



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

> Testimony of Hawaii State Aha Moku

Before the Senate Committee Water and Land Before the Senate Committee on Hawaiian Affairs

> Wednesday, February 9, 2021 1:00 PM

In Opposition to Senate Bill 712 Relating to the Aha Moku Advisory Committee

Aloha Chair Inouye, Vice Chair Keith-Agaran and Members of the Senate Water and Land Committee, Aloha Chair Shimabukuro, Vice Chair Keohokalole and Members of Senate Hawaiian Affairs Committee,

Thank you for the opportunity to offer Testimony on Senate Bill 712. This bill requires the governor to appoint the Executive Director of the Aha Moku Advisory Committee who shall be subject to the advice and consent of the Senate with a term limit of four years.

Participants in the Hawaii State Aha Moku (Aha Moku) Oppose this measure and ask that it be deferred.

In 2004, the protocols of a traditional land and ocean management system was restored from the translation of ancient oral chants of the 9th century by John Kaimikaua with four other spiritual Kahu. The need to bring the voices of traditional and generational practitioners forward to benefit the Pae'Aina, or Islands of Hawai'i Nei was great. The purpose is to collaborate with government in sharing ancient and traditional methods of natural and cultural resource sustainability that is unique to each ahupua'a, moku. These distinctive methods are significant because the natural resources of each place are unique, therefore government policies regarding these resources need to also be specific to that ahupua'a and moku.

The practices have been kept alive from ancient to current times by the empirical knowledge of the people of each place and have been handed down generation to generation by indigenous native Hawaiian families of the ahupua'a. This knowledge is also shared within communities of an ahupua'a. In ancient times, survival was based on subsistence gathering. In current times of Covid, the same instances apply.

I am the last *Ka Mea Ho'okumu*, founder of the five spiritual Kahu who translated and brought back the ancient natural and cultural resource sustainability process. I came back to lead, direct and guide on a voluntary basis which is essential because as the *Ka Mea Ho'okumu*, I deeply believe in our foundation.

The difficulty of integrating an ancient sustainability process with government successfully, means that this process does not come under the direct jurisdiction of government. It needs to be collaborative and part of the state system, yet semi-autonomous so the indigenous people can be comfortable in sharing their empirical knowledge voluntarily, and not be coerced. To comply with legal mandates, and in order to be part of the state

system, the Hawaii State Aha Moku is attached administratively to the Department of Land and Natural Resources.

In our process, the *Luna Alaka'i* is the Executive Director. The *Luna Alaka'i* is chosen by the kupuna and follows the directives of the *Ka Mea Ho'okumu* and the Po'o of the Moku of the Pae'Aina. This is the indigenous and native Hawaiian process and protocol that ensures the success of the Aha Moku process. We work with the Ho'oponopono Process, specific to each island.

I am working on the clarification of the foundation of the Aha Moku which is: Malama Ke Akua (Honor God), Malama Ka 'Aina (Honor the Land), and Malama Na Iwi Hanau O Ka'Aina (Honor the people born of the Land) so the Aha Moku can be strengthened and solidified. I have been active since March of 2020 in working with the *Luna Alaka'i*, Po'o and islands. I also hold kuka sessions weekly with community leaders, legislators and government policy makers in simplifying the structure of Aha Moku.

We must work with the people! This is kuleana – ours and yours. We need help and time. We need the kupuna to lead this process and have asked all kupuna from all islands to kokua. Our kahea has been answered, but we need our *Luna Alaka'i*, our Executive Director to be answerable to us, and not to the State of Hawaii. This measure calls for the Governor to appoint the *Luna Alaka'i* of the Aha Moku. This is inappropriate and will ensure the complete failure of the Aha Moku, the only entity of its kind, and the only law via Act 288, SLH 2012, in Hawaii that ensures the voluntary and unsolicited cooperation of generational practitioners of all traditional disciplines in Hawaii.

The Hawaii State Aha Moku is the direct implementation of Kapa'akai, the Hawaii Supreme Court law¹ that is so prevalent in state law today.

