

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

June 4, 2012

Chairperson and Members
Natural Area Reserves System Commission
State of Hawai`i
Honolulu, Hawai`i

NARS Commission Members:

SUBJECT: ITEM 6. d. SPECIAL USE PERMIT APPLICATION: REQUEST BY LESLIE APIU AIPALENA KULOLOIO, FOR THE KULOLOIO FAMILY TO ACCCESS 'ĀHIHI-KINA'U NATURAL AREA RESERVE, ISLAND OF MAUI, TO CONTINUE THEIR SUBSISTENCE PRACTICES IN PART OF THE AREA THAT WAS UTILIZED BY THE FAMILY OVER MANY GENERATIONS, TO GATHER IN THE SAME AREA: *KA 'IKE KU'UNA O NA KUPUNA 'ALAEA O HONUUA'ULA*, ANCESTRAL AND GENERATIONAL KNOWLEDGE OF HONUUA'ULA.

BACKGROUND:

The first such request for access for traditional and cultural purposes in 'Āhihi-Kina'u Natural Area Reserve was made by the Lu'uwai 'Ohana to the NARS Commission in 1998, at which time the 'Āhihi-Kina'u Working Group was formed consisting of the Maui Commission Member, Maui Department of Land and Natural Resources (DLNR) staff, the applicant, and interested community participants, to discuss the question of perpetuation of traditional cultural fishing practices and to specifically address the issue of allowing some level of fishing, and take of species for cultural subsistence, given the overall prohibition of fishing gear, any fishing or gathering or camping without specific permission. Based on this report, surveys, recommendations, and concerns from staff, and community members, the NARS Commission recommended approval of a limited access with specific species and numbers. A Board Submittal was prepared, and the Board of Land and Natural Resources approved the Special Use Permit at its June 25, 1999 meeting. The Lu'uwai 'Ohana had three accesses spread over one year. The Kuloloio 'Ohana, a part of the same lineage, is now seeking to continue their own practices in this area for day visits, rather than camping, of up to ten immediate family members, including the applicant's sister Kamaka, matriarch and female keeper of knowledge in the Kuloloio 'Ohana on where and how to gather *limu*. Access is being requested primarily to gather only enough to eat and taste on site.

RECOMMENDATION:

That the Natural Area Reserves System Commission considers this to be a new application, seeking to access zones within the Reserve which are currently closed; and that the Commission reconvene the Working Group consisting of the Maui NARS Commission Member, Maui DLNR staff, the applicant, and interested community members, to further address the issue of subsistence fishing, species being requested, amounts, and to consider recommendations for approval of a limited Special Use Permit based on specific conditions established by staff of relevant DLNR Divisions, and through the Working Group, before final recommendation to the Board of Land and Natural Resources.

RESPECTFULLY SUBMITTED,



Betsy Harrison Gagné, Executive Secretary
Natural Area Reserves System Commission

encl: permit application attached for reference

Department of Land and Natural Resources

Division of Forestry and Wildlife

1151 Punchbowl St., Room 325; Honolulu, HI 96813

(808) 587-0063, (808) 587-0064 (Fax)

Application for NARS Special Use Permit



Name: Leslie Apiu Aipalena Kuloloio

Title of Proposed Activity: Ka 'Ike Ku'una o na Kupuna 'Alaea o Honua'ula-Ancestral and Generational Knowledge of Honua'ula

The following activities require a Special Use Permit under HAR §13-209-5. If your work in the Natural Area Reserve (NAR) will involve one or more of the following, please indicate with an 'X' below:

