
A BILL FOR AN ACT

RELATING TO KAENA POINT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Kaena point state park reserve (Kaena point) on
2 the island of Oahu has long been a place where local residents
3 can exercise and enjoy their cultural practice of fishing.
4 However, tourists, who are unfamiliar with the area and not
5 aware of the dangers of the illegal activity occurring at Kaena
6 point, have experienced being robbed, beaten, sexually
7 assaulted, and pulled out of their vehicles at all hours of the
8 day and night.

9 Due to this unpermitted illegal activity at Kaena point,
10 the department of land and natural resources has prohibited
11 overnight camping to protect the natural resources within the
12 park and to promote safety for park users. This prohibition,
13 however, has impeded upon the local cultural practice of
14 fishing.

15 The department of land and natural resources' policy with
16 respect to fishing at Kaena point is to allow fishing at all
17 times, even overnight. However, local residents who fish at



1 Kaena point at night have recently objected to being cited and
2 fined by the department of land and natural resources, division
3 of conservation and resources enforcement officers, who strictly
4 enforce no-camping rules, for possessing camping-related
5 paraphernalia and camping activities, such as possession of
6 coolers used to keep caught-fish fresh, and falling asleep in
7 sleeping bags or tents set up by the fishermen to shield them
8 from the elements while fishing overnight.

9 The legislature recognizes the need to preserve the
10 cultural practice of fishing while preserving and protecting the
11 land, iwi, and dunes at Kaena point. To assist the department
12 of land and natural resources with preserving and protecting the
13 natural resources and safety of individuals using Kaena point,
14 while promoting the cultural practice of fishing, a pilot
15 program should be created to allow Hawaii residents to fish
16 overnight in designated areas of Kaena point. To ensure the
17 permitting of overnight fishing at Kaena point meets all of
18 these objectives, this Act provides a repeal date of July 1,
19 2011, and requires the department of land and natural resources
20 to submit to the 2011 legislature a report on whether the pilot
21 program has increased or decreased the occurrence of illegal
22 activity at Kaena point. The 2011 legislature is urged to



1 review the report and take appropriate action regarding the
2 sunset date provided for in this Act.

3 The purpose of this bill is to create a pilot program to
4 issue annual passes to Hawaii residents allowing overnight
5 fishing at Kaena point.

6 SECTION 2. (a) The department of land and natural
7 resources shall establish a pilot program to issue annual passes
8 to residents of Hawaii that allow overnight fishing at Kaena
9 point, notwithstanding their possession of sleeping bags, tents,
10 tarpaulin, and camping paraphernalia.

11 (b) Residents who purchase an annual pass shall comply
12 with and be subject to all conditions the department may impose
13 upon the pass holder as a condition to the issuance of the pass,
14 as determined by the department, including the requirement to:

15 (1) Possess and carry the annual pass at all times while
16 at Kaena point; and

17 (2) Promptly report any illegal activity sighted at Kaena
18 point;

19 provided that the annual pass shall not allow camping or fishing
20 within the Kaena point natural area reserve.

21 (c) As used in this Act:



1 "Annual pass" means a permit good for one year issued to a
2 resident of Hawaii over the age of eighteen years, for which a
3 fee of not more than \$120 per year shall be paid to the State,
4 to be deposited into the state parks special fund established
5 under section 184-3.4, Hawaii Revised Statutes.

6 "Kaena point" means the Kaena point state park reserve in
7 Waialua on the island of Oahu, in the area between Kaena Point
8 natural area reserve and Dillingham field.

9 "Overnight fishing" means the active use of a pole, line,
10 hook, net, trap, spear, or other gear which is designed to
11 catch, take, or harvest aquatic life, by the pass holder who is
12 in the water or on or about the shore where aquatic life can be
13 caught, taken, or harvested, any time between one hour after
14 sunset to sunrise.

15 SECTION 3. The department of land and natural resources
16 shall submit a report on whether the pilot program has affected
17 the occurrence of illegal activity at Kaena point to the
18 legislature no later than twenty days prior to the convening of
19 the regular session of 2011.

20 SECTION 4. Nothing in this Act shall be construed to allow
21 camping that is otherwise prohibited or restricted under rules
22 adopted by the department of land and natural resources.



1 SECTION 5. This Act shall take effect upon its approval
2 and shall be repealed on July 1, 2011.



Report Title:

Kaena Point; Camping; Annual Pass

Description:

Establishes a pilot program to issue annual passes to Hawaii residents to fish overnight at Kaena Point State Park Reserve.
(HB645 HD1)

