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

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

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

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

Okakopa 2014
October 2014
REPORT ON THE ACTIVITIES AND PLANS OF THE AHA MOKU ADVISORY COMMITTEE

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

INTRODUCTION

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

The Senate Bill 3053, House Draft 2 (relating to Native Hawaiians) was signed into law as Act 288 on July 9, 2012. The purpose of the Act is to formally recognize the Aha Moku System and to establish the Aha Moku Advisory Committee (AMAC) within DLNR and may serve in an advisory capacity to the Chairperson of the BLNR. The AMAC may advise on issues related to land and natural resources management through the Aha Moku System, a system of best practices based upon the indigenous resource management practices of moku boundaries, which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community.

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

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

I. Purpose of the AMAC

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

II. Objectives, Goals and Estimated Time Frame.

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

Goals and Estimated Time Frame:
A.1. Revitalize traditions by sharing important and known practices that are site specific so awareness of traditional resource management is shared including methods, traditions, practices, and important traditional gathering areas. (ongoing)
A.2. Develop and organize traditional Ahupua’a Councils. (ongoing)
A.3. Pursue additional grant and non-traditional grant sources. (ongoing)
Objective B: Identify a comprehensive set of indigenous practices for natural resource management

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

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

Goals and Estimated Time Frame:
C.1. Publicize successes and work with establishments (implementation started and ongoing)
C.2. Partner with other agencies and entities interested in the preservation and conservation of Hawaii’s ecosystem (ongoing)

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

Goals and Estimated Time Frame:
D.1. Unify Process for Reporting (implemented)
D.2. Support hiring of additional staff, as appropriate, through the budgetary process, to provide additional resources for administrative support. (ongoing)
D.3. Develop a stronger rapport with the DLNR Divisions to share Native Hawaiian expertise on natural and cultural resources (implemented and ongoing)

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

Goals and Estimated Time Frame:
E.1. Educate the next generation, general community, community groups on the merits of the Aha Moku System (ongoing)
E.2. Work with education organizations so they are familiar with the site-specific care of natural and cultural resources (ongoing)
E.3. Begin work with schools to offer curriculum that include site-specific resource knowledge – tie this in with DLNR divisions (begin in 2015)
E.4. Develop strong media tools such as video and printed matter spotlighting Native Hawaiian resource methodology experts who live the Aha Moku system (ongoing)

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

Goals and Estimated Time Frame:
F.1. Utilize multi-media presentations for briefing members of the Legislature, community groups, user groups, and other interested parties. (ongoing)
F.2. Update interactive web pages on the Internet for access by interested parties. (ongoing)
F.3. Promote and improve community education on understanding conservation through traditional resource methodology which is island specific and site specific (ongoing)
F.4. Develop plan to actively market what traditional resource practices in partnership with current DLNR resource management does for users, the State, and the environment while conveying a vision of what ought to be. (begin in 2015)

F.5. Establish and reinforce partnerships with local and national conservation organizations to utilize existing resources and unify efforts in public education campaigns. (ongoing)

F.6. Pursue development of a public outreach campaign designed to inform Hawaii residents and visitors about the importance of being knowledgeable about Hawaii state resources and its protection. Work with DLNR divisions in this development (ongoing)

F.7. Develop financial resources to cover the cost of site specific (ahupua’a) planning and oversight. (ongoing)

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

**Goals and Estimated Time Frame:**

G.1. Create a strategic plan that implements a successful community conservation effort with integration of traditional Hawaiian resource management and best practices into the contemporary state framework of management. (completed)

G.2. Create a communications process between communities and administration that ensures site-specific resource concerns are effectively addressed by AMAC and DLNR. (Ongoing)

G.3 Organize moku and ahupua’a aha (groups) that encompass district area communities with Native Hawaiian practitioners from that district who have generational knowledge of those resources. (Ongoing)

G.4. Develop a 3 and 5-year budget that encompasses the needs of the AMAC and individual islands to ensure success in its mandates and permanence within the state system.

G.5. Organize an annual State Puwalu (Conference) that is open to the public. (Not begun yet due to budget restraints)

**III. RECOMMENDATIONS TO THE BLNR:**

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

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

Following are a list of submittals to the BLNR and the recommendations rendered by the AMAC. The testimonies of the AMAC are attached as Appendix A.
Submitted Request to BLNR by the University of Hawaii-Manoa: Consent to Sublease under General Lease No. S-4191 to the University of Hawaii, Lessee, to TMT International Observatory LLC, Sublessee, Kaohe, Hamakua, Island of Hawaii, Tax Map Key: 3rd/4-4-15:09 por.