- remove, injure, or kill any form of plant or animal life, except game mammals and birds hunted according to department rules*
- introduce any form of plant or animal life*
- remove, damage, or disturb any geological or paleontological features or substances*
- remove, damage or disturb any historic or prehistoric remains*
- engage in any construction or improvement*
- engage in any camping activity
- establish a temporary or permanent residence
- start or maintain a fire
- litter, or to deposit refuse or any other substance
- operate any motorized or nonmotorized land vehicle or air conveyance in any area (including roads and trails) not designated for its use
- operate any motorized water vehicle of any shape or form in freshwater environments or marine waters, except as otherwise provided by DLNR's boating rules
- enter into, place any vessel or material on, or otherwise disturb a lake or pond
- engage in commercial activities, defined as "the use of or activity on state lands for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity"
- have or possess the following tools, equipments or implements: fishing gear or devices (in `Ahihi-Kina`u NAR), cutting or harvesting gear (in any NAR), and hunting gear or tools (except as permitted by the hunting rules of the department)
- hike or conduct nature study **with a group larger than 10**
- presence in an area closed pursuant to HAR §13-209-4.5 or after visiting hours established by §13-209-4.6
- anchor any motorized or non-motorized water vehicle in the marine waters of `Ahihi-Kina`u NAR
- other (please explain): Gather limu, reef fish and limpets for food.

*** May require additional State or Federal permits. Applicants are responsible for identifying and securing all approvals that may be required.**

**** The NARS rules and recent rule amendments can be viewed on-line at <http://www.state.hi.us/dlnr/dofaw/Unofficial%20compilation%20HAR%2013.209.pdf>**

*** Please allow for a minimum permit processing time of three months***

All permits will have the following standard conditions, pursuant to HAR § 13-209-5. Additional conditions may apply.

- 1) The permittee shall adhere to the specifications given in the permit application
- 2) Disturbance of vegetation and wildlife shall be avoided as much as possible
- 3) Precautions shall be taken to prevent introductions of plants or animals not naturally present in the area. The permittee is responsible for making sure that participants' clothing, equipment, and vehicles are free of seeds or dirt to lessen the chance of introducing any non-native plants or soil animals. Should an infestation develop attributable to the permittee, the permittee is responsible for eradication by methods specified by the department
- 4) Once approved, the permit is not transferable
- 5) Once approved, the permit does not exempt the permittee from complying with any other applicable rule or statute
- 6) The State of Hawaii shall be released and held harmless from any and all liability for injuries or death, or damage or loss of property however occurring during any activity related to the permit

I certify that the information contained in this application is true and correct.

Applicant's Signature

If approved, copies of the permit will be provided to:

- Applicant
- NARS Commission Executive Secretary
- NARS Branch staff
- DLNR-DOCARE

For internal use only:

Application received on: _____

Distributed to District staff for review on: _____

Approval recommended not recommended by NARS Commission or authorized representative on: _____ with the attached special conditions.

Approved

Not Approved

Chairperson, DLNR

Date

Applicant Contact Information

You may either enter the information directly onto this form; if you need more space or need to attach additional pages, please indicate that there are attachments.

Name: Leslie Apiu ‘Aipalena Kuloloio

**If you are applying on behalf of an organization, the organization and your title:
Kuloloio ‘Ohana**

Title of Proposed Activity: Ka ‘Ike Ku’una o Na Kupuna ‘Alaea o Honua’ula-Ancestral and Generational Knowledge of Honua’ula

Primary contact person for this permit application: Francille Leina’ala Kuloloio Vedder

Mailing Address: 122 Kahiapo Place, Ha’iku, HI 96708

Phone: (808) 280-5060

Fax: (808) 579-2103 (Pa’ia School)

Email: puniawalei@hotmail.com

Supporting Information

Please provide the following information about your proposed activity that requires a special-use permit (“proposed special-use”). Failure to provide responses to the following questions may result in your application being rejected.

- 1. What is the period of time for which the permit is requested (e.g., the date of a proposed single event or an ongoing research project from when to when)?**

** Please note: research permits are limited to one year in length, except where waived for permits to other governmental agencies where the board determines the waiver to be in the best interest of the State. Proposals for multi-year projects are advised of the need to apply for a new permit EACH year.*

May 1, 2012 – July 31, 2012 and October 1, 2012 – November 31, 2012

- 2. List the individual Natural Area Reserve(s) involved:**

Kanahena Natural Area Reserve

- Public Parking Area
- Begin trail along coastline to Maonakala, to ‘Ahihi, to Mamau, to Kanahena, to Ka Lae Mamane
- To gather, identify, taste, data collection, compare, and visually examine alignment of papa ‘ako’ako’a, limu papa, ko’u ku’ula.
- Examine conditions of trails along ‘ae kai
- Dispose of ‘opala, shore wash debris, etc.
- Identify users in area who are snorkeling, swimming, or disrespecting natural resources.

