

**TESTIMONY**

**SB 411**

**LATE**

To: The Senate Committee on Water, Land and Ocean Resources  
From: Dr. Robin Fujikawa , Mrs. Linda Fujikawa, Mr. Sho Fujikawa on behalf of  
Gen Fujikawa (deceased)  
Date: January 31, 2009  
RE: SB411 (Support)

Yesterday was 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 our keikis, the konohikis, the stewards of our future, will be able to continue to enjoy Kaena Point responsibly.

Therefore, we fully support SB411.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 31, 2009 6:57 PM  
**To:** WTLTestimony  
**Cc:** robinf@hawaii.edu  
**Subject:** Testimony for SB411 on 2/2/2009 3:15:00 PM

Testimony for WTL 2/2/2009 3:15:00 PM SB411

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Robin Fujikawa  
Organization: Individual  
Address: 590 Farrington Hwy 210PMB201 Kapolei, HI  
Phone: 722 6709  
E-mail: [robinf@hawaii.edu](mailto:robinf@hawaii.edu)  
Submitted on: 1/31/2009

Comments:

The health of future generations depends upon open contact with wilderness. The spiritual and mental health of our island state particularly requires vision to protect this fragile relationship we have to open wilderness. Kaena Point is perhaps our island's last chance to preserve this open relationship with something bigger than our island. The sea is where this island comes from and Kaena Point is perhaps the jumping off point beyond this island. Closing the circle of restricted contact this island has with the sea, with its regulated parks and neighboring homeowners, would deprive future generations of the communion and nourishment of the soul that makes our island people whole. Keep the circle open. Keep Kaena Point camping use unrestricted. Please pass SB 411.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 31, 2009 8:31 PM  
**To:** WTLTestimony  
**Cc:** trisha.saldajeno@yahoo.com  
**Subject:** Testimony for SB411 on 2/2/2009 3:15:00 PM

Testimony for WTL 2/2/2009 3:15:00 PM SB411

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Trisha Saldajeno  
Organization: Individual  
Address:  
Phone:  
E-mail: [trisha.saldajeno@yahoo.com](mailto:trisha.saldajeno@yahoo.com)  
Submitted on: 1/31/2009

Comments:

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

Hearing Notice  
Monday, February 2, 2009 / Conference Room 229

**Senate WTL Cmte**  
**Sen Hee, Chair / Sen Tokuda, Vice Chair**

**Testimony w/ RESERVATIONS SUPPORTING SB 411 (Relating to Kaena Point)**

**Aloha Chair Hee & Cmte Mbrs,**

**I support SB 411 w/ reservations because this footprint would impose on established rules and regulations that have protected Kaena from becoming like Pupukea MLSD with overuse and eco-tourism. Overnight fishing is not camping and therefore the only practical usage of that aina regarding overnight.**

**However, fishermen should be imbedded in their thinking WE TAKE CARE THE AINA AND THEN IT TAKES CARE OF US...DON'T JUST TAKE. Lastly contents in such legislation as SB1 should be incorporated and restricting Kaena to POLE OR SHORE CASTING ONLY. Will illaborate when I return from the mainland celebrating the birth of our great grandson here in Las Vegas. Any inquiries about my credentials are on the DLNR website featuring the Kaena Point Restoration Project EIS. This mana'o is similar to the *Kawaihapai Ohana* which is a recognized *Native Hawaiian Organization (NHO)* by the *Department of Interior* ([www.doi.gov](http://www.doi.gov)). *Malama Kaena.***

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

Senator Clayton Hee, Chair, Committee on Water, Land, Agriculture, and  
Hawaiian Affairs

Monday, February 2, 2009  
3:15 pm. Conference Room 229

**Testimony in Support of SB 411**

Aloha! Chair Hee and members of the Committee:

My name is William J. Aila Jr. I am an employee of DLNR however the  
testimony provided here is that of my own.

I support the intent of SB 411 because it reinforces efforts currently  
underway by DLNR and user groups who want a controlled program of  
camping on the Mokuleia side of the Kaena Point State Park.

I would ask that the Bill be amended in two ways.

- 1- exclude the Natural Area Reserve at Kaena Point
- 2- exclude the Wai'anae side of the Kaena Point State Park because the  
Wai'anae community, through its Neighborhood Board has already  
worked out an overnight permit for the Keawaula portion and is  
currently working with DLNR on a camping permit for the Makua  
portion.

