

---

# KUMU PONO ASSOCIATES LLC

*Kepā Maly, Cultural Historian & Resource Specialist*

554 Keonaona Street · Hilo, Hawai'i 96720

(808) 981-0196 (fax available) · e-mail [kumupono@hawaii.rr.com](mailto:kumupono@hawaii.rr.com) / [www.kumupono.com](http://www.kumupono.com)

---



January 28, 2005

Ms. Kitty M. Simonds, Director  
and staff of — Western Pacific Regional Fishery Management Council  
1164 Bishop Street, Suite 1400  
Honolulu, Hawai'i 96813

(via email: [comments.wpcouncil@noaa.gov](mailto:comments.wpcouncil@noaa.gov))

**RE:           *Comments on “Draft Fishing Regulations for the Proposed NWHI National Marine Sanctuary” (In follow up to Public Hearing in Hilo, of January 27, 2005)***

Dear Ms. Simmons and staff of WESPAC:

By way of this communication, I wish to thank you for the opportunity to have participated in the hearing on the above matter, in Hilo, the evening of January 27<sup>th</sup>. In addition to the brief comments I made during Eric's summary presentation on the alternative actions in regards to proposed regulations, and the preference of WESPAC (as outlined in Alternative # 2; see WESPAC PowerPoint handout), I wish to submit the following comments and recommendations.

As a preface, I state that the following notes on traditional and customary practices, traditional cultural properties; the personal experiences of elder Hawaiian fisher-people (covering the islands from Hawai'i to Ni'ihau, and those of the Northwestern Hawaiian Islands); and recommendations by these *kūpuna* and elder *kama'āina*, are based on 30 years of detailed ethnographic work, undertaken across the islands. This work has been conducted as a part of family history programs, for State and Federal undertakings, as a part of private historic preservation programs; and as part of community outreach and educational programs. Most recently, we have reported, in a comprehensive cultural assessment study titled “*Ka Hana Lawai'a a me Nā Ko'a o Nā Kai 'Ewalu: A History of Fishing Practices and Marine Fisheries of the Hawaiian Islands Compiled From Native Hawaiian Traditions, Historical Accounts, Government Communications, Kama'āina Testimony and Ethnography*” (Maly & Maly, 2003a & b), a document of 2,000 pages of historical-archival documentary research and more than 130 oral history interviews, on Hawaiian fisheries, including the personal experiences of native fishers of the Northwestern Hawaiian Islands.

The comments below are a summary of key points in the traditions and history of change in Hawaiian fisheries, and reflect the common recommendations of Hawaiian elders, that “*Nā Moku 'Aha*” (The Northwestern Hawaiian Islands) must be protected, and that commercial activities are incompatible with long-term protection and continuance of traditional and customary practices.

*Kūpuna* shared a wealth of information and traditional knowledge as passed on to them from their elders, and from years of fishing experience both in the Main Hawaiian Islands and *Nā Moku 'Aha*. Two key recommendations pertaining to *Nā Moku 'Aha* were provided in group interviews, conducted in 2003, to specifically address proposals pertaining to the reserve and sanctuary programs:

- 1) Subsistence fishing should be allowed, and will continue. *Kūpuna* felt strongly that the use of ocean resources in the *Nā Moku 'Aha* is not only a part of their cultural identity, but it is also their responsibility—their *kuleana*. In their view subsistence use includes the idea that you take only what you need, and that you also give back. In *Nā Moku 'Aha*, *kuleana* obliges you to use, but to also care for and protect the area. This is expressed in the Hawaiian concept “*Ho'ohana aku, a hō'ola aku!*” (Use it and let it live!) (*Kupuna* Ka'anā'anā, October 27, 2003).
- 2) Future commercial use of the waters and resources of *Nā Moku 'Aha* should not be allowed. It is not culturally appropriate, nor economically or ecologically sustainable. *Kūpuna* saw first-hand that fishing in *Nā Moku 'Aha* forces the fisher to overexploit resources in order to get some return for their investment. They have seen the over harvesting and exploitation of many species including the armorhead, giant 'ama'ama, black 'ulua, black lipped pearl oyster, *weke pueo*, small mullet, and the collapse of the lobster fishery three times. The over fishing and collapse have occurred regardless of the “best science” and determinations of “maximum sustainable yields.”

We strongly recommend that the *kama'āina* knowledge and recommendations be given significant weight in the planning and management processes. As was mentioned by two individuals in testimony last evening (Jan. 27<sup>th</sup>, 2005) — “The good of the many should outweigh the good of the few” — that is the few commercial fishers who use *Nā Moku 'Aha*, should not be given greater consideration than the many who will benefit from a healthy and nearly intact ecosystem in *Nā Moku 'Aha*.

### ***Hawaiian Fisheries: A Cultural-Historical Context***

The above statements offered, we provide you below, with an overview of the cultural-historical context upon which the above are based. The detailed study (Maly and Maly, 2003) may be reviewed for the full context of the findings, comments and recommendations.

