

SB 3065

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

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BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WATER, LAND AND AGRICULTURE

Monday, February 8, 2016
10:00 AM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 3065
RELATING TO KAENA POINT

Senate Bill 3065 proposes to authorize the Department of Land and Natural Resources (Department) establish a graduated system of user fees for the public visiting Kaena Point State Park and the adjacent Kaena Point Natural Area Reserve and allows for an appropriation for additional enforcement officers and on site educational staff for Kaena Point State Park. **The Department supports the provision for a direct appropriation for increased funding for both enforcement and on site educational staff, but does not support the provision of the bill that directs the Department to establish visitor fees, which is problematic for a variety of reasons described below.**

To address the critical need to protect Kaena's natural and cultural resources from decades of vehicular abuse and a lack of designated roadways making enforcement of State Park rules challenging, a Kaena Point vehicle access permit was created. This action was one of the recommendations resulting from six years of community meetings starting approximately in 2009 that included discussions with an advisory group that initiated user outreach efforts to members of the public such as fisherpersons, four wheel enthusiasts and community recreational users with direct participation by Departmental management staff. Throughout this period, discussions relating to a permit process always included a Department commitment, as requested by the community groups, assurance that any vehicle access permit be free of charge. The commitment was reiterated when the permit process was first launched in 2015 and a gate was installed to prevent random vehicle access and recently as the permit renewal process is currently being for 2016.

The Department's Division of State Parks (DSP) goal in establishing the permit process was to inform the public via a map and instructions on appropriate vehicle use and to regulate that use at Kaena Point. Absent the vehicular use elements, there would be virtually no associated management issue associated if the public access was only pedestrian.

The manual permit process that was agreed upon with the community generated 3,500 permits and vehicle i.d. stickers in 2015 and has been redesigned via partnership and funding from the Hawaii Community Foundation into online application, streamlining the process and information on compliant use of Kaena Point out to the public at a faster rate. This system replaces DSP staff emailing and texting the weekly combination to the access gate; the permittee can now retrieve the weekly combination on line. Permits and stickers still must be mailed to each applicant.

In regards to using this current permit process to fund positions, here is an example of the challenge: A DSP Interpretive Technician basic salary cost is \$50,000 per year (includes the fringe benefit cost). In order to simply cover the cost of that position, and assuming that DSP once again issues 3,500 vehicle access permits – the permittee would have to pay \$15 per annual permit. Absent the commitment to the public to not charge, this may be considered a reasonable fee. However, the cost of \$15 to use the funds for a position that requires a 3,500 patronage base places the Department in a position to need and encourage vehicular use to insure an adequate cash flow just to cover the cost of one position. The *reduction* of vehicular use is one of the Department's goals in improving the quality of the resource.

The vehicle access permit provides a clear educational instruction on both appropriate conduct and conscribe maps show in where vehicles are allowed. If the rules are honored, resource impacts will be vastly reduced and managed. There has been improvement over the past year, but there are decades of resource damage that must recover but more time is needed and most critically: better compliance by the permitted users and enforcement against violations.

DSP, in collaboration with the Division of Forestry and Wildlife, is applying a portion of the Transient Accommodations Tax allocated to DSP to cover the partial cost of a temporary education outreach position to provide a staff presence and to be able to alert the Department's Division of Conservation and Resources Enforcement (DOCARE) officers of permit violations. If deployed to staff the access gate, this position will simply insure that the gate is closed after a permittee enters. The public has alerted DSP that that the gate has been left open and non-permitted vehicles entered Kaena Point and were causing damage by driving off of the designated roads.

Therefore, the Department recommends additional general funds of:

- \$50,000 annually for a DSP Interpretive Technician ; and
- \$646,104 for salary for 5 additional Oahu DOCARE officers (\$538,420) and ancillary equipment and vehicle needs (\$107,684).



Special Conditions

Permittee and all Persons covered by this permit shall not:

1. Enter the controlled vehicle access section of Ka'ena Point State Park Reserve by vehicle without obtaining a valid vehicle access special use permit for that vehicle from the Division of State Parks and being one of the individuals named in that permit.
2. Enter controlled vehicle access section in a vehicle that does not have a valid permit decal affixed to the rear bumper or a comparable location visible from the rear of the licensed vehicle.
3. Drive off any designated roads and parking areas as shown on maps attached to this permit and otherwise marked by signs, marking whiskers, rocks, or thick vegetation or ground cover.
4. Give the gate combination to any individual who does not have a valid vehicle access permit or is not one of the four individuals listed on a valid permit.
5. Enter controlled vehicle access section with more than 10 people in the vehicle.
6. Use a vehicle without valid permit decal within the controlled access area or use a permit decal that was not issued to the vehicle being used.
7. Use tents or camping paraphernalia with the exception of a portable canopy with one or two sides, coolers, cooking stoves, lamps, cots, mattresses, sleeping bags, and chairs.
8. Leave the entry gate open or unlocked after entry to or exit from the controlled access area.
9. Spend more than 72 continuous hours within the controlled vehicle access section.
10. Be within the controlled access section overnight without a portable container to remove human waste from the area.