Mahalo for the opportunity to testify on SB 411.

**From:** summer mullins [kaimalia@yahoo.com]  
**Sent:** Monday, February 02, 2009 1:52 PM  
**To:** WTLTestimony  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* RE: SB411, RELATING TO KAENA POINT STATE PARK.

WTL TESTIMONY

**LET'S SPEAK AS ONE PEOPLE**

**CHANGE STATE PARK RULES CONCERNING OVERNIGHT FISHING  
TO INCLUDE AS FISHING GEAR  
VEHICLES, EZ-UP TENTS, TARPS SLEEPINGBAGS, COTS, STOVES, etc.  
(vehicles to transport fishing gear,  
ez-up tents or tarps for rain,  
sleepingbags for the cold,  
and stoves to cook our fish)**

**Supporters:**

**OHA Native Hawaiian Historic Preservation Council (all 12 board members: Kai Markell William Kealakahi Meyers, Chair Noelani Nani Watanabe, Vice-Chair Monica Bacon, Leslie Alvin Burrows, James Jenó Enocencio, J. Ke'eaumoku, Christopher Kauwe, Kamika Kepaa, Clara Sweet Matthews, Benjamin M. Noeau, Sr. Dexter Keala J. Soares, Apolei Kaha'i Bargamento)**

**Robin Puanani Danner, President & CEO Council for Native Hawaiian Advancement e-release 7,000 subscribers**

**Marti Townsend, KAHEA**

**Iron Workers Local Union 625 George Paris ( Stabilization fund Managing Director), Lincoln Naiwi, President, Joseph V. O'Connell, Fin. Sec. Business MCR**

**Nanakuli Homestead Association Kamaki Kanahele**

**Native Hawaiian Legal Corporation**

**Kauaia Ohana (10000)**

**Local 996 Union Mel Kabele ,Retired Teamsters President**

**Senator Colleen Hanabusa**

**Henry Noa**

**Ewa Beach Limu Project**

**Hui Kanaka Ka Makoi 0 Kai Hawaii**

**Aha Kiole Advisory Council**

**Charles Kapua**

**Leimana Damate**

**Tony Lee**

**Michael Nawaiki O'Connell**

**Robert Batangan**

**Neil Kanemoto Pacific Ocean Producers**

**Waipahu Bicycle & Sporting Keith Sienkiewicz Lawrence Yasumura**

**Mike Sakamoto**

**Fire & Police**

**Wallace Mason FED Chief**

**Lani Salis Fed Admin**

**James Chun Chief**

**Thomas F  
Cassenly District Chief**

**Emery Freitor Fire Capt**

**Randy Otoiini Fire Dept Captain**

**Alfredo D Banas  
ill Fire Captain**

**100s of Fire & Police**

**Lawrence Go**

**Barbara Donato**

**Anson Paiva**

**Guy Demello**

**Steven Arcola**

**Aiea Boat Club / Bobby Alipio**

**Tokunaga Store Mike Tokunaga**

**Ahi Fever Chairman Norman Swift**

**LATE TESTIMONY**

**Windward Surfcasting Club**

**The Big Island Outdoor Group**

**Kakaako Kasting Club**

**Karl Murai Atlapac**

**Alan Ogawa ( Moi Hole Guys)**

**Hawaii Fishing News**

**Hawaii Boats and Yachts**

**Island Shorecasters**

**Windward Shorecasters**

**Hawaii Kai Boat Club**

**Bobby Spry Waialua Boat Club**

**Ed Watamura**

**Hui O'Ulua**

**Hilo Casting Club**

**Pacific Ocean Produceers**

**Hanapa'a Hawaii**

**Brian's Fishing Supply**

**Haleiwa Fishing Supply**

**Charlie's fishing supply**

**J&E fishing supply**

**Tokunaga Store / Mike Tokunaga**

**Kona Iki Trollers**

**Kawaihae Trollers**

**Ali'i Holokai Dive Club**

**Hilo Trollers**

**LATE TESTIMONY**

**Hana fishermens coop**  
**Maui Trailer Boat club**  
**Lihue Fishing Supply**  
**Kauai Rainbow Paint and Fishing Supply**  
**Waialua Boat Club**  
**Keehi Boat Club**  
**New Maui Fishing**  
**J. Hara Store**  
**Let's go Fishing show**  
**Reel Fishing Boat Club**  
**Aiea Boat Club**  
**Keehi Boat Club**  
**Hawaii Kai Boat Club**  
**Roy's Fishing supply**  
**Dino's Fishing Tackle**  
**Alii Holokai Dive club**  
**Port Allen boat club/trollers**  
**Waianae Boat Club**  
**West Coast Roof Inc**  
**Dino's Fishing Supply**  
**Kona fishing Tackle**  
**Maui Sporting Goods (Brian Yoshikawa)**  
**Hobbietat Nathan Garcia**  
**McCully Bicycle & Sporting Goods**  
**Corrosion Hawaii**  
**Hawaii Nearshore Fishermen**

