

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

DIVISION OF STATE PARKS  
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HONOLULU, HAWAII 96809

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
FINANCE**

**Wednesday, March 4, 2009  
10:30 am  
State Capitol, Conference Room 308**

**In consideration of  
HOUSE BILL 645, House Draft 1  
RELATING TO KAENA POINT**

House Bill 645, House Draft 1, would amend Chapter 184, Hawaii Revised Statutes, to establish a two-year pilot project that allows Hawai'i residents to fish overnight, regardless of camping equipment and paraphernalia, at Ka'ena Point State Park Reserve, Waialua, O'ahu. Those fishing overnight must obtain an annual pass issued by the Department of Land and Natural Resources (Department) for this purpose and must abide by all conditions placed on the pass by the Department. Pass holders would also be required to report any illegal activity observed in the Park Reserve and pay a \$120 fee for the pass. Fees would be deposited in the State Parks Special Fund. At the end of the pilot project period, the Department must submit a report to the legislature assessing the effects of the pilot program on illegal activities at Ka'ena. The Act would be repealed on July 1, 2011. While the Department appreciates efforts made by the House Water, Land, and Ocean Resources Committee to recognize many of the Department's concerns when proposing House Draft 1, the Department nonetheless opposes this measure.

If this measure is enacted, conditions imposed on pass holders by the Department would most likely include, at a minimum, requirements that all vehicles remain on designation access routes and that parking and camping paraphernalia be prohibited in areas identified as sensitive. As is standard practice on most parks permits, open camp fires, commercial activities, loud music, alcoholic beverages, and animals (except service animals) would not be allowed in the Ka'ena Point State Park Reserve. Pass holders would also be required to remove all trash or other items brought to the park and, because water and sanitary facilities are not available, they would to agree to bring their own portable toilets for overnight stays and dispose of waste off-site. The

proposed language in the House Draft 1 appears to reinforce the Department's ability to impose such conditions for the good of the park's resources. The proposed fees would help defray the costs of maintaining designated access routes, removing debris if needed, monitoring the condition of the natural and cultural resources in the area, and enforcement efforts.

The Department has three major concerns about the House Draft 1 as written. First, the annual pass approach does not give the Department mechanisms to limit the number of individuals using prime or preferred areas at any given time nor could the Department easily redefine designated use areas should particular places show signs of overuse or degradation. Without individually assigned places for parking or camping paraphernalia, the Department would not know when use of a particular area is exceeding capacity. Issuing individual camping permits for designated campsites and for specific time periods allows the Department the flexibility to set limits when needed. The Department does not know yet if overcrowding will be a problem. If the Department were able to implement the overnight fishing passes in increments, perhaps three months at a time, it would give us time to assess the feasibility of issuing passes for longer periods or to consider other options. The after-hours access permits issued to fisherman at Keawa'ula, Wai'anae, were phased in before it was determined that annual passes were feasible and a responsible management practice.

The Department's second major concern is with the compatibility of these annual passes with the Department's Division of State Parks' plans to permit wilderness camping at Ka'ena Point State Park Reserve. The wilderness camping concept includes establishing designated campsites and issuing camping permits for the use of assigned sites. Annual pass users may be competing for use of preferred areas and conflicts could arise between fishermen having first-come-first-served access to areas and those holding camping permits to assigned sites. An annual pass condition might need to prohibit fisherman from using designated campsites unless they obtain a wilderness camping permit independent of their annual pass.

The third concern underscores the need for the Departments' Recreation Renaissance initiative. The Department absolutely cannot support overnight fishing with camping paraphernalia or wilderness camping in the Ka'ena Point State Park Reserve without a firm commitment to capital improvement projects that will provide safe and reliable access for park users and emergency responders and that will help reverse the on-going degradation of the park's environment, including its off-shore waters. Primary among these projects are badly needed repairs to the dirt roadway that runs through the park and the installation of barriers to clearly delineate the roadway and deter off-road vehicle use beyond designated areas. The Recreation Renaissance initiative also includes funds to establish and delineate spur routes to the shoreline, pull-outs, parking areas, and wilderness campsites.



