



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

Testimony of
Leimana DaMate, Executive Director

Before the House Committee on
Ocean, Marine Resources & Hawaiian Affairs

Wednesday, March 25, 2015
9:00 A.M.
State Capitol, Conference Room 325

IN SUPPORT of HCR 74 and HR 39

Requesting the Aha Moku Advisory Committee to engage stakeholders in order to develop and adopt rules for its operation and administration.

HCR 74 and HR 39 requests the Aha Moku Advisory Committee (AMAC), with the assistance of the Department of Land and Natural Resources (DLNR) and the Office of Hawaiian Affairs (OHA) engage stakeholders for the purpose of developing and adopting rules for its operation and administration; and, that the AMAC report back to the Legislature regarding the development and adoption of rules prior to the convening of the Regular Legislative Session of 2016. **The Aha Moku Advisory Committee supports this resolution but requests that the Association of Hawaiian Civic Clubs (AHCC) be added to the group assisting in the development of rules.**

The Legislature's intent in Act 288 is to authorize the AMAC to include providing opportunities for Hawaiians to work together to exhibit traditional Hawaiian values and customs that could be applicable to modern governmental affairs. It is also the intent of the Legislature that the AMAC have some independence from state government in its role working alongside and advising state government with regard to Hawaiian traditional and generational values, practices and cultural and natural resource management.

Act 288 was passed in Regular Session of the Legislature in 2012 but did not become operational until June of 2013. However, in keeping with the intent of the Legislature, in 2013 the Po'o members of the AMAC created and ratified a Strategic Plan that describes the foundation and history of the Aha Moku System, its strategy, the mandates of Act 288, and process. This Plan was widely distributed to participants in every community and educational meeting held on every island and continues to be given out freely. All indications show that this plan was well received as we received no opposition. This Strategic Plan is attached to this testimony.

It is understood by kupuna and Po'o that in restoring the Aha Moku System, a traditional cultural and natural resource management system and attempting to share and integrate this process with modern contemporary resource policies is challenging to all. The Strategic Plan is an attempt to achieve this objective but additional guidelines may be needed and positive input is always welcome. However, it is also understood that due to budget and time constraints, the AMAC was not able to reach everyone.



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The Association of Hawaiian Civic Clubs, formed in 1918 by Prince Jonah Kuhio Kalanianaʻole, was created to give Native Hawaiian communities a voice in civic and government affairs. It is comprised of 67 individual Hawaiian Civic Clubs with a membership of over 3,000. With clubs actively operating on every island, the AHCC has a large community reach. The AHCC was essential to the forming of the Aha Moku, is community-based, and is supportive of its mandate. If the AMAC is requested to engage stakeholders for the purpose of developing and adopting rules for its operation and administration, we believe that the help of the AHCC, an established creditable Hawaiian organization that already includes stakeholders, would be advantageous, beneficial and should be included with DLNR and OHA which are two state agencies.

As stated, the AMAC supports HCR 74 and HR 39 but believes its objectives would be better achieved with the inclusion of the Association of Hawaiian Civic Clubs.

Attachment: Aha Moku Advisory Committee Strategic Plan is attached separately.



HCR74/HR39

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

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

March 25, 2015

9:00 a.m.

Room 325

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **COMMENTS** on HCR74 and HR39, which urge the Aha Moku Advisory Committee (Advisory Committee) to consult with stakeholders in adopting operational and administrative rules, with the assistance of the Department of Land and Natural Resources (DLNR) and OHA.

The Advisory Committee has a commendable mission of advising the Chairperson of the Board of Land and Natural Resources (BLNR) on such important matters as:

- Integrating indigenous resource management practices with Western management practices in each moku;
- Fostering the understanding and practical use of Native Hawaiian resource knowledge, methodology, and expertise; and
- Sustaining the state's marine, land, cultural, agricultural, and natural resources.

OHA believes that the traditional, place-based approach underlying the Advisory Committee's mission has the potential to significantly improve environmental stewardship throughout our islands, by allowing the management of lands and resources to be guided by local communities with the most knowledge of their place. Although the Advisory Committee's mission and efforts may benefit all who call Hawai'i home, OHA has now become its sole funder, and has provided the Advisory Committee with nearly \$250,000 in OHA trust funds to support its continued operations. As OHA has previously testified, OHA believes it appropriate for the state to now resume funding this important and innovative approach to natural and cultural resource management.