**LATE TESTIMONY**

Tony Costa

Kapakahi Fishing Club

West Side Tackle

Waianae Ice (Victor Rapoza)

Haleiwa Fishing Supply (Barry Sweet)

RIFC Inc

George Vea

Carpenters Union

ATLAPAC

Hui O' Uwa Shorecasters

Kokua Ka'ena

LIFE TESTIMONY

The harassment of fishing families has been taking place because DLNR's "camping paraphernalia" rule prohibits the use of modern equipment when practicing cultural traditions. Because of this harassment, overnight cultural traditions are threatened, and the up and coming generations are not able to gain the experience to continue these traditions.

I, Michael Nawaiki O'Connell, am a Native Hawaiian Lawai'a, and have been practicing my traditional culture and gathering rights for over 40 years, and I have been taking my daughter fishing since she was a year old.

Just last year, we were fishing at Ka'ena at night. My 12 year old daughter had fallen asleep on the cot I had brought with us. While she was sleeping, around 2 a.m., she was approached by a DOCARE officer, who kicked the cot in order to wake her up. As I approached to find out what was happening, the officer told me that she couldn't be sleeping there.

It is important for my daughter to experience fishing with me, it is a tradition that I have learned from my kupuna who fished until he was 87 years old.

When fishing, in order to protect us from cold weather, we use blankets, sleeping bags, or cots in place of the traditional lauhala mats used by our ancestors. To avoid wind and rain we need what was traditionally a sea shelter (tent). The "camping paraphernalia" rule must be changed so that we can continue to practice our culture, and so that we can continue to share the wisdom of our ancestors with future generations.

Since our harassment case I have been talking to many others who have had similar experiences. Together we have been trying to work with

both DLNR and DOCARE officers on this issue so that we can go back to the beach without getting arrested. However, on several occasions, we have been told by Gary Moniz (head of DOCARE) and Dan Quinn (head of State Parks), that they do not recognize our rights as cultural practitioners and native hawaiians, they refuse to recognize the language in the state constitution which protects cultural practitioners. We have met with the Attorney General, several legislators, Laura Thielen, the Office of Hawaiian Affairs, and the Native Hawaiian Legal Corporation. But still no changes . . . please help! Our keiki are ready to go fishing and we'd hate to tell them that our way of life is against the law.

Mahalo nui loa for your time and consideration.

Please feel free to call me with any questions.

Michael Nawaiki O'Connell  
348-9460

LATE TESTIMONY

SB411  
Support

LATE TESTIMONY

Aloha Senator Hee and Senator Tokunaga,

My name is Chad Yasumura and I am in support of seeing SB411 moving forward. We have been meeting with the DLNR through neighborhood board meetings to discuss overnight fishing for the past year. The DLNR claims that they are willing to work with us but they are not willing to accommodate us by allowing us to be in possession of what they consider to be camping paraphernalia. We are not allowed to have a tarp to protect us from the weather, blankets to keep warm, backpacks to carry our gear, coolers, and other necessities to allow us to fish of multiple nights and days. In this mornings Honolulu Advertiser, Ms Thielen is quoted "It's completely open, no limits, and we did that to accommodate those who want to fish" Yes it is true that we can go fishing 24/7 but there limitations as what gear we allowed to carry.

My dad used to take my brother, myself and a lot of family friends fishing in there since the 1970's. Today my dad, brother and his family and my family fish there. We would like to see Kaena Point State Park to be left as it is. We do not want to see that place turned into a Wilderness Camping Area. We do not want a permitting system in place to fishing. Most fishermen may decide to go fishing as a last minute plan. We go fishing when our daily schedule allows it. If a permitting system is in place, that will dictate when we can go fishing? Most official camping grounds are reserved months in advanced. Kaena State Park was only recently turned into a state park and most people of the state will recognize it as a place to go fishing. Because of land development here and the rest of the islands in this state, there is very limited access for people to go fishing in areas that are favorable to certain species of fish.