3. **Attach a map that illustrates where in the Natural Area Reserve(s) you propose to conduct your special-use.** *The map should be legible and reproducible in black and white. The map should also be at the appropriate scale for the type of activity proposed and of sufficient detail to allow the Division to identify activity sites within 10 meters. For any activity off established trails, entry and exit routes should be marked.*
Map is attached.
4. **Provide a thorough and detailed description of the proposed special use, including field assistants and other collaborators.** *The description should be detailed enough so that those reviewing your application understand what you propose to do and the scope of your proposal. As part of your description, please include: a) a description of the planned method of transportation to and within the Natural Area Reserve, and b) if other people than you will participate in the proposed special-use, please note how many people, and whether they are volunteers, students, research assistants, paying customers, etc...*
 - a) Method of transportation will be on car traveling on the main road. We will then travel by foot from the parking area to the shoreline.
 - b) Kuloloio 'Ohana members include grandfather, Leslie, his children and grandchildren, along with the matriarch of the family, Kamaka (aunt) who is the remaining female keeper of knowledge in the family on where and how to gather limu. These individuals are Leslie Kuloloio's immediate family.

For research proposals,

- c) *please explain your objectives, your methods, and why the proposed special-use is necessary to your research;*
- d) *if the research is part of your undergraduate or graduate studies, please include the name and affiliation of your major professor;*
- e) *if you are seeking permission to remove or introduce any form of plant or animal life, please list all species involved and specifically identify which are threatened, endangered, or candidate species.*
- f) *if you are seeking permission for the collection of any specimens, please note type of specimen (species and parts collected, if less than entire specimen), quantities to be collected, storage methods, and ultimate disposition.*

Failure to provide sufficient information may result in your application being returned for additional information or rejected. Please feel free to attach additional sheets as necessary.

- c) The Honua'ula District of Maui (Kona) is a cultural depository to teach my *mo'opuna* and their generations to come. I, along with my sister Kamaka, are the only *kupuna* in my family who have this knowledge. I learned how to fish and gather from the sea as a child with my parents and family members in Makena. I later took my children to these areas and taught them what I knew before the area was turned into a reserve. It is important that my knowledge and experiences be passed down to my grandchildren so that they know the right stories and name places from *kupuna* from that place rather than outsiders who claim to know the area. I want them to know how to survive off of our own foods from the sea. I

will teach my *mo'opuna* how to collect data of the amount and kinds of fish we have gathered.

- d) Ancestral and generational knowledge embraces the physical geography which deals with the world in the present stage of its existence. The *Kumulipo* considers the relationship and machinery which makes day and night, seedtime and harvest; which lifts the vapor from the sea, forms clouds and waters the earth; which clothes the land with verdure and cheers it with warmth; or covers it with snow and ice. The *Moku System* (physical geography), moreover, treats of the *Na 'Aumakua* (agents) that cause(s) the wonderful circulation of waters in the sea; that diversify *Na Moku 'Aina* (continents, atolls, volcanic islands) with mountains, hills, plains, valleys, and *kaha* (embellish) the landscape with rivers and lakes. This ancestral and generational knowledge teaches us to *nana i ke kumu* the views of the earth-*Papa*(its surface), *na wai*(its waters), and *na lani*(its enveloping atmosphere)-as the scene of *Ke Komo*(operation) of the great physical and creative forces, which by their united action (*ke komo*) render possible the life of plants and animals; and studies the *Ola*(life) of the globe, both terrestrial and aquatic, noting particularly the circumstances which are favorable or adverse to its development.

- e,f) I am seeking permission to remove the following from the area:
ha'uke'uke, limu lipepe'e, 'opihi, 'okala, limu 'aki'aki, kupe'e, manini, 'uhu, kole, kala, wana, hawa'e, wawae'iole, lepe moa, palahalaha, 'ekahakaha, kala, lipoa, nei, pakanaka, kumu, weke. All of these items that will be gathered may not be gathered and eaten all at once. We will only gather enough to feed ourselves while staying in the area to show my grandchildren the amount you need to survive. We will store these items in a small cooler while staying on the area.