With respect to the instant resolutions, it is unclear whether they intend for the Advisory Committee to adopt its own rules, as may be most consistent with the legislative intent behind its establishment; in addition, it is unclear whether such rules are intended to be promulgated through the Chapter 91 process. OHA notes that the Advisory Committee currently lacks its own administrative rulemaking authority under statute. See HRS § 171-4.5. Rather, only the BLNR currently has the statutory authority to promulgate rules under Hawai'i Revised Statutes Chapter 91 for the purposes of carrying out the Advisory Committee's mission.

If these resolutions do intend for the BLNR to adopt rules under Chapter 91 on behalf of the Advisory Committee, OHA notes that such an approach may be inconsistent with the legislative intent relating to the Advisory Committee's independence from state government. Alternatively, if the intent of these resolutions are for the Advisory Committee to directly adopt "rules" on its own, without further statutory amendment, such "rules" must be limited to procedures regarding only the Advisory Committee's own "internal management . . . and not affecting the rights of or procedures available to the public." See Chapter 91-1(4).

It is unclear whether either of these outcomes reflects the desired intent of these resolutions.

Mahalo for the opportunity to testify on these measures.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 11:40 AM
To: omhtestimony
Cc: ssinenci@yahoo.com
Subject: Submitted testimony for HCR74 on Mar 25, 2015 09:00AM

HCR74

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Sinenci	Aha Moku Hana	Support	No

Comments: I support HCR74, the development of the Aha Moku System to Department of Land and Natural Resources, because 1. a site specific system relies on generational knowledge from lineal descendants from each locale, 2. it saves the state funds in DLNR manpower and prompts residents to enforce resource management and environmental stewardship; and thereby reinforcing cultural based pride and practice.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 3:28 PM
To: omhtestimony
Cc: dhelekunihi@yahoo.com
Subject: Submitted testimony for HR39 on Mar 25, 2015 09:00AM

HR39

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Sterling	Aha Moku O Kahikinui	Support	No

Comments: Aloha Representative Ing, Chairman and Representative Lowen, Vice Chair and Other committee members My name is Donna Sterling in support of the HR39 the companion resolution of HCR74. I understand the removal of the phrase lines 18 the Senate concurring and line 30 Concurrent Resolution of HCR74. I ask that you support by voting for this Resolution. Mahalo Donna Sterling

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omhtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 8:27 AM
To: omhtestimony
Cc: rangien2010@yahoo.com
Subject: *Submitted testimony for HCR74 on Mar 25, 2015 09:00AM*

HCR74

Submitted on: 3/24/2015

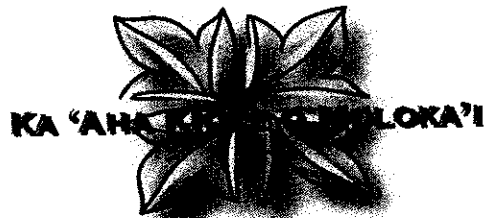
Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

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

Comments:

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HA'ULE KA LEWA, HA'ULE KA LANI, HO'ALE KA LEPO POPOLO

To: Honorable Senate Committee Members

From: Karen Kamalu Poepoe
Po'o- 'Aha Kiole o Moloka'i
PO Box 173, Kualapuu, HI 96757

Date: February 8, 2015

Subject: **HCR74/HR39: Support for a Resolution to provide
Administrative Rules and Structure to the Aha Moku Advisory Committee**

Greetings, Honorable Senators,

My name is Karen Kamalu Poepoe. I am the AMAC representative for Moloka'i.

To begin with, I'd like to convey that the Aha Moku System is working on Moloka'i. For the past seven years we've actively consulted with and engaged the Moloka'i community on issues big and small.

Our involvement to date includes:

- Conflict resolution. We have served as intermediaries to resolve resource related conflicts, mostly in-house among Moloka'i residents. We have tackled moku-to-moku and interest group wars, and learned that public trust comes from our respectful impartiality when seeking resolution.
- Gathering of community opinions and mana'o. We are sought out to help resolve community issues because our network for conducting public polls, surveys and meetings is seen as the best tool on island to gather mana'o.
- Referring issues to the DLNR. Our people appreciate knowing that the 'Aha Kiole can provide a conduit that fast tracks their issues to DLNR departments.
- Providing information. We have provided educational outreach opportunities and our goal is to expand as information providers to our moku areas and the island as a whole.