Ms. Thielen proposed that she will form a user committee of Kaena Point State Park and have a person represent the different users. She mentioned in Fridays testimonial that is not hand selecting that committee. I can assure you that statement is false. In any case we are not in favor of forming a committee that will have only one fisherman represent the entire fishing community of this entire state. There are multiple methods of fishing that are conducted in Kaena Point State Park as well as everywhere else. I would recommend that there be at least 25 people on that committee representing various clubs and organizations of fishing to be on that committee.

I have been including all of the Senators and House of Representatives in emails that Ms Thielen and I have been trading. Please consider that as part of my testimony as well.

Aloha,  
Chad Yasumura  
Mililani, Hawaii

# LATE TESTIMONY

Carole Ward  
P.O. Box 35  
Waialua, HI 96791

Committee on Water, Land, Agriculture & Hawaiian Affairs  
February 2, 2009

Testimony of Carole Ward  
Re: Senate Bill # 411

I strongly oppose Senate Bill 411, which allows overnight camping at Kaena Point State Park because:

The Bill is pre-mature and negates criteria involving a one time 'irrevocable commitment (against) loss or destruction of any natural or cultural resource' (Hawai'i Administrative Rules §11-200-12.

Allowing camping at Kaena will bring about even more substantial degradation of Kaena's environment if a cohesive and enforceable plan is not established first.

The North Shore Sustainable Communities Plan (2000) identifies the preservation of scenic views as a priority, while generally identifying coastal cliffs, the coastline, and the Pacific Ocean as scenic views to be preserved. The plan specifically identifies stationary views from the shoreline between Ka'ena Point and Makaleha Beach as views to be preserved. When tourists drive to see the beautiful Kaena Point up close they will find only a dusty and dirty four wheeler race tracks stripped of its beauty.

DLNR's plan to protect the valuable natural and cultural resources within Ka'ena Point State Park needs time to be established and given time to work before more degradation is allowed to take place.

DLNR's community task force has not been even formed yet much less been given an opportunity to come up with a solution. Bill 411 is pre-mature.

Please restore and protect the land of Kaena Point that my grandmother, mother and myself used to enjoy as children. I ask you to respect our right to the protection of the land just as much as I respect fisher men and women's right to the protection of the ocean.

Thank you,  
Carole Ward

Victoria Lyman  
69-435 Farrington Hwy.  
Waialua, HI 96791

LAKE HONOLULU

RE: Bill 410

I am opposed to bill SB 411 which lifts any restrictions on camping in Ka'ena State Park. It is premature to change the rules and laws governing Ka'ena Point Camping. The DLNR has been formulating a cohesive use plan that will both protect an environmentally endangered Ka'ena and allow public use. Camping without oversight and rules will lead to more damage to a fragile, cultural sensitive area.

I have lived in the Ka'ena district for thirty-six years. I have observed with great distress the misuse of our aina. Sacred sites have been destroyed, the beaches have been defiled by trucks, off road vehicles and ATV's belonging to both fishermen and off roaders. I chaired the Earth Day clean up of Ka'ena for ten years. At the time there was no limit on camping: no permits were required. We picked up used needles, condoms, bottles, trash bags full of paper plates, cans and bottles and discarded items such as broken tents, beach chairs and used toilet paper left behind by the campers. On the shelf and in the tide pools were the styrofoam encased remains of the fishermen's plate lunches and discarded fishing line.

Many of the recreational practices of our state residents are destructive. They drive where ever they wish with no regard to the vegetation or sand dunes. Large rocks placed around the dunes to protect them are routinely moved to allow vehicles to park close to the cliff edge or even to park on the shelf of the reef itself. Much of the vegetation has been destroyed and the dunes eroded. There are iwi in the dunes and their exposure and desecration is a major concern of those wishing to protect Ka'ena. The lack of vegetation causes mud run off. During rain storms the mud covers tide pools. Where I could at one time gather salt, I now see only mud.

I am requesting that this bill be withdrawn. A cohesive plan for it Ka'ena's protection must be in place before we allow camping and unregulated use. If we do not take steps now to preserve our aina there will be no land to use. No fish to fish. No plants to gather.

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**TESTIMONY**

**SB 411**

**LATE**

**(END)**