We oppose SB 712 and ask that it be deferred until we can bring forth the results that strengthen and clarify the Hawaii State Aha Moku. It is detrimental to all of us, to our ahupua'a, to the native Hawaiian people for this measure to go forward. The Aha Moku must retain its position of being Advisory only. Our *Luna Alaka'i* must stay under the jurisdiction of the kupuna. We need more time as we continue to work on this.

I am available to answer questions and ask to meet personally in our regular kuka sessions which are held in the open in Kaneohe. We practice social distancing and do not kuka with more than ten people at a time. Masks are mandatory during this time of Covid as safety measures are precious to our kupuna. Because I also teach at Windward Community College, I am available for zoom meetings in the evenings.

Again, we oppose SB 712 and ask that it be deferred at this time.

Respectfully and humbly yours,

Kawaikapuokalani Hewett, Lehua and Founder Hawaii State Aha Moku (808)382-6043 <u>kahalelehua@outlook.com</u>

¹ Ka Pa'akai O Ka'Aina v. Land Use Commission, State of Hawai'i, 2000, Supreme Court of Hawai'i

Testimony of Leimana DaMate

Before the Senate Committee Water and Land Before the Senate Committee on Hawaiian Affairs

Wednesday, February 9, 2021 1:00 PM

<u>In Opposition to Senate Bill 712</u> Relating to the Aha Moku Advisory Committee

Aloha Chair Inouye, Vice Chair Keith-Agaran and Members of the Senate Water and Land Committee, Aloha Chair Shimabukuro, Vice Chair Keohokalole and Members of Senate Hawaiian Affairs Committee,

Thank you for the opportunity to offer Testimony on Senate Bill 712. This bill requires the governor to appoint the Executive Director of the Aha Moku Advisory Committee who shall be subject to the advice and consent of the Senate with a term limit of four years.

I <u>Oppose</u> this measure and ask that it be deferred.

In 2004, I was called by John Kaimikaua to meet to discuss a vision he had that he felt would impact the native Hawaiian people who were traditional practitioners in their culture. In his vision, he saw the "*lepo popolo rising to prominence on the crest of a wave*". His interpretation of the vision was that it was time for the Hawaiian people, the generational people of the ahupua'a to come forward to protect the ecosystems and environment of their specific places. This would also further ensure their cultural practices, which were already constitutionally safe through Article XII, would be specifically protected.

John's vision was accepted by the Hawaiian people, and four other spiritual *Ka Mea Ho'okumu* (founders) worked with him to translate ancient chants and mo'olelo to bring forward the sustainability process from the 9th century. This process had oversight of the kupuna of the pae'aina.

My role in this is to be the *Luna Alaka'i* (Executive Director) to be the bridge between the people and government. However, it is essential that I work for, and answer to the *Ka Mea Ho'okumu* who guides this process. The legislature, in assisting to craft Act 288, SLH, in 2012, created the title of Executive Director. Kupuna accepted this as the *Luna Alaka'i* would need to walk in the western world, as well as the Hawaiian traditional one. The *Luna Alaka'i* of the Aha Moku process points the voices of generational practitioners of an ahupua'a to the appropriate government entities in an advisory capacity.

It is critical that the *Luna Alaka'i* remain under the guidance and direction of the *Ka Mea Ho'okumu* and kupuna for the Hawaii State Aha Moku to be successful. The position of *Luna Alaka'i* and all that it entails is determined by the Aha Moku Advisory Committee (AMAC) in lieu of the kupuna. This was done by the Legislature but accepted by the people as the AMAC is comprised of kupuna who are vetted and accepted by the ahupua'a.

The primary mandate of the *Luna Alaka'i* is an educational and collaborative one chosen by the Kupuna and works with the Ho'oponopono Process, specific to each island under the guidance of the people of that place. The *Luna Alaka'i* **must** understand and agree that this is a kuleana, and not just a job. The *Luna Alaka'i* must follow the foundation of the Aha Moku which is Malama Ke Akua (Honor God), Malama Ka 'Aina (Honor the Land), and Malama Na Iwi Hanau O Ka'Aina (Honor the people born of the Land).