As the AMAC representative for Moloka'i, I have always maintained that our most important duty is to act as liaisons for our communities through collaboration and consultation. **We represent our people's voices to the state and DLNR.**

Secondly, recent AMAC/ DLNR activity has NOT been aligned with the goals and objectives of the Aha Moku system or Act 288. My experience as Vice Chair on this committee has caused me to question proceedings that have increasingly shown little evidence of a requirement to include the AMAC po'o at all.

- Funding decisions have not prioritized committee meetings. Very few to date.
- We have no administrative rules in place.
- Recommendations to the DLNR and political endorsements by the "Aha Moku" are made without consultation or voting by the committee, and not held to any accountability as to the extent of actual community engagement.
- There is no system of communication, and at any given time, the AMAC committee as a whole is unaware of what is happening at the state level until after the fact.
- The committee has no part in how resources are disbursed. Since conception, for the most part, we've been informed that budget is not an area of our responsibility.

My raising of these concerns has largely been ignored.

The open-ended nature of AMAC operations within the DLNR has been a cause of concern to many. To correct this, we need a clear structure to define AMAC duties, and we need to have the means to create administrative rules that will allow this group to function with effectiveness and reach the goals and outcomes so stated by Aha Moku System resolutions and Act 288.

Me ka 'o ia 'i'o,

Karen Kamalu Poepoe
Po'o- 'Aha Kiole o Moloka'i

Date: March 22, 2015
Attention: House Committees on OMH and FIN
From: Byron Espaniola, Po'o of the Moku o Kaluakoi, Moloka'i
Subject: Support for HCR74 and HR39

Honorable Senators,

I support the addition of more structure and the creation of administrative rules within the Aha Moku Advisory Committee.

Thank you for your respectful consideration,

Byron Espaniola

Po'o Moku o Kaluakoi
Aha Kiole o Molokai
PO Box 173
Kualapu'u, Hawaii

Date: March 22, 2015

Attention: House Committees on OMH and FIN

From: Mervyn Dudoit Sr., Po'o of the Moku o Kawela, Moloka'i

Subject: Support for HCR74 and HR39

Honorable Senators,

I support the addition of more structure and the creation of administrative rules within the Aha Moku Advisory Committee.

Thank you for your respectful consideration,

Mervyn Dudoit

Po'o Moku o Kawela
Aha Kiole o Molokai
PO Box 173
Kualapu'u, Hawaii

Date: March 22, 2015
Attention: House Committees on OMH and FIN
From: Hanohano Naehu, Po'o of the Moku o Mana'e, Moloka'i
Subject: Support for HCR74 and HR39

Honorable Representatives,

I support the addition of more structure and the creation of administrative rules within the Aha Moku Advisory Committee.

Thank you for your respectful consideration,

Hanohano Naehu

Po'o, Moku o Mana'e
Aha Kiole o Molokai
PO Box 173
Kualapu'u, Hawaii

Date: March 22, 2015
Attention: House Committees on OMH and FIN
From: Genella Albino Florendo, Po'o of the Moku o Mana'e, Moloka'i
Subject: Support for HCR74 and HR39

Honorable Representatives,

I support the addition of more structure and the creation of administrative rules within the Aha Moku Advisory Committee.

Thank you for your respectful consideration,

Genella Florendo

Po'o, Moku o Pala'au
Aha Kiolo o Molokai
PO Box 173
Kualapu'u, Hawaii

Date: March 22, 2015

Attention: House Committees on OMH and FIN

From: 'Ōpu'ulani Albino, Culture and Education Chair, 'Aha Kiole o Moloka'i

Subject: Support for HCR74 and HR39

Honorable Representatives,

I support the addition of more structure and the creation of administrative rules within the Aha Moku Advisory Committee.

Thank you for your respectful consideration,

'Ōpu'ulani Albino

Po'o, Culture and Education
Aha Kiole o Molokai
PO Box 16
Ho'olehua, Hawaii 96729

Date: March 22, 2015
Attention: House Committees on OMH and FIN
From: Mac Poepoe, Resource Management Chair
'Aha Kiole o Moloka'i
Subject: **Support for HCR74 and HR39**

Honorable Representatives,

I support the addition of more structure and the creation of administrative rules within the Aha Moku Advisory Committee.