- e) **Please answer the following questions about your proposed special use:**

- a. **Can your proposed special use be conducted elsewhere? If not, why not?**

No. The Honua'ula District of Maui (Kona) is a cultural depository to teach my *mo'opuna na wahi pana* (name places), *na alahele* (trails), *ka 'ike ku'una lawai'a* (traditional fishing knowledge), and *na loina* (values).

- b. **Is your proposed special-use consistent with the purpose and objectives of the Natural Area Reserves System (the purpose and objective of the NARS is to protect in perpetuity specific land and water areas which support communities, as relatively unmodified as possible, of the natural flora and fauna of Hawai'i)? If so, how?** Yes. Our purpose is consistent with the objective of the NARS. We will also be following our own traditional ways of gathering by taking only what is needed for the amount of people that will be eating it. "*E 'ai i kekahi, e kapi i kekahi.*" – *Eat what you need, return the rest.*

c. **Is your proposed special-use consistent with the management plan developed for the individual Reserve(s) (*Management plans are available for review at www.dofaw.net/nars or by contacting the NARS office*)? Yes.** Our proposed special-use is consistent with the management plan development of the individual Reserve.

d. **Does your proposed special-use provide a benefit (direct or indirect) to the Natural Area Reserves System or to the individual Reserve(s) or both? (*For research, please note whether any studies have previously been made similar to the one proposed and how you will convey your research findings to the Department*).**

My 'ohana feel that it is our *kuleana* to be protectors and stewards of the 'aina, and teach this to the next generation. Our special use will be a benefit to the Reserve because we will teach my *mo'opuna* how to do data collection of the amount sea animals that are in the area and how many we have collected. My children and I have seen first hand the impacts of tourists, development, and commercialized ocean activities have had on the shorelines these past years. We gather and eat sea animals and *limu* in *Hamakuapoko* and *Hamakualoa*. Therefore, it would be interesting to compare the likes and differences of these animals in *Honua'ula*.

e. **Will the proposed special-use damage or threaten to damage the integrity or condition of the natural, geological, or cultural resources in the individual Natural Area Reserve(s) and adjacent area or region? If so, how? If not, why not?** No. Our special-use will not threaten or damage the integrity or the condition of the natural, geological, or cultural resources in the individual Natural Area Reserve(s) and adjacent area or region because we will be gathering and eating only what we need. We are traditional gatherers and are respectful of the animals and *kinolau* of these areas.

f. **Does the proposed special-use comply with the provisions and guidelines contained in HRS Chapter 205A, entitled 'Coastal Zone Management,' where applicable? *HRS Chapter 205A can be accessed at: http://www.capitol.hawaii.gov/hrscurrent/Vol04_Ch0201-0257/HRS0205A/*** Yes. The proposed special-use does comply with the provisions and guidelines contained in HRS Chapter 205A, entitled 'Coastal Zone Management.'

g. **Have you (the applicant) previously received a NARS Special Use Permit? If so, did you comply with the conditions of any previously approved permit (including providing a final report as requested)?**
No.

- h. Do you (the applicant) have any other current NARS special-use permits? If so, please list and state whether you are currently in compliance with the conditions of those permits.**