Clarifications:

- For the purpose of this permit, a "vehicle" means any licensed, motorized vehicle including, but not limited to, four-wheel drive automobiles, trucks, and vans or motorcycles, motor bikes, mopeds, and scooters. This does not include unlicensed vehicles such as off highway vehicles or all terrain vehicles.
- Permit does not authorize vehicle access to the Ka'ena Point State Natural Area Reserve.
- Access is allowed 24 hours a day.
- Permittee shall notify State Parks if the vehicle license plate or name of the permit holder on the permit changes so that a new permit can be issued. This can be done online at <https://sups.ehawaii.gov>. Changes to other information on the permit may also be made online.
- Drivers and vehicle license numbers listed on applications can be verified by the Division of Conservation and Resource Enforcement.
- Removing or defacing signs or markers used to designate roads is a violation of the Division of State Parks regulations.
- Parking is allowed along designated roads only if the parked vehicle does not block the way of other vehicles.
- This permit may be revoked if these conditions are not followed:
[HAR §13-146-50(c)(6) Permits may be denied when: The applicant has a prior record of noncompliance with permit conditions or violations of this chapter]
[HAR §13-146-50(d)(3) Permits may be cancelled or terminated at any time without advance notice when: Permittees violate permit conditions or provisions of this chapter]

Gate Combination to Access Controlled Vehicle Section

- Entry gate combination will be changed once a week on Wednesday morning by 9:00 AM.
- Permit holders can obtain the weekly gate combination in one of two ways:
 - Accessing the current gate combination online at the Ka'ena Point vehicle access permit website as needed. User name and password are required to access the combination.
 - Calling the State Parks Office at 587-0300 before a planned entry. Permit office hours are 8:00 am to 3:15 pm.
- The weekly gate combination will be displayed online at 12:01 AM every Wednesday.
- Permittees may call State Parks during office hours at 587-0300 on Monday for the Wednesday combination if they plan to enter the controlled vehicle access section on Tuesday and leave on Wednesday or Thursday.
- All combination numbers are randomly generated.



General Rules, Standard Practices and Prohibited Uses or Activities

General State Park Rules

- Permit shall not be transferred or altered.
- Permit shall be revoked for violation of park rules, permit conditions, or any applicable law.
- Permit is not for exclusive use of park areas and use of particular areas is on a first-come-first-served basis.
- Permittee shall be responsible for clean-up of all areas used.
- Permittee is liable for repair, replacement, or payment of any damages to park property, including signs, devices, or features.
- Where provisions of this permit conflict with State Parks Rules, the Special Conditions shall prevail.
- Permittee waives any and all claims he or she may have against the State of Hawaii and its respective officers, agents and employees, and agrees to defend, hold harmless and indemnify the State of Hawaii and its respective officers, agents and employees, from any suits, actions and claims arising out of or in any way connected with the activities permitted under the permit.
- Permittee and accompanying individuals shall abide by all Department of Land and Natural Resources regulations and applicable state and federal laws.

