

HB 2179

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
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

**Testimony of
SUZANNE D. CASE
Chairperson**

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

**Friday, March 18, 2016
1:15 PM
State Capitol, Conference Room 016**

**In consideration of
HOUSE BILL 2179, HOUSE DRAFT 1
RELATING TO THE AHA MOKU ADVISORY COMMITTEE**

House Bill 2179, House Draft 1 proposes to appropriate funds for the administration and operation of the Aha Moku Advisory Committee and for community outreach. **The Department of Land and Natural Resources (Department) supports this measure provided that its passage does not adversely impact priorities indicated in the Executive Supplemental Budget request.**

The Department notes that the Executive Supplemental Budget request includes \$126,514 (\$39,000 in general funds and \$87,514 in trust funds) for the Aha Moku Advisory Committee, to fund an executive director, travel and community outreach.

Thank you for this opportunity to testify in support of this measure.



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

Testimony of
Keith Robinson, Po'o, Niihau

Before the Senate Committees on
Hawaiian Affairs
Water, Land, and Agriculture

Friday, March 18, 2016
1:15 P.M.
State Capitol, Conference Room 016

In **SUPPORT** of
House Bill 2179 HD 1
Relating to the Aha Moku Advisory Committee

I am the owner/operator of the Kauai Wildlife Reserve, a Hawaiian endangered species reserve that seeks to preserve some of Hawaii's rarest plants and trees from extinction.

I also serve as Niihau's representative on the Aha Moku Advisory Committee.

The Aha Moku Advisory Committee (AMAC) gives native Hawaiians a vital opportunity to have a direct advisory input into the workings of both the Hawaii State Legislature and the Hawaii Department of Land and Natural Resources.

It is extremely important to maintain the funding and existence and work of this organization.

Therefore, I strongly support the passage of House Bill 2179 HD 1.

Keith Robinson



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



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

Testimony of
Leslie Kuloloio, Chair

Before the Senate Committees on
Hawaiian Affairs
Water, Land and Agriculture

Friday, March 18, 2016
1:15 P.M.
State Capitol, Conference Room 016

**In SUPPORT of
House Bill 2179 HD 1
Relating to the Aha Moku Advisory Committee**

House Bill 2179 HD 1 appropriates funds for the administration and operation of the Aha Moku Advisory Committee and for community outreach. **The Aha Moku Advisory Committee (AMAC) supports this measure.** Currently, funding for AMAC will be exhausted by the end of June, 2016.

The Aha Moku System encompasses the eight main Hawaiian Islands and supports the traditional and generational knowledge of the people who are connected to each of the 46 moku and 606 ahupua'a. The system was brought forward by John Kaimikaua, a noted Moloka'i historian through translations of ancient oral chants from the 9th century, a time where sustainability and protection of resources ensured existence. It was a time where the focus of the people of the land was on survival. Those resource practices were handed down through the generations and many are still used today. The Aha Moku today is centered around sharing that knowledge with those who are now part of ahupua'a communities – the focus is on natural and cultural resource sustainability that is site-specific. Communities take care of their resources where they live.

The purpose of the Aha Moku is to bring forth the voices – concerns and recommendations for solutions – from the people of an ahupua'a on natural and cultural resources to the attention of the Department of Land and Natural Resources. The perspective is a Native Hawaiian traditional one that shares generational knowledge of methods handed down practitioner to practitioner of ways to protect, preserve and sustain the land, ocean, watershed and every natural resource within a site-specific ahupua'a. However, many people within an ahupua'a who are not Native Hawaiian are part of the Aha Moku System because they understand that the focus of this is protection and sustainability of natural and cultural resources of an ahupua'a – a site specific place which affords people who live there the opportunity to participate with, and engage in resource issues that impact them on a ground level.

On behalf of ahupua'a communities, the Aha Moku advises the Chairperson of the Board of Land and Natural Resources (BLNR) on issues pertaining to natural resources. But more than advising the Land Board, Aha Moku has been able to bring ahupua'a voices to the attention of the divisions of DLNR who then communicate directly with the communities. This continues to progress and is on-going successfully as reflected in the Legislative Report submitted each year. (Attached)

However, the challenges facing the Aha Moku continue to be daunting due to the instability of funding. When the Legislature created the Aha Moku in 2007, appropriations were directed to come from general funds. However, funds were never released and though each appropriation request was supported unanimously by legislative committees each year, at the end of session, the finance committees in the Senate and House gave instructions to take the appropriations out of general funds and place them in trust funds, without specifying which Trust would administer the funds. The assumption was that OHA would carry the Aha Moku. But OHA was never meant to perpetually fund the Aha Moku. Aha Moku is open to the public trust. OHA deals only with the Native Hawaiian population, yet they helped to kick-start the Aha Moku when the funds were not released by the legislature by funding it the first year in 2013. They continued to fund twice more until 2015. OHA is no longer able to help with funding.

Challenges that face the Aha Moku now are summarized by the following. Appropriations and support from the legislature will alleviate and address these challenges:

- The Governor's Executive Supplemental Budget request includes \$39,000 in general funds and \$87,514 in trust funds. Total is \$126,514. The trust fund is not identified. Although we are grateful for any approval of funds, the amount listed in the general funds is not enough for one position. The fear is that without an identification of what trust the designated funds will come out of, and with the knowledge that OHA will not fund at all, the ask will die which will effectively kill the Aha Moku program.
- The projected budget amount in this measure has been left blank by the House committees of Ocean, Marine Resources, and Hawaiian Affairs, and Finance.
- In 2015, via SCR 55, the Legislature mandated that the Aha Moku Advisory Committee (AMAC) with the assistance of the DLNR, OHA and the Association of Hawaiian Civic Clubs (AHCC) engage stakeholders to develop rules for its operations and administration. 19 public hearings were held in November, 2015 to solicit comments and input on the structure of the aha moku and its rules. The Aha Moku works with ahupua'a resource issues and it is the nature of this entity to bring forth the voices of the people of a specific site. There are 46 moku within the State of Hawaii, and 606 traditional site-specific ahupua'a. We are not able to hold island meetings, but must hold a public hearing on each of the 46 moku to ensure that all ahupua'a communities have a voice in the development of rules for their place. Estimated costs for holding 46 moku meetings across the state within the 3 months (June, July, August 2016) that are planned for the draft rules is \$10,000.

The Aha Moku is in the process of community outreach educational efforts on the benefits of the Aha Moku System in its relationship with DLNR, OHA and many other non-governmental agencies, Native Hawaiian Organizations, groups and communities. It is continuing in the organization of ahupua'a communities so people can better understand the protection methods of sustaining the resources in their communities, neighborhoods and where they live. Everyone who lives in Hawaii is a Stakeholder in the fortification of our lands and oceans. Aha Moku is a strong partner in safeguarding our assets and ensures that this protection continues on with the next generation and the dignity of future generations to come. However, we need kokua! We need the funding and support of the Legislature to ensure that our work with DLNR continues – the work that has benefitted all who live in Hawaii.

We humbly ask that House Bill 2179 HD 1 be passed by the Senate Committees of Hawaiian Affairs and Water, Land, and Agriculture. Mahalo nui loa!

Attachment: 2015 Aha Moku Legislative Report



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

Testimony of

**Rocky Kaluhiwa
Aha Moku Advisory Committee
Moku O Kakuhihewa (Island of O'ahu)**

**Before the House Committees on
HAWAIIAN AFFAIRS
WATER, LAND, AND AGRICULTURE**

**Friday, March 2, 2016
1:15 P.M.
State Capitol, Conference Room 016**

**In Consideration of
HOUSE BILL 2179 HD 1
RELATING TO THE AHA MOKU ADVISORY COMMITTEE**

House Bill 2179 appropriates funds for the administration and operation of the aha moku advisory committee and for community outreach. **I strongly support this measure.**

I have been part of the Aha Moku process since its beginning in 2004. I and almost 200 other native Hawaiian resource practitioners from all eight of the main Hawaiian Islands, who have seen the degradation of our lands, oceans, watersheds and forest areas continue to be destroyed, altered and many forever lost to future generations because of the often well-meaning, but ineffective laws and policies that regulated our lands.

We worked hard, often against tremendous odds and hardships to put aside our island territorial differences to focus on the protection and sustainability of our lands. We needed to find a way so that our grandchildren would have clean strong lands and oceans – like we do, like our grandparents did. This is a legacy we all need to pass on. Since 2004, we have persevered. We have gathered our families and communities and found the way to work with the state to protect our environments. The Legislature strongly supported our grass roots efforts and we were able to restore a traditional resource system that brought our people together with the greater public trust communities in a way that we can all benefit from. However, although the Legislature strongly and unanimously support the aha moku every year since 2006 when the first Act that created the Aha Moku was passed; and, even though funds were appropriated every year for its operation, NO funding was ever released! And, even though we have proven that we work well with DLNR, to whom we are attached, that was still not enough – NO funding was ever released!

Now, we beg this committee to support this measure. If the legislature does not help us this time, and fund the aha moku, our office will be shut down by June 30, 2016. Please pass this measure in this committee. Mahalo nui loa.



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



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

Testimony of

**Thomas Hashimoto
Aha Moku Advisory Committee
Manokalanipo (Island of Kauai)**

**Before the Senate Committees of
Hawaiian Affairs
Water, Land, and Agriculture**

**Friday, March 18, 2016
1:15 P.M.
State Capitol, Conference Room 016**

**In Consideration of
HOUSE BILL 2179 HD 1
RELATING TO THE AHA MOKU ADVISORY COMMITTEE**

I am the Aha Moku Advisory Committee member representing the Island of Kauai. I strongly support this bill.

I am a life-long resident of the Moku of Halele'a on Kauai and have been part of the Aha Moku since all of our kupuna on all islands got together in 2004 to find a way for our people to speak with our legislators on protecting our lands and oceans with all of its resources.

I work with the traditional moku districts of Koloa, Makaweli, Waimea, Napali, Halele'a, Ko'olau, and Puna. There are 69 ahupua'a collectively in all of our moku. Our local families who have been involved in subsistence gathering and fishing for generations are part of this Aha Moku system. I attend all of their meetings and issues. One of the most important projects that we have been involved in is the Ha'ena Community-based subsistence fishing area that was finalized last year before the Board of Land and Natural Resources. That was based upon the traditional aha moku process but we started this at least 20 years ago before the Aha Moku was formally recognized by the Legislature.

The Aha Moku on Kauai is well organized and we are now organizing our ahupua'a districts. We need to continue so we can bring our voices to the DLNR and to the legislature. I am a kupuna, a lawaia, and a mahiai. I was taught to take care of our resources in Halele'a by my grandfather, who was taught by his grandfather, and so on for many generations. I share my knowledge with all the communities of Kauai because we all must take care of our lands and oceans where we live.