**HB 645, HD 1, RELATING TO KAÿENA POINT**  
House Committee on Finance

March 4, 2009

10:30 a.m.

Room: 308

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The Office of Hawaiian Affairs (OHA) **supports, with amendments**, H.B. 645, H.D. 1, which would establish a pilot program to issue annual passes to Hawaiïi residents, allowing overnight fishing at Kaÿena point.

OHA's main concern with this bill is that its proposed pilot program would regulate the ability of fishers to fish in Kaÿena, which they are currently able to do 24 hours a day, every day of the year. If passed as written, this bill could potentially require everyone who wants to fish in Kaÿena at night to apply and pay for an overnight fishing permit, regardless of whether they intend to use camping paraphernalia. In addition, the bill is unclear on how many people could use the permit and whether people under 18 years of age could fish at night in Kaÿena. Further, we believe that allowing the Department of Land and Natural Resources to charge up to \$120 for the permit may be prohibitive for some fishers. Fishers may start commercial fishing in addition to their subsistence fishing just to cover the cost of the permit. This would further deplete the fishery.

While OHA understands the intent of the bill, we believe it could cause more problems for fishers than it solves. We ask that this bill be amended to establish a camping pilot permit program for Kaÿena. This permit program would allow fishers to use camping gear that is currently prohibited by the state's administrative rules, while not impacting fishers who don't use camping equipment when they fish at night. OHA does have concerns about the time length of the permit, its cost, how many people would be allowed under each permit, and the location of each designated camping ground. OHA also notes that while shoreline access is protected, fishers and their fishing grounds maybe negatively affected if designated camping areas are closed at night for everyone except permitted campers. We believe that these issues can be addressed through either the legislative or administrative rule-making processes. The success of this program is in large part contingent on consultation with Kaÿena users and stakeholders.

Therefore, we urge the committee to amend H.B. 645, H.D. 1, taking the above-mentioned concerns into account, and then pass the bill. Mahalo for the opportunity to comment.

March 3, 2009

Finance Committee

Honorable Chair Marcus R.Oshiro

When House Bill 645 was introduced, the fishing community had hopes that something was being done to allow us to fish overnight with protection for the elements. As the legislative process unfolded, amendment HD-1 was done for HB-645. This bill does not help the fishing community in the way it has evolved. If it passes through the Finance Committee, we are afraid that it may further change into a bill that could be entirely against the fishing community. Therefore, we are opposed to this bill.

H.B. NO. 645 H.D. 1 paints Kaena Point as a place where illegal activity flourishes to include robberies, sex crimes and beatings 24-7. We have asked several legislators' offices for documentation to support these statements. To date, none has been provided.

The bill recognizes the need to allow fishermen to continue to fish and to be able to do so overnight. The bill also recognizes the need to protect the environment. The fishermen feel the same way. However, the fishing community feels that the bill gives the department of land and natural resources (DLNR) more control.

How so? Fishermen are being asked to park in designated areas. The bill establishes a pilot program in which fishermen purchase an annual pass to be able to fish overnight. The pass will cost \$120 per year. Conditions for the pass are: you have to be a resident, 18yrs. of age, possess the pass at all times, report illegal activities and be actively fishing.

Fishermen are being restricted to park in designated areas mirrors part of the state camping rules. These are the very rules that include "possession of camping paraphernalia" that does not allow us to fish overnight. In this economic recession, a fee of \$120 is difficult to manage. We feel that there should be no fee for the annual pass. Pass holders are subject "to all conditions the department may impose upon the pass holder". DLNR has shown an inconsistency to enforce the rules fairly in the past. Is the pass for only one person? If my children are under 18 yrs of age, does that mean they cannot fish in Kaena point overnight?

The pilot program is dependent on the fact of whether illegal activity has increased or decreased during the given period. Illegal activity has not been spelled out and should be if it means the continuance or demise of the program.

