinui, Moku, Maui island since 2011 and attending the Aha Moku meetings since 2006.

I am a lineal descendant (Helekunihi 'Ohana) of Kahikinui. I have been residing on a Hawaiian Homestead lot in Kahikinui for 15 years. Kahikinui is located on the southern slopes of Haleakala known as Kahikinui. From 2003 to 2005 I served as President of Ka 'Ohana O Kahikinui translated(The family of Kahikinui). Our Moku is the largest Hawaiian Homestead land area, approximately 22,000 acres. Since the year of 2000, our Community Based Economic Development and Makai Management Plan was created. Lessees acknowledged and signed our DHHL Lease Awards for 99 years in 1999. Our community moved onto the land and have supplied our own infrastructure – "off grid". Instead of paved roads, county water and MECO power, we have relied on jeep roads, catchment and generators or alternative power. Recently, some of the roads have been concrete paved serving all lessees.

Some of the continuing work in our Moku is as follows:

1. Reforestation of our badly depleted forest.
2. No fishing in several makai areas to help replenish our resources
3. Fencing areas of the moku preserving and protecting our many archaeological sites from being disturbed and preventing any further depletion of our natural resource of cinder pits.
4. Reactivate old resevoirs from the ranching days, one that is 1.2 million gallon capacity
5. Shoreline clean-up of rubbish, tires, vehicles, metal home heaters which are impacting, presently, a large documented fishing village. Specifically, rusty vehicles resting on top of a burial site and a fishing- koa platform.

I understand that Act 212 established the Aha Moku Council Systems and also called for the establishment of the Aha Ki'ole Advisory Commission which changed to the Aha Moku Advisory Committee.

October 4, 2014, our Moku of Kahikinui submitted a Report Form when an issue impacted a natural resource within the Manawainui Ahupau'a ocean, shoreline burial desecration. We submitted the report(as is the process) to our Maui Po'o , Kyle Nakanelua. After follow up phone calls to Kyle and then to the Aha Moku Advisory Committee; it is unknown of our moku report status within the AHMAC.

I understand that In 2014, the Aha Moku Advisory Committee documented its accomplishments in a report to the legislature that was issued in English and Hawaiian languages and included recommendations for the moku's of Hawaii, Lanai, Oahu, and Kauai. This report also lists the decisions of the board of land and natural resources relating to those recommendations. Where is Maui and our Moku O Kahikinui Report?

Since the passage of Act 212, the Aha Moku Council Systems on Maui island has been exercising our kuleana to gather together those with kupuna and generational knowledge of our individual Moku. This has helped us reestablish those cultural and traditional resource management practices within our moku, and has taught us to better manage and respond to community concerns. As the moku rep for Kahikinui, we work with the other mokus of our island but a strong and close relationship with the Hana, Kipahulu, Kaupo, Moku's as geographically we share the backside of Haleakal. Our work with other mokus of Maui ensure that we speak o issues and concerns regarding our resources, both land and ocean, our voice are one.

The passage of Act 288 formally recognized the Aha Moku Council Systems and established the Aha Moku Advisory Committee (AMAC) within the Act, the AMAC had specific requirements that we believed would help to establish a working relationship with the DLNR. That has not been the case, please review the above bold paragraphs. Actions taken without consulting the Committee itself, or the Aha Moku Systems has resulted in confusion and frustration both at the moku and island levels. We continue to learn of steps taken after the fact, and in two cases has resulted in communities stepping away from the work at hand.

After careful consideration of the actions taken by the AMAC, we have come to the conclusion that there needs to be a better structure for the AMAC to function. There needs to be time and funding for the committee to meet on a regular basis, that work within the committee must align itself with the needs and concerns of the mokus, and that regular reporting of the progress of the committee needs to be available to the mokus. Having rules in place helps guide the functions and responsibilities of the AMAC resulting in a more efficient and effective process in our communities.

Aha Moku O Kahikinui looks forward to the AHMAC restructuring for the benefit of our moku and others dealing with Hawaiian traditional land and ocean practices. I ask for your support in the passage of SCR55. We believe that the concurrent resolution will help define roles and help to address the many issues and concerns we face in the community.

Mahalo for your time and consideration.

Donna Sterling

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: jadesmith@quixnet.net
Subject: *Submitted testimony for SCR55 on Mar 23, 2015 13:20PM*
Date: Sunday, March 22, 2015 11:10:49 AM

SCR55

Submitted on: 3/22/2015

Testimony for HWN/WTL on Mar 23, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
J. Alohalani Smith	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: keeaumoku_kapu@yahoo.com
Subject: Submitted testimony for SCR55 on Mar 23, 2015 13:20PM
Date: Friday, March 20, 2015 1:50:32 AM

SCR55

Submitted on: 3/20/2015

Testimony for HWN/WTL on Mar 23, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ke'eaumoku Kapu	Individual	Support	No

Comments: Need more transparency by the AMAC. The people are being left out and there is nothing that requires the AMAC to comply to any rules. Totally unethical.

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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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: uilani.kapu@gmail.com
Subject: Submitted testimony for SCR55 on Mar 23, 2015 13:20PM
Date: Friday, March 20, 2015 2:05:56 AM

SCR55

Submitted on: 3/20/2015

Testimony for HWN/WTL on Mar 23, 2015 13:20PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Uilani Kapu	Individual	Comments Only	No

Comments: My name is Uilani Kapu and I am in support of SCR55 where it ask the AMAC council to put together there Admin Rules. I feel strongly that this should happen, all agencies go by this rule and the AMAC is no different.

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March 22, 2015

The Honorable Senator Maile S.L. Shimabukuro, Chair
The Honorable Senator Brickwood Galuteria, Vice Chair
And Members of the Committee on Hawaiian Affairs

The Honorable Senator Laura H. Thielen, Chair
The Honorable Senator Brickwood Galuteria, Vice Chair
And Members of the Committee on Water and Land

Monday, March 23, 2015

1:20 p.m.

Conference Room 224

State Capitol

415 South Beretania Street

Aloha Chair Shimabukuro, Chair Thielen, Vice Chair Galuteria and Members of the Senate Committee on Hawaiian Affairs and the Senate Committee on Water and Land

Re: S.C.R.55 A SENATE CONCURRENT RESOLUTION REQUESTING THE AHA MOKU ADVISORY COMMITTEE TO ENGAGE STAKEHOLDERS IN ORDER TO DEVELOP AND ADOPT RULES FOR ITS OPERATION AND ADMINISTRATION.

I OPPOSE S.C.R. 55

As an advisory committee to the chairperson of the board of land and natural resources, the aha moku advisory committee has breached their responsibilities in an ADVISORY capacity:

Advisory: Counselling, suggesting, or advising, but not imperative or conclusive

The aha moku advisory committee, specifically chairperson Leslie Kuloloio and executive director Leimana DaMate has engaged in various supporting and/or opposing positions related to community affairs without appropriate consultation

or consensus of constituents from the respective islands (see attached documents). Act 288 mandates:

“...the committee may advise the chairperson of the board of land and natural resources in carrying out the purposes of this section...”

Should funding be established for administrative purposes, taxpayer’s money must be appropriated accordingly to support the consensus of the people and not the committee’s and/or executive director’s select views and decisions.



Michele Hoopii
Koe na kuleana o kanaka
Waiehu, Maui Hawaii

mhoopii

From: Office of the Ombudsman <OfficeoftheOmbudsman@ombudsman.hawaii.gov>
Sent: Friday, September 19, 2014 7:45 AM
To: moeuhane@hawaii.rr.com
Subject: RE: Complaint Regarding Letter to DOI

Dear Ms. Hoopii:

Thank you for your email below. As it appears that you recently contacted William J. Aila Jr., Chairperson, Department of Land and Natural Resources, about your concern, please allow Mr. Aila a reasonable time to respond. We therefore decline to investigate your complaint and will take no further action. However, if you do not receive a satisfactory response from Mr. Aila by October 15, 2014, you may contact us again and we will determine what action, if any, we will take at that time.

Please include case reference #15-00871(MM) in any follow-up correspondence regarding this matter.

Sincerely yours,

/s/ Marcie K. McWayne
Analyst

Approved by:

/s/ Robin K. Matsunaga
Ombudsman, State of Hawaii

-----Original Message-----

From: moeuhane@hawaii.rr.com [mailto:moeuhane@hawaii.rr.com]

Sent: Tuesday, September 16, 2014 7:33 AM

To: DLNR Chairperson, William J. Aila, Jr.

Cc: Sec. Sally Jewell; Deputy Sec. Rhea S. Suh; HI State Senator, Donna Mercado Kim; HI State Senator, Brickwood Galuteria; HI State Senator, Michelle N. Kidani; HI House Rep. Joseph M. Souki; HI State Senator Maile S. L. Shimabukuro; HI State Senator Clayton Hee; HI House Rep. Faye P. Hanohano; HI House Rep. Ty J. K. Cullen; Office of the Ombudsman; Leslie Kuloloio, Chairperson AMAC; AMAC Poo, Maui, Kyle Nakanelua; AMAC Poo, Hawaii, Piilani Kaawaloa; AMAC Poo, Molokai, Kamalu Poepoe; AMAC Poo, Lanai, Winfred Basques; AMAC Poo, Kauai, Thomas Hashimoto; AMAC Poo, Oahu, Leialoha Rocky Kaluhiwa; AMAC Poo, Niihau, Keith Robinson; OHA Trustee, Maui, Carmen Hulu Lindsey; Office of Native Hawaiian Relations; Aha Moku Advisory Committee

Subject: Complaint Regarding Letter to DOI

Aloha Chairperson, Aila

Please see attached letter of complaint.

Michele Hoopii

Date: September 15, 2014

To: William J. Aila Jr., Chairperson, Department of Land and Natural Resources
DLNR Main Office
Kalanimoku Building
1151 Punchbowl St.
Honolulu, HI 96813
Ph: (808) 587-0400
dlnr@hawaii.gov

From: Michele Hoopii
58 Hoola Hou Street
Wailuku, Maui, HI 96793
Phone: (808) 760-8158 (home) / (808) 281-6784 (cell)
Email: moeuhane@hawaii.rr.com


Subject: Aha Moku Advisory Committee's (AMAC) letter of support to the Department of Interior's Advance Notice for the Proposed Rulemaking seeking to establish a Government-to-Government relationship with the native Hawaiian Community.

Aloha Chairperson, Aila,

As the chairperson of the Board of Land and Natural Resources who has the oversight over the AHA Moku Advisory Committee, I am writing you in regards to a letter of support sent on behalf of the AHA Moku Advisory Committee to the Department of Interior to support 43 CFR Part 50 RIN 1090-AB05 Procedures for Reestablishing a Government-to-Government Relationship with the native Hawaiian Community.

Aha Moku Advisory Committee Executive Director, Leimana DaMate, who authored and signed the letter to the DOI, acknowledged to me that the letter of support was done without the consultation of **ALL** the island mokus (see attached correspondences). **THIS IS UNACCEPTABLE!!** As a Maui AHA Moku constituent, **I DO NOT SUPPORT** the letter sent by AMAC Executive Director, Leimana DaMate, as it misrepresents my position related to the reestablishment of a government-to-government process. Therefore as the Director of the Board of Land and Natural Resources, I petition you to **RESCIND** the letter of support by AMAC for 43 CFR Part 50 RIN 1090-AB05 Procedures for Reestablishing a Government-to-Government Relationship with the Native Hawaiian Community.