We have never been given funds to operate by the legislature although you have said you support what we do. Please do not let our efforts be for nothing. Please pass this bill.

Mahalo nui loa,

Thomas Hashimoto, Po'o
Phone: 808-652-0720



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

Testimony of

**Winifred Basques
Aha Moku Advisory Committee
Nana'I Kaula (Island of Lana'i)**

**Before the Senate Committees of
HAWAIIAN AFFAIRS
WATER, LAND AND AGRICULTURE**

**Friday, March 18, 2016
1:15 P.M.
State Capitol, Conference Room 016**

**In Consideration of
HOUSE BILL 2179 HD 1
RELATING TO THE AHA MOKU ADVISORY COMMITTEE**

I am the Aha Moku Advisory Committee member representing the Island of Lana'i and I strongly support this bill.

I have been a cultural practitioner on Lana'i for the past 50 years. I am a hunter, gatherer and kupuna. The Aha Moku works with the residents of Lana'i. And, although we have two moku, Kona and Ko'olau, and eleven ahupua'a, this is the one island where the entire community works together to protect our resources. This is possible because we all live in one place, the center of the island. So, all of our different nationalities have merged and become one community. We are the example of the Aha Moku serving the public trust. We are the public trust.

We support this bill because we support the Aha Moku. Without the Aha Moku, it will be more difficult to communicate with the DLNR people. Please pass the Aha Moku bill and provide our funding. This funding will help us to organize our ahupua'a and identify the ancient places that can be restored now – our old lo'i and fishing grounds. We do not want the big land owner of Lana'i making all the decisions on what happens on the land. We want to work with him, and with his companies – but to work on an equal basis as Aha Moku. We need funds to do that.

The legislature has supported the Aha Moku since 2006, but has never released funding. How can you say you support, but won't give us the means to succeed?

Please pass HB 2179 HD 1.

*Ka Palapala Ho'ike no ka 'Aha 'Olelo Kau Kiinmvai
Kau Mau o ka Makahiki 2016*

Report to the Twenty-Ninth Legislature
Regular Session of 2016

*Ka Palapala Ho'ike o ka Hana a me ka Ho'olalii 'Ana
O ke Komike Kauleo 'AhaMoku*

REPORT ON THE ACTIVITIES OF THE AHA MOKU ADVISORY COMMITTEE



*Ho'omiikaukau 'ia e ka 'Oihana Kumilwaiwai 'Aina
Ka Moku'iina 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*

*Kekema Pa
2015*

December
2015

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 2015 through December 30, 2015.

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.

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

- I. Purpose of the AMAC
 - a. Aha Moku priorities
- II. Recommendations to the Board of Land and Natural Resources
 - A. Ahu OLaka (Kaneohe Sandbar), Kakuhihewa (Oahu)
 - B. Sea Cucumber Emergency rules, Pae'Aina (All Islands)
 - C. Public Hunting, Mauna Kea, Moku O Keawe (Hawaii Island)
 - D. Open ocean mariculture fish cages, Moku O Keawe (Hawaii Island)
- III. Synopsis of collaboration between DLNR and Pae'Aina (Islands)
- IV. SCR 55 -Progress Report on mandate to engage stakeholders in establishment of formal rules which will govern the operations and administration of the Aha Moku system.
- V. SUMMARY OF AHA MOKU/AMAC 2015

I. PURPOSE OF THE AHA MOKU AND THE AHA MOKU ADVISORY COMMITTEE (AMAC)

The purpose of Act 288 is to formally recognize the Aha Moku System and to implement the establishment of the Aha Moku Advisory Committee (AMAC) within DLNR which may serve in an advisory capacity to the Chairperson of the BLNR. The Aha Moku, through 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 and ahupuaa' a 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.

A. Priorities of the Aha Moku are:

- to incorporate appropriate Native Hawaiian knowledge and protocols of natural and cultural resources through recommendations to BLNR;
- to collaborate with DLNR on the preservation, cultivation, and management of all native Hawaiian natural and cultural resources for the future generations;
- to 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; and,

- To strengthen the voices of site-specific ahupua'a communities who are committed to the sustainability of their resources.

II. RECOMMENDATIONS TO THE BOARD OF LAND AND NATURAL RESOURCES

As mandated in Act 288, this report shall include a list of all recommendations made by the Aha Moku to the BLNR and the resulting action taken by the Board in 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 Aha Moku 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 in this report.

Following are the 2015 submitted recommendations to the BLNR. They can be viewed as Attachments to this report.

- A. Submittal by the Division of Boating and Ocean Recreation (DOBOR) to the BLNR for approval to adopt amendments to the Hawaii Administrative Rules (HAR), Title 13, Section 256. 73 Ahu O Laka (Kaneohe Sandbar), Removing the sunset date for the Rule permanent. HAR §13-256-73. 13 prohibits possession, use or consumption of alcohol; disorderly behavior; and prohibits a person under the influence of alcohol, narcotics or drugs from remaining in or entering the Safety Zone. (Attachment A-Ma y 8,2015)

BLNR DECISION: The request was unanimously approved.

BASIS FOR BLNR DECISION: The concern of the DLNR and the BLNR is two-fold. First, for the safety of the general public as there have been increasing incidents of extensive drinking, jumping off of boats, driving boats drunk, and fights during weekends and holidays; and two, to restore the respect and care for a place that is culturally significant to the Native Hawaiian people.

AHA MOKU RECOMMENDATION OF SUPPORT: The recommendation to support was submitted to the BLNR by O'ahu AMAC member and Po'o, Rocky Kaluhiwa on behalf of the Moku of Ko'olaupoko and the Ahupua'a attached to it: Kaneohe, Kailua, Waimanalo, Mokapu, Heeia, Kahaluu, Waihee, Kaalea, Waiahole, Waikane, Hakipuu and Kualoa. In ancient times, Ahu Laka was once a sandy island named after a much-loved canoe chief. When he passed away, the island became a wahi pana, a sacred place. However, over time, due to sand-mining and erosion, the island began to disappear and was covered by water. In modern times, its sands were used for the restoration of the Kualoa Park; and, to create the Kamehameha Highway around Kaneohe. (Attachment A)

- B. Submittal by the Division of Aquatic Resources (DAR) to the BLNR for approval to adopt a New Chapter under Hawaii Administrative Rules as Title 13 Chapter 86, "Sea Cucumber", through emergency rulemaking procedures to protect against overharvest of sea cucumbers from State waters. (Attachment B-June 26, 2015)

BLNR DECISION: The request was unanimously approved.

BASIS FOR BLNR DECISION: Sea cucumbers play an important role in nutrient recycling in marine ecosystems and are recognized as such in Hawaii. However, the harvesting of sea cucumbers has been an extremely lucrative international business trade for decades, with most sea cucumber products being exported to China for food or medicine. Until recently, sea cucumbers have not been

harvested commercially on a large scale in Hawaii, and currently there is no rule regulating the take of sea cucumbers from State waters. Based on the recent emergence of a large-scale commercial fishery for sea cucumbers in Hawaii and the impacts that similar fisheries have had on sea cucumber populations in other parts of the world, the BLNR believes an immediate temporary ban on all harvest is necessary to prevent an imminent peril to the State's near shore marine ecosystem. However, the BLNR also recognizes that the rule may impact Native Hawaiians and other individuals who harvest certain species of sea cucumber for subsistence, traditional medicinal purposes and personal consumption. While the temporary ban is in place, the Division of Aquatics will explore more permanent rules that may allow for sustainable harvest of certain species.

AHA MOKU RECOMMENDATION OF SUPPORT: The recommendation to support was submitted to the BLNR by Leslie Kuloloio, AMAC Chair and Po'o of Kahoolawe on behalf of the Pae'Aina (main Hawaiian Islands). Better known as *loli* to Native Hawaiians, the sea cucumber is part of the Kumulipo, a most sacred document that is the foundation of Hawaiian cultural and natural resource sustainability practices. A very important and critical part of Hawaii's ecosystem, the *loli* maintains the balance and health of near shore coastal reefs, and is traditionally and primarily used by Hawaiians for *la 'au lapa 'au* (medicinal purposes).

However, listed in the recommendation of support was also a request that once these emergency rules were exhausted, and permanent rules were put into place, the permanent rules would allow for language that will enable Native Hawaiians to continue their traditional, cultural, subsistence and medicinal gathering of *loli*. AMAC believes this new language will satisfy Article XII, Section 4 of the Hawaii Revised State Constitution which protects the traditional subsistence gathering rights of ahupuaa tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778. (Attachment B)

- C. *Submittal by the Division of Forestry and Wildlife to the BLNR for approval to adopt a new section under Hawaii Administrative Rules as Title 13, Chapter 123 Section 21.2 to restrict use of and access to portions of public hunting areas, Units A and K, Mauna Kea, Hawaii Island, through emergency rulemaking procedures to protect against imminent peril to public safety and natural resources. (Attachment C, July 10, 2015)*

BLNR DECISION: The request was unanimously approved.

BASIS FOR BLNR DECISION: The terrain surrounding the public hunting areas of Units A and K on Mauna Kea is rugged and dangerous to transverse if one is not familiar with the area. In the interest of public safety, the BLNR agreed to restrict access to these areas.

AHA MOKU RECOMMENDATION OF OPPOSITION: The recommendation to oppose this request was submitted by AMAC member and Po'o of Hawaii Island Piilani Kaawaloa, on behalf of its Moku of Hamakua, Kohala, Hilo, Puna, Ka'u, Kona and the 197 ahupua'a that lie within each moku. For many generations, communities on Hawaii Island have survived because of the natural and cultural resources that sustained them -resources that come from the mountains, inland, upland, sea, shore and ocean. Where once the protection and health of the resource that fed the families was kept in balance by those who used them, today laws are being created that forbid people from accessing these resources for subsistence. (Attachment C)

Concerns

Concerns from the moku and ahupua'a people who traditionally have used the areas now being proposed for either restriction or no access to Units A and K, Mauna Kea, Pu'u Maka'ala include:

- No access to hunting areas;

- No evidence that demonstrates imminent peril to public safety and natural resources;
- No communication with communities and partnerships;
- Decisions made without consultations with traditional resource practitioners;
- Broken trust between agencies and community; and,
- Teaching the next generation the traditional hunting and gathering practices that focus on resource sustainability on Mauna Kea is greatly diminished.

Participation of Aha Moku communities

Moku and Ahupua'a communities from Hawaii Island consistently worked on the access issues on Mauna Kea by participating in many ways over the past decade. A few of these ways are listed as:

- Attended and testified at many legislative hearings;
- Held meetings and gatherings in every moku regarding various issues pertaining to hunting, gatherings and access;
- Asked to participate in mapping of land areas; and
- Actively was part of the creation of the Hawaii County Game Management Advisory Commission through which all hunters and gatherers on Moku O Keawe participate.