Thank you for your respectful consideration,

Kelson "Mac" Poepoe

Resource Management Chair
Aha Kiole o Molokai
PO Box 173
Kualapu'u, Hawaii

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2015 3:19 PM
To: omhtestimony
Cc: dhelekunihi@yahoo.com
Subject: Submitted testimony for HCR74 on Mar 25, 2015 09:00AM

HCR74

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Sterling	Aha Moku O Kahikinui	Support	No

Comments: Aloha Representative Ing, Chairman and Vice Chair Representative Lowen and Committee My name is Donna Sterling and I support this HCR74. I believe the Aha Moku Advisory Committee; by engaging with Stakeholders in order to develop and Adopt Rules for its Operation and Administration, will fix the problem of the lack of communication between Aha Moku's, on each island and the AHMAC. This is the best recommendation for the AHMAC to define specific roles, duties, creating a more efficient and accountability of themselves. Therefore, we ask that you vote in favor and support HCR74 for the betterment of our community and the issues we would like to bring forward for review. Mahalo Donna Sterling

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Date: March22, 2015
Attention: House Committees on OMH and FIN
From: Vanda Hanakahi,
Subject: **Support for HCR74 and HR39**

Honorable Representatives,

I am Vanda Hanakahi. I was the first appointed chairperson of the 'Aha Moku/ 'Aha Kiole system in Hawai'i by Governor Abercrombie. I am in favor of structuring and accountability for the 'Aha Moku Advisory Committee detailed in SB 1191.

From 2006, I've been involved with the large group of dedicated people, who for many years, worked to see the fruition of this 'Aha Moku system. The purpose from the beginning was to use Hawaiian resource management knowledge to help the state, and to facilitate interaction between government and communities.

I have observed a decline in the process of including island po'o in discussing issues that lead to recommendations for the DLNR. I've also observed the exclusion of community voices by AMAC leadership, while simultaneously claiming representation of the moku voices. This was NOT the 'Aha Moku structure that we worked for. The intent of Act 288 is to have the island po'o be the liaison for the people's voices and for the AMAC leadership to communicate the people's mana'o to the DLNR. Administrative Rules would clarify the appropriate process.

Me ka ha'aha'a,

Vanda Hanakahi

Pala'au Moku, Moloka'i
Contact: PO Box 16
Hoolehua, 96729

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 10:57 AM
To: omhtestimony
Cc: 2da1wahine@gmail.com
Subject: Submitted testimony for HCR74 on Mar 25, 2015 09:00AM

HCR74

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Herndon	Individual	Support	No

Comments: It is imperative that all interested parties, particularly the Kanaka Maoli and those of us who support their issues, be heard in these Ahu Moku councils. To this point, it seems to represent a few individuals from Oahu, who don't share the same views necessarily as many of us on the outer Islands. Mahalo for hearing my concern and acting accordingly!

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 24, 2015 3:20 AM
To: omhtestimony
Cc: uly.yve@gmail.com
Subject: Submitted testimony for HCR74 on Mar 25, 2015 09:00AM

HCR74

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ulysses K Saromines	Individual	Support	No

Comments: Dear Council Committee Members I Respectfully Urge that you adopt a Comprehensive approach in Governing in Adopting Rules and Regulations. Being able to let the Hawaiian People Help and Assist with the Management Process will Show that there's Transparency within your Agency and will go a long way in showing how much you care as a governing entity. Please I encourage that you provide Hawaiians with the ability to be able to Govern themselves by letting them assist with the Adoption of how your Agency will be carrying out it's Day to Day Operations. Thank you for your Time and Consideration on this matter of urgent concern regarding this March 24, 2015 9am Legislative Hearing on HCR74 . Take Care and BE SAFE. Mahalo and Aloha "Uly"

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 25, 2015 8:31 AM
To: omhtestimony
Cc: cmkaaiiai@hawaiiantel.net
Subject: *Submitted testimony for HCR74 on Mar 25, 2015 09:00AM*



HCR74

Submitted on: 3/25/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

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

Comments:

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