Mahalo,


Michele Hoopii
Koe na kuleana o kanaka
Kapalaua, Waiehu, Maui

cc:

Neal Abercrombie, State of Hawaii Governor (U.S. Postal Services)
Secretary, Sally Jewell, U.S. Department of Interior ([U.S. postal Services/feedback@ios.doi.gov](mailto:feedback@ios.doi.gov))
Deputy Secretary, Rhea S. Suh, U.S. Department of Interior (U.S. Postal Services/feedback@ios.doi.gov)
Mazie Hirono, Hawaii Senator (U.S. Postal Services)
Brian Schatz, Hawaii Senator (U.S. Postal Services)
Colleen Hanabusa, Hawaii House Representative (U.S. Postal Services)
Tulsi Gabbard, Hawaii House Representative (U.S. Postal Services)
Donna Mercado Kim, President of the Hawaii State Legislature (senkim@Capitol.hawaii.gov)
Brickwood Galuteria, Senate Majority Leader (sengaluteria@capitol.hawaii.gov)
Michelle N. Kidani, Senate Assistant Majority Leader (senkidani@capitol.hawaii.gov)
Joseph M. Souki, House of Representatives- Speaker of the House (repsouki@capitol.hawaii.gov)
Maile S. L. Shimabukuro, Chairperson, Senate Committee on Hawaiian Affairs (senshimabukuro@capitol.hawaii.gov)
Clayton Hee, Vice Chairperson, Senate Committee on Hawaiian Affairs (senhee@capitol.hawaii.gov)
Faye P. Hanohano, Chairperson, House Committee on Ocean, Marine Resources and Hawaiian Affairs (rephanohano@capitol.hawaii.gov)
Ty J. K. Cullen, Vice Chairperson, House Committee on Ocean, Marine Resources and Hawaiian Affairs (repcullen@capitol.hawaii.gov)
Office of the Ombudsman, State of Hawaii (complaints@ombudsman.hawaii.gov)
Leslie Kulolio, Chairperson and Kahoolawe Po'o, Moku O Kanaloa, Aha Moku Advisory Committee (AMAC) (pokaiuli2@gmail.com)
Kyle, Nakanelua, Maui Po'o, Moku O Kahikili, Aha Moku Advisory Committee (AMAC) (kyle.nakanelua@gmail.com)
Pi'ilani Kaawaloa, Hawaii Po'o, Moku O Keawe, Aha Moku Advisory Committee (AMC) (punatita7@yahoo.com)
Kamalu Poepoe, Moloka'i Po'o, Moku O Pule O'o, Aha Moku Advisory Committee (AMAC) (Karenpoepoe@yahoo.com)
Winfred Basques, Lana'i Po'o, Moku O Nana I Kaula, Aha Moku Advisory Committee (AMAC) (winniebjr@yahoo.com)
Thomas Hashimoto, Kauai Po'o, Moku O Mano Kalanipo (thomas.hashimoto@hotmail.com)
Rocky Kaluhiwa, O'ahu Po'o, Moku O Kakuhihewa, Aha Moku Advisory Committee (AMAC) (rockyfromheeia@aol.com)
Keith Robinson, Ni'ihau Po'o, Moku O Kahelelani, Aha Moku Advisory Committee (AMAC) (niihauisland@hawaiian.net)
Carman 'Hulu' Lindsey, Maui Trustee, Office of Hawaiian Affairs (hulul@oha.org)
Office of Native Hawaiian Relations (kaiini_kaloi@ios.doi.gov)
Leimana Demata, Executive Director, Aha Moku Advisory Committee (Leimana.k.damate@hawaii.gov)

September 10, 2014

TO: Office of the Secretary
Department of the Interior
Room 7329
1849 C Street NW
Washington, DC 20240

FROM: Michele Hoopii
58 Hoola Hou Street
Wailuku, HI 96793

SUBJECT: OPPOSITION TO 43 CFR Part 50 RIN 1090-AB05 Procedures for Reestablishing a Government- to-Government Relationship with the Native Hawaiian Community Letter of Support from AHA MOKU ADVISORY COMMITTEE, State of Hawaii, Department of Land and Natural Resources

This letter is to inform you that **I OPPOSE** and **DO NOT GIVE MY VERBAL OR WRITTEN CONSENT** to the COMMENTS OF THE AHA MOKU ADVISORY COMMITTEE IN SUPPORT OF ACTION TO REESTABLISH A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH THE NATIVE HAWAIIAN GOVERNMENT.

Hawaii State employee within the Department of Land and Natural Resources, Leimana DaMate, Executive Director of the Aha Moku Advisory Committee **MISREPRESENTED** my position and that of the Native Hawaiian community from the forty-three traditional land areas of the eight main Hawaiian Islands and the 589 smaller land districts called ahupua'a. The Aha Moku from the islands of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Oahu, Kauai, and Niihau were not consulted before submitting a letter on behalf of the Aha Moku Advisory Committee supporting 43 CFR Part 50 RIN 1090-AB05 Procedures for Reestablishing a Government-to-Government Relationship with the Native Hawaiian Government (see attached).

My **OPPOSITION**, since June 18, 2014 when I learned of the Public Meetings scheduled to be held throughout the Main Hawaiian Islands from June 23 to July 8, 2014, and when I testified in person on July 8, 2014 at Pomaikai Elementary School, Kahului, Maui in **OPPOSITION** of 43 CFR Part 50 RIN 1090-AB05 Procedures for Reestablishing a Government-to-Government Relationship with the Native Hawaiian Government remains unchanged. Therefore **REMOVE** my name from **ANY AND ALL LISTS AND DATABASES** that supports the 43 CFR Part 50 RIN 1090-AB05 Procedures for Reestablishing a Government-to-Government Relationship with the Native Hawaiian Government.



Michele Hoopii
Koe na kuleana o kanaka
Kapalaua, Waiehu, Maui



AHA MOKU ADVISORY COMMITTEE
State of Hawaii
Department of Land and Natural Resources
1150 Punchbowl Street
Honolulu, Hawai'i 96813

**COMMENTS OF THE AHA MOKU ADVISORY
COMMITTEE IN SUPPORT OF ACTION TO
REESTABLISH A GOVERNMENT-TO- GOVERNMENT
RELATIONSHIP WITH THE NATIVE HAWAIIAN
GOVERNMENT**

Aloha mai kākou. The Aha Moku Advisory Committee (AMAC) expresses its mahalo for this historic and long-overdue discussion about reestablishing a government-to-government relationship between the United States and the Native Hawaiian community. The AMAC is an entity that has re-established the traditional cultural and natural resource management system, called the Aha Moku throughout the eight (8) islands of Hawai'i. In 2012, this system was formally accepted by the Hawaii State Legislature and signed into law by Governor Abercrombie as Act 288. The Aha Moku has been restored from a traditional land/ocean system used throughout the islands in the 9th century – before the arrival of the Tahitian and the more commonly known alii system.

The Aha Moku is comprised of the forty-three traditional land areas of the eight main Hawaiian Islands and the 589 smaller land districts called ahupua'a. Those who practice Aha Moku are grassroots Hawaiian communities who are expert practitioners of different disciplines that are spiritually and physically connected to the land. They are the foundation of the Hawaiian culture and are represented by the Po'o, or spokespersons of each of the main Hawaiian Islands which as a group are called the Aha Moku Advisory Committee (AMAC).

As representatives of the Aha Moku, the AMAC has determined that the reestablishment of a government-to-government relationship between the United States and the Native Hawaiian community is the most viable action that could be taken to protect and expand existing trust assets, federal programmatic funding, federal consultation rights and other self-determination rights under federal law.

Moreover, as a matter of justice and equity, this opportunity should be available for the Native Hawaiian community to pursue. We should not be denied the basic self-governance rights afforded all other major indigenous groups in the nation. We have suffered through colonization and the dispossession of our lands, resources and culture, and the hearts of our people continue to be burdened by these historic injustices, as recent oral testimony made clear. Our community cannot heal until the federal government shows meaningful respect for our dignity by engaging us as a sovereign Native nation under federal law.

Therefore, the grassroots people who live within the natural and cultural resources of all of Pae'Aina, or lands of Hawai'i **STRONGLY SUPPORTS** the Advanced Notice of Proposed

Rulemaking (ANPRM) that has been offered by the federal government and the Department of the Interior that would reestablish a government-to-government relationship with the official Native Hawaiian government formed by the qualified Native Hawaiians on the certified base roll. In accordance with this position, Aha Moku respectfully offers the following specific comments:

RESPONSES TO GENERAL QUESTIONS

Question 1: Should the Secretary propose an administrative rule that would facilitate the Reestablishment of a government-to-government relationship with the Native Hawaiian Community?

Answer to Question 1: YES

Question 2: Should the Secretary assist the Native Hawaiian community in reorganizing its government, with which the United States could reestablish a government-to government relationship?

Answer to Question 2: YES

Question 3: If so, what process should be established for drafting and ratifying a reorganized Native Hawaiian government's constitution or other governing document?

Answer to Question 3: The process for drafting and ratifying a reorganized Native Hawaiian government documents should be left to the Hawaiian people to decide.

Question 4: Should the Secretary instead rely on the reorganization of a Native Hawaiian government through a process established by the Native Hawaiian community and facilitated by the State of Hawaii, to the extent such a process is consistent with Federal law?

Answer to Question 4: YES

Question 5: If so, what conditions should the Secretary establish as prerequisites to Federal acknowledgment of a government-to-government relationship with the reorganized Native Hawaiian government?

Answer to Question 5: A federal policy needs to be established regarding the formal relationship with the Native Hawaiian people.

In conclusion, the Aha Moku wishes to express our sincere Mahalo to all who have come forward to hear the mana'o of our people. We offer our assistance in any way you may need. Please call on us.

Mahalo nui loa!

Leimana DaMate, Executive Director
Aha Moku Advisory Committee
Phone: 808-587-1498
Email: Leimana.K.DaMate@hawaii.gov

September 8, 2014

TO: AHA MOKU ADVISORY COMMITTEE
State of Hawaii Department of Land and Natural Resources
1150 Punchbowl Street
Honolulu, Hawai'i 96813

FROM: Michele Hoopii
58 Hoola Hou Street
Wailuku, Hawaii 96793

SUBJECT: Aha Moku Advisory Committee's Letter of Support to Re-establish a Government-to-Government Relationship with the Native Hawaiian Government

It is with a heavy heart that I write to the Aha Moku Advisory Committee in protest of AMAC's submission of support to the Advanced Notice of Proposed Rulemaking (ANPRM) offered by the federal government and the Department of Interior that would establish a government-to-government relationship with the so-called Native Hawaiian government formed by the qualified Native Hawaiians on the certified base roll.

My understanding of AMAC is that it is an agency created to represent the voices of the people from the Island Moku's of Hawaii, Maui, Lanai, Moloka'i, Kahoolawe, O'ahu, Kauai and Niihau islands, respectively in an unbiased position. As such the position AMAC has taken to support the government-to-government relationship process without discussing, let alone holding Moku meetings throughout these islands Moku-s is in direct conflict with my objectives and values. Therefore, I DO NOT CONSENT to any and all support of the Aha Moku Advisory Committee.

The Aha Moku Advisory Committee DOES NOT HAVE MY CONSENT to use any and all correspondences, emails, documents, maps, diagrams, genealogy, verbal or written communications to support the government-to-government relationship process or any other process related to the Aha Moku Advisory Committee.

It is disheartening that the Kanaka Oihi heritage has been usurped to promote the advancement of political agendas and that the voices of the people, once again, have been asphyxiated.



Michele Hoopii
Koe na kuleana o kanaka
Kapalaua, Waiehu, Maui

From: Leimana.K.DaMate@hawaii.gov [mailto:Leimana.K.DaMate@hawaii.gov]
Sent: Tuesday, September 09, 2014 8:31 AM
To: moeuhane@hawaii.rr.com
Subject: Fw: Letter to AMAC

Aloha Michele,

It is also with a heavy heart that I respond to you. You are correct in that not all of the moku were notified of the AMAC response to DOI in regards to their support of the ANPRM offered by the DOI in regards to governance. However, there were a lot of correspondence and phone calls from moku people from the different islands asking for us to send a letter of support. This was because they felt they could not testify in person because the independence people overwhelmed them at the different hearings.

Yours is the only letter in opposition. However, it is important and I will forward it on to the DOI so that your letter and count will be taken off of the AMAC position. I'm truly sorry that this happened but we could not get to all of the people connected to AMAC in time before the letter went out. We waited until the last minute and it was a hard decision, but it was done with the best intent - to also give a voice to those who felt they were pushed out and asked us to voice for them. In hind sight, I should have just listed all their names (although some did not give me their names), or put a disclaimer in stating that not all moku people supported this decision.

This was a lesson learned, and again - I am truly sorry.

Leimana

Leimana DaMate, Executive Director
Aha Moku Advisory Committee
State of Hawaii
Department of Land and Natural Resources
1151 Punchbowl Street, #130
Honolulu, HI 96813
tel: (808) 587-1498
cell: (808) 372-9638
email: leimana.k.damate@hawaii.gov

----- Forwarded by Leimana K DaMate/DLNR/StateHIUS on 09/09/2014 08:10 AM -----

From: <moeuhane@hawaii.rr.com>
To: Leimana.K.DaMate@hawaii.gov,
Cc: kekahunakeaweivi@yahoo.com
Date: 09/08/2014 12:36 PM
Subject: Letter to AMAC

Aloha Leimana,

Please read the attached at the next Aha Moku Advisory Committee meeting.

Mahalo,

Michele Hoopii
Koe na kuleana o kanaka
Kapalaua, Waiehu Maui

mhoopii

From: mhoopii <moeuhane@hawaii.rr.com>
Sent: Wednesday, September 10, 2014 6:05 AM
To: Leimana.K.DaMate@hawaii.gov
Cc: Foster (kekahunakeaweiki@yahoo.com)
Subject: FW: Letter to AMAC

Aloha Leimana,

Please cc me on the letter you submit to the DOI demanding the removal of my name from the list of supporters and ensure that any correspondence from the DOI is also forwarded to me.

Mahalo

Michele Hoopii
Koe na kuleana o kanaka
Kapalaua, Waiehu, Maui

From: mhoopii [mailto:moeuhane@hawaii.rr.com]
Sent: Tuesday, September 09, 2014 11:51 AM
To: 'Leimana.K.DaMate@hawaii.gov'
Cc: 'kekahunaheaweiki@yahoo.com'
Subject: RE: Letter to AMAC

Aloha Leimana,

With all due respect the division created between the pro government-to-government supporters and those in opposition is NOT the fault of the people be it independence or otherwise. The lack of transparency and sufficient time given for the hearings is why there is so much upheaval. AMAC's position to take a side without full disclosure to all the moku's is highly irresponsible and a direct obstruction to the kuleana of those who DO NOT agree such as myself. Let's be clear here, I am NOT opposed to those who choose to support govt-to-govt, it is a personal choice but as an agency who is suppose to represent the greater whole, AMAC had NO RIGHT to speak for me and assume that any prior communications I had with AMAC was consent to place my position in a supporting roll for the govt-to-govt process. In addition, my contact information was available to AMAC via all the correspondences previously submitted and yet I received no contact from you or any other member of the committee.