Mitigation Recommendations

Aha Moku of Moku O Keawe opposed the request to the BLNR to restrict access to portions of the hunting areas on Mauna Kea, but also offered several mitigations that would go far in restoring trust between the agency and local communities of the island. These include:

- Utilize generational knowledge to assist with studies and management of resources;
- Transparency must be strengthened and communication needs to be clear and concise with all constituents;
- No access to these areas must be for all, including: workers, researchers, developers, visitors, tour companies, private/public entities, and educational facilities including public, private, college and university students;
- Partner with hunters, gatherers, practitioners, and the local community; and,
- Decision making should include and follow the Aha Moku process.

D. *Submittal by the Office of Conservation and Coastal Lands (OCCL) to the BLNR for a Time Extension Request HA-16-01 by William Spencer of Hawaii Oceanic Technology for a two-year extension of the construction deadlines for Conservation District Use Permit (CDUP)HA-3495 for an open ocean mariculture facility offshore of Malae Point, North Kohala, Hawaii, Tax Map Key (3) 5-0-000:000 (submerged lands).(Attachment D, October 23, 2015)*

BLNR DECISION: The decision was unanimously approved with a new deadline of having until October 23, 2017 to initiate construction which must be completed by October 23, 2020.

BASIS FOR BLNR DECISION: In 2009, the BLNR approved a CDUP for the construction of the Hawaii Oceanic Technology, Inc. mariculture facility. The permit allowed for the placement of twelve 54-meter diameter "ocean spheres" (fish cages) to cultivate ahi, or Hawaiian yellow fin tuna. The capacity of one sphere was estimated to be 1000 tons of ahi per year. Per the permit, construction would need to begin by October 23, 2011 and be completed by October 23, 2014.

Due to lengthy procedures in acquiring the necessary permits within federal processing system, extension requests were submitted to the BLNR on January 3, 2012, on April 1, 2013 and currently on September 1, 2015. The OCCL recommended approval of previous extension requests, and the current request based upon the permittees diligent pursuit of the required federal permits.

AHA MOKU RECOMMENDATION OF OPPOSITION: The recommendation to oppose this request was submitted by AMAC member and Po'o of Hawaii Island Piilani Kaawaloa, on behalf of the Moku of Kohala and the Ahupua'a of Kawaihae since the project is off-shore of the Kawaihae community. However, the neighboring ahupua'a of Ouli, Waik:a, Kahua, and Kaalaala are impacted by this project as well.

In the ten years since the project was introduced, there has been no communication with the local communities on information on the project. Per the developer, there will be no significant impact to the Kohala coastline by the pollutants and sludge from the excrement of the fish raised within the cages. Developers conclude that all excrement will naturally dissolve within the open ocean since the cages which will be placed 2.6 miles off-shore are far enough out to sea to have no impact. However, there is no scientific proof of this, and Native Hawaiian ocean practices off of the Kohala coast, specifically off of Kawaihae go out further than 2.6 miles. Further, the cages are extremely close to the traditional fishing ko'a nurtured by traditional *lawaiia* (fishermen) of the area.

Of the forty-one (41) ahupua'a in the Kohala Moku, based on community meetings on this issue held since 2009, 98% are opposed to open ocean mariculture in the waters off of the Kohala coast. Ocean sustainability and subsistence fishing and gathering are paramount in subsidizing feeding families along the Kohala coast. There is not, and has never been, a partnership offered to the communities and ahupua'a that are impacted by this project. A transparent and open relationship between the communities of the Kohala moku and the Hawaii Ocean Technology, Inc. is mandatory if a beneficial outcome to this ambitious project is realized. The Kohala people continuously strive to find beneficial ways to work with others on the protection of their environment. It cannot be only about the money -but what is best for the communities and the resources of a place. (Attachment D)

Note: A contested case request has been filed by Josephine Tanimoto, a resident and representative of the Kawaihae Ahupua'a.

III. AHA MOKU ISSUES AND CONCERNS

From January through December in 2015, the following concerns and issues were brought forward by the ahupua'a and moku communities, through the Aha Moku office, to the appropriate divisions within DLNR. These matters are addressed by divisions who then work directly with the impacted communities. And, because the protection and sustainability of natural and cultural resources are the focus of an issue, it is sometimes realized that to reach a satisfied result often includes the necessity of collaboration and cooperation with other governmental agencies whose jurisdiction often overlaps; and, with various non-governmental organizations who are often contracted by government agencies to assist. Therefore, these issues are on-going and take time to complete. The DLNR divisions that are listed are active in resolving concerns.

Natural Resource Issues and Concerns Brought Forward by Ahupua'a and Moku Communities

Issues and Concerns	DLNR Divisions
Humpback Whale Sanctuary Draft Plan (Pae' Aina-All Islands)	CO, ALL DIVISIONS
Kawaihae Harbor – Illegal mooring on fishing ko'a (Hawaii)	DOBOR, DOCARE
Community-based marine management, Milolii (Hawaii)	DOCARE, DAR
Na'alehu Wastewater Disposal System, (Hawai'i)	LD
Pohue Bay illegal coastal activities (Hawaii)	OCCL
Kapapala Canoe Forest Project (Hawaii)	DOFAW
Thirty Meter Telescope Project-Mauna Kea Hawaii	CO, OCCL, SP
Lipoa Point, Ka'anapali Moku, (Maui)	LD, PARKS, DAR

Stream Diversion, Honokohau Stream, (Maui)	CWRM
Watershed and Forestry Pro2ram, Kahikinui (Maui)	DOFAW
Aerial Resource Management, East Maui Watershed (Maui)	DOFAW
Kaupo Moku use of DLNR facility (Maui)	LD
Iao Stream and Wailuku River Name Change (Maui)	CWRM
Hanehoi Stream Diversion, Hamakualoa Moku (Maui)	CWRM
*East Molokai Watershed, Mana'e Moku (Moloka'i)	DOFAW
Lanai Small Boat Harbor Improvements (Lanai)	DOBOR
Identification of Traditional Moku connected to Kahoolawe (Kahoolawe)	AMAC, KIRC
He'eia Pond, Ko'olaupoko Moku (O'ahu)	DAR
Restoration of Iolani, Iole Ka'a Iii, Ko'olaupoko Moku (Oahu)	LD
Pokai Bay coastal areas that need environmental protection (Oahu)	OCCL
Identification of Leina within Ewa Moku (Oahu)	SHPD
Waiahole Ahupuaa, Auwai identification and maintenance (Oahu)	CWRM
Mauna Ala Royal Mausoleum (Oahu)	SP
Leahi (Diamond Head) Educational Audio (Oahu)	SP
Hawaii Dairy lands, Maha'ulepu Ahupua'a, Kona Moku (Kauai, pending)	CWRM, DAR
Haena Community-Based Subsistence Fishing Area (CBSFA) (Kauai)	DAR, SP
Water, stream issues, Koke'e (Kauai)	CWRM
Lehua Island Rat Eradication (Ni'ihau)	DOFAW (Inv.Spec)
Attempted Japan Tsunami Debris Removal from South shores of Niihau (Niihau)	DOFAW, DOBOR

*Note: The East Molokai Watershed Project was begun in 2013 under the Aha Moku System and work is on-going into 2015. While Aha Moku is the entity name recognized by the state legislature, the Molokai community originally chose to refer to its representative entity as "Aha Kiolo", a metaphor used by the late historian and Kumu John Kaimikaua in his translation and explanation of the ancient oral chants and mo'olelo of a sustainability process used by ancient Hawaiians on Molokai. The Aha Kiolo on Molokai is a group that operates through its own process that is different from the AMAC and Aha Moku system.

**DLNR Divisions:Chairman's Office (CO), Division of Aquatic Resources (DAR), Commission on Water Resource Management (CWRM), Division of Boating and Ocean Recreation (DOBOR), Division of Conservation and Resource Enforcement (DOCARE), Division of Forestry and Wildlife (DOFAW), DOFAW Invasive Species (Inv.Spec), Land Division (LD),Kahoolawe Island Reserve Commission (KIRC), Office of Conservation and Coastal Lands (OCCL), State Historic Preservation Division (SHPD), State Parks (SP)

IV. SENATE CONCURRENT RESOLUTION (SCR) 55 -PROGRESS REPORT

SCR 55 was passed in the 2015 Legislative Session mandating that the Aha Moku Advisory Committee (AMAC), with the assistance from the Department of Land and Natural Resources (DLNR), Office of Hawaiian Affairs (OHA), and the Association of Hawaiian Civic Clubs (AHCC) engage stakeholders for the purpose of developing and adopting rules for its operation and administration. Further, a legislative report on the proposed rules must be submitted to the Legislature twenty days prior to the start of the Regular Session of 2016. (Attachment E)

In compliance with SCR 55, public meetings were held on all of the main Hawaiian Islands (with the exception of Niihau) in the month of November, 2015 to discuss the draft rules proposed for the AMAC/Aha Moku System. The deadline for submittal of public comments on the draft rules was on November 30, 2015. All comments could be submitted to any of the AMAC Island representatives, or to the AMAC office located within the DLNR main office on Oahu. Further, the draft rules and opportunities for comments are posted on the AMAC website (www.ahamokuhawaii.org). (Attachment F)

At the majority of the meetings, there were requests from the public for more time to digest and go over the proposed draft rules. To honor those requests, following is a tentative schedule, pending funding and AMAC approval, for a revised time frame in which to submit the final rules that will govern the Aha Moku/AMAC:

April 2016:	Deadline for Public Comment on Draft Rules
May 2016:	Public Comments compiled for Island Po'o, and Amended Draft Rules Circulated
June-July 2016:	Public Informational Meetings to be held on each moku within each of the main Hawaiian Islands
September 2016:	AMAC to vote on final form of rules
December 2016:	Final Report on Aha Moku/AMAC rules submitted to 2017 Legislature

V. SUMMARY OF AHA MOKU/AMAC 2015

2015 was a challenging year for the Aha Moku, yet it continues to be productive and endures in the progression of fulfilling the vision of the Legislature when it created the Aha Moku in 2012 through Act 288. In response to the Legislative vision, the mission of the Aha Moku is *"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."* This mission is well on its way to becoming a reality as the Aha Moku is the vehicle through which traditional and generational knowledge on natural and cultural resources consistently are brought forward and shared with the Hawaii State Board and Department of Land and Natural Resources.

In today's world of changing climates and global warming, indigenous and empirical knowledge of resources that is site-specific is invaluable to policy-makers who are responsible for the well-being, health and sustainability of Hawaii's unique environment and ecosystem. The relationship between the grass-root communities of ahupuaa areas and the DLNR is a collaborative one that is far-reaching and continues to build. But as with anything worthwhile, to build a program that is successful is to face challenges and address them.