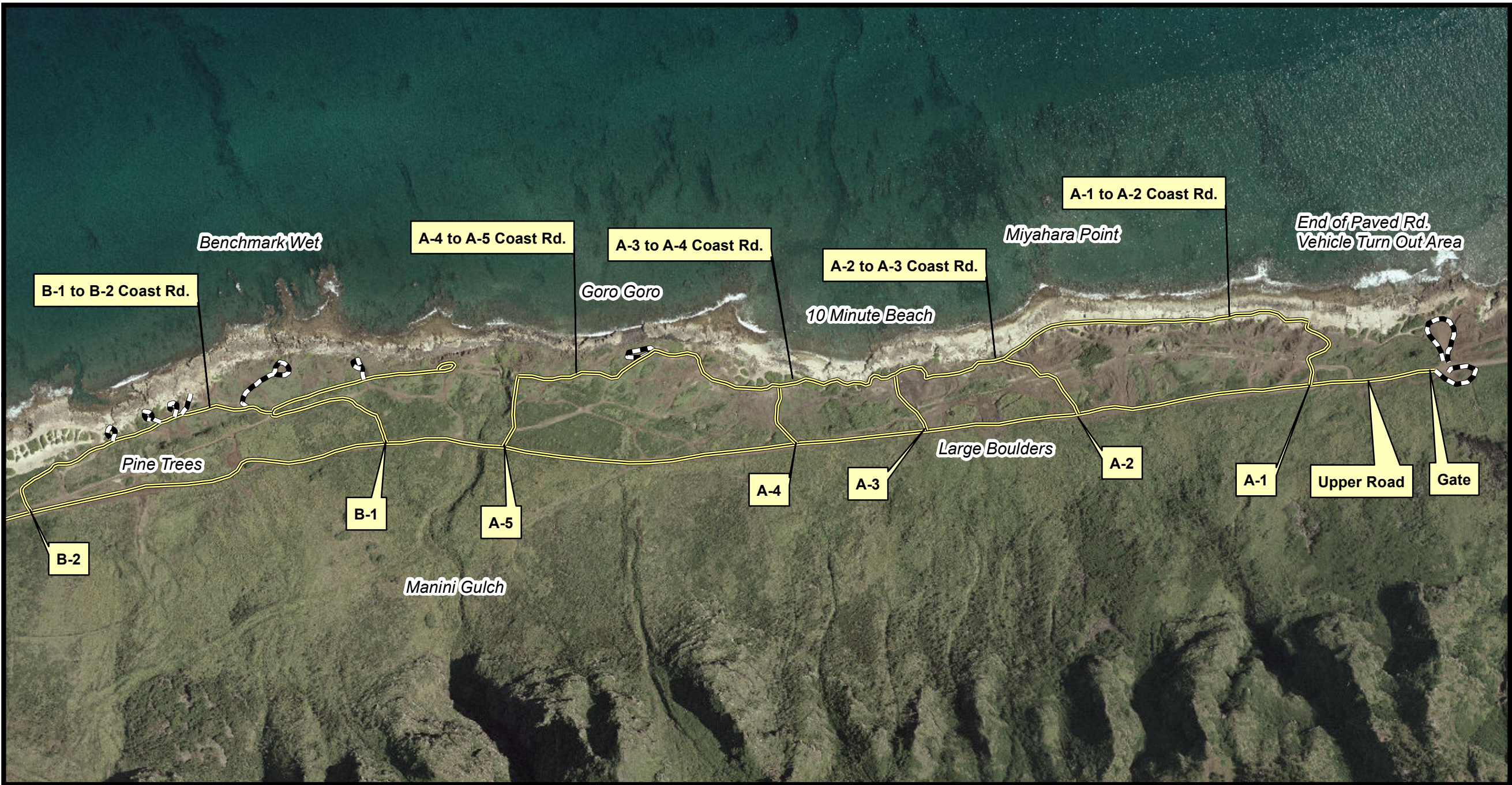
Note: State Parks administrative rule, Chapter 13-146, is available at <http://dlnr.hawaii.gov/dsp/> or State Parks offices.

Standard Precautions

- No lifeguards are present. Swimming, wading, and other water activities shall be at your own risk.
- Do not leave valuables unattended. Lock your vehicle.
- Exercise good judgment while using the park. Security and emergency services are not provided.
- In case of Emergency call 911. Cell phone coverage in area can be limited.
- Endangered Hawaiian monk seals are known to frequent the Ka'ena Point area. Feeding or harassment of seals is a violation of state and federal law.

Prohibited Uses or Activities



- Smoking, including E-cigarettes, and the use of tobacco products in State Parks, is prohibited.
- Bringing animals, including dogs, into the park reserve except for service animals
- Building or lighting fires
- Using or possessing fireworks, firecrackers, explosives, firearms, and other weapons
- Obstructing or unreasonably interfering with other park users
- Conducting commercial activities, including advertising, sales, and collecting money
- Disposing of garbage, paper, trash or rubbish of any kind except in places designated for rubbish disposal outside the gated portion of the Ka'ena Point State Park Reserve
- Drinking, displaying, or possessing alcoholic beverages or illegal drugs
- Organizing and gathering a group larger than 25 people without obtaining a group use permit
- Gambling
- Disorderly conduct and use of obscene or objectionable language
- Operating or using any audio device, electronic device, or musical instrument in such a manner as to create excessive noise or nuisance
- Operating or using any portable electric generator
- Swimming, sunbathing, walking, or remaining in the nude
- Destroying, damaging, digging, removing, or possessing any tree, shrub, or other plant growing in the Reserve
- Taking, excavating, destroying or altering any historic property or burial site or any objects and materials from such properties or sites
- Destroying, disturbing, or mutilating any geological feature
- Taking, possessing, damaging, removing, disfiguring, defacing, or destroying any park sign or device

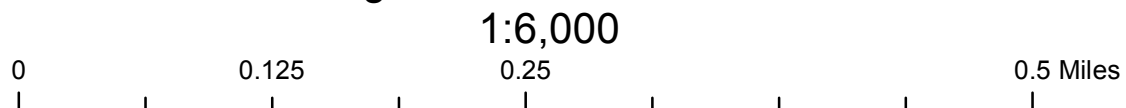


Controlled Vehicle Access Portion of Kaena Point State Park Reserve, Mokuleia Section
 "A" to "B" Designated Roads and Turn Out Areas