Moving forward please ensure that my name is removed from any and all lists or databases supporting the govt-to-govt process.

Mahalo,

Michele Hoopii
Koe na kuleana o kanaka
Kapalaua, Waiehu, Maui

March 22, 2015

The Honorable Senator Maile S.L. Shimabukuro, Chair
The Honorable Senator Brickwood Galuteria, Vice Chair
And Members of the Committee on Hawaiian Affairs

The Honorable Senator Laura H. Thielen, Chair
The Honorable Senator Brickwood Galuteria, Vice Chair
And Members of the Committee on Water and Land

Monday, March 23, 2015
1:20 p.m.
Conference Room 224
State Capitol
415 South Beretania Street

Aloha Chair Shimabukuro, Chair Thielen, Vice Chair Galuteria and Members of the Senate Committee on Hawaiian Affairs and the Senate Committee on Water and Land

Re: S.C.R.55 A SENATE CONCURRENT RESOLUTION REQUESTING THE AHA MOKU ADVISORY COMMITTEE TO ENGAGE STAKEHOLDERS IN ORDER TO DEVELOP AND ADOPT RULES FOR ITS OPERATION AND ADMINISTRATION.

Though I support the original purpose and goals for establishing the Aha Moku Advisory Committee I am writing in **OPPOSITION to S.C.R. 55**.

In part, Act 288 establishing the Aha Moku Advisory Committee states...

'...to remediate the deterioration of the Hawaiian culture, language, values, and land tenure system and to advise the Chairperson of the Board of Land and Natural Resources and the Department of Land and Natural Resource regarding the aha moku system, including issues relating to Hawaiian reserve management and environmental preservation...'

Also Act 288, in part, mandates...

“(e) The committee shall submit an annual report in English and Hawaiian to the legislature and the chairperson of the board 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 committee and the resulting action taken by the department over”

The current leadership of the Aha Moku Advisory Committee Chairperson, Leslie Kuloloio and Aha Moku Advisory Executive Director, Leimana DaMate misrepresented constituents and misled lawmakers when they omitted the following two (2) Activities from the *“REPORT ON THE ACTIVITIES AND PLANS OF THE AHA MOKU ADVISORY COMMITTEE”* received by DEPT. COMM. NO. 34 dated December 29, 2014, for the 28th Legislature-2015 Session.

- 1. August 19, 2014** - Submitted Letter of Support to the U.S. Department of Interior’s Advance Notice for Proposed Rulemaking (ANPRM) on behalf of the Maui and Molokai Moku constituents without consultation and consensus of all eight Aha Moku Advisory Committee members and their respective Moku (43) constituents. (See attached copy of letter).
- 2. September 19, 2014** - Submitted Letter of Support by Aha Moku Advisory Committee Chairperson, Leslie Kuloloio and Executive Director, Leimana DaMate to the DLNR-Commission on Water Resource Management (CWRM) supporting a cease and desist order to shut down a native Hawaiian taro farmer at Iao Valley, Maui without consultation and consensus of the Aha Moku Advisory Committee, Maui Po’o, Kyle Nakanelua and its Wailuku Moku Constituents.

Both activities are high-profile, extremely passionate, controversial and divisive issues native Hawaiian communities (e.g. Moku) are actively and publicly encountering.

The documentation and records provided herein demonstrate a pattern of blatant disrespect and disregard for the fundamental tenants of a democratic society and its basic rule of law. Furthermore the exclusion of information from lawmakers undermines the credibility and integrity of Act 288.

Remedy:


With all due respect, too restore community trust and confidence lose in year 2014/2015 remove and/or replace the current Aha Moku Advisory Committee Chairperson, Leslie Kuloloio and Aha Moku Advisory Executive Director, Leimana DaMate.

Establish a more transparent and available record of all advisory decisions made to the Chairperson of the Board of Natural Resources, County, State and Federal Lawmakers and respective agencies by the Aha Moku Advisory Committee and each of eight (8) members (Island Po'o).

Attachments

1. REPORT ON THE ACTIVITIES AND PLANS OF THE AHA MOKU ADVISORY COMMITTEE
2. Letter to the U.S. Department of Interior Supporting its Advance Notice for Proposed Rulemaking (ANPRM)
3. Letter to DLNR-Commission on Water Resource Management Supporting Commission Action on Behalf of Moku (Wailuku) Constituents without Contacting and/or Consulting Moku (Wailuku) Constituents.
4. Act 288

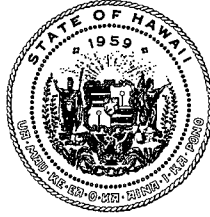
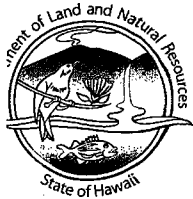
Mahalo.


Foster Ampong
Wailuku Moku, Maui

**REPORT ON THE ACTIVITIES AND PLANS OF THE AHA MOKU ADVISORY
COMMITTEE**

(35 Pages)

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

AHA MOKU ADVISORY COMMITTEE

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

JESSE K. 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

December 29, 2014

DEPT. COMM. NO. 34

President Donna Mercado Kim
Hawaii State Legislature
415 South Beretania Street
Room 409
Honolulu, HI 96813

Aloha President Kim,

On behalf of the Aha Moku Advisory Committee (AMAC), we would like to respectfully submit the 2015 Legislative Report on the 2014 Activities and Status of the Aha Moku as mandated by Act 288, HRS Legislative Session 2012.

The Aha Moku Advisory Committee is comprised of the following representatives:

- Piilani Kaawaloa, Moku O Keawe (Island of Hawai'i)
- Kyle Nakanelua, Moku O Pi'ilani (Island of Maui)
- Leslie Kuloloio, Moku O Kanaloa (Island of Kaho'olawe)
- Winifred Basques, Nana'I Kaula (Island of Lana'i)
- Karen Poepoe, Moloka'i Pule O'o (Island of Moloka'i)
- Leialoha "Rocky" Kaluhiwa, Moku O Kakuhihewa (Island of O'ahu)
- Thomas Hashimoto, Manokalanipo (Island of Kaua'i)
- Keith Robinson, Ka Aina O Kawelonakala (Island of Ni'ihau)

The directive of the Aha Moku is that they may advise the Chairman of the Board of Land and Natural Resources on issues related to land and natural resources management through the Aha Moku System – a system of best practices that is based upon the indigenous resource management practices of moku (regional) and ahupua'a (land districts based on geography) 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.

The Aha Moku System fosters understanding and practical use of knowledge, including Native Hawaiian methodology and expertise, to assure responsible stewardship of Hawaii's precious ecosystem and natural environment. In their concern for the health and welfare of our cultural and natural resources which showed serious decline in the past decades, the Legislature created the opportunity for the general public, including Native Hawaiians, to bring forth their generational resource knowledge of site-specific areas. This collaboration with our legislators and the Hawaii State Department of Land and Natural Resources has proven to be fruitful and successful. Thank you for the opportunity to share our collective knowledge and methodology, to fulfill your mandates for resource protection, but most of all to serve all people of Hawaii Nei.

Respectfully yours,

Handwritten signature of Leslie Kuloloio in cursive.

Leslie Kuloloio, Chairman, AMAC

Handwritten signature of Leimana DaMate in cursive.

Leimana DaMate, Executive Director, AMAC

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

'15 JAN -5 AIO:12

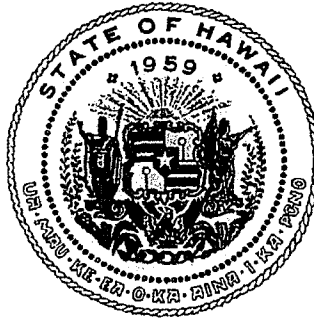
'15 JAN -8 P4:12

*Ka Palapala Ho'ike no ka 'Aha 'Ōlelo Kau Kānāwai
Kau Mau o ka Makahiki 2015*

Report to the Twenty-Eighth Legislature
Regular Session of 2015

*Ka Palapala Hō'ike o ka Hana a me ka Ho'olālā 'Ana
o ke Komike Kauleo 'Aha Moku*

**REPORT ON THE ACTIVITIES AND PLANS OF THE AHA MOKU ADVISORY
COMMITTEE**



*Ho'omākaukau 'ia e ka 'Oihana Kūmūwaiwai 'Aina
Ka Moku'āina o Hawai'i*

Prepared by the
Department of Land and Natural Resources
State of Hawaii

*E pili ana i ka
Mahele 171-4.5, Hawaii Revised Statutes*
In response to
Section 171-4.5, Hawaii Revised Statutes

*Okakopa 2014
October 2014*

REPORT ON THE ACTIVITIES AND PLANS OF THE AHA MOKU ADVISORY COMMITTEE

This report is prepared pursuant to Section 171-4.5, Hawaii Revised Statutes (HRS), and covers the period January 2014 through December 30, 2014.

INTRODUCTION

The Department of Land and Natural Resources (DLNR), Chairperson's Office houses the "Aha Moku Advisory Committee", Act 288 Session Laws of Hawaii 2012. This Act governs the Aha Moku System and their mandate to report to the Legislature and the Chairperson of the Board of Land and Natural Resources (BLNR) on the recommendations made by the Aha Moku Advisory Committee, their activities and resulting actions taken by DLNR.

The Senate Bill 3053, House Draft 2 (relating to Native Hawaiians) was signed into law as Act 288 on July 9, 2012. The purpose of the Act is to formally recognize the Aha Moku System and to establish the Aha Moku Advisory Committee (AMAC) within DLNR and may serve in an advisory capacity to the Chairperson of the BLNR. The AMAC may advise on issues related to land and natural resources management through the Aha Moku System, a system of best practices 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.

Pursuant to Section 171-4.5, HRS, the AMAC shall submit an annual report to the Legislature and the Chairperson of the BLNR. The report includes:

- I. Purpose of the AMAC
- II. Objectives, Goals and Estimated Time Frames
- III. Recommendations to the Board of Land and Natural Resources

I. Purpose of the AMAC

The purpose of the AMAC is to incorporate, appropriate Native Hawaiian knowledge and protocols for the preservation, cultivation, and management of all native Hawaiian natural and cultural resources for the future generations; and, to further define the Aha Moku System, a system of best practices that is based upon the indigenous resource management practices of moku and ahupua'a (regional) boundaries.

II. Objectives, Goals and Estimated Time Frame.

Objective A: To integrate indigenous resource management practices with western management practices in each moku.

Goals and Estimated Time Frame:

- A.1. Revitalize traditions by sharing important and known practices that are site specific so awareness of traditional resource management is shared including methods, traditions, practices, and important traditional gathering areas. (ongoing)
- A.2. Develop and organize traditional Ahupua'a Councils. (ongoing)
- A.3. Pursue additional grant and non-traditional grant sources. (ongoing)

Objective B: Identify a comprehensive set of indigenous practices for natural resource management

Goals and Estimated Time Frame:

B.1. Unify Traditional Moku Statewide by defining standards at a statewide level that demonstrates a unified and organized approach (ongoing)

Objective C: To foster understanding and practical use of Native Hawaiian resource knowledge, methodology and expertise.

Goals and Estimated Time Frame:

C.1. Publicize successes and work with establishments (implementation started and ongoing)

C.2. Partner with other agencies and entities interested in the preservation and conservation of Hawaii's ecosystem (ongoing)

Objective D: To sustain state's marine, land, cultural, agricultural, natural resources.

Goals and Estimated Time Frame:

D.1. Unify Process for Reporting (implemented)

D.2. Support hiring of additional staff, as appropriate, through the budgetary process, to provide additional resources for administrative support. (ongoing)

D.3. Develop a stronger rapport with the DLNR Divisions to share Native Hawaiian expertise on natural and cultural resources (implemented and ongoing)

Objective E: To provide community education; foster cultural awareness on benefits of the Aha Moku System.

Goals and Estimated Time Frame:

E.1. Educate the next generation, general community, community groups on the merits of the Aha Moku System (ongoing)

E.2. Work with education organizations so they are familiar with the site-specific care of natural and cultural resources (ongoing)

E.3. Begin work with schools to offer curriculum that include site-specific resource knowledge – tie this in with DLNR divisions (begin in 2015)

E.4. Develop strong media tools such as video and printed matter spot lighting Native Hawaiian resource methodology experts who live the Aha Moku system (ongoing)

Objective F: To foster protection and conservation of the State's natural resources

Goals and Estimated Time Frame:

F.1. Utilize multi-media presentations for briefing members of the Legislature, community groups, user groups, and other interested parties. (ongoing)

F.2. Update interactive web pages on the Internet for access by interested parties. (ongoing)

F.3. Promote and improve community education on understanding conservation through traditional resource methodology which is island specific and site specific (ongoing)

- F.4. Develop plan to actively market what traditional resource practices in partnership with current DLNR resource management does for users, the State, and the environment while conveying a vision of what ought to be. (begin in 2015)
- F.5. Establish and reinforce partnerships with local and national conservation organizations to utilize existing resources and unify efforts in public education campaigns. (ongoing)
- F.6. Pursue development of a public outreach campaign designed to inform Hawaii residents and visitors about the importance of being knowledgeable about Hawaii state resources and its protection. Work with DLNR divisions in this development (ongoing)
- F.7. Develop financial resources to cover the cost of site specific (ahupua'a) planning and oversight. (ongoing)

Objective G: To develop an administrative structure that oversees the Aha Moku System.