One of the greatest challenges facing the Aha Moku is to be funded so that it can exist. When the Aha Moku was created by the Legislature, it was intended to include everyone who lived in, and loved Hawaii since all are stakeholders in the protection and preservation of the environment. As a

result, funding was intended to come from the general funds of the State of Hawaii as it does with all components of the state. However, funding has never been released from the Legislature through general funds since its inception in 2013. And, although each year since 2013, appropriations through general funds were unanimously approved by Legislative Committees and by the Governor's Executive Committee, the Finance Committees of the House and Senate changed the appropriation designations each year to trust funds. This is problematic as the Legislative finance committees assume that funding comes from the Office of Hawaiian Affairs (OHA). However, OHA does not have the funds to support a state program outside of their own, is not able and were never meant to perpetually fund the Aha Moku. So, although they have assisted for the past two years, their funding ceased permanently in August, 2015. Aha Moku cannot exist without the support of the Legislature through general funds.

The Hawaii State Constitution acknowledges and protects the Native Hawaiians indelible and symbiotic relationship with the land, ocean, and the natural resources of Hawaii in many of its chapters and administrative rules. Examples are shown in many ways, especially in Hawaii Revised Statutes, Chapter 226, Hawaii State Plan. However, nowhere in that plan is there a description of how the indigenous people of Hawaii can actively participate, through state process and policy, in the protection of its natural resources. Aha Moku allows the blending of two cultural processes, western and Hawaiian, into one focus -the protection of Hawaii's greatest asset, our resources.

Finally, the Aha Moku is a system that was brought forward by native Hawaiians, the indigenous people of Hawaii from the 9th century -a time where existence depended on natural resource sustainability. That ancient period mirrors modern times because our existence again depends upon the sustainability of our natural resources. The success of the Aha Moku is simply that Native Hawaiian generational knowledge can be integrated with modern scientific methodology.

And while the traditional protocols are still protected, the collaboration between Native Hawaiian practitioners and the Department of Land and Natural Resources ensures the State of Hawaii can be stronger and achieve a higher success in their mandate to protect, preserve and sustain the environment and ecosystem that is unique to each island that makes up the State of Hawaii.

Attachments:

- A. Recommendation to BLNR re: Ahu O Laka (Kaneohe Sandbar), Moku O Kakuhihewa (Oahu)
- B. Recommendation to BLNR re: Emergency rule-making for sea cucumber (*Ioli*), Pae' Aina (All Islands)
- C. Recommendation to BLNR re: Emergency rule-making, Mauna Kea, Moku O Keawe (Hawaii)
- D. Recommendation to BLNR re: Hawaii Oceanic Technology, Conservation District Use Permit (COUP) for open ocean mariculture, Malae Point, North Kohala, Moku O Keawe (Hawaii)
- E. Senate Concurrent Resolution 55, Hawaii State Legislature 2015 Session
- F. Aha Moku Draft Rules



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

AHA MOKU ADVISORY COMMITTEE

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 8, 2015

TESTIMONY IN SUPPORT OF AGENDA ITEM J-1
Before the Board of Land and Natural Resources

BLNR Agenda Item J-1

Request Approval to Adopt Amendments to Hawai'i Administrative Rules (HAR), Title 13, Section 256.73.13 Abu O Laka (Kaneohe Sandbar), Removing the Sunset Date for the Rule and Making the Safety Zone Around Abu O Laka, Established by HAR § 13-256-73.13, Permanent. HAR § 13-256-73.13 Prohibits Possession, Use or Consumption of Alcohol; Disorderly Behavior; and Prohibits a Person Under the Influence of alcohol, narcotics or Drugs from remaining in or entering the Safety Zone.

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

On behalf of the Aha Moku Advisory Committee (AMAC), Moku O Kakuhihewa (Island of O'ahu), and its Ko'olaupoko Moku including the ahupua'a of Waimanalo, Kailua, Mokapu, Kaneohe, He'eia, Kahalu'u, Waihe'e, Ka'alea, Waiahole, Waikane, Hakipu'u and Kualoa, we offer testimony in strong support of the Division of Boating and Ocean Recreation (DOBOR) submittal, Agenda Item J-1, which is a request to approve amendments to the Hawai'i Administrative Rules (HAR) in regards to Ahu O Laka, more commonly known as the Kaneohe Sandbar.

In ancient times, Ahu O Laka was once a sandy island in Kaneohe Bay named after a Canoe Chief, Laka. Well loved by his people, when he passed away, he was buried on the island which was known thereafter as a wahi pana, or sacred place. Over time, due to sand-mining and erosion, Ahu O Laka began to disappear and be covered by water. The sands of Ahu O Laka were used for the restoration of the Kualoa Park which currently has been depleted; and, to create the Kamehameha Highway around Kaneohe.

Because Ahu O Laka was revered by canoe people, they consistently went there to worship. In fact, a few years ago, a much respected kumu hula from Ko'olaupoko brought forward his genealogy which was directly traced back to the Canoe Chief Laka.

And, because Ahu O Laka carries the name of Laka, a Hawaiian deity worshiped as the goddess of Hula, in the early part of the century, when Ahu O Laka was still an island, many hula halau came to

SUZANNE D.CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOAKALUHIWA
FIRST DEPUTY

W.ROY HARDY
ACTING DEPUTY DIRECTOR - WAHII

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
KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

dance on the sands of Ahu O Laka. In fact, my great-grandmother and her sister danced on Ahu O Laka for King Kalakaua when he visited Kaneohe.

Today, Ahu O Laka is a place of happiness and peace. It is meant to be enjoyed by all, but should be treated with respect. It is a place of importance to the kanaka maoli and should not be abused.

My family has lived on the shoreline of Kaneohe fronting Ahu O Laka for generations. We have witnessed the depravity and danger that happens when people indulge excessively in substances such as alcohol and narcotics.

Mahalo for the opportunity to render our testimony and recommendation that the current sunset date for Ahu O Laka is removed and HAR § 13-256-73.13 is made permanent. This would ensure that the Safety Zone around Ahu O Laka (Kaneohe Sandbar) in Kaneohe Bay, during certain three-day weekends involving state holidays prohibits the possession, use and consumption of alcohol. It also prohibits disorderly behavior and anyone under the influence of alcohol, narcotics, and/or drugs from remaining in or entering this Safety Zone. But more importantly, this Safety Zone ensures that this special place is enjoyed by all with respect and honor.

Mahala nui loa for the opportunity for the Aha Moku O Kakuhihewa to assist the Hawaii State DLNR to keep our people safe while in Kaneohe Bay, and for allowing us to share our history and knowledge of Ahu O Laka.

Respectfully yours,
Leialoha (Rocky) Kaluhiwa, Po'o
Moku O Kakuhihewa (Island of O'ahu)
Aha Moku Advisory Committee, DLNR
Phone: 808-286-7955
Email: rockykaluhiwal122@gmail.com



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 26, 2015

TESTIMONY IN SUPPORT OF AGENDA ITEM F-4
Before the Board of Land and Natural Resources

BLNR Agenda Item F-4

Request For Approval to Adopt a New Chapter Under Hawaii, Administrative Rules As Title 13 Chapter 86, "Sea Cucumber", Through Emergency Rulemaking Procedures to Protect Against the Overharvest of Sea Cucumbers From State Waters.

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

On behalf of the Aha Moku Advisory Committee (AMAC), Moku O Keawe (Hawai'i), Moku O Pi'ilani (Maui), Moku O Kanaloa (Kaho'olawe), Nana'I Kaula (Lana'i), Moloka'i Pule O'o (Moloka'i), Moku O Kakuhihewa (O'ahu), Manokalanipo (Kaua'i), Ka Aina O Kawelonakala (Ni'ihau) and the Islands of Papahānaumokuākea (Northwest Hawaiian Islands), we offer strong support of the DLNR Division of Aquatics (DAR) submittal, Agenda Item F-4, which is, through emergency rulemaking procedures to protect sea cucumbers from overharvesting in Hawaii State waters.

One of the mandates of Act 288 (§171 4.5), the Act that created the AMAC is to "sustain the State's marine, land, cultural, agricultural, and natural resources". The purpose of this testimony is to support DAR's submittal as listed above; and, simultaneously fulfill the AMAC mandate of sustainability of Hawaii's natural resources.

From the beginning of time Native Hawaiians have used the sea cucumber, more commonly known to Hawaiians as *loli*, for traditional gathering and medicinal purposes. All through the Hawaiian Islands, the use of the *loli* has been continuous although the cultural practice methodology, including gathering, are specific to different islands. The *loli* is a part of the Kumulipo, a most sacred Native Hawaiian traditional document that is the foundation of Hawaiian cultural and natural resource sustainability practices.

The AMAC is concerned that although there is strong support of the emergency rulemaking that will protect the *loli* from commercial overharvesting, this rule may inadvertently prohibit Native Hawaiian practitioners from gathering for cultural, medicinal and subsistence purposes.

SUZANNE D.CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

KEKOA KALUBJWA
FIRST DEPUTY

W. ROYHARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMONS WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES IMPROVEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLANDS RECREATION COMMISSION
LAND
STATE PARKS

BLNR Meeting, June 26, 2015
Agenda Item F-4, Page Two

We understand this submittal is for a short-term emergency ruling of 120 days while DLNR assesses the impacts of commercial sea cucumber harvest; and, DLNR will be exploring more permanent administrative rules when the temporary rules expire. We recommend that future permanent rules allow for language that will enable Native Hawaiians to continue their cultural, subsistence and medicinal gathering of *ʻoli*. We believe this recommendation will satisfy Article XII, Section 4 of the Hawaii State Constitution which protects the traditional subsistence gathering rights of ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778.

Respectfully yours,

J.-d



Leslie Kuloloio, Chair
Aha Moku Advisory Committee (AMAC)
Phone: 808-281-7652
Email: pokaiuli2@gmail.com

For more information, please contact:
Leimana DaMate, AMAC Executive Director
Phone: 808-587-1498
Email: Leimana.K.Damate@hawaii.gov



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 10, 2015

Recommendation

To the Board of Land and Natural Resources

BLNR Agenda Item C-2

Request for Approval to Adopt a New Section Under Hawaii Administrative Rules as Title 13 Chapter 123 Section 21.2 To Restrict Use of and Access to Portions of Public Hunting Areas, Units A and K, Mauna Kea, Hawaii Island, Through Emergency Rulemaking Procedures to Protect Against Imminent Peril to Public Safety and Natural Resources.

Aloha mai kakou,

Chair Case and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee, Moku O Keawe (Island of Hawaii), its Moku of Hamakua, Kohala, Hilo, Puna, Ka'u and Kona, and the 197 ahupua'a that lie within each moku, we offer strong recommendations in regards to the Request for Approval from the Division of Forestry and Wildlife (DOFAW) to Adopt a New Section Under Hawaii Administrative Rules as Title 13 Chapter 123 Section 21.2 To Restrict Use of and Access to Portions of Public Hunting Areas, Units A and K, Mauna Kea, Hawaii Island, Through Emergency Rulemaking Procedures to Protect Against Imminent Peril to Public Safety and Natural Resources.

