

PIA Committee

From: Center for Excellence in Native Hawaiian Law <nhlawctr@hawaii.edu>
Sent: Tuesday, May 31, 2016 12:02 PM
To: PIA Committee
Cc: Autumn R. Ness
Subject: Testimony on PIA-10(11)
Attachments: Ka Huli Ao Testimony PIA-10(11) 5.31.16.pdf

Aloha,

I am submitting testimony in support of PIA-10(11), on the agenda for tomorrow's committee meeting, on behalf of the Ka Huli Ao Center for Excellence in Native Hawaiian Law.

Mahalo -

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PIA-10(11)
Relating to Membership Qualifications of the Planning Commissions

Maui County Council
Policy and Intergovernmental Affairs Committee
Committee Chair, Don Couch
Hearing on Wednesday, June 1, 2016, at 9 a.m.

Mahalo for this opportunity to submit testimony on **PIA-10(11)**, which would amend the Maui County Charter to restructure the Maui, Lāna‘i, and Moloka‘i planning commissions and require commission members to attend training on Native Hawaiian legal issues. I am a professor at the University of Hawai‘i at Mānoa’s William S. Richardson School of Law and the director of Ka Huli Ao Center for Excellence in Native Hawaiian Law. My testimony today focuses on the resolution’s training component.

Ka Huli Ao has partnered with the Office of Hawaiian Affairs to provide Native Hawaiian Law training courses with a focus on Native Hawaiian culture, the public land trust, water and the public trust, traditional and customary Native Hawaiian rights, and iwi kūpuna or ancestral remains. Since 2014, over 300 people have attended these daylong training courses. Most attendees have been members of state and county boards, councils, and commissions or staff members; although state legislators and county councilmembers – including several of you – also have attended. The response to the training has been overwhelmingly positive. For example, evaluations from the January 2016 training indicate that collectively, 94.4% of attendees believed that the training increased their understanding and knowledge of the government’s trust duties and legal responsibilities. When asked to identify the most important “take-aways” from the training, responses included:

- We as commissioners/board members have [a] responsibility to behave as trustees of public trust lands/waters.
- Laws and rules/reg[ulation]s exist but [there is the] need [for] increased education for public awareness and agency implementation.
- The course made me want to: 1) examine my agency’s mandates; 2) broaden my knowledge and consideration of Native Hawaiian laws; 3) be mindful of Hawaiian tradition[s]/customs when managing natural resources.

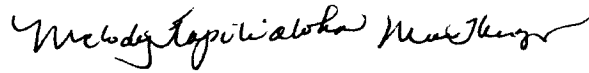
We believe that the training courses have significantly increased attendees’ understanding, and have given them the knowledge and tools to help make difficult decisions. Moreover, attendees from different agencies and departments have been able to interact and share concerns and possible solutions with each other, building common understanding and increasing cooperation among agencies and departments.

Act 169, which requires members of certain state boards, commissions, and/or councils to attend the training within twelve months of initial gubernatorial appointment, was signed into law

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by Governor Ige on June 30, 2015. These entities include the Land Use Commission, Environmental Council, Board of Land and Natural Resources, Hawai'i Historic Places Review Board, Legacy Land Conservation Commission, Natural Area Reserves System Commission, Commission on Water Resource Management, Board of Agriculture, Agribusiness Development Corporation, and the Board of Health.

Ka Huli Ao has been honored to partner with OHA in this effort. We ask that this committee pass Resolution PIA-10(11) so that it can be heard by the full County Council. It is of utmost importance, particularly for members of county planning commissions, to be required to attend a training on areas of law that so significantly impact Hawai'i's natural and cultural resources and the Native Hawaiian community. Mahalo for the opportunity to express our strong **support** for this aspect of PIA-10(11).

A handwritten signature in black ink, reading "Melody Kapilialoha MacKenzie". The signature is fluid and cursive, with the first name "Melody" being the most prominent.

Melody Kapilialoha MacKenzie
Professor and Director
Ka Huli Ao Center for Excellence in Native Hawaiian Law