



Joint Testimony of the ‘Aha Moku Island Councils in Opposition to GM 718, GM 719, GM 723, and GM 724 as Violative of Hawai‘i Revised Statutes, Section 171-4.5(b) Mandating that Gubernatorial Nominations and Senate Appointments to the State ‘Aha Moku Advisory Committee are to Originate from a List of Nominations Submitted by the ‘Aha Moku Councils of Each Island

April 11, 2022

To Senate President Kouchi and Members of the Hawai‘i State Senate:

We, the members of the ‘Aha Moku Island Councils for the islands of Kaua‘i, Maui, Moloka‘i, and Lāna‘i oppose the illegal appointments of Walter Rawlins (Moloka‘i representative) under GM 718, Robert Lu‘uwai (Maui representative) under GM 719, Llewellyn Kaohelauli‘i (Kaua‘i representative) under GM 723, Winifred Basques (Lāna‘i representative) under GM 724 to the State ‘Aha Moku Advisory Committee (AMAC). Joining our objections are Maui County Councilmembers Keani Rawlins-Fernandez of Moloka‘i and Shane Sinenci of Maui, whose communities were heavily involved in the lawful selection process and presently are disenfranchised by the unlawful appointments.

Our opposition to these appointments is based on the Governor's violation of Hawai‘i Revised Statutes, § 171-4.5(b) which specifically requires that the AMAC members “be appointed by the Governor and confirmed by the Senate from *a list of nominations submitted by the aha moku councils of each island.*” (emphasis added). The names that the Governor put forth did not come from a list of nominations from our respective island councils.

It is troubling to us that since 2017, the Governor has repeatedly submitted names that have not come from our ‘Aha Moku island councils. We have come before the legislature every year to testify and point out this discrepancy and each time the Governor has not remedied the problem. No due diligence has been employed from the Governor’s office to confirm that the nominees submitted to the legislature accurately reflect the wishes of the Island ‘Aha Moku Councils.

We also question the delayed numbering of these legislative bills which prevented appropriate public notice and hindered participation by the public in testimony and comment. These actions compromised our constitutional rights to due process. For these reasons we must protest and object before the full Senate meets to confirm these illegal appointments to the AMAC.

We urge Governor Ige to withdraw the names of the prospective AMAC appointees for Kaua‘i, Maui, Lāna‘i, and Moloka‘i.

Furthermore, we ask that remedial steps be taken to avoid these occurrences in the future. We believe that part of the solution would include strong censure or termination of AMAC Executive Director Leimana DaMate and that a formal investigation of her activities by the Hawai‘i State Ethics Commission be conducted. Pursuant to the [Final Rules of Practice and Procedure for the Department of Land and Natural Resources ‘Aha Moku Advisory Committee](#) (2016), the AMAC Executive Director may not independently make ad hoc decisions on behalf of the different Island ‘Aha Moku Councils. Under paragraph (j) of Section 1-12 of the rules, the Executive Director must consult with the island po‘o for each island, who in turn must consult with their respective island ‘Aha Moku councils when inquiring on island-specific issues. We continually experience the unwarranted interference of Ms. DaMate in the internal affairs of our Island ‘Aha Moku Councils. Rather than providing a supportive role to the work of our existing long-standing island councils, she has the propensity of ignoring our councils in favor of forming her own. In this manner, Ms. DaMate has successfully avoided bringing forth our input to the State Department of Land and Natural Resources (DLNR). We believe DLNR has also been complicit in enabling Ms. DaMate to operate in this manner as a rubber-stamp for its decisions.

This severely hampers the purpose of ‘Aha Moku which is to advise DLNR on matters such 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.

For the record, the ‘Aha Moku Council of Kaua‘i submitted the name of Teddy Blake for its AMAC representative. While Teddy Blake recently passed away, there was no effort to consult the Kaua‘i island council to submit a new nomination. We would like to clarify that Llewellyn Kaohelaui‘i’s name was not submitted by the Kaua‘i Island ‘Aha Moku Council. In 2017, the name of Kamealoha Hanohano Smith was submitted. ([See link to letter](#)). In lieu of Teddy Blake’s passing, we re-submit the name of Kamealoha Hanohano Smith as the Kaua‘i Island AMAC nomination.