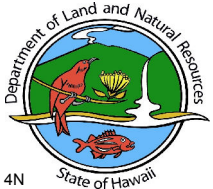


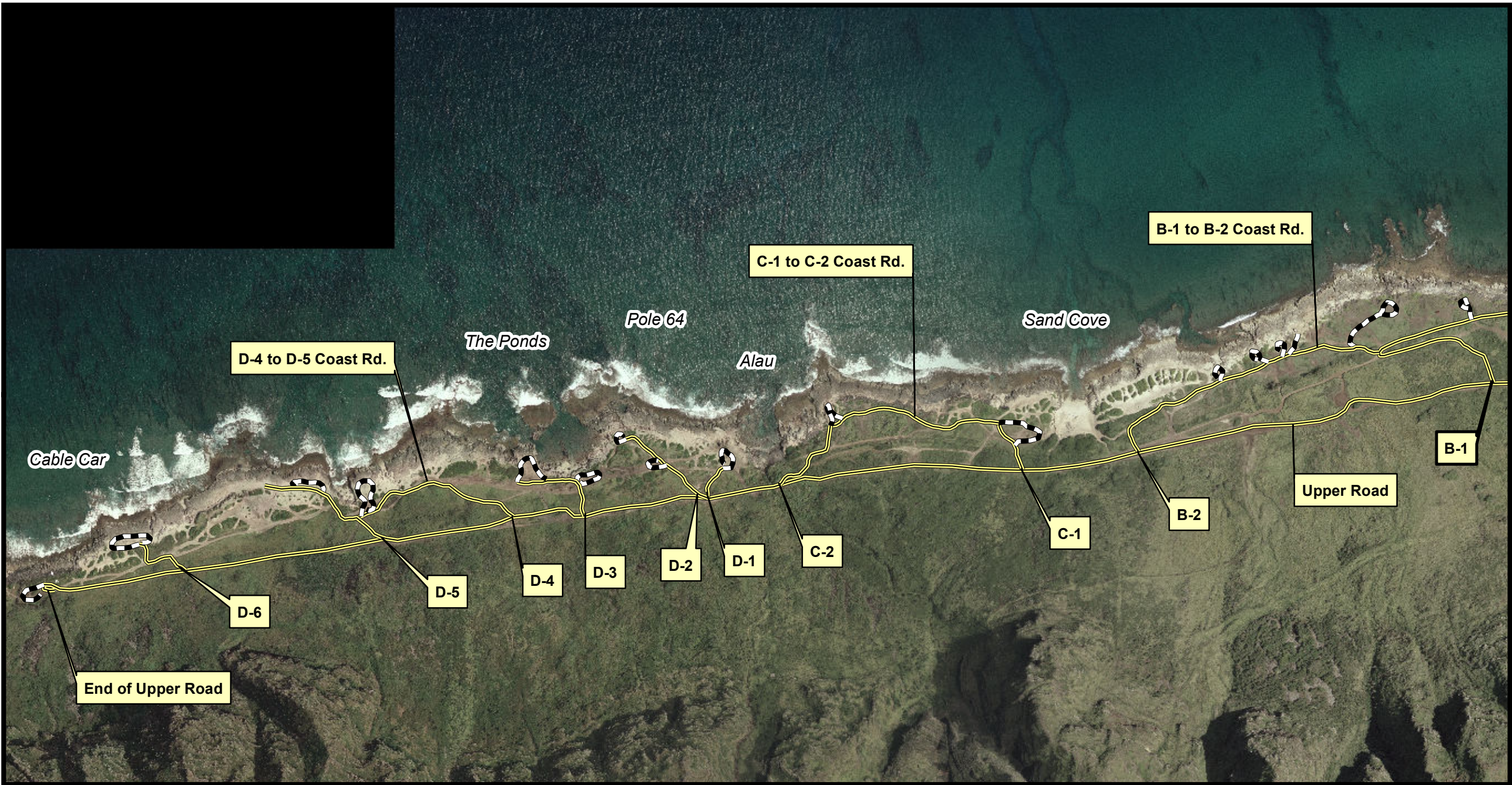
Legend

-  Designated Road
-  Turn Out Area



Source: WGS84 NAD83 UTM Zone 4N
 MZoll 12-1-2016





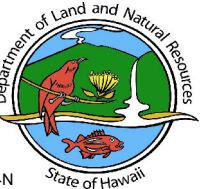
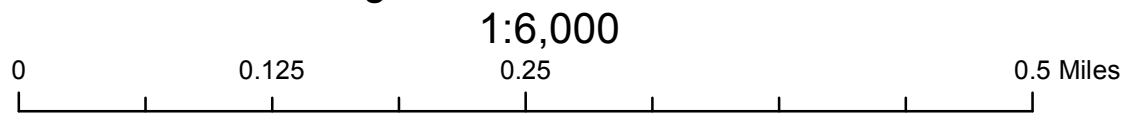


Controlled Vehicle Access Portion of Kaena Point State Park Reserve, Mokuleia Section
 "B" to "D" Designated Roads and Turn Out Areas



Legend

-  Designated Road
-  Turn Out Area





**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Hanalei Hopfe
Waianae Moku Representative – Moku O Kakuhihewa (O'ahu)

Before the Senate Committee on
Water, Land and Agriculture

Monday, February 08, 2016
10:00 A.M.
State Capitol, Conference Room 224

**In Consideration of
SENATE BILL 3065
RELATING TO KAENA POINT**

Senate Bill 3065 appropriates funds to the department of land and natural resources for additional enforcement officers and on-site educational staff for Kaena Point State Park and Kaena Point Natural Area Reserve to provide full-time coverage and monitoring. **Aha Moku supports this measure and offers the following comments.**

One of the most sacred traditional areas on the Waianae and Waialua coast is the Kaena peninsula. From the Hawaiian perspective, this is a *Leina*, a hallowed and revered place where those who depart this life join their ancestors. There has always been great concern of the Native Hawaiian people from Kakuhihewa (O'ahu) that with the great influx of visitors to Kaena, there is a critical need to protect the natural, cultural and spiritual resources of this site.