Goals and Estimated Time Frame:

- G.1. Create a strategic plan that implements a successful community conservation effort with integration of traditional Hawaiian resource management and best practices into the contemporary state framework of management. (completed)
- G.2. Create a communications process between communities and administration that ensures site-specific resource concerns are effectively addressed by AMAC and DLNR. (Ongoing)
- G.3. Organize moku and ahupua'a aha (groups) that encompass district area communities with Native Hawaiian practitioners from that district who have generational knowledge of those resources. (Ongoing)
- G.4. Develop a 3 and 5-year budget that encompasses the needs of the AMAC and individual islands to ensure success in its mandates and permanence within the state system.
- G.5. Organize an annual State Puwala (Conference) that is open to the public. (Not begun yet due to budget restraints)

III. RECOMMENDATIONS TO THE BLNR:

As mandated in Act 288, the Report to the Legislature shall include a list of all recommendations made by the committee and the resulting action taken by the department over the course of the prior year (2014-2015).

Natural resource issues and concerns from the ahupua'a and moku of the islands were conveyed to the AMAC and addressed. However, true to the intent of the Act, these issues were shared with DLNR and many were resolved between the department and the communities without the need to bring it before the BLNR. To date, there are still issues that are in progress. These issues are on-going and are listed as an attachment to this report.

Following are a list of submittals to the BLNR and the recommendations rendered by the AMAC. The testimonies of the AMAC are attached as Appendix A.

Submitted Request to BLNR by the University of Hawaii- Manoa: Consent to Sublease under General Lease No. S-4191 to the Univeristy of Hawaii, Lessee, to TMT International Observatory LLC, Sublessee, Kaohe, Hamakua, Island of Hawaii, Tax Map Key: 3rd/4-4-15:09 por.

BLNR Decision: The request was deferred on June 17, 2014 to allow the University of Hawaii time to address certain questions raised during the public testimony portion of the Land Board meeting.

AMAC Recommendation of Opposition – That the BLNR wait to approve until the final ruling regarding the CDUP HA-3568 has been decreed in the Appeal Process in the Hawaii State Intermediate Court of Appeals and the Hawaii State Supreme Court; until Section 106 and the consultation process with Native Hawaiians regarding the TMT project has been completed as required by federal law and as outlined in the National Historic Preservation Act; and until all concerns presented in the November 2013 meeting have been addressed.

Submitted Request to BLNR for Mutual Termination, Grove Farm Fish & Poi, LLC, Lessee, General Lease No. 5654, off Ewa Coast, Ewa, O'ahu, TMK: (1)9-1-005:000 seaward.

BLNR Decision: The Request was unanimously approved as submitted. Much discussion centered around this issue and the decision to grant was based on the departments analysis of coral growing on the concrete blocks left behind which now provide a habitat for fish and coral.

AMAC Recommendation of Opposition – This General Lease, under Grove Farm Fish & Poi (GFFP) centered around fish cages off of the Ewa coast of O'ahu. In 2010, GFFP declared bankruptcy and liquidated all of their assets. After paying all debts, they were not able to remove the four concrete ballast weights that now sit on the ocean floor. The AMAC opposition was based on the fear that a precedence of entities leaving their equipment behind on the ocean floor when their activity was over would be a dangerous one.

Submitted Request for BLNR to Grant a Term, Non-exclusive Easement to Lana'i Resorts, LLC dba Pulama Lana'i for Tide Pool Stairs Encroachment Purposes, Pulawai, Lana'i, Seaward of Tax Map Key: (2) 4-9-017:002.

BLNR Decision: Approved as submitted.

AMAC Recommendation of Support – The Tide Pool Stairs area, more commonly known as the “Keiki Pond” is located on the lava shelf of the eastern cliffs of Hulopo'e and has been consistently used by the people of Lana'i since 1951. In recent times, the original steps became a safety hazard for the community. The “Pipi Chute” was built in 1919-1920 and used to load/unload interisland steamers-livestock, supplies and passengers. This chute is part of the area containing the Keiki Pond. Both are considered historic sites by the people of Lana'i and access to both are through the Tide Pool Stairs. AMAC supports Pulama Lana'i in their efforts to stabilize the Tide Pool Stairs as well as commending the BLNR in granting the easement that would make the stabilization possible.

Submitted Request that the Conservation District Use Application (CDUA) ST-3703 for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands be granted.

BLNR Decision: Unanimously approved as submitted.

AMAC recommendation of Support – Ho’ala Loko Ia, the name of the Statewide Programmatic General Permit and Agreement of this CDUA Application will provide cultural practitioners with a single application and permit. It will enable Native Hawaiians who have generational knowledge of loko ia in their specific ahupua’a and moku to restore and maintain important fishponds that can benefit their ‘ohana and communities. It also allows the traditional Native Hawaiian knowledge, methodology and cultural attachment to a fishpond to be perpetuated and shared – an important part of the sustainability of a Hawaiian ecosystem.

Attachments:

AMAC Submittals to the Board of Land and Natural Resources

List of on-going issues currently being addressed by communities and DLNR Divisions

Act 288, HRS, Hawaii State Legislature 2012, “The Aha Moku Act”

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
AHA MOKU ADVISORY COMMITTEE

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HONOLULU, HAWAII 96809

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

Jesse 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

May23, 2014

TESTIMONY IN SUPPORT FOR AGENDA ITEM J-1

Before the Board of Land and Natural Resources

BLNR Agenda Item J-1

Authorize Consent to Mortgage and Amendment of Boating Lease No. B-93-02, Trilogy Corporation for Extension of Lease Term, Manele Small Boat Harbor, Lana'i, Tax Map Key: (2) 4-9-017-006-0002.

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee, Po'o Winifred Basques, Nana'i Kaula (Lana'i) we offer testimony in support of the Division of Boating and Ocean Recreation (DOBOR) submittal, Agenda Item J-1, which is a request for authorization for a Consent to Mortgage and to extend an existing lease to the Trilogy Corporation for commercial maintenance and the operation of a pavilion and appurtenant marine facilities. We recommend that this submittal be approved by the Land Board.

As you are aware, the Aha Moku Advisory Committee, through Act 288 may advise the BLNR on issues that deal with the natural and cultural resources of the site-specific 'aina and kai. In this case, ahupua'a and moku resource practitioners of Lana'i are in support of the Trilogy request. There is no adverse impact to the cultural areas, either on land or in the ocean where the improvements are proposed. We agree with the Department DOBOR staff in their analysis that the proposed plan, renovations and improvements will better serve the community of Lana'i as well as visitors who arrive by sea.

We also believe that while an Environment Assessment, including a Cultural Impact Statement is normally required in projects like this, it would not be necessary because this is an extension on an existing lease.

sites pertaining to natural resources on Nana'i Kaula. Indeed, Jim Coon is perceived to be part of the local community.

On behalf of the Aha Moku, we urge the Board of Land and Natural Resources to authorize the Consent to Mortgage and the Amendment of the Boating Lease No. B-93-02, Trilogy Corporation for Extension of Lease Term, Manele Small Boat Harbor, Lana'i, TMK. (2)4-9-017-006-0002.

Respectfully yours,

Leimana DaMate, Executive Director

Aha Moku Advisory Committee, DLNR Phone: 808-587-1498

Email: LeimanaK.DaMate@hawaii.gov

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
AHA MOKU ADVISORY COMMITTEE

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 12, 2014

TESTIMONY IN OPPOSITION TO AGENDA ITEM D-8

Before the Board of Land and Natural Resources

BLNR Agenda Item D-8

Consent to Sublease under General Lease No. S-4191 to the University of Hawaii, Lessee, to TMT International Observatory LLC, Sub lessee, Ka'ohe, Hamakua, Island of Hawaii, Tax Map Key: (3) 4-4-015: 009 por.

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee Po'o Piilani Kaawaloa, Moku O Keawe (Island of Hawaii), and its Moku of Hamakua, Kohala, Hilo, Puna, Ka'u and Kona, we offer testimony in strong opposition to the Land Division submittal, Agenda Item D-8, which is a request to sublease under General Lease No. S-4191 to the University of Hawaii, Lessee, to TMT International Observatory LLC, Sub lessee, Ka'ohe, Hamakua, Island of Hawaii, TMK: (3) 4-4-015: 009 Por.

As you are aware, the issue of the use of Mauna Kea, the most sacred wahi pana throughout the islands has been of great concern to native Hawaiians ever since the Mauna Kea Science Reserve was created. This concern has not been alleviated in the years that the UH has had the lease. There are many grounds why the Hawaiian community does not support the lease that UH is requesting, nor the most recent request for a sublease to TMT International Observatory LLC. Among those reasons are:

- ❖ Concerns stated in our November 8, 2013 testimony before the BLNR Board included our continuing fears that 1) there are still no protections generated by the UH to protect against invasive species; 2) there are no burial plans for the native Hawaiian 'iwi found on the mountain; and 3) there has never been a plan to decommission existing telescopes when their use is over.
- ❖ The final decision on whether or not the BLNR is going to approve the UH request, made this past November, 2013, to re-lease Mauna Kea for gratis has not been made. At that meeting, the request was deferred until certain conditions were met. Have those conditions been met?

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

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES BOATING
AND OCEAN RECREATION BUREAU
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

- ❖ We had asked that the existing General Lease No. S-4191 and General Lease No. S-5529 to the UH for the Mauna Kea Science Reserve, and for the Hale Pohaku Mid-Level Facilities be amended by inserting a clause that says the UH must pay fair market rent for the use of public lands.

Again, the Aha Moku has been receiving many calls and requests that their concerns be heard by the BLNR. Many are sending their own testimonies in reiterating the very concerns that we are expressing. We ask that the Board of Land and Natural Resources re-examine this issue carefully and listen to the concerns of the very people they are mandated to serve in their capacity as Board members by initiating the following:

1. Wait until the final ruling regarding the CDUP HA-3568 has been decreed in the Appeal Process in the Hawaii State Intermediate Court of Appeals and the Hawaii State Supreme Court.
2. Wait until the Section 106 and consultation process with Native Hawaiians regarding the TMT project has been completed as required by federal law and as outlined in the National Historic Preservation Act.
3. Wait until all of the concerns as presented in the November 2013 BLNR meeting have been addressed.

Thank you for the opportunity to render our testimony and recommendation on this issue. Per the request of Moku O Keawe, its Moku and Ahupua'a communities, we urge the BLNR to deny the application of the UH to sublease a portion of land under the General Lease No. S-4191.

Respectfully yours,

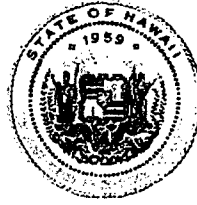
Leimana DaMate, Executive Director

Aha Moku Advisory Committee, DLNR

Phone: 808-587-1498

Email: Leimana.K.DaMate@hawaii.gov

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
AHA MOKU ADVISORY COMMITTEE

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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HISTORIC PRESERVATION
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 13, 2014

TESTIMONY IN SUPPORT OF AGENDA ITEM D-10

Before the Board of Land and Natural Resources

BLNR Agenda Item D-10.

Grant of Term, Non-Exclusive Easement to Lana'I Resorts, LLC dba Pulama Lana'i for Tide Pool Stair Encroachment Purposes, Pulawai, Lana'i, Seaward of Tax Map Key: (2) 4-9-017:002.

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee Po'o Winifred Basques, Nana'i Kaula (Island of Lana'i), and the local community of the Moku Pulawai, we offer testimony in support of the Land Division submittal, Agenda Item D-10 requesting a grant of term, non – exclusive easement to Lana'I Resorts, LLC; db Pulama Lana'I for Tide Pool Stairs Encroachment Purposes. The comments below were given by Kepa Maly, moku representative of Lana'i.

“More commonly known as the “Keiki Pond” located on the lava shelf on eastern cliffs of Hulopo'e, the popular pond was created by dynamite blasted tidal pools in Hulopo'e Bay and built by HAPCo employees during the pineapple strike in 1951. The original steps became a safety hazard and the improved steps installed to maintain what would be a customary access.”

“The “Pipi Chute” was built in ca. 1919-1920, and used to load/unload interisland steamers – livestock supplies and passengers. The attached photograph from the Munro collection/Kenneth Emory album is from 1921. The S.S. Mikahala is pulled to the bluff, and the chute led down onto the steamer deck. One of the two historic cement stanchions that held up the chute is visible. The wooden chute was still extant through the 1970's when I was growing up. It is historical features also associated with cement salt-making basins just a little to the north of the chute and wing fence that kept cattle in line for loading.” (Kepa Maly, June 2014)

The Keiki Pond and Pipi Chute are considered historic sites by the people of Lana'i. We thank you for the opportunity to testify and ask that you protect this area that is so loved by the people of Lana'i. We support the Grant of Term, Non-Exclusive Easement to Lana'I Resorts, LLC dba Pulama Lana'I for the Tide Pool Stair Encroachment Purposes.