1. *E Zeha aku au i ko 'umau maka i nii mauna, ma Zaila mai ko 'ukokua e hiki. mai ai.*

I will lift up mine eyes unto the mountain from whence cometh my help.

2. *Mai /ehova mai ko 'ukokua, Niina i hana i ka Zani a me ka honua.*

My help cometh from Jehovah who made the mountains and the heavens. Psalms 121

For many generations we have survived because what sustains us comes from Ma Uka the mountain, inland, upland and Ma Kai towards the sea, shore and ocean. There are many scriptures in the bible that talk about hunting, fishing and sustaining the family.

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 RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
COASTAL ZONING AND DEVELOPMENT
CONSERVATION AND RESOURCE ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATISTICS

Genesis 9:3. Every moving thing that lives shall be food for you; and as I gave you the green vegetables and plants, I gave you everything. Our people are exactly like these people in the bible God fearing people, farmers, fishermen, and hunters. We are people who use our resources to sustain our families. Ke Alrua truly blessed us with these beautiful islands. My Kiiipuna often reminded me of our Kiiipuna who traversed the ocean and were led here to these islands because of their faith in Ke Alrua, their hope for a new home, and the answer to their prayers. Hawai'i as my Kiiipuna shared translate as Ha which means to breathe, to exhale, breath. Our Kiiipuna upon arriving on our island shores exhaled and sighed in relief and awe in the beauty of these islands. Wai meaning wealth and water. Our Kupuna saw that our islands were surrounded by water above and below and that the land was rich because of these water sources not to mention within and with the water came a great wealth of food that would sustain them. 'I translates as to speak, to say, supreme, to procure. 'I maila 'o ke Alrua, God said. When our Kiiipuna saw what ke Alma gave them they gave thanks, for their prayers were answered. Their faith was so strong that they built temples from ma kai to ma uka praying to their God.

Today you are creating laws that are forbidding our people from accessing our resources that come from Ma Uka and Ma Kai. Why is this? Over gathering, protection of an area, safety, poor management, money, military and the list goes on. We humans are funny in this way, we make laws for various purposes but then we break these same laws we make. Sometimes our laws turn us into criminals or turn us against each other. Why is this?

Our Ali'i were great resource managers! Many of our Ali'i were greatly respected by their people who assisted in the management of their resources. It was a partnership from every moku, each ahupua'a and even the tiniest 'iii or 'apana 'aina. Through observation, prayer, spiritual and physical connections our Ali'i and maka'ainana were able to utilize these skills to manage and sustain their communities. Kamehameha Nui and Kamehameha III are excellent examples of managing their resources. When Captain George Vancouver gifted Kamehameha cattle, Kamehameha Nui placed a no hunting kapu on these cattle. The cattle multiplied and the huge herds began to destroy crops, land, and even killing people. Kamehameha III then turned to the experts. He did not hire scientist to collect data or provide him information. He sought the Vaqueros, people who had generational knowledge that lived and worked with these animals. The vaqueros knew the behavior of the animals and were able to teach and train our people in managing the wild cattle. Why do we not use the knowledge of our hunters today to manage our pua'a, pipi and hipa? Why do we need to put up fences? Why do we make laws that prevent our people from sustaining their 'ohana and community?

We would like all of you to please stop and think what the long term consequences will be should you move forward with the Hawai'i Administrative Rules Title 13 Chapter 123 Section 21.2 preventing access to Units A and K, Mauna Kea, Pu'u Maka'ala and all areas in which you propose to block access now and in the future.

What evidence do you have that demonstrates imminent peril to public safety and natural resources?

Here are concerns from our moku and ahupua'a regarding these Hawai'i Administrative Rules:

- No Access
- Possibility of more fencing to prevent access

- Not enough notice for public meeting
- Asking for community input but not listening
- Meetings are held during working days and during work hours in which community can't participate
- Not enough notice and time to submit testimonies via e-mail
- Explanation regarding subject/topic is not clear
- No communication with community/partnership
- Decisions are being made without consultations with practitioners
- Creating civil disobedience, illegal hunting, stages of felony
- Broken trust between agencies and community
- Where are the hunters supposed to hunt?
- Passing on traditional hunting and gathering practices diminishes
- Practicum knowledge verses Degree
- Extinction of livelihood
- This is a smoke screen to move forward with the TMT Project
- Felony
- Violence
- Death

Previous procedures regarding similar action:

- Practitioners protested in front of the DLNR offices
- Held meetings regarding various issues pertaining to hunting, gathering and access
- Petitions were gathered for various issues regarding hunting, gathering and access
- Asked to participate in mapping of land area
- Attended legislative meeting
- Voiced concerns at all levels
- Agreements were never implemented
- Hawaii County Game Management Advisory Commission was formed in which all hunters and gathers were in participation

- Court hearings and testimonies before Judge Hara

Recommendations:

- Communication need to be clear and concise with constituents
- Transparency
- No access means no access at all that includes:
 - Workers
 - Researchers
 - Developers
 - Visitors/Tour Company
 - Education: public/private/college/university
 - Private/public entities
 - Everybody stay off the Mauna
- Utilize generational knowledge to assist with studies and management of resources
- Partnership with hunters, gathers, practitioners, community
- Implement Game Management plan
- Impact studies need to be on-going with input from immediate community, practitioners/hunters, and constituents
- Education on all levels
- Respect for all mana'o share
- Decision making should include and follow Aha Moku process

If this is a diversion to continue the TMT project which I pray this isn't! Here are some of the recommendations:

- Redesign telescope plan to fit the land area of the existing telescopes
- Tear down all existing Telescopes and remove them from Mauna Kea and build the TMT telescope in its place utilizing the same land area and footprint that the old telescopes were on.
- No more contracts/leases with the University of Hawai'i and other potential investors that will harm or desecrate Mauna Kea
- At the end of lease, begin restoration process with input from immediate community

Study space in space:

- Develop technology to study space in space
- Develop methods of cleaning up existing space trash

Protect Maun.a Kea for it is our source of life

We pray that you are acting in the best interest of the people of Hawai'i island, the host culture, and the land that you are privileged to manage responsibly. We strongly fear that this measure and act will push the people to extreme measures that will result in negative impacts that will cause much more harm than good. We the people are fighting for our home! The developers that have invested their money on the TMT have no pili or deep connection to and for the 'aina and at the end of the project they will leave Hawai'i and not look back and we the people of Hawai'i island will have to pick up the pieces as usual. We appreciate the funding that comes from the TMT however it also came at a price which is the desecration of our Mauna and when the money is depleted we will need to look elsewhere for more funding to clean up. An endless cycle! Where is the transparency?

If you truly want to know why we love, protect and have a spiritual ancestral connection with space and Mauna Kea, please read from Keaomelemele, Chapters 25 and 26 by Samuel Nakuina.

We are grateful for the opportunity to share the heartfelt feelings and concerns of our people of Moku O Keawe - Native Hawaiian kupuna and families who are traditionally and generationally connected to Mauna Kea; and, the concerns of families and communities of the island's six moku which are attached to Mauna Kea in all ways.

Mahalo nui loa for the opportunity to render the recommendation of Moku O Keawe, Aha Moku Advisory Committee.

'O wau me ka ha'aha'a,

Piilani Ka'awaloa, Po'o

Moku O Keawe

Hawaii State Aha Moku Advisory Committee

Phone: 808-896-4172

Email: punatita7@yahoo.com



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

AHA MOKU ADVISORY COMMITTEE
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOAKALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER

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

October 23, 2015

TESTIMONY IN OPPOSITION TO AGENDA ITEM K-4

Before the Board of Land and Natural Resources

BLNR Agenda Item K-4

Time Extension Request HA-16-01 by William Spencer of Hawaii Oceanic Technology for a two-year extension of the construction deadlines for Conservation District Use Permit (COUP) HA-3495 for an open ocean mariculture facility offshore of Malae Point, North Kohala, Hawaii, Tax Map Key (3) 5-0-000:000 (submerged lands).

Aloha Chair Case 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 Kohala, we offer testimony in opposition to the Office of Conservation and Coastal Lands submittal, Agenda Item K-4, which is a time extension request for a Conservation District Use Permit (CDUP) HA-3495 regarding initiation and completion of construction of the Hawaii Oceanic Technology, Inc. Open Ocean Fish Farm.

The project has been watched closely by the Kohala Ahupua'a of Kawaihae as the project is off-shore of the Kawaihae community. This project began in 2008 with an Environmental Impact Statement Assessment (EA) as well as a Cultural Impact Assessment (CIA) prepared by David Tamas of Marine and Coastal Solutions International, Inc. In reviewing the CIA of 2008, it was noted that a few of the respected kupuna and cattle ranch owners of the area were interviewed. The summary result of the CIA was that there would be no significant impact to cultural and traditional activities if this project were to move forward.

There is disagreement from the general communities of Kawaihae today on those results. In the almost 10 years since this project was introduced, there has been no communication with the local communities on updating them on the status of this project. If there were, the developers would have received a stronger and more coherent picture of cultural customs that are more widely practiced today such as the active use of the traditional fishing ko'a that is very close to the boundary of the proposed fish cages. Key concerns brought up by the Kawaihae communities are:

- There is no hard western scientific data that pollutants and sludge from the excrement of fish within the cages will not impact the coastal areas of the Kohala Coast. The developers state that all excrement will naturally dissolve within the open ocean since the cages are to be placed far

enough out at sea as to have no impact. But where is the proof of this? The project area is 2.6 miles off-shore. Native Hawaiian ocean practices off of Kawaihae go out further than 2.6 miles.

- While there were attempts in 2008 and 2009 to explore the cultural impact to Native Hawaiian practices, there was not enough transparency to ensure that the right practitioners were, or would be consulted.
- Of the forty-one (41) ahupua'a in the Kohala Moku, local residents in almost all of them (98%) are adamantly opposed to open ocean mariculture in the waters off of the Kohala coast. The Kohala community, including the Kawaihae community was against fish cages in their waters from the very beginning.

Finally, there have been three (3) extension requests to date with the first two not being able to comply with conditions asked for by DLNR. While we can be sympathetic to Hawaii Oceanic Technology, Inc. and the hardship they are experiencing in their attempts to fulfill their mandatory permits and financing; we ask that they strive to understand the hardship the people are experiencing in their attempts to protect their oceans and sustain the fisheries and cultural practices they have depended upon for generations.

The Kohala people continuously strive to find beneficial ways to work with others on the protection of their environment. It cannot be only about the money -but what is best for the people and the resources of a place.

Thank you for the opportunity to render our testimony and recommendation on this issue. Per the request of Moku O Keawe, the Kohala Moku and Ahupua'a of South Kohala, specifically Kawaihae, but including Ouli, Waika, Kahua, Kaalaala as they are impacted, we urge the Board to deny this application for an extension for the Conservation District Use Permit (COUP) until the Kawaihae community concerns have been addressed.