This bill will stop and discontinue any fishing in the natural area reserve (NARS). Fishermen have always fished in the NARS. Various groups of fishermen (Casters, throw netters, hand pole, spinning, opihi picking and more) rely on this area to put food on the table. A large portion of fishable coastline in Kaena Point would be taken away from the fishing community. Why is the state taking away what we already have that is important to us?

We support the House Concurrent Resolution (H.C.R. NO. 31). Fishermen have stated from the very beginning that all they want is to fish overnight with protective equipment from the elements. We want this and to be left alone to do so without harassment from DLNR.

The state has taken a problem, the homeless situation, and used it to justify everything that it does against the general public. The state is trying to keep the homeless out from the parks and beaches. In so doing, the state is taking away and closing off areas that are important to the fishing community. Why is the state comparing and punishing us this way?

Please do not pass this bill (H.B. NO. 645 H.D. 1) through your committee because of the concerns that we have listed in our testimony.

Sincerely,

*Dennis E. C. Park*

*James M. L. Drew*

*Keith Scimbaricco*

*Jack*

*Christopher Dawson*

Thomas T Shirai Jr  
P O Box 601  
Waialua, HI 96791  
Email: [Kawaihapai@hawaii.rr.com](mailto:Kawaihapai@hawaii.rr.com)

Hearing Notice  
Wednesday, March 4, 2009 / State Capitol Conference Room 308  
House Committee on Finance (FIN)  
Representative Marcus Oshiro (Chair) / Representative Marilyn Lee (Vice Chair)

March 2, 2009

RE: Testimony in Opposition to HB 645 HD1 (Relating to Kaena Point)

Aloha Chair Oshiro, Vice Chair Lee & Committee Members,

I'm a lifetime resident of *Mokule'ia* with lineage spanning at least 10 generations in *Waialua Moku* originating at *Kawaihapai Ahupua'a* where the *Dillingham Airfield (Kawaihapai Airfield)* is situated. I've served on *Oahu Island Burial Council (OIBC)* as *Waialua Moku Representative*, *Office of Hawaiian Affairs's (OHA) Native Hawaiian Historic Preservation Council (NHHPC)* and *Na Maka O Ka'ena*. I'm also the *Po'o (head)* of the *Kawaihapai Ohana* which is recognized by *The Department of Interior (DOI)* as a *Native Hawaiian Organization (NHO)* and member of the *Mokule'ia Community Association (MCA)*. My *Kupuna* were *Cultural Informants* featured in *Bishop Museum's* publications:

*Archeology of Oahu – Bulletin 104 (McAllister 1933)*  
*Annie Keahipaka – Great-Great Grandmother/Aunt*

*The Hawaiian Planter (Handy 1940)*  
*Kaaemoku Kakulu – Great-Great Grandfather*  
*David Keao – Great Grandfather*

I'm providing testimony as an individual as an individual opposing HB 645 HD1. First of all, this legislation was not crafted with input from the *Waialua District* and especially with the *Mokule'ia Community*. The *Mokule'ia Community Association (MCA)* has a tenure of stewardship at *Ka'ena* spanning 30 years and has coordinated with entities such as the *Army to Malama Ka'ena*.

This legislation would open the flood gates and diminish everything we've worked hard for in restoring this special and sacred *Wahi Pana* which was not intended for over use like *Shark's Cove* at the *Pupukea Marine Life Sanctuary District (MLSD)*. It would also have social impacts of the *Host Community*. I've seen the changes and their impacts here which included population growth.