In a traditional Hawaiian context, nature and culture are one and the same, there is no division between the two. The wealth and limitations of the land and ocean resources gave birth to, and shaped the Hawaiian world view. The *āina* (land), *wai* (water), *kai* (ocean), and *lewa* (sky) were the foundation of life and the source of the spiritual relationship between people and their environs. Every aspect of life, whether in the sky, on land, or of the waters was believed to have been the physical body-forms assumed by the creative forces of nature, and the greater and lesser gods and goddesses of the Hawaiian people. Respect and care for nature, in turn meant that nature would care for the people. Thus, Hawaiian culture, for the most part, evolved in a healthy relationship with the nature around it, and until the arrival of foreigners on Hawaiian shores, the health and well-being of the people was reflected in the health of nature around them.

Today, whether looking to the sea and fisheries, or to the flat lands and mountains, or to the condition of the people, it is all too easy to find signs of stress and diminishing health of Hawaiian nature and the native culture. This is clearly evident in the condition of Hawaiian fisheries, which traditionally extended from the *kuahiwi-kualono* (mountains), to the *kai pōpolohua a Kāne* (the deep purple-blue seas of the god Kāne).

It is staggering today, to contemplate that in ancient times, nearly every member of the Hawaiian population regularly participated in some form of fishing—and population figures in the islands, range from some 400,000 to 1,000,000 people in 1778. Native lore and early historical accounts tell us that through those traditional generations, the fisheries were resilient and healthy. This being a reflection on the relationship between people and nature, and the management system that evolved through

ancient times. Today, only a very small percentage of the population of the Hawaiian Islands fishes, yet, as the methods of fishing and management systems have evolved away from the traditional system, the fisheries themselves have diminished at alarming rates.

In pre-western contact Hawai'i, all *'āina* (land), *kai lawai'a* (fisheries) and natural resources extending from the mountain tops to the depths of the ocean were held in "trust" by the high chiefs (*mō'i*, *ali'i 'ai moku*, or *ali'i 'ai ahupua'a*). The right to use of lands, fisheries, and the resources therein was given to the *hoa'āina* (native tenants) at the prerogative of the *ali'i* and their representatives or land agents (often referred to as *konoiki* or *haku 'āina*). Following a strict code of conduct, which was based on ceremonial and ritual observances, the people of the land were generally able to collect all of the natural resources, including fish—and other marine and aquatic resources—for their own sustenance, and with which to pay tribute to the class of chiefs and priests, who oversaw them. So strict were the *kapu* associated with fisheries, that in ancient times, infractions against the *kapu*, were met by death of the offender.

Shortly after the arrival of foreigners in the islands, the western concept of property rights began to infiltrate the Hawaiian system. While Kamehameha I, who secured rule over all of the islands, granted perpetual interest in select lands and fisheries to some foreign residents, Kamehameha, and his chiefs under him generally remained in control of all resources. Following the death of Kamehameha I in 1819, and the arrival of the Calvinist missionaries in 1820, the concepts of property rights began to evolve under Kamehameha II and his younger brother, Kauikeaouli (Kamehameha III), who ruled Hawai'i through the years in which private property rights, including those of fisheries, were developed and codified.

While an economist may argue that fish and other aquatic resources were of "economic" value in traditional Hawaiian culture, they were assets of both tangible and intangible value. The resources were collected and consumed within extended family systems, and given in exchange (*kuapo*) for other goods of the land. What evolved in Hawai'i under western influence through the 1800s, and matured following the overthrow of the Hawaiian Monarchy in 1893, was the development of a "commercial" fishing industry, involving significant trading centers and a market economy. The industry and growing number of urban consumers had little interest in the myriad traditional values—such as spiritual, cultural, familial, and ecological—of fish and aquatic resources. This trend has continued through the present-day, and fostered an alarming decline in health and well-being of the broad range and diversity of Hawaiian fisheries.

In the transition from a cultural subsistence-based system to the commercial economy, fish and other harvestable marine organisms went from being perceived and valued in a complex way that was embedded in nature and culture—one fostered through long-term stewardship—to fish as primarily being a commodity or simply food items. In the present-day, the broad range of aquatic resources are no longer perceived as organisms irrevocably connected to the complex web of life, spanning water, land, air and culture.

It has been the observation of nearly every *kūpuna* and elder *kama'āina* interviewed by us over the past 30 years, that when Hawaiian fisheries (from mountain streams to deep sea) were managed under the old system—including the *kapu* periods in which fisheries were rested, private ownership of fisheries, and at times enforcing severe penalties for infractions on the *kapu* and *kānāwai*—that the fisheries were capable of sustaining hundreds of thousands of residents and fisher-people. The foundational component of the native relationship with fisheries and harvesting of resources, was that the *kānaka* and their environment shared a familial and religious relationship. Each person bore responsibility for his or her actions. This concept is personalized and expressed in Hawaiian life as "*Mālama i ka 'āina, a mālama ka 'āina iā 'oe!*" (Care for the land, and the land will care for you!). The saying is also expressed as "*Mālama i ke kai, a mālama ke kai iā 'oe!*" (Care for the ocean, and the ocean will care for you!).