Respectfully yours,

Leimana DaMate, Executive Director

Aha Moku Advisory Committee

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
AHA MOKU ADVISORY COMMITTEE

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

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AQUATIC RESOURCES BOATING
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 13, 2014

TESTIMONY IN SUPPORT OF AGENDA ITEM K-3

Before the Board of Land and Natural Resources

BLNR Agenda Item K-3

Conservation District Use Application (CDUA) ST-3703 for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands (OCCL).

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee (AMAC) comprised of the Po'o of the eight main Hawaiian Islands and the forty-three (43) traditional moku districts encompassed within the Pae'aina, we offer testimony in strong support of the Office of Conservation and Coastal Lands (OCCL) submittal, Agenda Item K-3 requesting approval for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources.

Prior to the arrival of guests from other lands, the Native Hawaiian population thrived upon the sustainability of their resources. Much of this depended on and centered on the loko 'iā, fishponds that served needs of the community. Every ahupua'a on every island maintained, protected and sustained a fishpond for community subsistence needs. At one time, there were so many fishponds throughout the islands that they were common sight and contributed to a healthy environment in which a vigorous Native Hawaiian people thrived. However, over the past two hundred years with the arrival of many western influences over the cultural and natural landscapes of the coastal areas, the maintenance of traditional fishponds became problematic. At last listing, over 40 fishponds were listed. However, only two of them were able to be permitted due to the difficulty in the necessary completion of numerous permits that are difficult to read or understand with agencies that had overlapping jurisdictions.

Ho'ala Loko I'a is a proposed Statewide Programmatic General Permit for the repair, restoration, maintenance and operation of traditional fishpond systems in Hawai'i. In providing cultural practitioners with single application and permit, The DLNR- OCCL will enable Native Hawaiians who have generational knowledge of loko I'a in their specific ahupua'a and moku to restore and maintain important fishponds that can benefit their 'ohana and communities. It also allows the traditional Native Hawaiian knowledge, methodology and cultural attachment to a fishpond to be perpetuated and shared - an important part of the sustainability of the Hawaiian ecosystem.

BLNR Meeting, June 27, 2014

AMAC Testimony, Page Two

Representatives of our many moku throughout the islands attended the state-wide public hearings on the proposed permit and agreement for the fishponds last February, 2014. The many questions and concerns were answered honestly and candidly. Our people are convinced that this is an important step in the continuing effort to work with the state in sustaining our culture and our natural resources.

Thank you for the opportunity to render our testimony and recommendation on this issue. We urge the BLNR to approve the submittal of a CDUA ST-3703 for a Statewide Programmatic General Permit for the repair, restoration, maintenance and operation of traditional fishpond systems in Hawaii.

Respectfully yours,

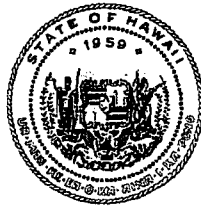
Leimana DaMate, Executive Director

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October 24, 2014

TESTIMONY IN SUPPORT OF AGENDA ITEM F-1

Before the Board of Land and Natural Resources

BLNR Agenda Item F-1.

REQUEST FOR FINAL APPROVAL TO ADOPT A NEW CHAPTER UNDER HAWAII ADMINISTRATIVE RULES AS TITLE 13 CHAPTER 60.8, HA'ENA COMMUNITY-BASED SUBSISTENCE FISHING AREA, KAUA'I, TO MANAGE AND PROTECT FISH STOCKS AND TO REAFFIRM TRADITIONAL AND CUSTOMARY NATIVE HAWAIIAN SUBSISTENCE FISHING PRACTICES WITHIN THE AHUPUA'A OF HA'ENA.

Aloha Chair Aila and Members of the Board of Land and Natural Resources,

My name is Thomas Hashimoto, and I am the Aha Moku Advisory Committee Representative of Manokalanipo, the Island of Kaua'i. I am also the Moku Representative of Halele'a, the Moku on which Ha'ena is located. On behalf of my island, the natural resource and cultural participants in the Aha Moku System, we strongly support the adoption of a New Chapter under the Hawai'i Administrative Rules relating to the establishment of the Ha'ena Community-Based Subsistence Fishing Area.

Before people came to Hawai'i from other lands, Native Hawaiians thrived and sustained their oceans and lands – our survival depended on how well we took care of our resources. We depended on the ocean to feed us so we took care of our oceans, our fishing stock, our limu, our coral and the fresh water needed so our spawning grounds in the ocean were healthy.

However, over the past two hundred years with the arrival of many western influences over the cultural and natural landscapes of the coastal areas, taking care of our resources became harder. Kaua'i became a major tourist attraction and commercial fishing interests began competing for the use of the ocean areas that our Ha'ena 'ohana depended upon for subsistence. And, while Kaua'i people are well-known for their hospitality, we have become unwitting casualties of too many people trying to use every inch of Ha'ena for different purposes. We welcome visitors, but we need to feed our families. Most of all, we need to sustain Ha'ena.

The Ha'ena CBSFA allows the people of Ha'ena to protect their subsistence fishing area. It allows others to learn how sustainability is the result of careful Native Hawaiian practices within a specific area. It gives cultural practitioners and lawai'a that have generational knowledge of Ha'ena the opportunity to restore and maintain important marine areas that can benefit their 'ohana and communities. It also allows the traditional Native Hawaiian knowledge, methodology and cultural attachment to a place to be perpetuated and shared - an important part of the sustainability of a Hawaiian ecosystem.

Much discussion within our communities and with DLNR has taken place over the past few years. Our people are convinced that this is an important step in the continuing effort to work with the state in sustaining our culture and our natural resources.

Thank you for the opportunity to give our testimony of support. We urge the DLNR – Division of Aquatics to approve the adoption of a New Chapter under the Hawai'i Administrative Rules relating to the establishment of the Ha'ena Community-Based Subsistence Fishing Area.

Respectfully yours,

Thomas Hashimoto, Po'o

Manokalanipo (Island of Kaua'i)

Aha Moku Advisory Committee

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**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
AHA MOKU ADVISORY COMMITTEE**

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October 24, 2014

TESTIMONY IN SUPPORT OF AGENDA ITEM F-5

Before the Board of Land and Natural Resources

BLNR Agenda Item F-5

REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARINGS PURSUANT TO HRS CHAPTER 91, TO AMEND HAWAII ADMINISTRATIVE RULES (HAR) TITLE 13, CHAPTER 60.4, "WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA, HAWAII" TO ESTABLISH THE KA'UPULEHU MARINE RESERVE TO ALLOW FOR THE RECOVERY OF NEARSHORE FISHERY STOCKS.

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee, Aha Kiolo Piilani Kaawaloa, Moku O Keawe (Island of Hawaii), and the Ahupua'a of Ka'upulehu located within the Kona Moku we offer testimony in support of the request for approval to hold public meetings and hearings to amend existing administrative rules under the West Hawaii Regional Fishery Management Area, Hawaii'i, with limited exceptions.

Located within the West Hawaii Regional Fishery Management Area (WHRFMA), the Ka'upulehu Ahupua'a has long been known to Kama'aina and local communities to be a pristine area rich in marine natural resources and steeped in Native Hawaiian cultural practices and history. The lawai'a (fishermen) of Ka'upulehu and the surrounding ahupua'a depended upon the fishery there to feed their families and 'ohana. They were careful in the sustainability of the different types of marine stock that were plentiful in different seasons. The fishery was sustained as well as the other types of near shore marine life such as opihi, kupe'e, okole, pupu and the limu pahe'e as well as various limu species which were plentiful during certain seasons along the pali areas where the waves impact.

Two of the most favorite Hawaiian fish species known to frequent Ka'upulehu are the hilu and the hou. Known to be a sweet fish, these species were a favorite of the local kama'aina.

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Unfortunately, in recent times and as progress moves forward, Ka'upulehu became more accessible to people not from the area with no idea to the cultural protocols of these areas and its resources. "He ali'i ka aina he kauwa ke kanaka" is an 'ōlelo no'eau that translates as "the land is a chief, man is its servant" ('Olelo No'eau 531, Mary Kawena Pukui). Land has no need for man, but man needs the land and works it for a livelihood. This is very profound because here we are – generations later still trying to repair the damages we kanaka make. The difference is in the way we need to make these repairs that will also include the teaching, understanding, perpetuation and involvement of the next generation.

Misuse of the ocean caused a great depletion of its resources. And, aside from the loss of subsistence, the impact to the Native Hawaiian of Ka'upulehu is deeply felt. It must be said that of equal importance is the preservation of the generational Native Hawaiian families who hold the knowledge of how to maintain that place. One such family is the Keakealani 'Ohana whose patriarch, Uncle Lopaka Keakealani was the last Native Hawaiian born in Kahuwai, Ka'upulehu. His daughter Leina'ala Keakealani Lightner and her 'ohana, among other families with similar generational knowledge, continue to perpetuate those traditions today.

The Department of Land and Natural Resources and its divisions are aware of this dilemma and wish to assist in the restoration of the marine resources that are critical to the sustainability and natural balance of this part of the ecosystem.

The Aha Moku is aware that should the Ka'upulehu Reserve be solidified, there is a possibility of negative impacts to neighboring moku and ahupua'a causing much discussion as to protocols for these aina. These concerns are very important and need to be addressed so the impact on these communities does not lead to the depletion of their resources.

The Aha Moku System works with ahupua'a and moku districts to address resource issues within all districts. It is because of our actions, we need to restore the balance within all ahupua'a, that we support public hearings and meetings for all to share ike, mana'o and solutions.

Thank you for the opportunity to render our testimony and recommendation on this issue. Per the request of Moku O Keawe, the Kona Moku and the Ka'upulehu Ahupua'a, we urge the BLNR to approve the request for public hearings regarding a Marine Reserve for a limited time in Ka'upulehu which will restore the marine resources to the previously known sustainable level within that ecosystem and to assist Ka'upulehu and other communities facing the same plight. Perhaps Ka'upulehu can model the similar concepts and mana'o of other communities that have been successful in the road to restoring their resources such as Moloka'i, Kaua'i and others.

Respectfully yours,

Leimana DaMate, Executive Director

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AMAC PARTICIPATION WITH DLNR – 2014

Island	DLNR Divisions Contacted/Assisted
Hawaii	
Puna Hurricane assistance	Hawaii Moku
Naalehu Wastewater Disposal System	Land
Miloli'i Ahupua'a Organization	DOCARE
Miloli'i Community Based Marine Management	DAR, DOCARE
Keauhou Bay – Marine Resources	DOBOR, DAR
Kailua-Kona – illegal dumping of pool water into ocean	DOBOR, DAR
Kohala Public Access	Pending
Kawaihae Illegal Mooring of Boats – Honokoa point	DOBOR, DOCARE
Kawaihae Ala Loa (King's Trail System)	DOFAW
Maui	
Stream Diversion, Hanehoe Stream, Hamakualoa Moku	CWRM
Amended Admin Rules, "Island Based Fisheries Rules" Hana Moku	DAR
Watershed and Forestry Program, Kahikinui Moku	DOFAW
Hokule'a visit to Makena and Kahoolawe, Honuaula Moku	Moku O Kanaloa
Stream Diversion, Honokohau Ahupua'a, Kaanapali Moku	CWRM
DLNR Acquisition of Lipoa Point, Kaanapali Moku	DLNR
Wailuku-Kahului Wastewater Facility, Wailuku Moku	OCCL
Molokai	
East Molokai Watershed, Mana'e Ahupua'a, Kona Moku	DOFAW
Lobster Issue, Mo'omomi Ahupua'a, Ko'olau Moku	DAR
Kalaupapa Memorial Park, Kalaupapa Ahupua'a, Ko'olau Moku	State Parks
Lana'i	
Manele Desalination System	Pending
Pulama Lana'i partnering with DLNR and Aha Moku	Legislature, SR75
Maunalei Taro Restoration	Pending
Kahoolawe	
I Ola Kanaloa, Kahoolawe Planning	KIRC
O'ahu	
He'eia Pond, Ko'olaupoko Moku	DAR
Restoration of Lo'i, Iole Ka'a Ili, Ko'olaupoko Moku	Land
Ala Wai Canal Project, Manoa Ahupua'a, Kona Moku	Pending
Kalakaua Project, Waikiki Ahupua'a, Kona Moku	Pending
Ho'opili Project, Zone Change, Kapolei, Kaleloa Moku	Pending
HECO Kahe-Halawa Power Line Project, Waimalu Ahupua'a, Ewa Moku	Pending
Pacific Legacy Kako'o, Rail Project, Ewa Moku	Pending
Kalaeloa Heritage Park, build kahili for Iolani Palace, Ewa Moku	Pending

Kauai	
Ha'ena Community-Based Subsistence Fishing, Halele'a Moku	DAR
Identification of stream practices – Hule'ia Stream, Pu'ali Stream, Koenaawanui Stream, and Ha'upu Stream	CWRM
Wainiha River issues, Wainiha Ahupua'a, Halele'a Moku	CWRM
Hanapepe River Diversion, Hanapepe Ahupua'a, Kona Moku	CWRM
Niihau	
Address issue of subsistence fishing boundary around Niihau	DLNR
Lehua Island rat eradication project	DOFAW-INV.SPECIES

CWRM – Commission on Water Resource Management
 DAR – Division of Aquatic Resources
 DOBOR – Division of Boating and Ocean Recreation
 DOCARE – Division of Conservation and Resources Enforcement
 DOFAW - Division of Forestry and Wildlife
 KIRC - Kahoolawe Island Reserve Commission
 Land – Land Division
 OCCL – Office of Conservation and Coastal Lands
 State Parks – Division of State Parks

2015 Aha Moku Advisory Committee

Legislative Report

Hawaiian Translation

Department of Land and Natural Resources
'Aha Moku Advisory Committee
Report to the 2014 Legislature

He palapala 'aelike kēia no ka māhele 171-4.5 o ka Hawai'i Revised Statutes (HRS), no ke au o Ianuali 2014 a i ka lā 30 o Kēkēmapa, 2014.