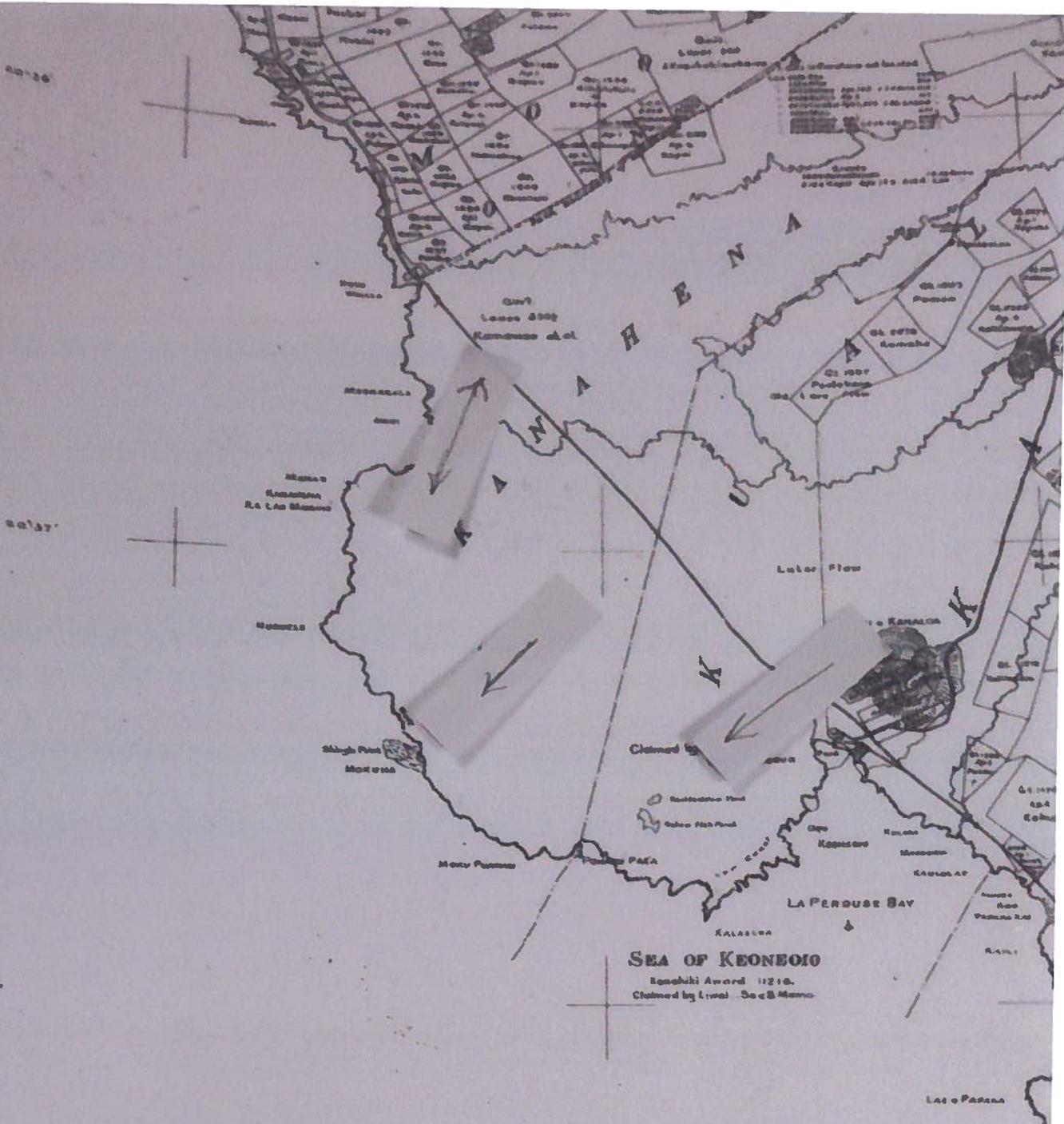
NA

- f) Is the proposed special-use expected to have an environmental impact on the Natural Area Reserve(s) or the surrounding area? If, so please elaborate. If not, why not? *Please include discussion of any off-trail work, such as mist-netting, setting of traps, removal of vegetation, etc. and any measures planned to mitigate any short and long-term damage.***

No. Our proposed special-use will not have any environmental impact on the NARS or the surrounding areas.

- g) There is an application fee of \$50 to cover the cost of processing; please attach a check made out to: *Department of Land and Natural Resources.***

- h) For research proposals, please list any local collaborators or contacts (if any).**
None



MAP OF HONUAAULA, MAUI.

SURVEYED BY WDALEXANDER IN 1866-1879 AND

F.S. DOGGE IN 1881

E.Q. BALDWIN IN 1883

SCALE 1:12000



ORIGINAL MAP BY FRANK S. DOGGE MARCH 1881

COPY BY WALTER E. WALL NOV 1894