

***ASSOCIATION OF HAWAIIAN  
CIVIC CLUBS  
A RESOLUTION***

**OPPOSING THE PROPOSED AMENDMENT TO HAWAI'I  
ADMINISTRATIVE RULES, TITLE 13, CH. 75 RE: LAY GILL NETS AS IT APPLIES  
TO NATIVE HAWAIIANS, WITH THE EXCEPTION OF KAILUA BAY, OAHU**

WHEREAS, in July, 2006 the Department of Land and Natural Resources proposed amendments to the existing Hawai'i Administrative Rules, Title 13, Ch. 75 in regards to Lay Gill Nets; and

WHEREAS, Native Hawaiian traditional and cultural practices are adversely impacted by the proposed rules; and

WHEREAS, the existing rules, although adequate, are not enforced now; and

WHEREAS, the amendments proposed by DLNR are detrimental to the health and wellbeing of Native Hawaiians of which the following five amendments listed here are especially detrimental:

- 1) Lay gill nets must be registered with the DLNR – *Native Hawaiians have been practicing their culture with nets for centuries and can not be required to now register with a state agency to live their culture;*
- 2) One person can only use one net at a time – *Native Hawaiians lay their nets as an 'ohana unit. Requiring the family to stay on the beach while one person attends the net is unrealistic;*
- 3) No lay net fishing in freshwater streams or stream mouths – *Native Hawaiians have been using nets to catch o'opu for centuries. Again, a Native Hawaiian cultural practice will be destroyed;*
- 4) No lay netting at night – *Native Hawaiians fish by a lunar calendar and traditionally use nets at night;*
- 5) Lay net use is prohibited entirely in State waters (out to 3-miles) in the following locations: The entire island of Maui; Kaneohe Bay between Sampan and Ship Channels; and South Shore Oahu between Kawihua Point (Portlock) and Keahi Point (Pearl Harbor). *Traditional net making and cultural use of nets can not be eliminated from one of the major islands in Hawai'i. Nor can these traditional practices be banned from any Native Hawaiian who has traditionally used nets in cultural practice; and*

WHEREAS, the Department of Land and Natural Resources have stated that the purpose of the proposed rule amendment is that the coral reefs in Hawai'i are in a decline due to the irresponsible use of gill net laying; and

WHEREAS, the leading causes of the decline of coral reefs lies with pollution, run-off, over-development of the coastal areas, ignorant immigrants and fishing practices by foreigners and irresponsible fishermen; and

WHEREAS, the Department of Land and Natural Resources must address the leading causes while not limiting Native Hawaiian cultural and traditional practices.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs, in convention at O`ahu, Hawai`i, this 28th day of October 2006, that it opposes the proposed amendments to the Hawai'i Administrative Rules, Title 13, Ch. 75 re Lay Gill Nets as it applies to Native Hawaiians, with the exception of Kailua Bay, Oahu; and

BE IT FURTHER RESOLVED that the Department of Land and Natural Resources be urged to work collectively with the Association of Hawaiian Civic Clubs' Ocean Resources Committee to create and implement a Native Hawaiian community-based marine resource management and planning; and

BE IT FINALLY RESOLVED, that a copy of this Resolution be transmitted to Peter Young, Director, Department of Land and Natural Resources.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on October 28, 2006, at the 47<sup>th</sup> Annual Convention of the Association of Hawaiian Civic Clubs at Waikiki, Hawai'i

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President

***ASSOCIATION OF HAWAIIAN  
CIVIC CLUBS***  
***A RESOLUTION***

**REQUESTING THE HAWAII STATE LEGISLATURE AND THE OFFICE  
OF HAWAIIAN AFFAIRS TO CREATE A PERMANENT ‘AHA MOKU**

WHEREAS, Native Hawaiian traditional and cultural practices as they pertain to the land and the ocean, ‘aina and kai, are in immediate danger of further loss in the main Hawaiian Islands; and

WHEREAS, the Constitution of the State of Hawai‘i, in its Preamble states, through its motto, “Ua mau ke ea o ka aina I ka pono” the life of the land is perpetuated through righteousness; and

WHEREAS, Native Hawaiians for thousands of years before foreign contact successfully controlled their own destiny, nurtured the integrity of their people, and protected and preserved their native cultural traditions, and reserve the right to continue to do so, particularly as these traditions reflect their deep spiritual connection to the ocean and to the land; and