KA HO'OLAUNA

Na ka Department of Land and Natural Resources (DLNR), ke ke'ena o ka Chairman's Office, kēia "'Aha Moku Advisory Committee"' wahi a Act 288 Session Laws of Hawai'i 2012. He kānāwai maoli nō ua hui a'oa'o 'o ka 'Aha Moku, a koikoi 'ia lākou e palapala hō'ike i ka 'Aha Kolokolo a me ke Po'o o ka Board of Land and Natural Resources (BLNR) e like me nā mana'o i ho'olale 'ia e ka hui a'oa'o 'o ka 'Aha Moku, a me kā lākou hana i hana 'ia e ka DLNR.

Ua pūlima 'ia ka Senate Bill 3053, House Draft 2 (pili i ka po'e 'ōiwi kanaka Hawai'i) i kānāwai Act 288 i ka lā 9 o Iuali, 2012. I mea kēia kānāwai e ho'okahua i ke kuleana o ka 'Aha Moku System a me ka hui a'oa'o 'o ka 'Aha Moku Advisory Committee (AMAC) i loko o ke kuleana o ka DLNR, i hoa a'oa'o i ke Po'o o ka BLNR. Ma lalo o kēia kānāwai hiki i ka AMAC ke a'oa'o ma nā kumuhana pili i ka mālama 'āina 'ana ma lalo o ka 'Aha Moku System. 'O ka 'Aha Moku System ke 'ano o ka mālama 'āina e like me ka lōina kahiko- nānā 'ia nā palena 'āina e like me ke 'ano o ka 'āina a me nā kumu waiwai o kēlā me kēia wahi, pēlā pū me ka no'ono'o e ola pono ai nā kumu waiwai a me ka po'e o ia 'āina.

Wahi a Section 171-4.5, HRS, koikoi 'ia ka AMAC e palapala hō'ike i kēlā me kēia makahiki i ka 'Aha 'Ōlelo Kau Kānāwai a me ke Po'o o ka BLNR. Eia nā mea e hō'ike 'ia:

- I. Ke kumu a me ke makia o ka 'Aha Moku Advisory Committee (AMAC)
- II. Ko lākou mau pahu hopu, kumuhana nui, a me ka wā e ho'okō ai i ia mau pahu hopu
- III. Nā mana'o ho'olale i ka BLNR

I. Ka makia o ka 'Aha Moku Advisory Committee (AMAC)

'O ke kumu o ka AMAC 'o ia ka ho'olaukahi 'ana a me ka ho'okumu 'ana i ka 'ike Hawai'i a me nā lōina Hawai'i i mea e mālama a ho'oulu a kia' i i nā kumu waiwai no nā haunauna e hiki mai ana; a me ka hana 'oi loa e hiki ai ke mālama i nā kumu waiwai e like me ka hana o ka po'e o nei 'āina ma loko ho'i o nā palena 'āina 'o ka moku a me ke ahupua'a.

II. Nā Pahu Hopu

A: Ka ho'ohana 'ana i nā lōina o ka 'ōiwi a me ka po'e o ka 'āina 'ē i mea e mālama ai i kēlā me kēia moku

Pahu hopu a me ka Papa Manawa i mahu' i 'ia:

Pahu hopu A: E 'āwili pū i ka 'ike kūpuna o ko Hawai'i a me ko ka 'āina 'ē no ka mālama 'ana i kēlā a me kēia moku.

A.1. E hō'ola hou i nā loina ma o ka hō'olaha 'ana aku i ka hana o ka po'e o kēlā me kēia ahupua'a i mea e maka'ala ai ka po'e a pau i nā hana kūmau o nā kumu waiwai. (ke hana 'ia nei)

A.2. E hō'okumu a hō'onohono i mau 'Aha Ahupua'a (ke hana 'ia nei)

A.3. E 'imi mau i ke kālā pekelala a me nā waihona kūwaho (ke hana 'ia nei)

Pahu hopu B: E hō'oku'ikahi i nā moku a puni ka pae 'āina o Hawai'i ma o ka hō'okumu 'ana i mau "standards" (ke hana 'ia nei)

B.1. E hō'oku'ikahi i nā moku a puni ke aupuni 'o Hawai'i ma o ka hō'ike 'ana i nā ana kūlike i mea e hō'ike ai i ka hana pū a me ka hana like o nā mea e hana 'ia nei.

Pahu hopu C: Ka hō'opai 'ana i a me ka hō'omaopopo 'ana i ka hana o nā loea o ka po'e 'ōiwi o Hawai'i e pili ana i ka mālama 'āina a me ka mālama kumu waiwai

C.1. E hō'olaha i nā lanakila o ka AMAC a me ka hana pū 'ana me nā 'oihana o ka lehulehu- ka hō'okumu 'ana i mau 'oihana a i 'ole ke kōkua 'ana i nā 'oihana e hana nei

C.2. E hana pū me nā agena a me nā hui 'ē a'e i hoihoi i ka mālama pono 'ana i ke 'ano o nohona, mai uka a i kai (ke hana 'ia nei)

Pahu hopu D: Ka mālama 'ana i nā kumu waiwai, mai uka a i kai, no nā kau a kau

D.1. E hō'oku'ikahi i ke 'ano o ka hō'ike mana'o 'ana (ke hana 'ia nei)

D.2. E kāko'o i ka hai 'ana i nā limahana, e like me ka mea e pono ai, i mea e kāko'o ai i ka hō'oholo 'ana i nā papahana ma ke ke'ena

D.3. E hō'oikaika i ka pilina ma waena o ka AMAC a me DLNR no ke ka'ana aku, ka'ana mai 'ana ma waena o nā loea mālama 'āina (ua hō'okumu 'ia, ke hana 'ia nei)

Pahu hopu E: E lawe i ka hō'ona'auao i nā kaiāulu, e a'o i ka loina mālama 'āina a me nā mea maika'i o ka AMAC

E.1. E hō'ona'auao i nā hanauna e hiki mai ana, nā kaiāulu, nā hui kaiāulu, e pili ana i ka AMAC (ke hana 'ia nei)

E.2. E hana pū me nā hui hō'ona'auao i ma'a a kama'āina lākou i ke 'ano o ka mālama 'āina e like me ka hana o ka po'e kama'āina o kēlā me kēia ahupua'a (ke hana 'ia nei)

E.3. E hō'omaka i ka hana pū me nā kula ma o ka haku ha'awina 'ana e pili ana i ka loina mālama 'āina o ka po'e kama'āina o kēlā me kēia ahupua'a- a e hō'ike pū i ke 'ano o ko ka DLNR hō'omāhele 'āina (ke hana 'ia nei)

E.4. E hō'omōhala i mau alahele 'enehana e like me ke pa'i wikiō a me ke pa'i palapala e hō'olaha ana i ka hana a nā loea mālama 'āina e noho ana ma ka AMAC (ke hana 'ia nei)

Pahu hopu F: Ka hō'opai 'ana i ka hō'opalekana 'ana a me ka mālama 'ana i nā kumu waiwai o ke aupuni 'o Hawai'i

F.1. E ho'ohana i nā 'ano 'enehana like 'ole e like me ka manakuhi i mea e ho'ona'auao ai i ka 'Aha 'Ōlelo Kau Kānāwai, a me nā hui o ke kaiāulu, a me ka po'e hoihoi e pili ana i ka AMAC (ke hana 'ia nei)

F.2. E hō'ano hou i nā paena punaeweale i hiki ke nānā 'ia e ka lehulehu (ke hana 'ia nei)

F.3. E ho'opai a e ho'oikaika i ka ho'ona'auao 'ia ana o ke kaiāulu e pili ana i ka mālama 'āina ma o nā loina kahiko o kēlā me kēia mokupuni, e like me ka hana o ka po'e kama'āina nona ia 'āina

F.4. E ho'olālā i ka hana e pono ai i mea e ulu ai ka hoi i loko o ka lehulehu e pili ana i nā loina kahiko o ka mālama 'āina a e ho'omohala i ka pilina ma waena o ka DLNR, a me ke anaina, a me ke Aupuni o Hawai'i

F.5. E ho'okumu i mau pilina me nā hui kaiāulu a me nā hui mālama 'āina o ke aupuni holo'oko'a o 'Amelika Hui Pū 'Ia i hiki ke laulima pū ka hana a me nā kumu waiwai a me ka ho'ona'auao 'ana i ka lehulehu

F.6. E noke mau i ka ho'omohala 'ana i ka paipai 'ana i ka lehulehu e pili ana i ka ko'iko'i o ka mālama 'ana i nā kumu waiwai o Hawai'i a me ka ho'opalekana 'ana i nā mea a pau. E hana pū me ka DLNR ma kēia hana (ke hana 'ia nei)

F.7. E ho'omohala i nā kumu waiwai kālā no ke kia'i pono 'ana i ka ho'olālā a me ka mālama 'ana i kēlā me kēia ahupua'a (ke hana 'ia nei)

Pahu hopu G: E kukulu i kekahi hui kia'i ma luna o ka AMAC

G.1. E ho'olālā pono i kekahi ka'ina hana no ka mālama 'āina ma ke kaiāulu ma o nā loina kahiko Hawai'i i loko o nā hana kia'i o kēia wā (ua hana 'ia)

G.2. E haku i kekahi 'ano no ke ka'ana aku, ka'ana mai 'ana ma waena o ke kaiāulu a me ka hui kia'i ma luna o ka AMAC a me ka DLNR (ke hana 'ia nei)

G.3. E ho'onohonoho i mau 'aha li'ili'i no nā moku a me nā ahupua'a i loa'a kekahi 'ano waihona 'ike o ka mālama 'āina e like me ka hana o kēlā me kēia hanauna o ka 'āina

G.4. E ho'olālā 'ia ka waihona kālā no ka wā o 'ekolu makahiki a me 'elima makahiki e hō'ike ana i nā mea e pono ai ka AMAC ma kēlā me kēia mokupuni i hiki ke ho'okō 'ia e ke Aupuni

G.5. E mālama 'ia kekahi 'Aha Pūwale o ke Aupuni i kēlā me kēia makahiki no ka lehulehu ('a'ole i hana 'ia ma muli o ka nele i ke kālā 'ole)

III. Nā Mana'o i hāpai 'ia no ka ho'oikaika 'ana i ka BLNR (Board of Land and Natural Resources)

E like me ke kauoha i loko o Act 288, koikoi 'ia ka AMAC e hō'ike i ko lākou mau mana'o no ka ho'ikaika 'ana i ka BLNR. E hō'ike 'ia ka hana a ka BLNR ma o kēlā makahiki i hala aku nei, 2014-2015 ma loko o kēia hō'ike palapala i ho'ouna 'ia i ka 'Aha 'Ōlelo Kau Kānāwai.

Ua hō'ike 'ia nā mana'o hopohopo pili i ka mālama 'āina o kēlā me kēia ahupua'a a me moku i ka AMAC. Ma hope aku, ua hō'ike 'ia kēia mau mana'o i ka DLNR a ua ho'oponopono 'ia ma waena o ka DLNR a me nā kaiāulu. 'Oiai ua ho'oponopono 'ia, 'a'ole i hō'ike 'ia kēia mau mea i ka BLNR. A i kēia manawa, mau nō kekahi mau mea e ho'oponopono 'ia nei. Ua pāku'i 'ia kēia mau mea i kēia palapala hō'ike.

Eia ma lalo nei kekahi mau mea i hā'awi 'ia i ka BLNR e ka AMAC. Ua pāku'i 'ia nā hō'ike 'ōlelo i ka AMAC ma lalo o Appendix A.

Ho'ouana 'ia ke noi i ka BLNR e Trilogy Corporation no ka Ho'olō'ihī 'ana i ka Wā Ho'olimalima, Awa Kū Moku ma Manele, Lāna'i, Helu Tax Map Key : (2) 4-9-017-006-0002

Ka ho'oholo 'ana o ka BLNR: Ua 'āpono 'ia ma ka mana'o lōkahi.