Respectfully yours,

'm4J14, lkh;:£

Leimana DaMate, Executive Director

Aha Moku Advisory Committee (AMAC)

Phone: 808-587-1498

Email: Leimana.k.damate@hawaii.gov



RONAUI D.L<OUCHI
PAISOENI'

WILLESPERO
VICE PRESIDENT

SAMSL0M
MINORITY LEADER

Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

June 10, 2015

FIRST DISTRICT
GILBERT, C. ICEH, HIGARAN

SECOND DISTRICT
RUSSILL, E. WDIRMAN

THIRD DISTRICT
JOSH GREEN

FOURTH DISTRICT
LOIUMMER, INOUVE

FIFTH DISTRICT
GILBERT, C. ICEH, HIGARAN

SIXTH DISTRICT
ROSALYN H. HAKIHI

SEVENTH DISTRICT
J. KALINEN, OUSH

EIGHTH DISTRICT
RONALD O. IUIUCHI

NINTH DISTRICT
SAMSL0M

TENTH DISTRICT
LISHIHARA, JR

ELEVENTH DISTRICT
TANOUQT

TWELFTH DISTRICT
BICKWOOD, GALUTERIA

THIRTEENTH DISTRICT
SUZANNE CHUN OAKLAND

FOURTEENTH DISTRICT
DONNA MERCADO KIM

FIFTEENTH DISTRICT
GLENN WAKN

SIXTEENTH DISTRICT
BREEH, HAAIMOTO

SEVENTEENTH DISTRICT
CLARENCE, KNISHIWA

EIGHTEENTH DISTRICT
MICHELE, N. IQDAN

NINETEENTH DISTRICT
WILL ESPINO

TWENTIETH DISTRICT
MIKE GAIBNU

TWENTY-FIRST DISTRICT
MAILES, LS-RO

TWENTY-SECOND DISTRICT
CIONCIVAN, M. DELACRUZ

TWENTY-THIRD DISTRICT
GILRIVERE

TWENTY-FOURTH DISTRICT
JIU, N. IOIOWDA

TWENTY-FIFTH DISTRICT
LAIA, HTHaEN

CHIEF CLERK
CAROL TANGIX, H

Ms. Leslie Aipalena Kuloloio
Chair, Po'o Moku O Kanaloa (Kahoolawe)
Aha Moku Advisory Committee (AMAC)
Department of Land and Natural Resources
1151 Punchbowl Street, #131
Honolulu, HI 96813

Dear Ms. Kuloloio:

I transmit herewith a copy of Senate Concurrent Resolution No. 55, which was adopted by the Senate and the House of Representatives of the Twenty-eighth Legislature of the State of Hawaii, Regular Session of 2015.

Sincerely yours,

CAROL TANIGUCHI
Clerk of the Senate

Enclosure

SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, the Aha Moku Advisory Committee was authorized
2 pursuant to Act 288, Session Laws of Hawaii 2012 (Act 288); and
3

4 WHEREAS, the legislative intent in authorizing the Aha Moku
5 Advisory Conunittee included providing an opportunity for
6 Hawaiians to work together to exhibit that traditional Hawaiian
7 values and customs could be applicable to modern governmental
8 affairs; and
9

10 WHEREAS, it was the intent of the Legislature in passing
11 Act 288 that the Aha Moku Advisory Committee have some
12 independence from state government to reflect its role of
13 working alongside and advising state government with regard to
14 Hawaiian traditions, values, and practices; now, therefore,
15

16 BE IT RESOLVED by the Senate of the Twenty-eighth
17 Legislature of the State of Hawaii, Regular Session of 2015, the
18 House of Representatives concurring, that the Aha Moku Advisory
19 Committee, with assistance from the Department of Land and
20 Natural Resources, Office of Hawaiian Affairs, and Association
21 of Hawaiian Civic Clubs, is requested to engage stakeholders for
22 the purpose of developing and adopting rules for its operation
23 and administration; and
24

25 BE IT FURTHER RESOLVED that the Aha Moku Advisory Committee
26 report its proposed administrative rules to the Legislature no
27 later than twenty days prior to the convening of the Regular
28 Session of 2016; and
29

30 BE IT FURTHER RESOLVED that certified copies of this
31 Concurrent Resolution be transmitted to the Chair of the Aha

1 Moku Advisory Committee, Chairperson of the Board of Land and
2 Natural Resources, Chief Executive Officer of the Office of
3 Hawaiian Affairs, and President of the Association of Hawaiian
4 Civic Clubs.

I hereby certify that this is a full, true, and
correct copy of the original filed in this office.

Dated: MAY 05 2015

Asst. Clerk of the Senate
State of Hawaii

RULES OF PRACTICE AND PROCEDURE
DEPARTMENT OF LAND AND NATURAL RESOURCES
AHA MOKU ADVISORY COMMITTEE

Part 1 General Provisions

- §1-1 Purpose
- §1-2 Act 288 (§171.4-5)
- §1-3 Definitions
- §1-4 Office
- §1-5 Hours
- §1-6 Meetings
- §1-7 Quorum
- §1-8 Authentication
- §1-9 Chairperson
- §1-10 Vice-Chairperson

Aha Moku System

- §2-1 History and Purpose
- §2-2 Aha Moku Structure

Part 3 Mokupuni; Moku; Ahupua'a

- §3-1 Moku O Keawe (Hawaii)
- §3-2 Moku O Piilani (Maui)
- §3-3 Moku O Kanaloa (Kahoolawe)
- §3-4 Nana'i Kaula (Lanai)
- §3-5 Moloka'i Pule O'o (Molokai)
- §3-6 Moku O Kakuhihewa (Oahu)
- §3-7 Manokalanipo (Kauai)
- §3-8 Ka Aina O Kawelonakala (Niihau)

PART 1

GENERAL PROVISIONS

§1-1 Purpose. This part governs the practice and procedure of the Aha Moku Advisory Committee of the State of Hawaii under Act 288 (SLH 2012).

§1-2 Act 288 (§171-4.5). Aha moku advisory committee; established.

(a) There is established the aha moku advisory committee to be placed within the department of land and natural resources for administrative purposes. The committee may advise the chairperson of the board of land and natural resources in carrying out the purposes of this part.

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

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

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

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

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

(e) The committee shall submit an annual report in English and Hawaiian to the legislature and the chairperson of the board 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.

§1-3 Definitions. As used in this part, unless the context requires otherwise:

"Aha moku advisory committee (AMAC)" means the established committee comprised of members representing each of the eight main Hawaiian islands placed within the department of land and natural resources for administrative purposes.

"Aha moku system" means the traditional land and ocean system restored from the 9th century A.D. 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.

"Ahupua'a" means smaller land division located within a larger land district (moku) with specific geographic features on land and sea.

"Ahupua'a representative" means a person selected by the community of an ahupua'a who is a practitioner of a traditional discipline or resource practice within the ahupua'a and who has gained his/her methodology and knowledge handed down to them by generations of that practice.

"BLNR" means the board of land and natural resources.

"Chairperson" means the chairperson of the aha moku advisory committee".

"Code of conduct" means the specific protocol used by ahupua'a communities to sustain and protect the resources within that ahupua'a.

"Department" means the department of land and natural resources.

"Eligibility criteria" means the qualifications one must have if selected by an ahupua'a community to be a representative of said ahupua'a. To be eligible to hold that seat, one must have generational knowledge of the resource identified in that specific ahupua'a and practices the traditional methodology to sustain it.

"Generational knowledge" means knowledge and methodology handed down through generations of the indigenous people of Hawaii, native Hawaiians, on natural and cultural resource protection and management for the purpose of perpetuating and sustaining natural resources within a site-specific ahupua'a.

"Ka aina o Kaweloa" is the native Hawaiian traditional name for the island of Niihau.

"Ka pila 288" means "Act 288" (signed into law on July 9, 2012 by Governor Neil Abercrombie which formally recognizes the aha moku system.

"Kilo" means an observer with ancestral knowledge.

"Konohiki" means one who keeps the natural balance between resources.

"Manokalanipo" is the native Hawaiian traditional name for the island of Kauai.

"Moku" means traditional land divisions located within a mukupuni.

"Moku o Kakuhihewa" is the native Hawaiian traditional name for the island of Oahu.

"Moku o Kanaloa" is the native Hawaiian traditional name for the island of Kahoolawe.

"Moku o Keawe" is the native Hawaiian traditional name for the island of Hawaii.

"Moku o Piilani" is the native Hawaiian traditional name for the island of Maui.

"Moku representative" means the person selected by the representatives of ahupua'a located within a moku.

"Mukupuni" means island.

"Moloka'i pule o'o" is the native Hawaiian traditional name for the island of Molokai.

"Nana'i kaula" is the native Hawaiian traditional name for the island of Lanai.

"Ohana" means indigenous native Hawaiian families through whom generational and empirical knowledge of a resource resides.

"Po'o" means the representative selected through the aha moku process of an island and is the aha moku advisory committee member.

§1-4 Office. The principal office of the AMAC is at the Kalanimoku Building, 1151 Punchbowl Street, Honolulu within the BLNR chairperson's office. All communications to the AMAC shall be addressed to 1151 Punchbowl Street, Honolulu, Hawaii 96813, unless specifically directed.

§1-5 Hours. The AMAC office shall be open from 7:45 a.m. to 4:30 p.m. of each day of the week except Saturdays, Sundays and holidays unless deemed otherwise by necessity.

§1-6 Meetings. (a) The AMAC may meet and exercise its powers in any part of the state of Hawaii

(b) Regular meetings of the AMAC shall be quarterly in Honolulu.

(c) Special meetings may be convened by the AMAC chairperson at any time by giving notice to each member at least five days prior to the date of the meeting; provided however that the notice shall not be required if all members present in the State agree and sign a written waiver of the notice.

(d) All meetings of the AMAC shall be open to the public; provided, that the AMAC may meet, pursuant to sections 92-4 and 92-5, HRS, in executive session, from which the public may be excluded, by a recorded vote of two-thirds of the members present.

(e) Pursuant to Hawaii State Executive Memorandum 11-11, all aha moku advisory committee, island moku and ahupua'a meetings must adhere to HRS Section 92 (Sunshine Law) and post said meetings with the Lieutenant Governor's Office, and on the State Online Calendar at least six (6) days prior to said meetings. Upon completion of these meetings, minutes, notes, or recordings of the meetings must be submitted to the aha moku main office with 30 days, as well as a copy of the sign-in sheet of the meeting.

§1-7 Quorum. The majority of the members present at a meeting shall constitute a quorum to transact business and the concurrence of a simple majority of the members of the board shall be necessary to make any action of the AMAC valid. (Auth: HRS §171-6)

§1-8 Authentication. All orders and other actions of the board shall be authenticated or signed by the chairperson or his or her designee.