The *Department of Land & Natural Resources (DLNR)* is currently putting together the *Ka'ena Point Advisory Committee* to address concerns ranging from cultural to recreational access and usage. Therefore, HB 645 HB1 is not needed. Informational attachments are included with this testimony. This legislation was introduced for outsiders without respect to the *Host Community*. *Ao'le HB 645 HD1. Malama Ka'ena.*

*Thomas T Shirai Jr*  
*Mokule'ia, Waialua*

*Honolulu Advertiser*  
*Letter to Editor*  
*August 20, 2004*

Don't build Ka'ena Point road

We are writing in response to the letters by Mr. Hans Kealoha Wedemeyer (June 24) and Mr. Bradley A. Coates (July 6) advocating that a road be built around Ka'ena Point. We would like to make several points in opposition to this recommendation:

From the Office of State Planning Land Use Division's Subregional Land Use Plan: Mokule'ia to Ka'ena: "All shorefront lands from the western end of the Crozier Drive urban district to Ka'ena, all foothills mauka to the top of the cliffs, and all lands westward from Dillingham (Kawaihapai) airfield. These lands would be used for park purposes, forest recreation, or preserved for their natural values and wildland and scenic qualities. ... Uses in this zone should be compatible with the wildland character. Any structures or clearings should be related to enhancing outdoor recreation uses in a natural or wildland setting. Urban uses would not be compatible in this zone and should not be expanded. A paved highway around Ka'ena Point would not be allowed."

The Central O'ahu/North Shore Regional Plan also states that a paved highway around Ka'ena Point would not be allowed.

From the North Shore Sustainable Communities Plan: "Protect the natural resources of Ka'ena Point from potentially damaging vehicular traffic and roadway development."

From the Wai'anae Sustainable Communities Plan: "Preservation of lands north of Kepuhi Point as open-space lands." In addition, while the plan acknowledges the need for another access road, it never suggests a road around Ka'ena Point as an option.

Ka'ena Point is culturally sacred to the Hawaiian people as the place where souls leave this world and enter the next. There are many cultural remains in the cliff-sides and down toward the beach. To build a road in this area would amount to sacrilege and desecration.

Ka'ena Point is a federally recognized and protected natural reserve and, as such, is part of the the Hawai'i Natural Areas Reserve System. It is also a state park. Any road would endanger the area's ecosystem.

In the 2000 legislative session (SCR 160), it was determined by the Department of Transportation that it would cost at least \$500 million to build such a road around Ka'ena Point. Four years later, the cost probably would be at least a third higher. Bottom line: It could cost at least half the entire state operating budget to build such a road.

There is an entire community on the other side of Ka'ena Point that both letter writers have failed to take into consideration with their support of this idea. They never asked the Mokule'ia community what we think of this idea, which would have a major impact on our agricultural, conservation and open-land policies, as well as our country lifestyle and quality of life. For all the foregoing reasons, we strongly oppose the recommendation for a road around Ka'ena Point, and we will be monitoring this issue very carefully in the future.

Mike Dailey, Vicky and Kimo Lyman, Kathleen M. Pahinui, Lloyd O'Sullivan, Stewart Ring and Thomas Shirai

Mokule'ia residents

# Ka'ena's Significance and Legacy

by Thomas T. Shirai Jr.



Taro farmer fisherman and master carpenter, David Peahi Keao Jr., repairs a lobster net in his front yard.

■ Aloha, I'd like to take the opportunity to share with everyone some of my family's stories that illustrate how significant the Ka'ena *ahupua'a* is from a seafood subsistence perspective. I will connect these stories of old with modern articles that were featured in past issues of *HAWAII FISHING NEWS*.

I had the privilege to be raised in Mokulei'a by my grandparents, David and Abigail Keao. Through them, I've learned much about my grandfather's *'ohana* and their relationship to the northwest coastline of Waialua, which encompasses Kamananui, Mokulei'a, Auku'u, Kawaihapai, Kealia and Ka'ena. The emphasis in this article will be on Ka'ena.

The Bishop Museum's 1933 publication entitled "Archeology of Oahu" by McAllister featured my grandfather's *kupuna* and grandmother Annie Keahipaka, who shared some family stories and knowledge of Waialua that included Ka'ena.

