

Three ongoing issues require focus, discipline and 'onipa'a

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Aloha nui kākou e nā 'ōiwi 'ōlino mai Hawai'i a Ni'ihau a puni ke ao mālamalama, e nā 'ōiwi Hawai'i. *Ka Wai Ola* April 2006 begins the second quarter that in a short 90 days will become summer. I took a look back to my OHA trustee columns of April 2003, 2004 and 2005 and found that issues identified then still remain prominent in April 2006. The issue of public land trust revenues to OHA, the issue of enactment of federal recognition for Native Hawaiians and the issue of registration of Native Hawaiians who reside in Hawai'i, the nation and the world through KAU INOA, extend into 2006. However, collectively, we have achieved milestones and can measure definite progress forward in all three of these areas.

Public Land Trust revenues

OHA awaits enactment of legislation in this 2006 state Legislature that will authorize and codify an AGREEMENT (not settlement) between the executive branch and the Office of Hawaiian Affairs. The agreement, a product of 12 months of negotiations, which represents just the first phase of negotiations, will provide for a 50 percent increase in annual revenue payments to OHA for fiscal year 2005-2006 going forward, as well as pay balances for 2001-2005. With legislative approval and enactment in 2006, collectively, we will have taken a significant step forward in responsibly reconciling but one layer in this historic, legal, complex and at times politically charged issue. The OHA board's negotiating team and OHA trustees will continue the work by initiating Phase II negotiations with the executive branch dealing with the past

due and unpaid Public Land Trust revenue claims, with intent to present proposed legislation to the 2007 Legislature, as may be appropriate.

Enactment of federal recognition for Native Hawaiians

We await action by the Senate of the United States on S. 147 to occur before the Memorial Day congressional recess that begins in May 2006. That is a mere 60 days away.

Registration of Native Hawaiians in Hawai'i, throughout this nation and the world

The KAU INOA registration progresses, and is an ongoing effort. As we begin this second quarter of 2006, the reported numbers of KAU INOA registrations is peaking the 50,000 mark. Continuing outreach to Native Hawaiians is and will be a primary thrust for the balance of 2006. We must stay the course on all three issues working with focus, discipline and partnership. We must not be deterred.

We must also remember that 2006 brings opportunity for Native Hawaiians and those who support Native Hawaiian self-determination to once again exercise a right of democracy, the right and responsibility to cast your "vote." If we want Native Hawaiian issues to successfully navigate public policy decision-making in state and federal government arena, Native Hawaiians must vote. We must believe that our voice, our vote, counts. If we do not believe, we will not act. If we do not act and do not vote, the self-fulfilling prophecy of failure will prevail. There are county, state, Office of Hawaiian Affairs and congressional elections in 2006. Start evaluating the relevant Native Hawaiian positions that candidates for these public offices take. Use your voice, your vote and get your 'ohana to do the same. We have more than 400,000 Native Hawaiians in the 50 states who must and will believe, act and make a difference in all 50 States.

17/48

Moloka'i's community-based effort in managing ocean resources

Colette Y. Machado
Trustee, Moloka'i and Lāna'i



A pair of community meetings held last month on Moloka'i initiated discussions on the establishment of rules for gill net fishing. At the first meeting, residents were informed that Moloka'i, along with Lāna'i, Kaua'i and Ni'ihau, would have no banned areas for lay net use. Although lay nets would be permitted, additional restrictions are being proposed. Area fishermen agree that fish resources are being depleted and are supportive of more stringent regulation, but requested the right to set standards and controls specific to Moloka'i and her resources.

In 2004, the state Department of Land and Natural Resources (DLNR) and the Division of Aquatic Resources (DAR) held statewide public meetings on a universal gill net ban.

The proposal to ban gill net fishing on Moloka'i struck a chord with fishermen and local residents. Kūpuna Ruth Manu and Judy Caparida circulated a petition opposing the ban that was eventually signed by more than 1,700 people. When state officials came to Moloka'i for last year's public meeting, many residents were livid that they were not part of the rule-drafting process and that their main, subsistence protein source may be either eliminated or limited. As a whole, the community preferred to be part of the regulatory process rather than simply having another set of agency proposals tossed out at them.

Fishermen on Moloka'i and other exempt islands, who continue to use lay nets, have the addition of several proposed restrictions. The maximum length of nets will be 125 feet, while maximum height stands at seven feet stretched. The minimum mesh size is 2 3/4 inches while stretched. Nets will

need to be registered with the department and have four identification tags, one at each end of the float and lead lines. The nets will also need to have at least two surface buoys (with registration numbers) placed at either end of the float lines.

Meeting attendees last month offered suggestions specific to Moloka'i's management, like limiting the pieces of nets to six per person, no diving for 'opihi, no kole fundraisers and no off-island sales of 'opihi.

The issue of enforcement prompted a large debate over regulations without enforcement. "We can put up all these regulations, but we only have one game warden over here, and he can't do everything," Mac Peopoe said. Serious about the request for more enforcement, community members are circulating another petition that requests three additional game wardens along with two boats and two trucks to oversee the enforcement of local regulations. So far more than 500 signatures have been garnered.

It is unclear when the proposed amendments to Hawai'i's Administrative Rules, Regulating the Possession and Use of Certain Fishing Gear, Chapters 13-75, will take effect. In the mean time, OHA reminds the state that it has a constitutional mandate, statutory requirements and a history of case law that forces it not to simply consider Native Hawaiians, their culture and traditions, but to preserve and protect Native Hawaiian culture and traditions.

The survival of Native Hawaiian culture on Moloka'i and beyond, is dependent on the existence of a well-maintained environment. Native Hawaiians' spiritual and physical relationships to the land and sea shape our views of conservation and preservation for the future.

Moloka'i fishermen know about managing fishing resources, "Laws are for the lawless, but for us that know better, we have to make pono," said Aunty Judy. "Educate our children, our 'ohana and our community about taking only what you need." 🌿



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