§1-9 Chairperson. The chairperson shall be selected by the AMAC from among their members.

§1-10 Vice-chairperson. The vice-chairperson shall be selected by the AMAC from among their members. In the absence of the chairperson, the vice-chairperson shall have the responsibilities prescribed in this part.

PART 2

AHA MOKU SYSTEM

§2-1 History and purpose. (a) The aha moku system is a land, water, and ocean system of best practices that is based upon the indigenous resource management practices of ahupua'a and moku (regional) boundaries, which acknowledges the natural contours of land, water and ocean; the specific resources located within those areas, and the methodology necessary to sustain natural and cultural resources and the community.

(b) The aha moku system is a traditional natural and cultural method of sustaining, protecting and keeping the natural balance among the different ecosystems existing within the eight main Hawaiian Islands. Translated from Native Hawaiian oral chants and Olelo dating from the 9th century A.D., the islands are acknowledged to be different in terms of resources and geography. Traditional methodology was kept in the 'ohana (families) of an ahupua'a and this knowledge was passed down to each succeeding generation for the upkeep and protection of the ahupua'a.

(c) The purpose of this part is to describe the traditional aha moku system that is used independently on each main Hawaiian island and focuses on the sustainability and protection of the natural and cultural resources of Hawaii through its specific sites. An equally important focus is to bring the

concerns of an ahupua'a community forward to the Department of Land and Natural Resources so issues can be addressed and if needed, mitigated.

§2-2 Aha moku structure. (a) Within the physical geography of an ahupua'a, communities and residents select their representative of the ahupua'a based on the generational resource methodology that has been passed down to the individual by 'ohana. Should an ahupua'a be uninhabited, natural and cultural resource responsibilities will be borne by the communities and families of the neighboring ahupua'a.

- (1) Duties of the Ahupua'a Representative. The ahupua'a representative is the liaison between the community of that site-specific place, the moku representative of the moku in which the ahupua'a is located and the department of land and natural resources.
- (2) All ahupua'a representatives within a moku select among themselves the representative of the moku upon which these specific ahupua'a are located.

(b) Within the physical geography of the larger land district comprised of different ahupua'a, the ahupua'a representatives select among themselves the representative of that moku. All moku representatives within a moku puni select among themselves the moku puni or island representative.

(c) The island representative also holds the title of po'o and aha moku advisory committee member. Because the aha moku advisory committee member must be nominated by the Governor of the State of Hawaii, and confirmed by the Hawaii State Senate, the moku representatives of each island shall select two names from among themselves to submit to the governor.

§2-3 Communication process. (a) In order for the AMAC and those participating in the aha moku system to be effective in advising the BLNR and the

department, participants in aha moku may relay their concerns about site-specific natural resource issues to the department through the aha moku main office. Information, requests, or comments should be in writing and can be received via email, facsimile or U.S. postal offices. These concerns will then be forwarded to the appropriate department division for response or consideration.

- Ø The communication route shall be:
 - (1) Issue or concern discussed in community gathering and brought forward by ahupua'a representative;
 - (2) Ahupua'a representative forwards issue to moku representative;
 - (3) Moku representative forwards issue to island AMAC po'o;
 - (4) Island AMAC po'o forwards issue to main aha moku office who disseminates issue with appropriate DLNR divisions. Said divisions then work directly with the impacted ahupua'a community.
 - (5) If issues are not mitigated or resolved by the impacted community and the DLNR division, the issue is then usually submitted to the Board of Land and Natural Resources for discussion and decision.

PART 3

MOKUPUNI; MOKU; AHUPUA'A

§3-1 Moku o Keawe (Hawaii). There are six traditional large land sections or moku within the mokupuni of the island of Hawaii. They are Kohala, Hamakua, Hilo, Puna and Ka'u. The smaller ahupua'a or geographic land divisions located within each moku are:

- (1) Kohala Moku: Wainanaliilii, Waikoloa, Puako, Ouli, Kawaihae, Waika, Kahua, Kaalaala,

Kipi, Kaiholena, Lamaloloa, Lapakahi, Mahukona, Awalua, Hihiu, Honoipu, Opolu, Kokoiki, Puuipa, Kealahewa, Opihipau, Kahei, Hawi, Kapua, Pahoa, Kapaau, Laaumama, Honopueo, Iole, Halelua, Halaula, Halawa, Aamakao, Makapaia, Niulii, Pololu, Honokane Nui, Honokane Iki, and Awini.

- (2) Hamakua Moku: Manawaiale'e, Kealakaha, Kaula, Kaa, Kukaiiau, Kaholalele,, Paauilo, Pohakuhaiku, Opihilala, Kaumoali, Kaapahu, Paplele, Keahau, Kalopa, Kahawailiili, Paauhau, Papuaa, Nienie, Ahualoa, Honokaia, Kapoaula, Keahakea, Kapulena, Waikoloa, Waikoekoe, Kukuihaele, Waipio, Muliwai, Waimanu, Laupahoehoe, Naokooko, Apua, Ohiahuea, Kolealiilii, Honopue, and Honokea.
- (3) Hilo: Waiakea, Pueo, Kalalau, Wainaku, Honolii, Paukaa, Papaikou, Alakahi, Makahanaloa, Honomu, Kaiwiki, Hakalau, Mae'e, Umauma, Honohina, Waikamalo, Maulua, Puohai, Papa'aloa, Laupahoehoe, Humuula, and Ookala.
- (4) Puna: Apua, Kealakomo, Panau, Laeapuki, Kamoamo, Poupou, Kii, Kalapana, Kaimu, Keokea, Kehena, Opihikao, Kauaea, Kaukulau, Keahialaka, Pohoiki, Pualaa, Kapoho, Kula, Puua, Kahuwai, Nanawale, Waiakahiula, Keonepoke, Mahuu, Waikahekahe, and Keaau.
- (5) Ka'u: Keawaiki, Pohue, Kahuku, Kapininui, Pakiniiki, Kalilikii, Kalae, Kawela, Kiolakaa, Waiohinu, Kamilo, Honuapo, Kaakaiki, Hiilea, Ninole, Wailau, Punaluu, Makana, Makaha Kopu Moaula, Paauau, Kaalaala, Kapapala, Kaaha, and Keauhou.
- (6) Kena: Puuanahulu, Puuwaawaa, Kiholo, Kaupulehu, Kukio, Awakee, Laemano, Kalupulehu, Koelehuluhulu, Kau, Kaiaoa, Ooma, Kaioko, Honokohauiki, Puapuaa, Holualoa, Kaumalumalu, Kahaluu, Keauhou, Honuaino, Kaumo'o, Keei, Honaunau, Keokea, Kealia, Kalahiki, Hookena, Waiea, Honokua, Kaohe, Maunaoni Makuu, Kolo, Olelomuana,

Opihihale, Kaapuna, Kipahoe, Alike, Papa, Hoopuloa, Milolii, Honomalino, Okoe, Kapua and Kaulanamauna.

§3-2 Moku o Piilani (Maui) .There are thirteen traditional large land sections or moku within the mokupuni of the island of Maui. They are Hamakuapoko, Hamakualoa, Koolau, Hana, Kipahulu, Kaupo, Kahikinui, Honuaula, Kula, Kealaloloa, Lahaina, Kaanapali, and Wailuku. The smaller ahupua'a or geographic land divisions located within each moku are:

- (1) Hamakuapoko: Paihihi, Waiawa, Honohina, Waiopua and Poniau.
- (2) Hamakualoa: Papaea, Hanawana, Hanehoi, Huelo, Waipio, Mokupapa, Honokaia, Hoolawa, Honopou, Kealiinui, Kealiiki, Peahi, Opana, Ulumalu, Kapuakulua, Kuiaha, Pauwela, and Haiku.
- (3) Koolau: Ulaino, Keaa, Mokupipi, Honoluluui, Hopenui, Puuhaehae, Kapaula, Puakea, Kaliae, Wailua, Pauwalu, Keanae, Honomanu, Keopuka, Loiloa, Kolea, Mooloa, and Makaiwa.
- (4) Hana: Kualuu, Koali, Muolea, Puuiki, Moka, Hamoa, Haneoo, Oloewa, Wanalu, Palmo, Niumalu, Kawaipapa, Waikiu, Kaeleku, and Honomaele.
- (5) Kipahulu: Koalii, Wailua, Puuhaoa, Papauluana, Kaumakani, Alae, Wailamo, Kikoo, Maulili, Poponui, Kapuakini, Kukuula, Kaapahu, Kukuiulaiki, and Popolua.
- (6) Kaupo : Kukoa, Pahihii, Nuu, Kakou, Kaumahalua, Kaupo, Manawainui, Niumalu, Kahuai, Maalo, Mikiiki, and Kealepa .
- (7) Kahikinui: Lualaihia, Alena, Kipapa, Na Kaohu, Na Kaaha, Mahamenui, and Manawainui.
- (8) Honuaula: Paeahu, Palauka, Maluaka, Mooloa, Moomuku, Kanehena, Kualapa, Kahili, Papaka, Kaloi, Kanaio, and Aualu.
- (9) Kula: Pulehunui, Kalepolepu, Waiohuli, Keokea, and Kamaole.

- (10} Kealaloloa: Oluwalu, Ukemehame, Papaiaua, Kumaalaea, and Pokahea.
- (11} Lahaina: Hanakao, Wahikuli, Molalii, Makila, Waiamahole, Paho, Polanui, Launiupoko, Koonepolaielaia, and Awahia.
- (12} Kaanapali: Honokohau, Honolulu, Honokahua, Napili, Honokeane, Alaeloa, Mailipai, Kahana, Mahinahina, Honokawai, and Makaiwa.
- (13} Wailuku: Waikapu, Iao, Waiehu, Ahikuli, Waihee, Makaliula, Wailena, Kahakuloa, and Nakalele.

§3-3 Moku o Kanaloa (Kahoolawe). There are four traditional large land sections or moku within the mokupuni of the island of Kahoolawe. They are Kana, Koolau, Honuaua and Molokini. The smaller ahupua'a or geographic land divisions located within each moku are:

- (1} Kana: Lae O Kaka, Kamohio, Kaneloa, Wai Kahulu, and Kealaikahiki.
- (2} Koolau: Honokoa, Kii, Ahupa, Kaukamoku, Kuheia, Kaulana, Papaka, Lua O Kealialuna, Hakioawa, Owawahie, and Konapou.
- (3} Honuaua: Paeahu, Palauea, Maluaka, Mooloa, Moomuku, Kanehena, Kualapa, Kahili, Papake, Kaloi, Kanaio, and Aualu. (Note: While this moku is physically located on the Island of Maui, it traditionally connects to Kanaloa.)
- (4} Molokini: No ahupua'a.