Kaena is unique in that it is a peninsula that is culturally used by the ahupua'a of two moku: Waianae and Waialua. The ahupua'a in Waianae is: Nanakuli, Lualualei, Waianae, Makaha, Keaau, Hikilolo, Makua, Kahanahaiki, and Keawaula. The ahupua'a in Waialua are: Kapaeloa, Punanue, Kuikuiloloa, Lauhulu, Kawailoa, Paalaa, Kamananui, Mokuleia, Aukuu, Kihahi, Kawaihapai, Kealia, and Kaena. Natural resource gathering at Kaena is done by Hawaiian subsistence gatherers both mauka and makai; and, has long been a traditional site where *lawai* practice day and night fishing.

While Aha Moku supports this bill asking for permanent security and on-site educational staff, we ask that the education include information about the sacredness of Kaena and its importance to the Hawaiian community as a spiritual wahi pana, and as a traditional place where Hawaiians still gather and fish for their subsistence. We also ask that access to Kaena continue to be open to all Hawaiian practitioners.

We ask that this committee support this measure but to take our recommendations into consideration. Mahalo nui loa.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Water, Land, and Agriculture
Hearing: Monday, February 8, 2016 10 am
Conference Room 224

In Support of SB 3065 Relating to Ka'ena Point

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports SB 2992, which appropriates funds to the Department of Land and Natural Resources for additional enforcement officers and on-site educational staff for Ka'ena Point State Park and Ka'ena Point Natural Area. However, this appropriation should be additive and not at the expense of existing DLNR programs. DLNR is seriously underfunded.

With all due respect, the State is not doing enough to protect and properly manage ceded land (mauka and submerged) and public trust resources, including wildlife. We are concerned about the condition of these lands and resources for use and enjoyment by future generations.

Please support SB 3065 and reestablish the permanent funding mechanism for the Natural Area Reserve Fund (percentage of the conveyance tax), which you eliminated last session.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler

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Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters





04 February 2016

Testimony in support of bill SB3065

Dear Senators,

We are writing in strong support of bill SB3065 to appropriate funds to DLNR for additional enforcement officers and on-site educational staff at Kaena Point State Park and Kaena Point Natural Area Reserve (NAR). As an organization, we have worked at Kaena Point for 13 years and have done all seabird monitoring and research on behalf of DLNR and coordinated the predator proof fence project during that time. We have been intimately involved in the day to day management of the area since 2003.

The killing of at least four, and likely up to 17, adult Laysan Albatross and destruction of 17 Laysan Albatross nests in December 2015 has been devastating on many levels—personally, scientifically, and from a conservation perspective. Although Kaena Point is a small albatross colony (~400 birds compared to over a million at Midway Atoll), it is of vital importance because it is one of only two high-island colonies that is protected from predators and high enough to withstand sea level rise that is expected to inundate most of their current nesting sites. Losing more than 20% of the nests and 5% of the population in a single night will have cascading effects on this population for years to come. Kaena Point is also important for educational reasons. Because it is so easily accessible, it provides an opportunity for people to experience a native Hawaiian coastal ecosystem and a rare glimpse into what much of Hawaii used to look like.

The killing of these birds was a crime of opportunity; people know that they are not monitored while in the reserve and that they will not face any consequences for illegal activities at Kaena Point. This would not have happened if enforcement were present. While clearly devastating to the wildlife, the lack of enforcement and official presence at Kaena Point has had severe consequences for people as well. In 2014, two people [died of carbon monoxide poisoning](#) in their vehicle after it was stuck in a mud hole. If enforcement were there to assist as first responders, such tragedies could be avoided.

President: *Dr. Eric VanderWerf* Treasurer: *Dr. Lindsay Young* Secretary: *Christen Mitchell, J.D.*

Directors *Dr. David Duffy* *Dr. Alex Wegman*

PO Box 61827, Honolulu, HI, 96839

www.pacificrimconservation.org

In our 13 years of working at Kaena, we have assisted in a helicopter medivac and driven many injured or medically compromised hikers out of the area.

At Kaena Point, our fate is tied to that of the wildlife - if we cannot take care of them, how can we take care of ourselves? Each year, an estimated 50,000 people visit Kaena Point, the vast majority of whom value it as one of the only places that they can go to see these amazing creatures. We owe it to the people of Hawaii as well as the birds and other natural resources to ensure that Kaena Point not only remains safe, but remains wild. The first step towards doing so is putting in place permanent law enforcement and educational staff. As an organization that has been deeply impacted by the lack of enforcement in the area (the equipment stolen that night belonged to us, and our research on the birds has been compromised), we strongly urge you to support this bill.

