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GOVERNOR OF HAWAII



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

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

KEN C. KAWAHARA
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
WATER, LAND, AND OCEAN RESOURCES**

**Friday, January 30, 2009
9:00 am
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 645
RELATING TO KAENA POINT**

House Bill 645 would amend Chapter 184, Hawaii Revised Statutes, to prohibit any restrictions on overnight camping at Ka'ena Point State Park. An exception would be camping restrictions that apply to the Ka'ena Point Natural Area Reserve (NAR) which lies within the park boundaries. The Department of Land and Natural Resources (Department) strenuously opposes this measure because allowing unrestricted camping will be detrimental to an area where fragile cultural and natural resources are already being degraded by uncontrolled uses and will raise significant safety concerns for overnight campers.

The Department is fully committed to allowing coastal camping at Ka'ena State Park in Waianae (Kaneana Cave to Ka'ena Point NAR) and Ka'ena Point State Park Reserve in Waialua (Ka'ena Point NAR to Dillingham Field), provided that camping can be regulated in a manner to protect public safety and the cultural and natural resources in the area. These undeveloped coastlines have long provided a wilderness experience that is rare on O'ahu and they remain a refuge for those pursuing customary fishing and other cultural practices. If the Department is not able to restrict any aspect of camping along these coastlines, it will be stripped of a critical tool it needs to protect and restore the area's cultural and natural resources and its off-shore waters. If the Department is unable to impose reasonable restrictions, it will be impossible find a balance between our mandates to be responsible resource managers and to support safe recreational and subsistence uses of our parks.

An inter-divisional Ka'ena Point Stewardship Planning Group has been established within the Department to address the resource and public use issues we face at Ka'ena. This group is in the process of organizing a group of community members to advise the Planning Group in its efforts.

The issue of camping will be a major topic of these discussions. This will include identifying campsites that accommodate fishing practices while protecting native plant communities and cultural sites, access routes to campsites, an equitable permitting process, and appropriate sanitation. The Departments ask that this measure be held while it works with the community to resolve their concerns.



HB 645, RELATING TO KAÿENA POINT

House Committee on Water, Land & Ocean Resources

January 30, 2009

9 a.m.

Room: 325

While the Office of Hawaiian Affairs (OHA) understands the intent of this bill, we believe that removing all camping restrictions for the Kaÿena Point State Park is too overbroad and could have harmful impacts on the numerous cultural and natural resources of the area. Moreover, the across-the-board removal of camping prohibitions would limit the state's responsibility to address public health and safety issues. We would like this bill to be amended into a more comprehensive management plan for Kaÿena, which would provide for regulated camping.

As one of the last wilderness coastlines on Oÿahu, Kaÿena is deeply cherished by the many people, including our beneficiaries, who enjoy the wide range of recreational, subsistence and cultural opportunities the region offers. However, as Hawaiÿi's population increases, so does the amount of people who seek out Kaÿena and other wilderness hideaways on Oÿahu to escape the hustle and bustle of city life. This increased use has placed an incredible amount of pressure on the treasured resources of Kaÿena. The area's native ecosystems are struggling to survive. While the native habitats within the 78-acre Natural Area Reserve are an exception, those habitats still face daunting challenges with rodents, dogs, cats and other predators. One of the biggest threats to Kaÿena is the four-wheel drive enthusiasts who tear up the beaches in the area, endangering people, wildlife and cultural sites, including Native Hawaiian burials found in the region's dune system. Further still, Kaÿena faces numerous enforcement and management issues stemming from the homelessness, parties, fights, drinking, drug use and trash dumping that occur or have occurred in the area. Public safety issues such as these have forced the state to close Keawaÿula Beach (found on the Waiÿanae side of the Kaÿena

Point State Park) at night, allowing only individuals with permits to conduct legal activities, such as fishing.