WHEREAS, various Western statutes and rules that have been promulgated since the arrival of foreigners to Hawai‘i have not been successful in protecting the oceans, coastlines, forest areas, watersheds or rivers and streams from becoming degraded, polluted or destroyed; and

WHEREAS, Hawaiian indigenous and endemic species of marine and terrestrial life, found no where else on the earth, are in imminent danger of extinction; and

WHEREAS, the U.S. Commission on Ocean Policy - in its vision and strategy for the 21<sup>st</sup> Century and beyond envisions clean, safe, prospering and sustainably managed ecosystems while preserving a high level of biodiversity and a wide range of critical natural habitats; and,

WHEREAS, the guiding principles of the Commission on Ocean Policy are, among others, sustainability, ocean-land-atmosphere connections, ecosystem-based management and the use of best available science and information; and

WHEREAS, in 2005, Hawai‘i Governor Linda Lingle acknowledged through her Executive Order No. 2005-01, the creation of the Hawai‘i Ocean and Coastal Council, that there is a need to protect Hawai‘i’s near-shore waters and coastline, to gather information and provide advice and recommendations on direction and planning for addressing Hawai‘i’s ocean and coastal matters throughout the State to foster coordinated approaches that support local initiatives on ocean and coastal concerns; and

WHEREAS, because the State of Hawai'i is comprised of separate islands, it is difficult, if not impossible to impose blanket laws that affect the marine resources as they differ island to island, and sometimes district to district; and

WHEREAS, the Native Hawaiian people, as the host culture and those most familiar with the specific natural resources, district to district, have not been consulted on the policy-making level on laws that directly impact their culture; and

WHEREAS, as stated in the U.S. Commission on Ocean Policy and in Governor Lingle's mandates, ecosystem-based management and the use of best available science and information is desired; and

WHEREAS, Native Hawaiians have proven that traditional cultural methods as defined under ahupua'a management systems have sustained the Hawaiian Islands for thousands of years and is the best available science, through observation and practice, to protect and perpetuate a pristine ecosystem; and

WHEREAS, in August, 2006 a puwala consisting of traditional lawaia (fishing) and mahiai (agriculture) kūpuna and experts from every district in Hawai'i was held to address the critical impacts to the Native Hawaiian culture and resources, and to come to consensus on a process to protect and perpetuate Hawai'i's pristine and unique ecosystem; and

WHEREAS, this puwala, through a resolution, called for the continuation of the ahupua'a management system using Konohiki, kapu, and the creation of an 'Aha Moku through which the ahupua'a management system can be applied;

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs in Convention at the Waikiki Beach Marriott Resort & Spa, Waikiki, Oahu, on this 28<sup>th</sup> day of October 2006, that the Hawai'i State Legislature and the Office of Hawaiian Affairs create a permanent 'Aha Moku, comprised of representatives of each moku of each island to be the Advisory component to the governmental agencies involved with regulatory policies pertaining to the ocean and to the land; and

BE IT FURTHER RESOLVED, that a task force be created by the Office of Hawaiian Affairs in collaboration with the Hawai'i State Legislature to develop a plan for formation of an 'Aha Moku and that public hearings be conducted to assure input of the Native Hawaiian community; and

BE IT FURTHER RESOLVED, that the members of the 'Aha Moku be appointed to sit on this 'Aha by the most knowledgeable kūpuna or traditional practitioner accepted by that specific moku; and

BE IT FURTHER RESOLVED, that the 'Aha Moku be the Hawaiian entity consulted by all governmental agencies in matters of ocean, coastal and land issues; and that this 'Aha be supported and funded by the State of Hawai'i; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Hawai'i's Congressional Delegation, the Governor, State of Hawaii, the President of the Senate,

the Speaker of the House, the Chair of the Senate Committee on Judiciary and Hawaiian Affairs, the Chair of the House Committee on Hawaiian Affairs, the Chair of the Office of Hawaiian Affairs, and all County Mayors of the State of Hawaii; and

BE IT FINALLY RESOLVED, that a copy of this Resolution also be transmitted to Vice-Admiral Conrad C. Lautenbacher, Administrator, National Oceanic & Atmospheric Administration and Kitty Simonds, Executive Director, Western Pacific Regional Fishery Management.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on October 28, 2006, at the 47<sup>th</sup> Annual Convention of the Association of Hawaiian Civic Clubs at Waikiki, Hawai'i