## Hawaiian Stories of Ka'ena

The first story is a version of how Maui tried to unite O'ahu with Kaua'i. Excerpts from this publication are as follow:

"In a version told to me by Annie Keahipaka, Maui had many helpers tugging at the line. One disobeyed orders and looked back as Kaua'i was being drawn up to O'ahu. This caused the line to break and Kaua'i to slip back into the ocean, with only the fragment Pohaku O Kaua'i remaining, which is proof of Maui's mighty effort."

Also from "Archeology of Oahu," the next story mentions Ka'ena Point as an excellent fishing ground (*ko'a*): "At one time Maui was fishing at Ka'ena and caught a huge red fish (*kumu*) which he dragged from Pohaku O Kaua'i to Kuakala Het'au and placed it there. The *menehune* found this *kumu* (goatfish) named Kumunuiakea and cut it into small pieces. Then when the sea covered the land (Kaiakahinalii), pieces of this fish went back to the ocean. Since then the *kumu* are small."

This part of the story means that this variety of fish never attained the size of Kumunuiakea; however, small *kumu* became abundant at Ka'ena.



Kalani Smlth, Paul Akiona and Bing Chock stumbled onto a *kumu ko'a* in 1957 and speared 250 lbs of fish.

In 1994, *HFN* featured an article about three scuba divers who went spear fishing at Ka'ena Point, discovered a pristine *kumu ko'a* and caught a lot of this species of fish in 1957. The photo that accompanied this article displayed the fish caught. Judging by the photo, the average size appeared to be about 5 lbs.

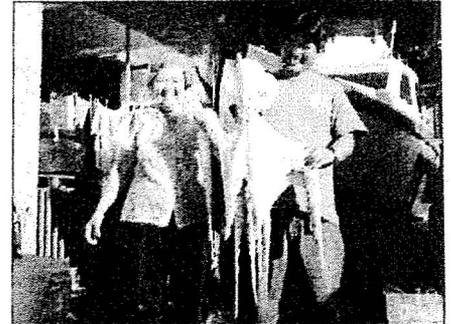
Also from "Archeology of Oahu," the third story that I'd like to share is about a supernatural octopus (*kupua*) called Kakahe'e that lived at Ka'ena: "Pi'ikoi-a-ka-Alala and his father were on a canoe travelling to O'ahu where they planned on visiting his sister when Pi'ikoi-a-ka-Alala while still far from land sighted a huge octopus in a hole near where the sea washes ashore. He informed his father, took aim at Kakahe'e with his bow and arrow, letting it fly through the air and finally piercing Kakahe'e. They landed at Waiakaaiea and then proceeded to beat it to death. Kakahe'e met the same fate as Kumunuiakea, and thus creating an abundant he'e (octopus) *ko'a*."

The February 1994 issue of *HFN* featured a fisherman who had caught a large octopus at Ka'ena. Also, it's fitting that the current state record for largest octopus was caught at Ka'ena.

In the Bishop Museum's 1940 publication entitled "The Hawaiian Planter," my great-great-grandfather Kaaemoku Kakulu shared the name of a freshwater spring called Ka'aie'a located in the mountains just past Camp Erdman where sweepage from Ka'aie'a crossed the roadway and entered the ocean. There it created a small *muliwai* (headwater) where nutrients supply marine life with food and thus created an abundant seafood subsistence area (*ko'a*). Sweepage from Ka'aie'a made its way to the ocean up to 1998 when it was capped and never flowed again.

## Family History

My grandparents and I would periodically go *haloholo* to Ka'ena to gather such delicious food as shellfish (*'opihi* and *pipipi*), seaweed (*limu kohu*), sea cucumber (*loli*), sea urchin (*wana*, *haukiuki* and *hawaii*) and many others. They would make *pa'akai* (salt) on a parcel of land that his family owned at Ka'ena where this seafood subsistence gathering took place.



Stewart Matsunaga, bottom fishing in 250 feet of water outside Ka'ena Point when he got this 19-lb 1-oz tako.