Removing camping restrictions could have disastrous effects on Kaïena, because it would strip the state of an important management tool used to ensure public health and safety. While those familiar with Kaïena may know of camping methods and camping spots that have the least impact on the area's delicate environment, a large portion of the population does not. Moreover, the North Shore side of Kaïena and Mäkua Beach (which also falls within the park) do not have camping infrastructure, such as running water and bathrooms, which most state camping grounds provide. This creates sanitation and public health issues for both people and the environment. Moreover, without its ability to enforce camping rules, the state would have difficulty managing the homeless who may return to Mäkua Beach if this bill passes.

Progress in the management of Kaïena has been made, although not to everyone's satisfaction. The state is currently developing a permit system that would allow regulated camping at Mäkua Beach and on the North Shore side of Kaïena. These wilderness camping permits would contain conditions that address public health issues. To be sure, not everyone supports these permits. In fact, many do not. Many see it as an infringement on a lifestyle that has been passed down from generation to generation. Camping has long been an important thread in the fabric of Kaïena culture. But Kaïena is not immune to the changes wrought by time. The area is wilting under increased public use. It has to be managed differently - it has to be managed better. Many blame the state for what they see as historical mismanagement of Kaïena. In a lot of the instances, these people may be justified.

But it's time for everyone who loves and enjoys Kaïena to come together to help heal Kaïena's scars and to create a positive future for the region. Department of Land and Natural Resources Chairperson Laura Thielen has proposed the establishment of a committee consisting of the many different Kaïena interest groups. This committee would help develop a plan to manage Kaïena, examining possible solutions to issues regarding camping, fishing, access and the protection of natural and cultural resources, as well as Native Hawaiian traditional and customary rights. While many are leery of the state after having fought for so long

with it over Kaʻena, OHA believes this is a promising step in the right direction.

OHA has also introduced House Concurrent Resolution 31, which would require the Department of Land and Natural Resources to open up its rule making process to change its administrative rules relating to camping. We believe this is another opportunity to help address the many concerns relating to camping at Kaʻena. While we believe the camping permits hold much promise, we also understand that the development of the permit process takes time. As a result, our beneficiaries are not able to camp in the interim. Our hope is that this inability can be addressed wisely and soon.

HOUSE WATER LAND & OCEAN RESOURCES COMMITTEE

Rep. Ken Ito, Chair
Rep. Sharon Har, Vice Chair

January 29, 2009

RE: HB645 scheduled to be heard by WLO on Friday, 1/30/09 at 9:00 am
in conference room 325.

My name is Brian F. Funai and I am testifying in support of HB645.

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. 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 may not conveniently coincide with fishing conditions or various methods and ultimately may not achieve the overall goal of protecting the area.

I support this bill for these reasons and ask that you please pass HB645.

Thank you for your time and allowing me to testify.

Brian F. Funai
Kaneohe, HI 96744

2 of 2
1/29/09

I Keith Sienkiewicz approve of HBC45.
The hawaiian and fishing communities are in
need of immediate relief from the
restrictions placed on us by the enforcement
of the HAR rule on camping paraphernalia.
We are no longer able to enjoy or practice
our traditions, culture, fish at night or
to pass this knowledge on to the next
generation. Hopefully with the passage
of HBC45 we can continue with our
unique island lifestyle.

Mahalo,
Keith Sienkiewicz

Keith Sienkiewicz


1-29-09

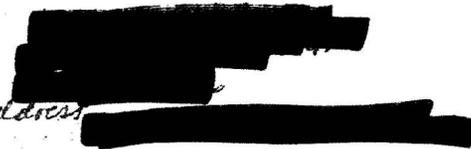
Attention Sharon Har
FAX # 586-8504

We the Park Ohana of Waialua, is
in STRONG support of H.B# 645.

The enjoyment of overnite fishing and camping
- over the holidays has greatly been missed.
Please keep this bill alive, or all we have
is just memories of how much fun we had enjoying
the simple life with family.

Judith McPhee
Doris E.P. Roth

Here is my contact info address
phone #
email address



If you need to contact us, at any time

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 28, 2009 4:41 PM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB645 on 1/30/2009 9:00:00 AM

[REDACTED]

Testimony for WLO 1/30/2009 9:00:00 AM HB645

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: jeremy kiliokapiihoku heen
Organization: Individual

[REDACTED]

[REDACTED]

[REDACTED]

Submitted on: 1/28/2009

Comments:

I love so much just like my father his father and his father and his father before him.