Over the last thirty years, Maly has interviewed hundreds of *kūpuna* and elder *kama'āina* across the Hawaiian Islands—all of whom have shared recollections and descriptions of Hawaiian fisheries, and

the customs and practices associated with them. These *kūpuna* and elder *kama'āina* tell very much the same story as that described in a wide range of traditional and historical narratives (see Maly and Maly, 2003).

Interestingly, nearly all of the interviewees, particularly those participating in interviews after 1990, commented on changes they had observed in the quality of the fisheries, and the declining abundance of fish—noting that there were significant declines in almost all areas of the fisheries, from streams, to near-shore, and the deep sea. The interviewees attribute the changes to many factors, among the most notable are:

- Loss of the old Hawaiian system of *konohiki* fisheries; adherence to seasons of *kapu* fisheries (managed by *ahupua'a* and island regions); and lack of respect for *ahupua'a* management systems and tenant rights.
- Too many people do not respect the ocean and land—they over harvest fish and other aquatic resources, with no thought of tomorrow or future generations. It was observed that taking more than one needs, only to freeze it for later, removes viable breeding stock from the fisheries, and as a result, leads to depletion of the resources.
- Sites traditionally visited by families, having been developed and/or traditional accesses blocked.
- Changes in the environment—near shore fisheries destroyed by declining water flow and increasing pollution.
- Too many people fish in one area, and too few people take the time to *hānai* and *mālama* the *ko'a*; they don't let the *ko'a* rest, and only think of taking, and not giving back.
- “Hawai'i cannot feed the world.” The focus on economic fishing, only to export Hawaiian fish to foreign markets is damaging to the resources, and makes it economically inaccessible to many participants in the local market.
- Use of modern technology—including depth gauges, GPS, and fish aggregation devices to maximize harvests—makes it too easy for fishermen to locate fish. Fishermen no longer need to have in-depth knowledge of the ocean and habits of fish, as was necessary in earlier times.
- Failure of the state system to enforce existing laws, rules and/or regulations.
- The present centralized state system of management is out of touch with the needs of the neighbor islands, and does not take into account regional variations and seasons associated with fisheries and aquatic resources on the various islands.

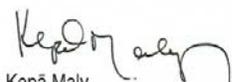
Interviewee recommendations included, but are not limited to:

- Return to a system patterned after the old Hawaiian *ahupua'a*, *kapu* and *konohiki* management practices.
- Enforce existing laws and *kapu*; ensure that penalties for infractions are paid.
- Programs established to manage fisheries similar to the Waikiki system—one year harvest, one year rest—should be used throughout the islands; and limits on take need to be established and enforced.
- Decentralize the fisheries management system, giving island and regional councils (made up of native Hawaiians and other *kama'āina*), authority to determine appropriate *kapu* seasons and harvests in a timely, and as needed, basis.
- Establish a fee/license system to help support fisheries management programs.
- Take only what is needed, leaving the rest for tomorrow and the future.
- Ensure that the land and ocean resources necessary to maintain the health of the wide range of Hawaiian fisheries for present and future generations are protected and managed in a way that is beneficial to all the people of Hawai'i. This may mean controlling development and use of fresh water resources, and controlling what, when, who, and how, marine and aquatic resources are used.

- *Nā Moku 'Aha (The Northwestern Hawaiian Islands) are like a Pu'uhonua (Sanctuary), that must be protected from commercial fishing interests. This is important to both the protection of native species (the large breeding stock), and the well-being of the larger Hawaiian Archipelago fisheries.*

In closing, we observe that one theme associated with fishing is consistent in oral history interviews with elder native Hawaiian fisher-people, and is also shared by other elder *kama'āina* who learned fishing in the "Hawaiian" way. It is that fishing and collection of marine resources requires caring for, and giving back, as a part of the taking. This manner of cultural subsistence may be summarized as "**Hānai a 'ai**" (To care for and eat from). In the Hawaiian cultural context, subsistence was the traditional way of life, reflected in the relationship shared between nature and the *kānaka* (people). Subsistence is multi-faceted, including: intimate knowledge of the natural resources (from mountains to ocean depths); spiritual attributes; responsibility; and a physical relationship.

Thank you,



Kepā Maly  
Cultural Historian and Resource Specialist

### **Reference Cited**

Maly, Kepā & Onaona Maly

- 2003 a *Volume I – Ka Hana Lawai'a a me Nā Ko'a o Nā Kai 'Ewalu: A History of Fishing Practices and Marine Fisheries of the Hawaiian Islands Compiled From Native Hawaiian Traditions, Historical Accounts, Government Communications, Kama'āina Testimony and Ethnography.* (August 1, 2003). Prepared for The Nature Conservancy-Hawaii. Kumu Pono Associates LLC. Hilo, Hawaii
- 2003 b *Volume II – Oral History Interviews: Ka Hana Lawai'a a me Nā Ko'a o Nā Kai 'Ewalu: A History of Fishing Practices and Marine Fisheries of the Hawaiian Islands Compiled From Oral History Interviews With Kūpuna and Kama'āina.* (December 10, 2003) Prepared for The Nature Conservancy-Hawaii. Kumu Pono Associates LLC. Hilo, Hawai'i.