With Aloha,

A handwritten signature in black ink that reads "Lindsay Young". The signature is written in a cursive, flowing style.

Lindsay Young, Ph.D.
Executive Director
Pacific Rim Conservation

Pacific Rim Conservation is a 501(c)3 non-profit organization dedicated to studying and conserving the biota of the Pacific region. We provide biological research and management services to government agencies, other non-profit organizations, landowners, and a variety of other groups throughout the Hawaiian Islands and the Pacific region. Our mission is to maintain and restore native species and ecosystems through habitat protection and management, threat control, public education, and scientific research to develop and improve conservation methods.

President: *Dr. Eric VanderWerf* Treasurer: *Dr. Lindsay Young* Secretary: *Christen Mitchell, J.D.*
Directors *Dr. David Duffy* *Dr. Alex Wegman*

PO Box 61827, Honolulu, HI, 96839
www.pacificrimconservation.org



Testimony in Support of SB3065 Ka'ena Point Protection

Senate Committee on Water Land & Agriculture
Monday February 8, 2016, 10:00 am

Dear Chair Gabbard and Committee Members:

We write in **strong support** of SB3065 to strengthen protection for the Ka'ena State Park and Ka'ena Natural Area Reserve.

Given the recent tragic slaughter of the precious albatrosses and eggs at Ka'ena Point, this bill presents an opportunity for all of us to join together and support a better future for this spectacular area. If we do not act to step up protection in this remote area, we will allow a truly evil act against Hawai'i's natural resources to be our unfortunate legacy.

As a community stewardship organization that has worked very hard for eleven years to protect the Pūpūkea Marine Life Conservation District (MLCD), we understand the serious challenges with protecting our natural areas. These challenges are exacerbated when the State Legislature does not provide sufficient resources to manage our precious resources, to provide efficient enforcement, and to provide on-site educational resources to users.

This bill provides an excellent opportunity **to add resources** for the protection of this critically important natural area. This area, like the Pūpūkea MLCD, is on the path to restoration due to extensive efforts by the Department of Land & Natural Resources (DLNR), the expert scientists who work with the albatrosses and other birds that are coming back to this area, to educational programs that work on restoration, and to the volunteers with our sister organization Friends of Ka'ena. But more must be done. **Full-time on-site enforcement, educational, and monitoring coverage is essential to the area's future recovery and safety of responsible users.**

This bill can also provide the vehicle for DLNR to partner with the community to starting a "**Mauka Watch**" program similar to the very successful Makai Watch program, in which MPW participates. Many positive outcomes are possible with your support of **added resources** for protection of Ka'ena!

Please pass SB3065. Mahalo nui!

Sincerely,

Denise Antolini, President

Mālama Pūpūkea-Waimea
Post Office Box 188
Hale'iwa, HI 96712

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: igibson@hsus.org
Subject: *Submitted testimony for SB3065 on Feb 8, 2016 10:00AM*
Date: Sunday, February 07, 2016 8:27:15 AM

SB3065

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Humane Society of the US- Hawaii	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: theatacamakid@gmail.com
Subject: Submitted testimony for SB3065 on Feb 8, 2016 10:00AM
Date: Tuesday, February 02, 2016 10:07:05 PM

SB3065

Submitted on: 2/2/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
David Duffy	Individual	Support	No

Comments: Please advance this bill. Kaena Point is both an important natural area and a major tourist attraction. This year it suffered from a vandalism attack that left many adult albatrosses dead and attracted extremely negative worldwide attention to the butchery. People want to see albatrosses and other examples of the original Hawaiian Island environment. They do not come to see animals slaughtered. A 24-hour guard appears necessary to protect the site. Only please do not take funding from the rest of the DLNR budget to do this, the department is already very underfunded. Thank you.--David Duffy, Kailua Hawaii

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for SB3065 on Feb 8, 2016 10:00AM*
Date: Saturday, February 06, 2016 4:04:45 PM

SB3065

Submitted on: 2/6/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: igibson@hsus.org
Subject: *Submitted testimony for SB3065 on Feb 8, 2016 10:00AM*
Date: Sunday, February 07, 2016 7:55:36 AM

SB3065

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: joliewanger@gmail.com
Subject: Submitted testimony for SB3065 on Feb 8, 2016 10:00AM
Date: Tuesday, February 02, 2016 8:41:54 PM

SB3065

Submitted on: 2/2/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jolie Wanger	Individual	Support	No

Comments: We must do everything possible to protect the important natural resources at Kaena Pt. This measure is necessary after recent brutal attacks on the nesting colony of Laysan Albatross. I am fully in support of this Bill.

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Testimony in Support of SB3065 RELATING TO KAENA POINT

COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

Aloha Chair Gabbard and members of the Committee on Water, Land, and Agriculture:

I am writing in strong support of SB3065 relating to Kaena Pt. This area is not only a State Park but also houses a Natural Area Reserve that is protecting native habitats and species. The area is of great cultural significance and has been a traditional gathering spot for fisherman.