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 28, 2009 4:25 PM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB645 on 1/30/2009 9:00:00 AM

[REDACTED] [REDACTED]

Testimony for WLO 1/30/2009 9:00:00 AM HB645

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: delfin saldajeno
Organization: Individual

[REDACTED]

[REDACTED]

[REDACTED]

Submitted on: 1/28/2009

Comments:

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2009 8:26 AM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB645 on 1/30/2009 9:00:00 AM

Categories: [REDACTED]

Testimony for WLO 1/30/2009 9:00:00 AM HB645

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: UILANI KAWAAUHAU-PUAA
Organization: Individual
Address:
Phone:
E-mail: [REDACTED]
Submitted on: 1/29/2009

Comments:

[REDACTED]

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 29, 2009 11:58 AM
To: WLOtestimony
Cc: [REDACTED]
Subject: Testimony for HB645 on 1/30/2009 9:00:00 AM

[REDACTED] [REDACTED]

Testimony for WLO 1/30/2009 9:00:00 AM HB645

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Darrel Cabral
Organization: Individual
Address:
Phone:
E-mail: [REDACTED]
Submitted on: 1/29/2009

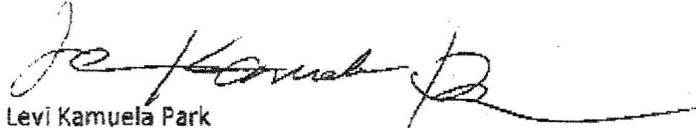
Comments:

01/29/09

To Whom It May Concern,

I am writing this letter to support House Bill 641 and 645. I believe that these two bills are important for my family as they allow us to continue traditions passed down from generation to generation. These bills are particularly important to me as my wife is 6 months pregnant with our first child. I would like the opportunity to share the lifestyle, culture, and knowledge with our child and these bills will ensure that I am able to legally do this. Please give these bills your full consideration.

Mahalo Nui Loa



Levi Kamuela Park

To: The Committee on Water, Land and Ocean Resources
Representative Ken Ito, Chair and Representative Sharon Har, Vice Chair

From: Dr. Robin Fujikawa , Mrs. Linda Fujikawa, Mr. Sho Fujikawa on behalf of
Gen Fujikawa (deceased)

Date: January 29, 2009

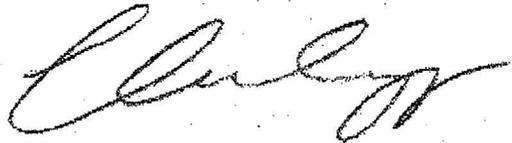
Tomorrow is our son Gen Fujikawa's birthday. Gen, 18, died 3 years ago in a diving accident. Gen lived fully with compassion and passion, especially for the ocean, nature, and people of Hawaii. Part of his ashes has returned to the sea of Kaena Point, his beloved fishing, diving, and camping spot.

Gen took "Not In My Backyard" and changed it to "Now In My Backyard," by bringing home garbage from the fishing area. He shared his fish with the homeless along the Leeward coast when he had enough to share. He volunteered at the DLNR Anuenue fisheries. The moi fingerlings he raised and released are now gracing many homes with good dinner for all. Today, he would have been serving with Americorps and Youth Conservation Corps on the Big Island working on invasive species control, attending Hawaii Community College. His life goal was to work in the area aqua culture.

Kaena Point nurtured this passion and compassion in our son Gen. The time spent fishing, diving, and camping at Kaena Point, one of the few spots on Oahu where one can truly be one with nature, was an integral part of our son. Therefore, we hope that the future generations will be able to continue to enjoy Kaena Point responsibly. Therefore, we fully support HB645.

1-24-09

I, CLINTON NIPP AND MY FAMILY
ARE IN STRONG FAVOR OF HB# 645.



ATTENTION: SHARON HAR
FAX # 586-8504