As the current, *Luna Alaka'i* (Executive Director), I have honored and lived this kuleana. This position is a Hawaiian one and must stay under the jurisdiction of the people or else the Aha Moku process, an ancient honorable process that <u>does</u> work, will fail.

In the few years this process has been in existence, the transition of merging a Hawaiian customary practice with western policies have been difficult yet have been sustained through the trials and tribulations that a new entity added to the state usually endures.

We are in the process now of strengthening a structure that did not previously have the benefit of a *Ka Mea Ho'okumu* to guide us. John Kaimikaua and the three other spiritual *Ka Mea Ho'okumu* had departed just when the Aha Moku began at DLNR. We look to the *'ike*, the wisdom and knowledge of Kawaikapuokalani Hewett as the last *Ka Mea Ho'okumu* of the vision that brought the Aha Moku to life,

We appeal to these Legislative Committees to give us the time to strengthen and clarify the Hawaii State Aha Moku. We oppose SB 712 and ask that it be deferred at this time.

Respectfully and humbly yours,

Leimana DaMate Hawaii State Aha Moku (808)640-1214 Leimana.k.damate@hawaii.gov



Senate Committee on Hawaiian Affairs Senate Committee on Water and Land

Tuesday, February 9, 2021, 1:00 p.m., Conference Room 016

SB712 Relating to the Aha Moku Advisory Committee

TESTIMONY IN OPPOSITION

Nancy Davlantes, Government Affairs Chair Koolaupoko Hawaiian Civic Club

Chairs Shimabukuro and Inouye, Vice-Chairs Keohokalole and Keith-Agaran, and Committee Members:

The Koolaupoko Hawaiian Civic Club opposes SB712 because it is counter to the original intent of Aha Moku to collaborate with government in sharing ancient and traditional methods of natural and cultural resource sustainability that is unique to each ahupua'a, moku.

By having the executive director appointed by the governor and subject to the advice and consent of the legislature for a term not to exceed four years changes the whole concept of sharing with the government in a collaborative and voluntary effort and instead places Aha Moku under the direct jurisdiction of government.

We readily acknowledge the challenge of integrating the Hawaiian sustainability process and protocols with the standard workings of government, and are convinced that any effort spent in working out the difficulties is time well spent. But to that end it is imperative that the executive director be answerable to the people and not to the legislature. There is work to be done in clarifying and strengthening Aha Moku so that the practices that have been kept alive from ancient to current times will continue to be passed down from generation to generation.

SB712 seems to have been a rushed process and we believe that is the kuleana of everyone to provide the time and effort needed to help Aha Moku be successful. Please defer this bill.

Thank you for the opportunity to testify.

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians. One of the largest of the Hawaiian Civic Clubs, its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart".

P. O. Box 664 * Kaneohe, HI 96744 * Ph. (808) 235-8111 * www.koolaupokohcc.org

<u>SB-712</u> Submitted on: 2/8/2021 12:23:47 PM Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Faye-Starr Melemai	Individual	Oppose	No

Comments:

I oppose SB 712 and request that the current Director and board members continue to exist to protect the rights of the Hawaiian people and culture.

<u>SB-712</u> Submitted on: 2/8/2021 12:52:34 PM Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Poepoe	Individual	Oppose	No

Comments:

The governor and senators should not be the ones who control the processes for the AMAC.

The people in the Aha Moku Island Councils- their leadership and memberships are the ones who should.

Therefore, I oppose this bill.



<u>SB-712</u> Submitted on: 2/8/2021 1:17:49 PM Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna K Santos	Individual	Oppose	No

Comments:

Aloha,

I stand in OPPOSITION to SB712 and urge this Committee to NOT give the Governor the kuleana of appointing the Aha Moku Exeutive Director. I believe it is the kuleana of the communities and should remain there.