Currently the area is in danger of being greatly harmed by illegal commercial activities (a company operating off-roading dune buggies was recently informed by DLNR that this activity was illegal and needed to cease immediately), non-commercial illegal off-roading is rampant – check YouTube for Kaena Pt videos – it will make your stomach turn at the disrespect that is shown this sacred ‘aina.

Recently there was a terrible slaughter of albatross in the NARS area – that too was stomach churning as to what was done to the birds. This species has been experiencing a rebirth that has been set back significantly.

We need more resources at Kaena Pt to protect the land, the NARS and the rights of cultural practitioners as well as those who want to hike or bike in the area. Vehicles that stay to the delineated roads are not an issue but those that go off-roading are an issue and need to be stopped.

I respectfully request full-time on-site enforcement, educational, and monitoring coverage. This will ensure that the area will recover from the ill use from illegal activities and protect responsible users.

Mahalo for your time and consideration.

Kathleen M. Pahinui

Waialua Resident

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ninaalena@hotmail.com
Subject: *Submitted testimony for SB3065 on Feb 8, 2016 10:00AM*
Date: Wednesday, February 03, 2016 11:30:43 AM

SB3065

Submitted on: 2/3/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nina Alena Beatty	Individual	Support	No

Comments:

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February 2, 2016

The Honorable Mike Gabbard, Chair
and Members of the Senate Committee on
Water, Land and Agriculture

RE: In SUPPORT OF SB 3065 – “RELATING TO KA’ENA POINT”
Hearing Date: February 6, 2016, 10:00 a.m., Conference Rm. 224

Dear Chair Gabbard and Members of the Senate Committee on Water, Land and Agriculture:

My name is Pauline Sato. Thank you for the opportunity to submit testimony in support of SB 3065, which authorizes the Department of Land and Natural Resources to allocate funds to provide full-time enforcement and education services at Ka’ena Point Natural Area Reserve on O’ahu as well as allow the Department to collect fees to support the sustainability of these positions.

I personally know the challenges presented at managing the very special natural and cultural resources at Ka’ena Point, having brought many students to the Reserve for educational service learning as well as having worked on community outreach for nearly four years in support of the predator-proof fence, the first of its kind in the nation.

The fence is up and the resources are rebounding. But a fence alone cannot protect the resources from people as it is not meant to keep people out. On practically every visit I have made, I have seen people get much too close to the resting Hawaiian monk seals, causing them to move, which is against the law. But with no one enforcing the law, nothing is stopping these people. And recently, we were all horrified to hear about the bludgeoning and dismemberment of Laysan albatrosses, and destruction of nests and eggs at Ka’ena. This malicious behavior must be stopped.

I firmly believe that the combination of education and enforcement will make a significant difference in human behavior and ask that your committee support this bill so that the State can protect the resources as it should within a Natural Area Reserve, a crown jewel of natural areas.

This bill needs to become law today. I humbly ask you to support the passage of SB 3065. Thank you for the opportunity to testify on this measure.

Aloha,



1173 Alewa Drive
Honolulu, Hawaii 96817

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: plentovi@hawaii.edu
Subject: Submitted testimony for SB3065 on Feb 8, 2016 10:00AM
Date: Sunday, February 07, 2016 5:22:53 PM

SB3065

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sheldon Plentovich	Individual	Support	No

Comments: I have been visiting Kaena Point as an ecologist and citizen for over 15 years. I am involved in the restoration of the site via my work and go there during off-work hours to enjoy the serene beauty, nesting seabirds, basking monk seals, and breaching whales. Over the last 5 - 10 years there has not been a single visit when I did not see someone disregarding rules within the NAR. I have seen people walking their dogs right past all the "no dog" signs and I regularly see people walking off-trail and others approaching monk seals to the point that the seals behavior is altered. A lot of blood, sweat, love and community support have gone into the restoration and recovery of Kaena. Proper enforcement and education efforts within the NAR will give the continued recovery of this sacred place a chance. Without those efforts, we will see continued disrespect of its resources. The bill is especially timely and vital given the recent albatross killings.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Ring@hawaii.rr.com
Subject: Submitted testimony for SB3065 on Feb 8, 2016 10:00AM
Date: Friday, February 05, 2016 11:22:04 AM

SB3065

Submitted on: 2/5/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stewart Ring	Individual	Support	No

Comments: This submission is in strong support of SB 3065 to preserve and better protect Kaena Point. Yes, over the last ten years, DLNR has made some progress in measures to protect the area from serious desecration, but more urgently needs to be done and Senate Bill 3065 will improve the preservation of the special areas at Kaena Point. Therefore, I strongly support and urge the approval of SB 3065. Stewart Ring, President of the Mokuleia Community Association.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: teej@me.com
Subject: Submitted testimony for SB3065 on Feb 8, 2016 10:00AM
Date: Sunday, February 07, 2016 6:08:40 PM

SB3065

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Terry Gumz	Individual	Support	No

Comments: Please fund this beautiful area and save the wildlife there. I see people mistreating the animals and abusing the land every time I hike there. Please fund this and help save Kaena Point State Park!