In 2017, the ‘Aha Kiole o Moloka‘i submitted three names for the Governor’s consideration: Walter Ritte, Jr., Mac Poepoe, and Malia Akutagawa. ([See link to letter](#)). These names still stand for the ‘Aha Kiole o Moloka‘i and our island council has repeatedly submitted these names each year since. Since that submission, our island council reaffirms the nominations of Walter Ritte, Jr. and Malia Akutagawa. Mac Poepoe has since declined to serve as a nominee to AMAC due to his current workload and kuleana. Further, while the ‘Aha Kiole o Moloka‘i does not have any personal conflict with Mr. Walter Rawlins, he has not participated in our island ‘Aha Moku council, nor has he been a community voice for mālama ‘āina stewardship on our island.

‘Aha Moku O Maui, Inc. submitted names of AMAC nominees Kyle Nakanelua, Michelle Ho‘opi‘i, and Ke‘eaumoku Kapu to the Legislature on August 29, 2017 in testimony to the Senate WTL Committee ([See link to letter](#)) regarding the inappropriate selection process which violated the rules set forth in Act 288 (2012). In this testimony, ‘Aha Moku O Maui noted that the list of names had been previously submitted to the Governor without acknowledgement. ‘Aha Moku O Maui urged the Governor to retract the erroneous nomination of Richard Ho‘opi‘i, who was not submitted by the island council. This same error or malfeasance has occurred again with the proposed appointment of Robert Lu‘uwai, whose name does not appear on the list submitted by the island council. Additionally, there was no support for this candidate from the Hawaiian Civic Clubs of Maui island nor any other Native Hawaiian Organization (NHO) on Maui.

In 2021, the ‘Aha Moku Council o Lāna‘i submitted two candidate names for the Lāna‘i representative to the AMAC. Their names are as follows: Anthony Pacheco and Cheleigh Clarabal. ([See link to letter](#)). Since that submission, our island council reaffirms the nomination of Anthony Pacheco. Cheleigh Clarabal, due to accepting greater personal kuleana, is no longer able to include her name as a nomination.

While Hawai‘i Island supports Charles Young under GM 722, we would like to reiterate that we are aligned with our fellow Island ‘Aha Moku Councils in their concerns that Hawai‘i Revised Statutes, § 171-4.5(b) has been violated. It is important that the Governor adhere to the law in selecting nominations from the ‘Aha Moku Island Councils.

It has been an exhausting process for our island councils to continually do damage control and testify before the legislature for repeated malfeasance on the part of the Governor’s office in violating the AMAC nominations and appointments process pursuant to Hawai‘i Revised Statutes, § 171-4.5(b). We urge the senate to take appropriate actions as recommended above to remedy this ongoing problem.

Me ka ‘o ia i‘o,

‘Aha Moku o Hawai‘i Island Council

Kohala Moku Po‘o - Scott Haililani Mahoney

‘Aha Moku o Lāna‘i Island Council

Island Po‘o - Kolomona Kaho‘ohalahala

‘Aha Kiolo o Moloka‘i Island Council

Island Po‘o - Malia Akutagawa

Mana‘e Moku - La‘akea Poepoe

Mana‘e Moku - Mahina Poepoe

Mana‘e Moku - Hanohano Naehu

Kawela Moku - Kanoë Davis

Pala‘au Moku - Lori Buchanan

Kaluako‘i Moku - Byron Espaniola

Kaluako‘i Moku - Josh Pastrana

Kaluako‘i Moku - Halona Kaopuiki

Resource Management - Mac Poepoe

Community Consultation - Walter Ritte

Education - Kamalu Poepoe

Culture - ‘Ōpu‘ulani Albino

Culture - Loretta Ritte

Maui County Councilmembers

Keani Rawlins-Fernandez, Moloka‘i

Shane Sinenci, East Maui

‘Aha Moku O Maui, Inc. Island Council

Lāhainā Moku - U‘ilani Kapu

Kā‘anapali Moku - Kaipō Kekona

Wailuku Moku - Clyde Kahalehau

Hāmākualoa Moku - Kia‘i Collier and Leona Bak Nomura

Hāmākualoa Moku - Joyclynn Costa

Ko‘olau Moku - Nichole Inouye Nohara and Kyle Nakanelua

Hāna Moku - Sam Akoi

Kīpahulu Moku - Kauiki Lind and Terry Lind

Kaupō Moku - Lyons Cabacungan and Jade Alohalani Smith

Kahikinui Moku - Chad Newman

Honua‘ula Moku - Ka‘onohi Lee

Kula Moku - Timmy Bailey and Cody Nemet Tuivaiti

‘Aha Moku O Maui, Inc. Council Chair - Ke‘eaumoku Kapu