Mahalo,

Donna K. Santos

Puna Moku, Manokalanipo



Testimony in support of: SB 712: RELATING TO THE AHA MOKU ADVISORY COMMITTEE

Submitted by: Cassandra Park 1129 2nd Avenue Honolulu, HI 96816

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Senate Water and Land Committee,

Aloha Chair Shimabukuro, Vice Chair Keohokalole, and Members of the Senate Hawaiian Affairs Committee,

My name is Cassandra Park. I am a graduate student and employee at the University of Hawai'i at Mānoa. I write to you today to ask you, as a Kanaka Maoli, to oppose SB 712.

This bill requires the governor to appoint the Executive Director of the Aha Moku Advisory Committee. However, this bill undermines the self-determination of na Kānaka 'Ōiwi, the people of Hawai'i. I would like to remind the State of its promise to "protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" as defined in the Constitution of the State of Hawai'i. The role of the Aha Moku is to integrate Indigenous resource management knowledge into modern legal and regulatory structures to promote the well being of the Indigenous People, na Kānaka 'Ōiwi, and the land we share with all the residents of Hawai'i.

The Aha Moku, with their understanding and knowledge, should have the autonomy to select their Executive Director. I humbly ask for your vote to OPPOSE SB 712. Thank you for your consideration.

Mahalo nui, Cassandra Park



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

I support the use of term limits as an important amendment to HRS 171 4.5, The current ED has blocked participation of the island councils in the AMAC process leading to poor performance by the AMAC that is recognozed by the island councils. There is so much effort for community-based natural resources management in the island communities and a lot of work being done in the name of Aha Moku. When was the last report of the AMAC to the Legislature? -- CMK



Sub	omitted By	Organization	Testifier Position	Present at Hearing
Josh	ua DeMello	Individual	Comments	No

I am not sure whether to support this bill or not. On the one hand, it provides some control and accountability to the position, but on the other hand it becomes a politically appointed position prone to cronyism and backdoor deals. The Executive Director should be accountable to the Aha Moku Advisory Committee itself as they are there to guide and adminster the committee and not set policy on their own. If anyone should confirm the ED of the AMAC, it should be the Board of Land and Natural Resources, as the AMAc makes recommendations to the board. The other logical confirmation would be the OHA Board of Trustees as this deals with Native Hawaiians and practitioners. The ED being culpable to the Native Hawaiian people makes sense. My suggestion would be to change the confirmation to that of the BLNR or OHA and I can support this measure. The term limit idea is also good but should also include the number of terms available to serve contingent upon performance. Thank you for your consideration

<u>SB-712</u> Submitted on: 2/9/2021 8:34:07 AM Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Natasha Boteilho	Individual	Oppose	No

Comments:

Aloha Reps,

Please oppose this Bill. This Bill has been rushed thru. The Aha Moku needs to stay in place, with people from the islands waying in with their concerns and solutions and not Senators who do not live on said island.

Natasha Boteilho



From: Terrie Hayes <<u>terriehayes@gmail.com</u>> Date: February 8, 2021 at 3:07:42 PM HST To: Senator Ron Kouchi <<u>rdkouchi@hawaii.rr.com</u>> Subject: Oppose SB712; Oppose SB 713

Aloha and Mahalo for taking our Call.

As LONGSTANDING members of Aha Moku and AMAC, we strongly OPPOSE the rushed SB 712 and SB 713. Why the rush, and what is the reason for such an effort?

WE support and concur with the testimonies sent in by Leialoha Rocky Kaluhiwa, Leimana Demate, and Founder of Aha Moku Kawaikapuokalani Hewitt.

As the Kona Moku and acting Po'o of Mano Kalinipo, I speak for Kupuna.

DO NOT UNDERMINE THE WORK THAT HAS BEEN DONE.

I am a cultural practitioner with passionate concerns for our resources and environment.

I have plenty to say but, little time for this testimony! PLEASE OPPOSE SB 712, and SB 713, and or Defer so that others might be able to testify!

