

Via electronic submittal

Natural Area Reserves Commission Meeting
Tuesday, June 18, 2024
11:00 AM via Zoom

Aloha members of the NARS Commission,

My name is Mogul Lu'uwai. I am the lead applicant for the Lu'uwai 'ohana special use permit. My grandfather is Bobby Lu'uwai, who was an original permit holder of the 'Āhihi-Kīna'u NAR special use permit for our 'ohana. I am in strong support of a permit being granted for my 'ohana to continue to exercise our traditional and customary rights as kānaka lawai'a (fishing people) in 'Āhihi-Kīna'u according to the take limits we worked so diligently with your staff on. I also support the application of Leinaala Kuloloio Vedder.

The renowned Hawaiian proverb, "He ali'i ka 'āina, ke kauwā ke kanaka," means the land is chief and the people are its servants. This saying describes the reciprocal relationship between Kānaka Maoli and the environment. It also describes the connection our 'ohana has with the fishing grounds of Honua'ula, including the 'Āhihi-Kīna'u area. As expected with person-to-person relationships, we must invest time and energy into fostering our connection with this 'āina. That is why we are requesting to renew our special use permit.

Continuing the fishing traditions of our kūpuna in 'Āhihi-Kīna'u is important to strengthen our connection to the 'āina and kai, which is central to our unique identity as Kānaka Maoli. Perpetuating our traditions is also why my family thought I should be the lead applicant for the permit: to symbolize passing the torch of knowledge from one generation to the next and also so I, as part of the next generation of lawai'a of Honua'ula, can learn how to advocate for our traditional and customary rights within the administrative process as my grandfather, uncles, and father did back in the 1990s.

Traditional and customary practices, which are constitutionally protected, are place-based and resource-specific. They also follow the tenet: "Ma ka hana ka 'ike" — knowledge is gained through doing and experience. Lawai'a (fishing) is no exception. We understand the need to preserve the pristine nature of the 'Āhihi-Kīna'u NAR, but regulations cannot come at the expense of the loss of reasonably exercised place-based knowledge our 'ohana has gained over generations. This is unconstitutional and breaks the cooperative spirit of Aloha that is special to Hawai'i.

In front of you are recommended take limits we meticulously agreed on with your staff over hours of negotiation-like meetings spanning one year. Based on a thorough back-and-forth process with NARS staff, we believe our take limits are reasonable and pono. We responded to their every concern regarding take, provided rationales for requested take, and significantly lowered take limits from the original permit to comply with current rules or decided against take where NARS staff expressed concern for the health of a species and where we agreed. These actions were taken because we have a deep respect and care for the species, which is ingrained in our traditional practices.

Our 'ohana firmly believes the grant of our special use permit is a win-win for all parties. First, our 'ohana's generational knowledge of lawai'a in 'Āhihi-Kīna'u will be perpetuated. Second, the agency will be fulfilling its constitutional duty to protect traditional and customary Native Hawaiian rights where feasible. Third, the exercise of our rights could help the agency with species monitoring and data collection that is lagging, understandably due to the numerous other responsibilities the agency is tasked with.

On behalf of my 'ohana, mahalo to the NARS staff for working persistently with us to find a common-ground. We would also like to thank our attorneys from the Native Hawaiian Legal Corporation, who have used their expertise in Native Hawaiian law to articulate our practices and communicate timely, effectively, and efficiently with the NARS staff on our behalf.

Mahalo for earnestly considering our special use permit request.

Me ka ha'aha'a,

Mogul Lu'uwai