Nā mana'o kākō'o o ka AMAC: E 'āpono ka BLNR i kēia noi 'oiai kākō'o ka po'e mālama 'āina o Lāna'i i kēia noi Trilogy. 'O ke kumu no ka ho'opane'e 'ana i ka lā palena pau ke kūkulu 'ana i kekahi hale hālāwai a me hale no nā hana kai. 'A'ole e ho'opilikia 'ia ana kekahi mea, ma uka a i kai, ma kahi o ke kūkulu 'ana.

Ho'ouana 'ia ke noi i ka BLNR e ke Kulanui o Hawai'i ma Mānoa: 'Aelike i ka Ho'olimalima hou 'ana ma lalo o ka Palapala Ho'olimalima Helu S-4191 i ke Kulanui o Hawai'i, Mea Ho'olimalima, i ka TMT International Observatory LLC, Mea Ho'olimalima Hou, Ka'ohē, Hāmākua, Mokupuni 'o Hawai'i, Helu Tax Map Key: 3rd/4-4-15:09 por.

Ka ho'oholo 'ana o ka BLNR: Ua ho'opane'e 'ia kēia noi i ka lā 17 o Iune, 2014 i hiki ke pane ke Kulanui o Hawai'i i nā nīnau i hāpai 'ia e ke kaiāulu ma nā hō'ike 'ōlelo o ka lehulehu ma ka hālāwai o ka Land Board.

Nā mana'o kū'ē o ka AMAC- E kakali ka BLNR a ho'olaha 'ia ka ho'oholo hope e pili iā CDUP HA-3568 ma ka Appeal Process ma ka Hawai'i State Intermediate Court of Appeals a me ka Hawai'i State Supreme Court; a i ka manawa e pau ai kūkā kamai'ilio 'ana e pili ana iā Section 106 e ka po'e 'ōiwi Hawai'i e pili ana i ka papahana TMT e like me ke kāmāwai pekelala ma lalo o ka National Historic Preservation Act; a pau ka nānā 'ana i nā mana'o a pau i hāpai 'ia ma Nowemapa 2013.

Ho'ouana 'ia ke noi i ka BLNR no ka 'Aelike Ho'ōki, Grove Farm Fish & Poi, LLC, Lessee, Palapala Ho'olimalima, Helu 5654, ma ke kapakai 'Ewa, 'Ewa, O'ahu, TMK: (1) 9-1-005:000 ma kai.

Ka ho'oholo 'ana o ka BLNR: Ua 'āpono 'ia ma ka mana'o lōkahi e like me kona hā'awi 'ia 'ana. Ua nui ke kama'ilio 'ana e pili ana i kēia kumuhana a ua 'āpono 'ia ma muli o ka puka lanakila o ka papahana hou i ho'oulu maika'i i ke ko'a hou ma luna o nā papa kimeki a ua lilo nō i wahi e noho maika'i ai ka i'a a me ke ko'a. No kēia papahana ho'okahi wale nō ka ho'oholo 'ana, aia nō i ka lanakila a me ka lanakila 'ole o kēlā me kēia papahana.

Nā mana'o kū'ē o ka AMAC- He ho'olimalima kēia ma lalo o Grove Farm Fish & Poi (GFFP) no ko lākou mau pahu hānai i'a ma waho o ke kapakai o 'Ewa, O'ahu. I ka makahiki 2010, ua panakalupa maila 'o GFFP a pau loa kā lākou mau waiwai. Ma hope o ke uku 'ana i ka 'ai'ē, 'a'ole i hiki iā lākou ke ho'ohemo i nā ana kaumaha he 'ehā e noho ana ma lalo loa o ka moana. Ua kū'ē ka AMAC ma muli o ia mea, ka waiho wale 'ia 'ana o nā pono hana o kekahi hui i ka pau 'ana o ka hana. He mea weliweli nō ia.

Ho'ouana 'ia i ka BLNR to Grant a Term, Non-exclusive Easement to Lana'i Resorts, LLC dba Pulama Lana'i for Tide Pool Stairs Encroachment Purposes, Pulawai, āana'i, Seaward of Tax Map Key: (2) 4-9-017:002

Ka ho'oholo 'ana o ka BLNR: Ua 'āpono 'ia e like me kona hā'awi 'ia 'ana mai.

Nā mana'o kākō'o o ka AMAC: Kapa 'ia kēia wahi o ke alapi'i 'o Tide Pool, 'o "Keiki Pond", aia ma nā pali hikina o Hulopo'e a ua ho'ohana 'ia e ka po'e o Lana'i mai ka makahiki 1951 mai. I kēia mau lā, ua hele ā palekana 'ole kēia alapi'i. Ua kūkulu 'ia ka "Pipi Chute" i ka makahiki 1919-1920 a ma lāila i ho'ouka 'ia ai nā pipi, nā lako hana, a me nā 'ōhua ma luna o nā mokuahi e holo ana i waena o nā mokupuni. He wahi kokoke nō kēia i Keiki Pond a aia nā mea 'elua

i kahi like. No ka po'e kama'aina he 'ano kia ho'omana'o kēia o ka wā i hala, a hiki ke hō'ea ma laila ma o ka iho 'ana i ke alapi'i 'o Tide Pool. Kāko'o ka AMAC iā Pūlama Lana'i i ko lākou hana e ho'oponopono a pa'a ke alapi'i 'o Tide Pool, a kāko'o pū nō ho'i 'ia ka BLNR no ko lākou 'ae 'ana e ho'oponopono 'ia ke alapi'i.

Submitted Request that the Conservation District Use Application (CDUA) ST-3703 for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands be granted

Ka ho'oholo 'ana o ka BLNR: Ua 'āpono 'ia ma ka mana'o lōkahi e like me kona hā'awi 'ia 'ana mai.

Nā mana'o kāko'o o ka AMAC- 'o Ho'ala Loko I'a ka inoa o kēia papahana a puni ke Aupuni 'o Hawai'i (Statewide Programmatic General Permit). Ke 'āpono 'ia, e hiki ana ke loa'a ka palapala 'ae i ka po'e kama'aina mālama 'aina, kumu, a pēlā aku ma o ke noi ho'okahi a me ka palapala 'ae ho'okahi. E hiki ana i ka po'e 'ōiwi Hawai'i ke a'o e pili ana i ka 'ike mai nā hanauna o mua mai no kēlā me kēia moku a me ahupua'a, a me ka 'ike no ka mālama loko i'a. Ma o kēia palapala 'ae, e ka'analike 'ia ana, e ho'omau 'ia ana, a e a'o 'ia ana nā loina kahiko o ka Hawai'i pili i ka mālama loko i'a i pono ke ola o kai a me uka.

Nā paku'ina:

Nā mea i hā'awi 'ia e ka AMAC i ka BLNR

Ka papa helu o nā kumuhana e kūkā ai nā kaiāulu a me ke ke'ena o ka DLNR

(The Aha Moku Advisory Committee is deeply grateful to Alicia Perez for providing the Hawaiian translations to the 2015 Aha Moku Advisory Committee Legislative Report. Alicia serves as an educational assistant for the Kawaihuelani Center for Hawaiian Language at the University of Hawai'i, Manoa)

Act 288

(Hawaii State Legislature – 2012)

Relating to Native Hawaiians

More Commonly Known as the

AHA MOKU ACT



GOV. MSG. NO. 1405

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 09, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 09, 2012, the following bill was signed into law:

HB2806 HD2 SD2 CD1

RELATING TO NATIVE HAWAIIANS.
Act 288 (12)

A handwritten signature in black ink that reads "Neil Abercrombie". Above the signature, the word "Signed" is written in a smaller, less legible script.

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

ORIGINAL

on JUL 9 2012

ACT 288

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 2806
H.D. 2
S.D. 2
C.D. 1

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, Hawaii has experienced extensive changes. These
3 changes include the deterioration of the Hawaiian culture,
4 language, values, and land tenure system, which have in part
5 resulted in the over-development of the coastline, alteration of
6 fresh water streams, destruction of life-giving watersheds,
7 decimation of the coral reefs, and the decline of endemic marine
8 and terrestrial species.

9 Native Hawaiian culture has knowledge that has been passed
10 on for generations and is still practiced for the purpose of
11 perpetuating traditional protocols, caring for and protecting
12 the environment, and strengthening cultural and spiritual
13 connections. It is through the aha moku councils that native
14 Hawaiians protected their environment and sustained the
15 abundance of resources that they depended upon for thousands of
16 years.

17 Currently, many Hawaiian communities are becoming
18 revitalized by using the knowledge of cultural practitioners

HB2806 CD1 HMS 2012-3661-2



1 that was passed down through kupuna, experienced farmers, and
2 fishers to engage and enhance sustainability, subsistence, and
3 self-sufficiency. Furthermore, many native Hawaiian communities
4 are interested, concerned, involved, willing, and able to advise
5 government agencies, organizations, and other interested groups
6 in integrating traditional knowledge and ahupuaa management
7 practices.

8 The legislature further finds that on August 15 through 17,
9 2006, the Hoochanoano I Na Kupuna Puwalu series began and native
10 Hawaiian cultural and traditional practitioners who are versed
11 in farming and fishing, ocean, and land ahupuaa methods gathered
12 to discuss and bring forth the wisdom of the kupuna and
13 ancestors. It was a gathering of empirical knowledge handed
14 down from generation to generation on traditional fishing,
15 agriculture, streams, fishponds, and land use methodology based
16 on the ahupuaa system.

17 Representatives from forty-three regions (moku) in the
18 State and over one hundred ahupuaa Hawaiian cultural
19 practitioners, including kupuna and the acknowledged traditional
20 experts, joined together to come forth with their manao and
21 concerns.



1 The purpose of this Act is to formally recognize the aha
2 moku system and to establish the aha moku advisory committee
3 within the department of land and natural resources, which may
4 serve in an advisory capacity to the chairperson of the board of
5 land and natural resources. The aha moku advisory committee may
6 advise on issues related to land and natural resources
7 management through the aha moku system, a system of best
8 practices that is based upon the indigenous resource management
9 practices of moku (regional) boundaries, which acknowledges the
10 natural contours of land, the specific resources located within
11 those areas, and the methodology necessary to sustain resources
12 and the community. The aha moku system will foster
13 understanding and practical use of knowledge, including native
14 Hawaiian methodology and expertise, to assure responsible
15 stewardship and awareness of the interconnections of the clouds,
16 forests, valleys, land, streams, fishponds, and sea. The moku
17 system will include the use of community expertise and establish
18 programs and projects to improve communication, provide training
19 on stewardship issues throughout the region (moku), and increase
20 education. The establishment of this committee does not
21 preclude any person's or organization's right to provide advice
22 to the department of land and natural resources.



1 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171- Aha moku advisory committee; established. (a)

5 There is established the aha moku advisory committee to be
6 placed within the department of land and natural resources for
7 administrative purposes. The committee may advise the
8 chairperson of the board of land and natural resources in
9 carrying out the purposes of this section.

10 (b) The committee shall consist of eight members appointed

11 by the governor and confirmed by the senate from a list of
12 nominations submitted by the aha moku councils of each island.

13 Oversight of the aha moku advisory committee shall be by the
14 chairperson of the board of land and natural resources. The
15 committee members shall select the committee chairperson from
16 among the members.

17 (c) The members shall not receive compensation for their

18 service, but shall be reimbursed for necessary expenses,
19 including travel expenses, incurred while participating in
20 meetings and events approved in advance by the chairperson of
21 the board of land and natural resources.



1 The aha moku advisory committee may hire an executive
2 director who shall be exempt from chapter 76. The executive
3 director may hire an administrative or executive assistant to
4 assist the executive director in accomplishing the purposes of
5 the aha moku advisory committee.

6 (d) The aha moku advisory committee may provide advice on
7 the following:

- 8 (1) Integrating indigenous resource management practices
9 with western management practices in each moku;
10 (2) Identifying a comprehensive set of indigenous
11 practices for natural resource management;
12 (3) Fostering the understanding and practical use of
13 native Hawaiian resource knowledge, methodology, and
14 expertise;
15 (4) Sustaining the State's marine, land, cultural,
16 agricultural, and natural resources;
17 (5) Providing community education and fostering cultural
18 awareness on the benefits of the aha moku system;
19 (6) Fostering protection and conservation of the State's
20 natural resources; and
21 (7) Developing an administrative structure that oversees
22 the aha moku system.



1 (e) The committee shall submit an annual report in English
2 and Hawaiian to the legislature and the chairperson of the board
3 of land and natural resources no later than twenty days prior to
4 the convening of each regular legislative session. The annual
5 report shall include a list of all recommendations made by the
6 committee and the resulting action taken by the department over
7 the course of the prior year."

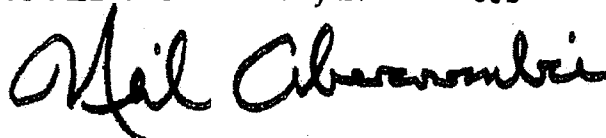
8 SECTION 3. There is appropriated out the general revenues
9 of the State of Hawaii the sum of \$76,500 or so much thereof as
10 may be necessary for fiscal year 2012-2013 for the
11 administrative costs related to carrying out the duties of the
12 aha moku advisory committee.

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

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2012.