Mahalo, Lllewelyn 'Billy' Kaohelauli'i and Terrie Hayes (808) 742-9575



Testimony of Leialoha Rocky Kaluhiwa

Before the Senate Committee Water and Land Before the Senate Committee on Hawaiian Affairs

Wednesday, February 9, 2021 1:00 PM

In Opposition to Senate Bill 712 Relating to the Aha Moku Advisory Committee

Aloha Mai Kakou,

My name is Leialoha Rocky Kaluhiwa and I thank you for the opportunity to offer testimony in opposition to SB 712. In order to understand my opposition, I need to clarify the beginning of the Aha Moku Process.

In 2006 I attended a Puwalu meeting at the Hawaii Convention Center hosted by the Office of Hawaiian Affairs, the Association of Hawaiian Civic Clubs, Kamehameha Schools, the Hawaii State Office of Planning and the Western Pacific Fishery Council. At that first meeting my late husband Jerry Kaluhiwa was the invited practitioner to that Puwalu. He was invited because he was the first Native Hawaiian practitioner to work at the Institute of Marine Biology with Dr. Abbot, the UH professor who was the acclaimed expert on limu; Dr. Dodie, and Dr. Fisher on the first the limu project in the 1970's. Jerry Kaluhiwa taught these doctors about the mahu limu and was becoming so well-known that he went to Ewa to teach Uncle Henry Chang Wo how to save the limu of Ewa by transferring it from the ocean to tanks. Jerry could not make the Puwalu in a timely manner so he sent me ahead to let them know he would be late.

Upon arrival I was stopped at the door by assistants and told that only native Hawaiian practitioners could be admitted. When asked for the definition of a native Hawaiian practitioner, they had to think for a while before they said that you had to be a descendant of a konohiki. My answer was "I will not be attending; however, my grandfather was the last konohiki for the Heeia Ahupua'a".

I am telling you this because that is how strict they were in making sure that we were forming an entity of true Native Hawaiian practitioners who can speak and represent their aina in a pono manner. There were many Native Hawaiian practitioners attending from every island, including Niihau.

We have since held many meetings throughout the years on all the islands up to now, yet kept them lowkey as we were focused on the work that needed to be done and not the publicity.

The first Aha Moku bill was signed into law in 2007 by Governor Linda Lingle. This was the Aha Kiole Act. After Neil Abercrombie became governor in 2008, he attended one of our Puwalu in 2009 where he was officially going to become an Aha Kiole participant. However, he was so publicly insulted and defamed by the Moloka'i representative at that time, that he refused to even hear the name "Aha Kiole." During that time, the large cruise ships wanted to dock in Moloka'i. The Moloka'i Aha Kiole youth jumped in the water to block the ships and our kupuna had to order them out of the water. The consequence would have been the youth being charged with piracy, a federal law.

This is background of why the name was changed from Aha Kiole to Aha Moku. Governor Abercrombie would not have passed the Aha Moku into law without it. So we later changed the name form Aha Kiole to Aha Moku. Just so we could keep pono. The other islands agreed as Aha Kiole was a Moloka'i term. I tell you this because the activities of Moloka'i were those, even then, that the governor did not like.

I was fortunate to meet and talk story with one of our *Ka Mea Ho'okumu*, John Kaimikaua and his wife. John Lake, another *Ka Mea Ho'okumu* was still alive at that time too. Kawaikapu, our other *Ka Mea Ho'okumu* was abroad teaching and working. Although Kawaikapu was not physically present all the time, I often contacted him as he is our Kahu for the Heeia ahupua'a and was so designated by our Kupuna Council many years ago. Our Heeia Kupuna Council represents more than 3,000 descendants. We had a reunion in the 1990's on the Heeia State Park premises. Kawaikapu was chosen to be our Kahu to do all cultural and spiritual work and decisions for our ohana. Jerry Kaluhiwa was chosen to be the konohiki to oversee all the developments and projects in Heeia. I was told to be the spokesperson for our aina and that is why I m speaking today to represent our people.