Before I came along, my grandfather was a taro farmer and a fisherman who specialized in lobster fishing. He would paddle his canoe with my grandmother and uncle from a place he called McInerny (same store that was at Ala Moana) located on the shoreline at Auku'u, which is adjacent to Kawaihapai, and paddle to his fishing grounds. Ka'ena was one of his grounds. He learned these skills from his grandfather, Kaaemoku Kakulu, who was the last *konohiki* of Kawaihapai. The McInerny family allowed my grandfather to leave his canoe on the parcel that they owned during that time.

After catching the lobster, he would put them in 100-lb burlap bags and load them onto the train at Kawaihapai Station to be delivered to Kekaulike Market to a family that operated a fish stall. Later in the week, he would catch the train and pick up his money in Honolulu.

Although that era is gone, the names of places located within Ka'ena remain. I know there are others with similar stories that keep these places and memories of our *kupuna* alive.

I hope this has been informative. I am grateful to share some of my family's legacy that included Ka'ena.

*Malama 'aina.*

... Thomas

## DLNR Holds Public Meeting To Discuss Evening Closure of Keawa'ula Section of Ka'ena Point State Park

"We want to address long-standing problems with illegal evening activities at the park, damage to natural resources and potential for injury to the public at a very isolated and remote area."

—DLNR Chairperson Peter Young

"We strongly disagree with denying fishers and families access to shorelines. This is an enforcement problem, not an access problem."

—Chuck Johnston

"I understand that the people at state parks are trying to find a way for the fishers to continue using the shoreline during the evening hours, yet cut down on crime."

—Clifford Inn

**Kawaihapai Ohana**  
c/o Thomas T Shirai Jr  
P O Box 601  
Waiialua, HI 96791  
Email: [Kawaihapai@hawaii.rr.com](mailto:Kawaihapai@hawaii.rr.com)

Hearing Notice  
Wednesday, March 4, 2009 / State Capitol Conference Room 308  
House Committee on Finance (FIN)  
Representative Marcus Oshiro (Chair) / Representative Marilyn Lee (Vice Chair)

March 2, 2009

RE: Testimony in Opposition to HB 645 HD1 (Relating to Kaena Point)

Aloha Chair Oshiro, Vice Chair Lee & Committee Members,

The *Kawaihapai Ohana* is recognized by *The Department of Interior (DOI)* as a *Native Hawaiian Organization (NHO)* whose *Kuleana (mission statement of responsibility)* has an emphasis on the *Northwest Coastline of Waiialua Moku* which encompasses the *Ahupua'a of Kamananui, Mokule'ia, Kekahi, Auku'u, Kawaihapai, Kealia and Ka'ena*. Some *Kawaihapai Ohana Kupuna* were *Cultural Informants* featured in *Bishop Museum's* publications:

*Archeology of Oahu – Bulletin 104 (McAllister 1933)*  
*Annie Keahipaka – Great-Great Grandmother/Aunt*

*The Hawaiian Planter (Handy 1940)*  
*Kaaemoku Kakulu – Great-Great Grandfather*  
*David Keao – Great Grandfather*

The *Kawaihapai Ohana* opposes HB 645 HD1. First of all, this legislation was not crafted with input from the *Waiialua District* and especially with the *Mokule'ia Community*. The *Mokule'ia Community Association (MCA)* has a tenure of stewardship at *Ka'ena* spanning 30 years and has coordinated with entities such as the *Army to Malama Ka'ena*. Another entity with similar tenure and longevity is the *North Shore Neighborhood Board 27*. Continuing this *Kuleana* today is the *Friends of Ka'ena*.

This legislation would open the flood gates and diminish everything we've all worked strived to restoring this special and sacred *Wahi Pana* which was not intended for over use like *Shark's Cove* at the *Pupukea Marine Life Sanctuary District (MLSD)*. It would also have social impacts of the *Host Community*. A lot has changed since the time of the era of the *Kupuna* mentioned above.