APPROVED this 9 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII



**Letter to the
U.S. Department of Interior
Supporting its Advance Notice for Proposed Rulemaking (ANPRM)**

(2 pages)



AHA MOKU ADVISORY COMMITTEE
State of Hawaii
Department of Land and Natural Resources
1150 Punchbowl Street
Honolulu, Hawai'i 96813

**COMMENTS OF THE AHA MOKU ADVISORY
COMMITTEE IN SUPPORT OF ACTION TO
REESTABLISH A GOVERNMENT-TO- GOVERNMENT
RELATIONSHIP WITH THE NATIVE HAWAIIAN
GOVERNMENT**

Aloha mai kākou. The Aha Moku Advisory Committee (AMAC) expresses its mahalo for this historic and long-overdue discussion about reestablishing a government-to-government relationship between the United States and the Native Hawaiian community. The AMAC is an entity that has re-established the traditional cultural and natural resource management system, called the Aha Moku throughout the eight (8) islands of Hawai'i. In 2012, this system was formally accepted by the Hawaii State Legislature and signed into law by Governor Abercrombie as Act 288. The Aha Moku has been restored from a traditional land/ocean system used throughout the islands in the 9th century – before the arrival of the Tahitian and the more commonly known alii system.

The Aha Moku is comprised of the forty-three traditional land areas of the eight main Hawaiian Islands and the 589 smaller land districts called ahupua'a. Those who practice Aha Moku are grassroots Hawaiian communities who are expert practitioners of different disciplines that are spiritually and physically connected to the land. They are the foundation of the Hawaiian culture and are represented by the Po'o, or spokespersons of each of the main Hawaiian Islands which as a group are called the Aha Moku Advisory Committee (AMAC).

As representatives of the Aha Moku, the AMAC has determined that the reestablishment of a government-to-government relationship between the United States and the Native Hawaiian community is the most viable action that could be taken to protect and expand existing trust assets, federal programmatic funding, federal consultation rights and other self-determination rights under federal law.

Moreover, as a matter of justice and equity, this opportunity should be available for the Native Hawaiian community to pursue. We should not be denied the basic self-governance rights afforded all other major indigenous groups in the nation. We have suffered through colonization and the dispossession of our lands, resources and culture, and the hearts of our people continue to be burdened by these historic injustices, as recent oral testimony made clear. Our community cannot heal until the federal government shows meaningful respect for our dignity by engaging us as a sovereign Native nation under federal law.

Therefore, the grassroots people who live within the natural and cultural resources of all of Pae'Aina, or lands of Hawai'i **STRONGLY SUPPORTS** the Advanced Notice of Proposed

Rulemaking (ANPRM) that has been offered by the federal government and the Department of the Interior that would reestablish a government-to-government relationship with the official Native Hawaiian government formed by the qualified Native Hawaiians on the certified base roll. In accordance with this position, Aha Moku respectfully offers the following specific comments:

RESPONSES TO GENERAL QUESTIONS

Question 1: Should the Secretary propose an administrative rule that would facilitate the Reestablishment of a government-to-government relationship with the Native Hawaiian Community?

Answer to Question 1: YES

Question 2: Should the Secretary assist the Native Hawaiian community in reorganizing its government, with which the United States could reestablish a government-to government relationship?

Answer to Question 2: YES

Question 3: If so, what process should be established for drafting and ratifying a reorganized Native Hawaiian government's constitution or other governing document?

Answer to Question 3: The process for drafting and ratifying a reorganized Native Hawaiian government documents should be left to the Hawaiian people to decide.

Question 4: Should the Secretary instead rely on the reorganization of a Native Hawaiian government through a process established by the Native Hawaiian community and facilitated by the State of Hawaii, to the extent such a process is consistent with Federal law?

Answer to Question 4: YES

Question 5: If so, what conditions should the Secretary establish as prerequisites to Federal acknowledgment of a government-to-government relationship with the reorganized Native Hawaiian government?

Answer to Question 5: A federal policy needs to be established regarding the formal relationship with the Native Hawaiian people.

In conclusion, the Aha Moku wishes to express our sincere Mahalo to all who have come forward to hear the mana'o of our people. We offer our assistance in any way you may need. Please call on us.

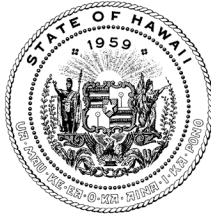
Mahalo nui loa!

Leimana DaMate, Executive Director
Aha Moku Advisory Committee
Phone: 808-587-1498
Email: Leimana.K.DaMate@hawaii.gov

**Letter to DLNR-Commission on Water Resource Management
Supporting Commission Action on Behalf of Moku (Wailuku) Constituents
Without Contacting and/or Consulting Moku (Wailuku) Constituents**

(1 page)

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

JESSE K. 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

September 19, 2014

William M. Tam
Deputy Director
DLNR-Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

RE: Notice of Apparent Violation, Iao Stream, Maui, And TMK: (2) 3-3-003:003 and 3-5-003:001

Aloha Deputy Director Tam,

On behalf of the many Native Hawaiian cultural practitioners of the Wailuku Moku on Moku O Pi'ilani (Island of Maui), we would like to thank the Commission on Water Resource Management and its department for addressing the issue of water diversion from the Iao Stream by Lo'iloa on a parcel of land owned by the Wailuku Water Company without a permit.

The Iao Stream is located in a designated water management area and any diversion or use of the water from the stream requires a Surface Water Use Permit which was not done in this case. The Iao Stream is a very important resource that is used by many, including Native Hawaiian mahiai (farmers) and other Native Hawaiians working within other traditional and cultural practices.

Thank you again for your and your staff's diligence and attention to this issue.

Sincerely yours,

Handwritten signature of Leslie A. Kuloloio in cursive.

Leslie A. Kuloloio, Chair
Aha Moku Advisory Committee

Handwritten signature of Leimana DaMate in cursive.

Leimana DaMate, E.D.
Aha Moku Advisory Committee

Act 288

(9 pages)



GOV. MSG. NO. 1405

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 09, 2012

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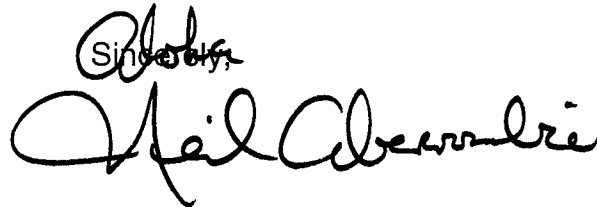
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HB2806 HD2 SD2 CD1

RELATING TO NATIVE HAWAIIANS.
Act 288 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

ORIGINAL

on JUL 9 2012

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 288

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H.D. 2
S.D. 2
C.D. 1

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HB2806 CD1 HMS 2012-3661-2



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4 are interested, concerned, involved, willing, and able to advise
5 government agencies, organizations, and other interested groups
6 in integrating traditional knowledge and ahupuaa management
7 practices.

8 The legislature further finds that on August 15 through 17,
9 2006, the Hoochanohano I Na Kupuna Puwalu series began and native
10 Hawaiian cultural and traditional practitioners who are versed
11 in farming and fishing, ocean, and land ahupuaa methods gathered
12 to discuss and bring forth the wisdom of the kupuna and
13 ancestors. It was a gathering of empirical knowledge handed
14 down from generation to generation on traditional fishing,
15 agriculture, streams, fishponds, and land use methodology based
16 on the ahupuaa system.

17 Representatives from forty-three regions (moku) in the
18 State and over one hundred ahupuaa Hawaiian cultural
19 practitioners, including kupuna and the acknowledged traditional
20 experts, joined together to come forth with their manao and
21 concerns.



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

8 On November 8 and 9, 2006, Puwalu Elua brought together
9 educators, administrators, cultural practitioners, and kupuna to
10 discuss the values and the spiritual connection between natural
11 resources and native Hawaiians; the ahupuaa concept;
12 generational knowledge and learning; the importance of place
13 names and moolelo; seasonal closures and lunar calendars;
14 fishing practices; the Northwestern Hawaiian islands; konohiki
15 connections; marine protected areas; upena (nets); place-based
16 kapu; limu; and puuhonua concepts that could be developed as an
17 educational framework to integrate this knowledge into a
18 curricula for all public, private, charter, and Hawaiian
19 immersion schools in Hawaii.

20 On December 19 and 20, 2006, Puwalu Ekolu brought together
21 major policymakers and stakeholders involved in the protection
22 of the Hawaii ecosystem. Native Hawaiian practitioners and



1 experts in traditional methods of sustainability, government
2 policymakers, including members of the legislature, agency
3 directors, environmental groups, educational leaders, and
4 Hawaiian community organizations, discussed existing programs
5 and their successes and failures in community-building.

6 In conclusion, it was agreed that statutes, ordinances, and
7 a framework for community consultation using the Hawaiian
8 perspective and traditional methods such as the ahupuaa
9 management system are needed, and the aha moku system should be
10 established.

11 Between 2006 and 2010, three more puwalu were convened to
12 gather additional community input on best practices in the area
13 of native Hawaiian resource management. All puwalu were open to
14 the public and included farmers, fishers, environmentalists,
15 educators, organizations and agencies, and governmental
16 representatives who, through discussions on the integration of
17 these practices into regulation and common utilization, came to
18 the consensus of the necessity of integrating the aha moku
19 system into government policy. The information gathered from
20 all puwalu has been compiled into annual comprehensive reports
21 to the legislature as required by Act 212, Session Laws of
22 Hawaii 2007, as amended by Act 39, Session Laws of Hawaii 2009.



1 The purpose of this Act is to formally recognize the aha
2 moku system and to establish the aha moku advisory committee
3 within the department of land and natural resources, which may
4 serve in an advisory capacity to the chairperson of the board of
5 land and natural resources. The aha moku advisory committee may
6 advise on issues related to land and natural resources
7 management through the aha moku system, a system of best
8 practices that is based upon the indigenous resource management
9 practices of moku (regional) boundaries, which acknowledges the
10 natural contours of land, the specific resources located within
11 those areas, and the methodology necessary to sustain resources
12 and the community. The aha moku system will foster
13 understanding and practical use of knowledge, including native
14 Hawaiian methodology and expertise, to assure responsible
15 stewardship and awareness of the interconnections of the clouds,
16 forests, valleys, land, streams, fishponds, and sea. The moku
17 system will include the use of community expertise and establish
18 programs and projects to improve communication, provide training
19 on stewardship issues throughout the region (moku), and increase
20 education. The establishment of this committee does not
21 preclude any person's or organization's right to provide advice
22 to the department of land and natural resources.



1 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§171- Aha moku advisory committee; established. (a)

5 There is established the aha moku advisory committee to be
6 placed within the department of land and natural resources for
7 administrative purposes. The committee may advise the
8 chairperson of the board of land and natural resources in
9 carrying out the purposes of this section.

10 (b) The committee shall consist of eight members appointed
11 by the governor and confirmed by the senate from a list of
12 nominations submitted by the aha moku councils of each island.
13 Oversight of the aha moku advisory committee shall be by the
14 chairperson of the board of land and natural resources. The
15 committee members shall select the committee chairperson from
16 among the members.

17 (c) The members shall not receive compensation for their
18 service, but shall be reimbursed for necessary expenses,
19 including travel expenses, incurred while participating in
20 meetings and events approved in advance by the chairperson of
21 the board of land and natural resources.



1 The aha moku advisory committee may hire an executive
2 director who shall be exempt from chapter 76. The executive
3 director may hire an administrative or executive assistant to
4 assist the executive director in accomplishing the purposes of
5 the aha moku advisory committee.

6 (d) The aha moku advisory committee may provide advice on
7 the following:

- 8 (1) Integrating indigenous resource management practices
9 with western management practices in each moku;
10 (2) Identifying a comprehensive set of indigenous
11 practices for natural resource management;
12 (3) Fostering the understanding and practical use of
13 native Hawaiian resource knowledge, methodology, and
14 expertise;
15 (4) Sustaining the State's marine, land, cultural,
16 agricultural, and natural resources;
17 (5) Providing community education and fostering cultural
18 awareness on the benefits of the aha moku system;
19 (6) Fostering protection and conservation of the State's
20 natural resources; and
21 (7) Developing an administrative structure that oversees
22 the aha moku system.



1 (e) The committee shall submit an annual report in English
2 and Hawaiian to the legislature and the chairperson of the board
3 of land and natural resources no later than twenty days prior to
4 the convening of each regular legislative session. The annual
5 report shall include a list of all recommendations made by the
6 committee and the resulting action taken by the department over
7 the course of the prior year."

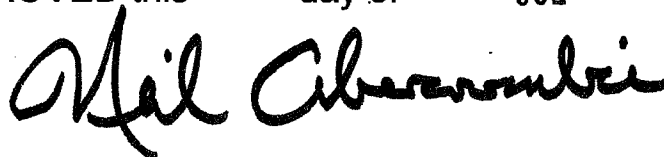
8 SECTION 3. There is appropriated out the general revenues
9 of the State of Hawaii the sum of \$76,500 or so much thereof as
10 may be necessary for fiscal year 2012-2013 for the
11 administrative costs related to carrying out the duties of the
12 aha moku advisory committee.

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

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2012.

APPROVED this 9 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII