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President

# ***ASSOCIATION OF HAWAIIAN CIVIC CLUBS***

## ***A RESOLUTION***

### **CALLING ON THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH NATIVE HAWAIIANS ON ANY PROPOSAL TO CREATE MORE MARINE PROTECTED AREAS AND TO INTEGRATE SEASONAL CLOSURES BASED ON SPAWNING CYCLES INTO THE MANAGEMENT PROCESS**

WHEREAS, traditional cultural methods as practiced under ahupua`a management systems sustained the Hawaiian people for thousands of years and remain an important tool to protect and perpetuate the Hawaiian ecosystem; and

WHEREAS, ahupua`a management systems fostered the development, health and welfare of the Hawaiian people, in isolation for a thousand years, whose population is estimated between 300,000 and 800,000 in 1778, the time of Western discovery; and

WHEREAS, the environment and natural resources of Hawai`i are essential to the continuation and development of Hawaiian cultural practices and have seriously degraded over the last 130 years; and

WHEREAS, the lawaia and mahiai representing moku from across the Hawaiian Archipelago met on August 15 – 17, 2006 at the Hawai`i Convention Center to discuss traditional fishery management practices and recommended that the creation of a `Aha Moku was essential to the continuation and improvement of Hawaiian traditional ahupua`a resource management practice; and

WHEREAS, the lawaia and mahiai confirmed the traditional kapu system for fisheries management used a range of management strategies from seasonal closures based on spawning cycles to gear controls to target specific fish sizes; and

WHEREAS, the State of Hawai`i uses gear controls, size and bag limits, temporary closures, and Marine Protected Areas (MPA`s) – such as Marine Life Conservation Districts (MLCDs) and Fishery Replenishment Areas FRAs -- to manage near shore reefs and fisheries; and

WHEREAS, MLCDs and FRAs often prohibit some types of fishing activities, and were designed to conserve and replenish marine resources; and

WHEREAS, some MLCDs and FRAs are popular tourist sites for snorkeling, diving, underwater photography, tour boats and tour divers; and

WHEREAS, MPAs have been widely adopted around the world as a tool for coral-reef conservation and fisheries replenishment; and

WHEREAS, the Hawai'i State Department of Land and Natural Resources, through the Division of Aquatic Resources is now proposing to implement thirteen (13) new Bottomfish Restricted Fishing Areas (BRFAs) in addition to the existing thirty-seven (37) MLCDs and MPA's in Hawai'i; and

WHEREAS, DLNR is working to improve monitoring and enforcement of its fishing rules and regulations, including for MPAs; and

WHEREAS, published scientific articles have shown that MPAs have successfully helped to rebuild depleted fish populations in many places around the world (*Halpern, B. 2003, The Impact of Marine Reserves: Do Reserves Work and Does Reserve Size Matter? Ecological Appl. 13 (1): S117-S137. Halpern, B; Gaines, S; and R. Warner, 2004. Confounding Effects of the Export of Production and the Displacement of Fishing Effort from Marine Reserves, Ecological Appl. 14 (4): 1248-1256; and*

WHEREAS, some of the State's existing and proposed MLCDs, FRAs and BRFAs are located in areas where Native Hawaiians traditionally fished;

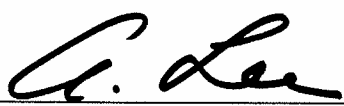
NOW, THEREFORE BE IT RESOLVED, by the Association of Hawaiian Civic Clubs in Convention at the Waikiki Beach Marriott Resort & Spa, Waikiki, Oahu, on this 28<sup>th</sup> day of October 2006, that the Hawai'i State Department of Land and Natural Resources work with Native Hawaiians on any proposal to create more Marine Protected Areas, including Fishery Replenishment Areas, Marine Life Conservation District, and Bottomfish Restricted Fishing Areas; and

BE IT FURTHER RESOLVED, that the Department of Land and Natural Resources also use traditional fishery management strategies including the use of seasonal closures based on spawning cycles as applicable to its species, gender, maturity and size which can be reasonably implemented through community-based management plans and through the creation of 'Aha Moku; and

BE IT FINALLY RESOLVED, that a copy of this Resolution be transmitted to Peter Young, Director, Department of Land and Natural Resources.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on October 28, 2006, at the 47<sup>th</sup> Annual Convention of the Association of Hawaiian Civic Clubs at Waikiki, Hawai'i