The *Department of Land & Natural Resources (DLNR)* is currently putting together the *Ka'ena Point Advisory Committee* to address concerns ranging from cultural to recreational access and usage. Therefore, HB 645 HB1 is not needed. Informational attachments are included with this testimony. This legislation was introduced for outsiders without respect to the *Host Community* of which the *Kawaihapai Ohana* is also apart of. *Ao'le HB 645 HD1. Malama Ka'ena.*

*Thomas T Shirai Jr*  
*Kawaihapai Ohana – Po'o*

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 03, 2009 8:43 PM  
**To:** FINTestimony  
**Cc:** kaimalia@yahoo.com  
**Subject:** Testimony for HB645 on 3/4/2009 10:30:00 AM

Testimony for FIN 3/4/2009 10:30:00 AM HB645

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Summer Nemeth  
Organization: Individual  
Address: 94-1024 Punono Pl. Mililani, Hawaii  
Phone: 753-4221  
E-mail: kaimalia@yahoo.com  
Submitted on: 3/3/2009

Comments:  
March 3, 2009

Finance Committee

Honorable Chair Marcus R.Oshiro

When House Bill 645 was introduced, the fishing community had hopes that something was being done to allow us to fish overnight with protection for the elements. As the legislative process unfolded, amendment HD-1 was done for HB-645. This bill does not help the fishing community in the way it has evolved. If it passes through the Finance Committee, we are afraid that it may further change into a bill that could be entirely against the fishing community. Therefore, we are opposed to this bill.

H.B. NO. 645 H.D. 1 paints Kaena Point as a place where illegal activity flourishes to include robberies, sex crimes and beatings 24-7. We have asked several legislators' offices for documentation to support these statements. To date, none has been provided.

The bill recognizes the need to allow fishermen to continue to fish and to be able to do so overnight. The bill also recognizes the need to protect the environment. Fishermen feel the same way. However, the fishing community feels that the bill gives the department of land and natural resources (DLNR) more control.

How so? Fishermen are being asked to park in designated areas. The bill establishes a pilot program in which fishermen purchase an annual pass to be able to fish overnight. The pass will cost \$120 per year. Conditions for the pass are: you have to be a resident, 18yrs. of age, possess the pass at all times, report illegal activities and be actively fishing.

I believe that cultural practice should not have a price tag. And what about teaching these traditions to younger generations? Those trying to encourage youth in positive activities that support cultural identity will pay more?

Fishermen are being restricted to park in designated areas mirrors part of the state camping rules. These are the very rules that include "possession of camping paraphernalia" that does not allow us to fish overnight. In this economic recession, a fee of \$120 is difficult to manage. We feel that there should be no fee for the annual pass. Pass holders are subject "to all conditions the department may impose upon the pass holder". DLNR has shown an inconsistency to enforce the rules fairly in the past. Is the pass for only one person? If my children are under 18 yrs of age, does that mean they cannot fish in Kaena point overnight?

The pilot program is dependent on the fact of whether illegal activity has increased or

decreased during the given period. Illegal activity has not been spelled out and should be if it means the continuance or demise of the program.

This bill will stop and discontinue any fishing in the natural area reserve (NARS). Fishermen have always fished in the NARS. Various groups of fishermen (Casters, throw netters, hand pole, spinning, opihi picking and more) rely on this area to put food on the table. A large portion of fishable coastline in Kaena Point would be taken away from the fishing community. Why is the state taking away what we already have that is important to us?

We support the House Concurrent Resolution (H.C.R. NO. 31). Fishermen have stated from the very beginning that all they want is to fish overnight with protective equipment from the elements. We want this and to be left alone to do so without harassment from DLNR.

The state has taken a problem, the homeless situation, and used it to stify everything that it does against the general public. The state is trying to keep the homeless out from the parks and beaches. In so doing, the state is taking away and closing off areas that are important to the fishing community. Why is the state comparing and punishing us this way?