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

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

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

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

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

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

BLNR Decision: Approved as submitted.

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

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

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

Attachments:

AMAC Submittals to the Board of Land and Natural Resources

List of on-going issues currently being addressed by communities and DLNR Divisions
May 23, 2014

TESTIMONY IN SUPPORT FOR AGENDA ITEM J-1

Before the Board of Land and Natural Resources

BLNR Agenda Item J-1

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

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

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

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

We also believe that while an Environment Assessment, including a Cultural Impact Statement is normally required in projects like this, it would not be necessary because this is an extension on an existing lease.
sites pertaining to natural resources on Nana'i Kaula. Indeed, Jim Coon is perceived to be part of the
local community.

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

Respectfully yours,

Leimana DaMate, Executive Director

Aha Moku Advisory Committee, DLNR Phone: 808-587-1498
Email: LeimanaK.DaMate@hawaii.gov
June 12, 2014

TESTIMONY IN OPPOSITION TO AGENDA ITEM D-8

Before the Board of Land and Natural Resources

BLNR Agenda Item D-8

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

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

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

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

- Concerns stated in our November 8, 2013 testimony before the BLNR Board included our continuing fears that 1) there are still no protections generated by the UH to protect against invasive species; 2) there are no burial plans for the native Hawaiian ‘iwi found on the mountain; and 3) there has never been a plan to decommission existing telescopes when their use is over.

- The final decision on whether or not the BLNR is going to approve the UH request, made this past November, 2013, to re-lease Mauna Kea for gratis has not been made. At that meeting, the request was deferred until certain conditions were met. Have those conditions been met?
We had asked that the existing General Lease No. S-4191 and General Lease No. S-5529 to the UH for the Mauna Kea Science Reserve, and for the Hale Pohaku Mid-Level Facilities be amended by inserting a clause that says the UH must pay fair market rent for the use of public lands.

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

1. Wait until the final ruling regarding the CDUP HA-3568 has been decreed in the Appeal Process in the Hawaii State Intermediate Court of Appeals and the Hawaii State Supreme Court.

2. Wait until the Section 106 and consultation process with Native Hawaiians regarding the TMT project has been completed as required by federal law and as outlined in the National Historic Preservation Act.

3. Wait until all of the concerns as presented in the November 2013 BLNR meeting have been addressed.

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

Respectfully yours,

Leimana DaMate, Executive Director

Aha Moku Advisory Committee, DLNR

Phone: 808-587-1498

Email: Leimana.K.DaMate@hawaii.gov
June 13, 2014

TESTIMONY IN SUPPORT OF AGENDA ITEM D-10

Before the Board of Land and Natural Resources

BLNR Agenda Item D-10.

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

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

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

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

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

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

Respectfully yours,

Leimana DaMate, Executive Director

Aha Moku Advisory Committee
June 13, 2014

TESTIMONY IN SUPPORT OF AGENDA ITEM K-3

Before the Board of Land and Natural Resources

BLNR Agenda Item K-3

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

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

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

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

Ho‘ala Loko I’a is a proposed Statewide Programmatic General Permit for the repair, restoration, maintenance and operation of traditional fishpond systems in Hawai‘i. In providing cultural practitioners with a single application and permit, The DLNR- OCCL will enable Native Hawaiians who have generational knowledge of loko I’a in their specific ahupua‘a and moku to restore and maintain important fishponds that can benefit their ‘ohana and communities. It also allows the traditional Native Hawaiian knowledge, methodology and cultural attachment to a fishpond to be perpetuated and shared – an important part of the sustainability of a Hawaiian ecosystem.
Representatives of our many moku throughout the islands attended the state-wide public hearings on the proposed permit and agreement for the fishponds last February, 2014. The many questions and concerns were answered honestly and candidly. Our people are convinced that this is an important step in the continuing effort to work with the state in sustaining our culture and our natural resources.

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

Respectfully yours,

Leimana DaMate, Executive Director
Aha Moku Advisory Committee
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Email: Leimana.K.DaMate@hawaii.gov
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CWRM – Commission on Water Resource Management
DAR – Division of Aquatic Resources
DOBOR – Division of Boating and Ocean Recreation
DOCARE – Division of Conservation and Resources Enforcement
DOFAW - Division of Forestry and Wildlife
KIRC - Kahoolawe Island Reserve Commission
Land – Land Division
OCCL – Office of Conservation and Coastal Lands
State Parks – Division of State Parks