  
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President

# ***ASSOCIATION OF HAWAIIAN CIVIC CLUBS***

## ***A RESOLUTION***

### **CALLING FOR FEDERAL SUPPORT IN THE CREATION OF AN 'AHA MOKU COUNCIL**

WHEREAS, Native Hawaiians have proven that traditional cultural methods as defined under ahupua'a management systems have sustained the Hawaiian islands for thousands of years and is the best available science to protect and perpetuate the Hawaiian ecosystem; and

WHEREAS, ahupua'a management principles provided for the development, health and welfare of a culture, in isolation for a thousand years, whose population was estimated to be as high as 800,000 in 1778, the time of Western discovery; and

WHEREAS, Native Hawaiian traditional, cultural practices pertaining to land and ocean, 'aina and kai, are in immediate danger of further losses in the main Hawaiian Islands; and

WHEREAS, the environment and natural resources of Hawaii essential to the continuation and development of Hawaiian cultural practices have seriously degraded over the past 130 years due to Western management; and

WHEREAS, representatives of Hawaiian communities from the Hawaiian Archipelago met in conference on August 15 — 17, 2006, at the Hawai'i Convention Center and, by consensus, agreed that the creation of a Moku 'Aha was essential to the continuation and improvement of Hawaiian traditional ahupua'a resource management practice; and

WHEREAS, the Western Pacific Fishery Management Council is developing archipelagic ecosystem-based fishery management plans that include communities; and

WHEREAS, the Magnuson-Stevens Fishery Conservation and Management Act, § 305 (i) (2) gives the Western Pacific Fishery Management Council the authority and responsibility to establish a community development program for any fishery under the authority of the Council to provide access to such fishery for Western Pacific aboriginal people indigenous to the area to participate in such a community development program;

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs in Convention at the Waikiki Beach Marriott Resort & Spa, Waikiki, O'ahu, on this 28<sup>th</sup> day of October 2006, that the Congress of the United States assist and support the creation of a permanent 'Aha Moku Council, comprised of representatives of each moku of each island to be an advisory council to government agencies involved with regulatory policies and resource management pertaining to the ocean and land in Hawai'i; and



BE IT FURTHER RESOLVED, that members of the 'Aha Moku be appointed to sit on this 'Aha be recommended by the most knowledgeable kupuna or traditional practitioner accepted by that specific moku; and

BE IT FURTHER RESOLVED, that the 'Aha Moku be one of the Native Hawaiian entities to be consulted by all government agencies in matters of ocean, coastal and land issues; and that the 'Aha Moku Council be supported and funded by Federal appropriations sufficient to cover all administrative and other costs related to its functions; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Hawai'i's Congressional Delegation, the Governor, State of Hawaii, the President of the Senate, the Speaker of the House, the Chair of the Senate Committee on Judiciary and Hawaiian Affairs, the Chair of the House Committee on Hawaiian Affairs, the Chair of the Office of Hawaiian Affairs, and all County Mayors of the State of Hawaii; and

BE IT FINALLY RESOLVED, that a copy of this Resolution also be transmitted to Admiral Conrad Lautenbacher, Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, Kitty Simonds, Executive Director, Western Pacific Fishery Management Council.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on October 28, 2006, at the 47<sup>th</sup> Annual Convention of the Association of Hawaiian Civic Clubs at Waikiki, Hawai'i

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President

***ASSOCIATION OF HAWAIIAN  
CIVIC CLUBS  
A RESOLUTION***

**RE-AFFIRMING THAT THE DESCENDANTS OF THE RACES INHABITING  
THE ISLANDS OF HAWAI'I, MAUI, MOLOKA'I, LĀNA'I, KAHO'OLAWA,  
O'AHU, KAUA'I, NI'HAU AND NIHOA TO KANEMILOHA'I  
(KURE ATOLL) PRIOR TO WESTERN CONTACT IN 1778 COMPRISE  
THE INDIGENOUS, ABORIGINAL, "MAOLI" PEOPLES OF HAWAI'I**

WHEREAS, traditional Hawaiian lore tells of the origins of the earth, flora, fauna, the gods and kanaka – man – in such cosmogonic genealogies as the Kumulipo (source from the dark); and

WHEREAS, in an important mo'olelo (story) of our kūpuna, sky-father Wākea and his beloved Ho'ohōkūkalanī give birth to their first child, Hālolaukapalili, who emerges stillborn, and , later, from his grave, sprouts the first kalo (taro), staff of life of the Hawaiian people; and