Why are they punishing the children who are learning their culture? If the current Administrative rule which defines camping paraphernalia was created to protect the aina, why are the original stewards of the aina being harassed and forced to pay for access when they have done more positive for Ka'ena than DLNR ever has? Are our fishing traditions going to be wiped out because we can't afford the fees?

Please do not pass this bill (H.B. NO. 645 H.D. 1) through your committee because of the concerns that we have listed in our testimony.

Sincerely,

Summer K. Nemeth

cultural practitioner & educator

808-753-4221

March 3, 2009

Finance Committee : Honorable Chair Marcus R. Oshero

I am oppose to H.B. 645 HD-1. I am asking you not to  
PASS This Bill through Your committee.

Peggy Chong

Peggy Chong  
95-674 Naholokoa St.  
Mililani Town, HI 96789  
Ph# 623-1439

March 3, 2009

Attention Finance Committee : Honorable Chair Marcus R. Ashino

I am oppose to HB645 HD-1 I am asking you to Please  
DO NOT PASS THIS Bill through your committee.

Mshalo



James V. Boyz

March 3, 2009

Finance Committee: Honorable Chair Marcus R. Oshiro

I am opposed to H.B. NO. 645 H.D. 1. I am asking you not to pass this bill through the committee.

*Thank you,  
Ronette Agabin*

*Ronette Agabin  
2172 California Ave  
Wahiawa, HI 96786  
#622-2055*

*Attention: Finance Committee*

March 2009

Finance Committee: Honorable Chair Marcus R. Oshiro

We are Oppose to HB NO 645 HD-1. We asking you not to pass this bill through your committee

Mahalo,

Sherry Nipp

Saison Nipp

Clinton

Clinton Nipp

911739 ORRICK ST.

EWA BEACH, HI 96706

PH# 631-5902

March 3, 2009

Finance Committee: Honorable Chair Marcus R. Oshiro

I am opposed to H.B. NO. 645 H.D. 1. I am asking you not to pass this bill through the committee.

Thank you,

Michael Kuraoka  
*Michael Kuraoka*

P.O. BOX 210  
WAILUA HI 96791

COMMITTEE ON FINANCE  
Rep. Marcus Oshiro, Chair  
Senator Marilyn Lee, Vice Chair

March 4, 2009

RE: HB645 HD1 scheduled to be heard by FIN on Wednesday, 3/4/09 at 10:30 am in conference room 308.

**My name is Brian F. Funai and I am testifying in support of HB645 HD1 with concerns as noted.**

I would like to see clarifications made in DLNR's rules that address "camping" to allow people to fish in the culturally traditional manner that they have done since the arrival of man to these islands. I consider fishing overnight my cultural practice and identity as much as I consider wearing rubber slippers and going "holo holo" to be. Support of this bill is in consideration of being able to fish these grounds effectively and afford ourselves and our families safety and refuge from the elements. We are concerned that proposed designated camping "areas" that DLNR has discussed with fishermen in the past regarding "wilderness camping" may not effectively coincide with fishing conditions or various methods and ultimately may not achieve the overall goal of protecting the area.

While we understand and can sympathize with fellow residents who wish to have a reasonable level of expectation for security and protection of the area and its treasures, fishermen and other cultural practitioners who are asking for these changes do not feel this should jeopardize any of that. People who frequent the area for legitimate purposes have a right to do so and it is reasonable to expect that the State be able to provide access and manage the public property in a manner that does not curtail those practices.

While I support the overall intent of the bill, I have concerns over the cost of \$120 for access and that the bill also states that "...the annual pass shall not allow camping or fishing within the Kaena point natural area reserve." The cost of \$120 will certainly be a burden not only on individuals but families, and especially in a one lump sum charge. The second concern is that with such a qualifying statement and should DLNR be successful at re-aligning the NARS boundary, all of this work to assure access for fishing and other cultural activities done overnight would be moot.

Thank you for your time and allowing me to testify.

Brian F. Funai  
Kaneohe, HI 96744