§3-4 Nanai Kaula (Lanai). There are two traditional large land sections or moku within the mokupuni of the island Lanai. They are Kana and Koolau. The smaller ahupua'a or geographic land divisions located within each moku are:

- (1} Kana: Kaa, Kamoku, Kalulu, Kaunolu, Palawai, and Kamao.
- (2} Koolau: Kaohai, Paawili, Maunalei, Mahana, and Paomai.

§3-5 Molokai pule o b.

There are four traditional large land sections or moku within the mokupuni of the Island of Molokai Pule Oo (Molokai). They are Kaluakoi, Koolau, Halawa, Kona, and Palaau. The smaller ahupuaa or geographic land divisions located within each moku are:

- a. Kaluakoi. Punakou, Makaolehua, Kuunala, and Paohaku.
- b. Koolau. Kalaupapa, Kepuhi, and Mo'omomi, Halawa, Keapukukaloo, Halawa, Pua'ahaunui, Hakaaano, Papala, Wailua, Pelekunu, and Waikolu.
- c. Kawela. Kaunakakai, Kapaakea, Kamiloloa, Makakupaia, Kawela, Makolelau, Kapuaokoolau, Kamalo, Wawaia, Puahala, Kaamola, Kawanui, Ohia, Ualapue, Kaluaaha, Mapulehu, Puko'o, Kupeke, Ahaino, Homomuni, Kawaikapu, Kainalu, Puinuohua, Waialua, Moanui, Kumini, Honouliwai, Honoulimalo'o, Lepehu, Pohakupili, and Moakae.
- d. Palaau. Iloli, Ho'olehua, Naiwa, Kahanui, and Kalamaula.

§3-6 Moku o Kakuhiwa (Oahu). There are six traditional large land sections or moku within the mokupuni of the island of Oahu. They are Kona, Ewa, Waianae, Waialua, Koolauloa, and Koolaupoko. The smaller ahupua'a or geographic land divisions located within each moku are:

- (1) Kona: Moanalua, Kahauiki, Kalihi, Kapalama, Honolulu, Waikiki, Waialae, Wailupe, Niu, and Kuliouou.
- (2) Ewa: Honouliuli (Pu'uloa and Kapolei), Hoaeae, Waikele, Waiawa, Waipio, Waimanao, Manana, Waiiau, Waimalu, Kaluaao, Aiea, and Halawa.
- (3) Waianae: Nanakuli, Lualualei, Waianae, Makaha, Keaau, Hikilolo, Makua, Kahanahaiki, and Keawaula.

- (4) Waialua: Kapaeloa, Punanue, Kuikuiloloa, Lauhulu, Kawailoa, Paalaa, Kamananui, Mokuleia, Aukuu, Kihani, Kawaihapai, Kealia, and Kaena.
- (5) Koolauloa: Waimea, Pupukeya, Paumalu, Kaunala, Waialea, Pahipahialua, Opana, Kawela, Hanakaoe, Oio, Ulupehupehu, Punaluu, Kahuku, Keana, Malaekahana, Laie, Kaipapau, Hauula, Makao, Kaluanui, Papaakoko, Haleaha, Puheemiki, Waiono, Punaluu, Kahana, Makaua, and Kaawa.
- (6) Koolaupoko: Kualoa, Hakipuu, Waikane, Waihole, Kaalaea, Waihee, Kahaluu, Heeia, Kaneohe, Mokapu, Kailua, Waimanalo, Koko, and Maunaloa.

§3-7 Manokalanipo (Kauai). There are eight traditional large land sections or moku within the moku of the island of Kauai. They are Halelea, Koolau, Puna Akau, Puna Hema, Koloa, Makaweli, Waimea, and Napali. The smaller ahupua'a or geographic land divisions located within each moku are:

- (1) Halelea: Kalihiwai, Kalihikai, Pupoa, Waipa, Hanalei, Waikoko, Lumahai, Wainiha, Haena, and Limahuli.
- (2) Koolau: Anahola, Aliomanu, Papaa, Moloaa, Kaakaani, Lepeuli, Waipake, Pilaa, Waiakalua, Kahili, Kilauea, and Namahana.
- (3) Puna Akau: Kamalomalo, Kealia, Kapaa, Waipouli, Olohena, and Wailua.
- (4) Puna Hema: Hanamaulu, Kalapaki, Nawiliwili, Niunulu, Haiku, Kipu, and Kipukai.
- (5) Koloa: Mahaulepu, Paa, Weliweli, Koloa, Aepo, Lawai, Kalaheo, and Wahiawa.
- (6) Makaweli: Hanapepe, Kupua, and Makaweli.
- (7) Waimea: Waimea, Kapena, Kekaha, Waiawa, Opelu, Kaawaloa, Nonomahiki, Kahelunui, and Kolo.
- (8) Napali: Kauwila, Haeleele, Hikimoe, Kaaweiki, Kauhao, Makaha, Milolii, Nualolo,

Wawapuhi, Honopu, Kalalau, Pohakuau,
Hanakoa, and Hanakapiai.

§3-8 Ka aina o Kawelonakala (Niihau). There are three traditional large land sections or moku within the mokupuni of the island of Niihau. They are Kona, Koolau, and Puna. The smaller ahupua'a or geographic land divisions located within each moku are:

- (1) Kona: Kaikane, Mauuloa, Nonopapa, Halo, Pauahula, Puuwai, Kaumuhonu, Keanauhi, Pohueloa, Nianiaui, and Lehua.
- (2) Koolau: Koolaukani, Apu, and Okii.
- (3) Puna: Koahi, Haialii, Honuaula, Kalaoa, Nomilu, and Pueo.



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai'i 96807

HB 2179, HD1 RELATING TO THE AHA MOKU ADVISORY COMMITTEE

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

Friday, March 18, 2016

Aloha Chairman Shimabukuro, vice chair English and members of the Senate Committee on Hawaiian Affairs and Chairman Gabbard, vice chair Nishihara and members of Senate Committee on Water, Land, Agriculture. The Association of Hawaiian Civic Clubs (AHCC) supports this measure which would provide funds for the administration and operation of the Aha Moku Advisory Committee (AMAC) and continued community outreach in pursuit of its goals and mandates.

Since its inception AMAC has shown and proven its value to the preservation and utilization of traditional resource management and customary practices. The capacity to capture the wisdom of the kupuna and makua as it pertains to specific ahupuaa is especially valuable in times of accelerated natural resource change that is now occurring daily.

In some cases practitioners had to be identified, contacted and a trust relationship established before ahupuaa knowledge would be shared and documentation allowed. "Talk story" knowledge and practice carries with it the wisdom of ages that can only be shared when its value is understood and respected.

It has been AMAC's privilege to be able to carry out this mission that clearly deserves to be embedded as a cornerstone of Hawaii's indigenous culture. This can only be accomplished because the legislature of Hawaii acknowledges and continues to fully fund its mission.

Thank you for the opportunity to testify in support of this bill.

Contact: Jalna.keala2@hawaiiantel.net

MARINE AND COASTAL ZONE ADVOCACY COUNCIL KE KAHU O NA KUMU WAI

[COMMITTEE ON HAWAIIAN AFFAIRS](#)

Senator Maile S.L. Shimabukuro, Chair

Senator J. Kalani English, Vice Chair

[COMMITTEE ON WATER, LAND, AND AGRICULTURE](#)

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

DATE: Friday, March 18, 2016

TIME: 1:15 p.m.

PLACE: Conference Room 016

TESTIMONY OF JAMES E. COON SPEAKING IN SUPPORT OF HB 2179 HD1

Aloha Chairs Shimabukuro, Gabbard, Vice Chairs English, Nishihara, Members of the Committees on Hawaiian Affairs and Water, Land, and Agriculture:

My name is James Coon. I have served as a Council Member of Ke Kahu O Na Kumu Wai (Marine and Coastal Zone Advocacy Council) since its inception in 2001. We have advocated for a Mauka Makai approach to managing the coastal zone with local representation embracing traditional knowledge as a vital component to effective decision making. This is also supported in the Ocean Resources Management Plan (ORMP) where I serve on the working group. I speak in Support of HB 2179 HD1

Since the formal establishment of the Aha Moku System in 2007 it has never had proper funding. Now is the time and the opportunity to rectify this situation and HB 2179 HD 1 does that.

I humbly ask you to pass HB 2179 HD1 so that the Aha Moku can continue to bring the concerns and recommendations from the people of an ahupua'a on natural and cultural resources to the attention of DLNR and may advise the BLNR Chair of these concerns.

Sincerely,

James E. Coon, Member Ke Kahu O Na Kumu Wai (MACZAC)

Ocean Resources Management Plan Working Group

From: [Tom Penna](#)
To: [HWNTestimony](#)
Subject: In support of 'Aha Moku funding
Date: Tuesday, March 15, 2016 3:04:44 PM

I support Aha Moku, their goal, their mission and vision. With deepest respect for the 'ike that allowed for Hawai'i to experience pono, John Ka'imikaua brought this vision forth and shared it with the intention of restoring pono once again. I have spent time getting to know 'Aha Moku and feel that it is one of the most reasonable vehicles for restoring a comfortable balance once again.

The funding is needed and it would benefit Hawai'i if it were appropriated.

me ke aloha,

Tom Penna

--

Tom Penna
Ho Mai Ka Pono
www.homaikapono.org
808-392-2509
po box 723
Hale'iwa, Hawai'i 96712

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: rangien2010@yahoo.com
Subject: Submitted testimony for HB2179 on Mar 18, 2016 13:15PM
Date: Tuesday, March 15, 2016 5:46:47 PM

HB2179

Submitted on: 3/15/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

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

Comments: Questions for Leimana DaMate: 1) We would like to see a budget from AMAC that was approved by the council prior to submission. 2) Would like to know if the budget contains some funding for the Aha Moku Council to gather at an annual meeting of all mokus to talk about the broader issues and challenges that are common to all mokus. 3) The budget needs to reflect the part of the strategic plan approved by the council in 2013. 4) The budget needs to reflect actual AMAC meetings with minutes and that can be accessed.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: kamakane73@gmail.com
Subject: *Submitted testimony for HB2179 on Mar 18, 2016 13:15PM*
Date: Sunday, March 13, 2016 8:12:48 PM

HB2179

Submitted on: 3/13/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Kealoha Sugiyama](#)
To: [HWNTestimony](#)
Subject: HB 2179
Date: Tuesday, March 15, 2016 1:02:18 PM

Please vote in favor of this bill to keep Aha Moku active.

From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB2179 on Mar 18, 2016 13:15PM*
Date: Friday, March 11, 2016 3:45:09 PM

HB2179

Submitted on: 3/11/2016

Testimony for HWN/WLA on Mar 18, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Paulette Cantley](#)
To: [HWNTestimony](#)
Subject: I support the
Date: Tuesday, March 15, 2016 1:02:26 PM

Aha Moku.