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FEBRUARY 6, 2016

SENATE COMMITTEE ON WATER, LAND & AGRICULTURE

MONDAY, FEBRUARY 8, 2016

CONFERENCE ROOM 224 / STATE CAPITOL

Aloha Senator Gabbard & Committee Members,

I strongly support SB3065 (Relating to Ka'ena Point). Funding is greatly needed for additional DOCARE Officers to enforce laws, rules and regulations pertaining to Ka'ena Point State Park and Natural Area Reserve (NAR). A user fee should be explored to help with the funding. This would hopefully result in similarity to Hanauma Bay and its weekly routine maintenance closure.

Implementing laws should include prohibiting any form of commercial activity.

I'm a strong proponent of prohibiting any form of subsistence gathering within the NAR (NATURAL AREA RESERVE). There is an established BRFA-D (Bottomfish Restricted Fishing Area-D) situated offshore of the NARS area and implementing similar measures paralleling the both the NARS and BRFA-D should be afforded for the shoreline, nearshore and midwater fisheries making it consistent with an Ahupua'a System protecting fowl, fauna, cultural sites and marine life within the area. Subsistence gathers have the rest of Ka'ena Ahupua'a for subsistence gathering.

Entities such as the Mokule'ia Community Association, North Shore Neighborhood Board and Friends of Ka'ena continue to strive for further solidifying stewardship of this Wahi Pana (Sacred Place). Also offering inspiration is Malama Pupukeya whose stewardship is the Pupukeya Marine Life Conservation District.

As a lineal descendant of an Ohana which once owned parcels situated at Ka'ena Ahupua'a (Including the NAR) during the Mahele, who also provide much information about Ka'ena contained in Bishop Museum Publications during the 1930-40's continuing today, I strongly support and urge passage of SB3065 (Relating to Ka'ena) introduced by Senator Gil Reviere. This is for future generations and my Ohana legacy. Attached is pertinent information about Ka'ena.

Thank you for your time. MALAMA KA'ENA.

Thomas T Shirai Jr

Kawaihapai Ohana – Po'o

Mokule'ia Community Association – Cultural Advisor

North Shore Neighborhood Board 27 (Sub District 1 Representative – Mokule'ia to Ka'ena Point)



Aloha Chuck,

In the December 2006 issue, Hawaii Fishing News featured an article I wrote about *Ka'ena Point* and my family's legacy. Included are pictures from my photo album taken in 1968 when my Grandparents (*David & Abigail Keao*) and I were also accompanied by my Father (*Thomas Shirai*) on this *holoholo* to *Ka'ena*. The primary seafood subsistence area that my Grandparents would go to was located on *Ohana Aina* situated at the tip of *Ka'ena*. That parcel dates back to *The Mahele* (*Grant 1665*) when my Grandpa's *Kupuna* owned a portion of it and continued until *World War II* when the *US Military* condemned parcels such as this one to established their installations and training areas. After *WWII* ended *aina* (*land*) such as this was to revert back to owners however, many never did.

Regardless of this, my Grandparents continued to frequent there for subsistence purposes after my birth. These photos were taken in 1968 and a few years later, we stopped going to *Ka'ena* due to increased recreational and subsistence usage and along with the lack of stewardship such as conservation that defeating the concept of *Malama Aina*. Among the subsistence affected is gathering and making *paakai* (*sea salt*). In recent years entities such as the *Mokule'ia Community Association* have been a tremendous part of clearing *Opala* from this *Wahi Pana*.

Today this parcel is now known as the *Ka'ena Natural Area Reserve* (*NAR*) where *Wildlife* (*Flora and Fauna*) are protected. Gone are those memoirs of abundant seafood subsistence and vehicular transiting to *Keawaula* and the *Waianae Coastline* due to erosion of the road years ago which was part of the *O R & L* train track. The *Natural Area Reserve* also protects several cultural sites within it which includes *Leina Ka Uhane* and *Fishing Ko'a* (*shrines*) for the once abundant subsistence. Off Shore of the *NARS*, is an established *Bottom Fish Restricted Fishing Area* (*BRFA - A*). The *Ka'ena Natural Area Reserve Predator-Proof Fencing Project* will give this area of *Ka'ena Ahupua'a* the afforded protection it is highly deserving of.



Information including a video about this project can be found on the *Department of Land & Natural Resources* (*DLNR*) website: <http://www.restorekaena.org/gallery-videos.html>



Thank you for the opportunity to share some of my *Ohana* legacy and *mana'o*. *Malama Ka'ena*.
 Thomas T Shirai Jr.
 Mokule'ia, Waialua

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 Hei'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 (Kaiakahaliali), 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 Smith, 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 Waiaakaaiea 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 *holoholo* to Ka'ena to gather such delicious food as shellfish (*opih*i and *pipipi*), seaweed (*limu kohu*), sea cucumber (*loli*), sea urchin (*wana*, *haukiuki* and *hawai*) 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