In 2012, when Aha Moku officially became a sanctioned Board under the Hawaii State via Act 288, SLH 2012, our Aha Moku Advisory Committee chose our Po'o, Les Kuloloio who represented Kaho'olawe.

We were to choose our *Luna Alaka'i*, our Executive Director. We chose Leimana DaMate because she was there from the very beginning, brought us together and worked very hard for our people. We were also told to name her salary. Chair Kuloloio asked that the maximum salary that the state would allow for Executive Directors be given to her. This was in 2013. We proposed and passed her salary because Chair Kuloloio said she had to do all our Palapala work because we are not Palapala people. We are the people of the 'aina. She has always done so for all the islands. This is now 2021 and her salary has never increased with the other state executive directors.

Leimana is invited to all my meetings because my strength is with community relations and not the pen. This was the same for all the islands. We had no designated time limit on terms because this was the kuleana of the people who decided when we would stop.

The consensus of all the islands was that we are advisory to the state, and as such do not have Hawaii Administrative Rules and we create our guidelines. Our *Luna Alaka'i* belongs to us, to the people and cannot become an employee of the state or else the Aha Moku is not advisory but will be suppressed.

I oppose SB 712 and ask that you defer it. Mahalo nui loa.

Respectfully yours,

Leialoha Rocky Kaluhiwa Hawaii State Aha Moku, Po'o Kakuhihewa Ph: 808-286-7955 Rockykaluhiwa1122@gmail.com



<u>SB-712</u> Submitted on: 2/9/2021 10:20:40 AM Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brittny (Kulanui Naliipoaimoku) Perez	Individual	Oppose	No

Comments:

I Brittny Kulanui Naliipoaimoku Perez am a resident of Kauai, originally from Waianae, my family is from the Ka'u Moku of Hawai'i Island and I strongly oppose this bill. The Aha Moku was established by our Kupuna, the Aha moku is made of the people to assemble and include our religious culture to honor our akua and 'Aina. Our Kupuna Ike saw fit that we have this representation in the very government that has a long history of our cultural genocide as a means to challenge the ongoing systemic genocide. If this bill is passed the state of Hawai'i says they are actively committing cultural genocide against Hawaiians which is defined as an international war crime by the United Nations. By moving forward with this bill you are actively engaged in warfare with Hawaiian citizens.



<u>SB-712</u> Submitted on: 2/9/2021 11:25:41 AM Testimony for WTL on 2/9/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandee Moniz Ps	Individual	Oppose	No

Comments:

Lehua Kswakapuokalani Hewitt should be consulted on this to be steered the right way as he is one of the original kūpuna creator of this Aha beginnings and knows the deeper kuleana and practice to keep this moving correctly as intended into the future desired protective outcomes.



Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Medeiros	Individual	Oppose	No

Aloha Senators,

I Oppose SB712 and SB713 as they are detrimental to the very existence of our Mo'omeheu Hawai'i and our KÄ• naka Maoli.

I humbly ask that you do NOT pass these bills as it would be a Hewa action that even your own KÅ «puna would not approve of.

Mahalo me ka 'o ia i'o,

Kapua Medeiros

808-489-1933

kapua40@gmail.com



Submitted By	Organization	Testifier Position	Present at Hearing
Bronson Kainoa Kiyoshi Azama	Individual	Oppose	No

Allowing the governor to control who heads 'Aha Moku can be a conflict of interest. I simply request there be no alteration to the function of the 'Aha moku without the consent of the founders and kÅ «puna who are on the 'Aha moku. We all have kuleana to ensure the continuity of something that works, and the 'aha moku is an ancient form of governance that has worked for centuries. We need not fix something that does not to be fixed.

Having the governor appoint who leads intervenes with the traditional structure of the 'aha moku. The kÅ «puna who sit on the 'aha moku have the sole right to choose who leads them, not the governor. This can create conflict within the 'Aha moku and reduce its efficiency.

I ask that the 'Aha Moku we enacted and pushed into effect in the model the kūpuna set where they choose who chairs the 'aha moku not the governor.

Aloha nŕ,

Bronson Azama