WHEREAS, Hāloanaka, their second son, lives, and is the progenitor of all indigenous Hawaiians, with the profound responsibility of caring for and respecting his kaikua'ana (elder sibling), the kalo; and

WHEREAS, Western anthropology traces early Polynesian settlement in the previously uninhabited Hawai'i as early as the time of Christ with origins from Nukuhiwa, and much later in 1000 A.D., from Tahiti; and

WHEREAS, that ancient Central Polynesian culture and society evolved into a sophisticated system of island governments where the ali'i or nobility ruled, and the maka'āinana or general citizenry worked the land and sustained life and cared for the land; and

WHEREAS, the sciences, including celestial navigation, aquaculture, agriculture, meteorology and medicine, evolved to the highest forms in all of Polynesia due to relative isolation in Hawai'i except for periodic voyages to Tahiti and other distant lands primarily for religious and political purposes; and

WHEREAS, utilitarian and aesthetic Hawaiian arts including woodwork, weaving, fiber arts and feather work is among the finest in all of Polynesia; and

WHEREAS, Hawai'i and indigenous Hawaiian are a part of a larger, ancient Polynesian family system that includes the aboriginal populations of Aotearoa (New Zealand), Nukuhiwa, Te Ao Maohi (French Polynesia), Rarotonga, Sāmoa, Tonga and more; and

WHEREAS, since 1778, Hawai'i has been visited and settled by Europeans, Americans, Chinese, Japanese, Portuguese, Filipinos and virtually every human race; and

WHEREAS, through more than 228 years of socio-political change and cultural assimilation, Native Hawaiians have maintained their uniquely Hawaiian cultural practices and share those practices with kama'āina and malihini alike and others throughout the world; and

WHEREAS, among those Hawaiian cultural practices that pre-date Western arrival and settlement still very much alive today include 'ōlelo Hawai'i (Hawaiian language), mo'okū'auhau (genealogical study), hula (traditional dance), oli (chant), he'e nalu (surfing), hoe wa'a (canoe paddling), ho'okele wa'a (navigation), mahi'ai kalo (taro farming), loko i'a (fishponds/aquaculture), hana lei (lei making), haku hulu (featherwork), hana kapa (bark cloth making), uhi kākau (tattooing), kālai lā'au (wood carving) and dozens more; and

WHEREAS, According the U.S. 2000 Census, Hawai'i citizens of indigenous, aboriginal, "Maoli" descent number approximately 250,000, while Native Hawaiians living in the Continental U.S. number 160,000; and

WHEREAS, Hawai'i is the only place on Earth that is the ancient, original home to the indigenous, aboriginal, "Maoli" Hawaiian population; and

WHEREAS, neither the United States nor State of Hawai'i governments have explicitly acknowledged that Native Hawaiians are the indigenous, aboriginal, "Maoli" people of Hawai'i;

NOW, THEREFORE BE IT RESOLVED, by the Association of Hawaiian Civic Clubs in Convention at the Waikiki Beach Marriott Resort & Spa, Waikiki, O'ahu, on this 28<sup>th</sup> day of October 2006, reaffirming that the descendants of the races inhabiting the islands of Hawai'i, Maui, Moloka'i, Lāna'i, Kaho'olawe, O'ahu, Kaua'i, Ni'ihau and Nihoa to Kanemiloha'i (Kure Atoll) prior to western contact in 1778 comprise the indigenous, aboriginal, "Maoli" peoples of Hawai'i; and

BE IT FURTHER RESOLVED, that the Association of Hawaiian Civic Clubs further affirms that despite generations of forced assimilation, Native Hawaiians continue to actively practice elements of their ancient culture and have worked tirelessly to re-claim, re-learn and speak their native language; and

BE IT FURTHER RESOLVED, that the Association of Hawaiian Civic Clubs strongly urges the Hawai'i State Legislature to adopt language that affirms that Native Hawaiians are the indigenous, aboriginal people of Hawai'i; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Hawai'i's Congressional Delegation, the Governor, State of Hawaii, the President of the Senate, the Speaker of the House, the Chair of the Senate Committee on Judiciary and Hawaiian Affairs, the Chair of the House Committee on Hawaiian Affairs, the Chair of the Office of Hawaiian Affairs, and all County Mayors of the State of Hawaii.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on October 28, 2006, at the 47<sup>th</sup> Annual Convention of the Association of Hawaiian Civic Clubs at Waikiki, Hawai'i

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President