

FEB 02 2009

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AMEND
ITS ADMINISTRATIVE RULES RELATING TO CAMPING AT STATE
PARKS.

1 WHEREAS, fishing at night on beaches throughout the State
2 is a longtime and treasured tradition in Hawai'i, enjoyed by
3 families of Native Hawaiians and the broader public for
4 generations as a means to provide sustenance and recreation; and
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6 WHEREAS, fishers have used tents, sleeping bags, and other
7 gear to protect themselves and their family members from the
8 weather while fishing at beaches at night; and
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10 WHEREAS, in 2002, the Department of Land and Natural
11 Resources amended section 13-146-2, Hawaii Administrative Rules,
12 to define camping by the type of "camping paraphernalia" an
13 individual possesses one hour after sunset until sunrise at a
14 state park; and
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16 WHEREAS, the State's camping rules have had a significant
17 impact on Native Hawaiians, whose customary and traditional
18 rights are protected by the Constitution of the State of Hawaii;
19 and
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21 WHEREAS, the new camping rules and the enforcement of these
22 rules have resulted in officers of the Department of Land and
23 Natural Resource's Division of Conservation and Resources
24 Enforcement issuing citations to individuals for fishing while
25 using tents and sleeping bags as fishers have done for decades;
26 and
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28 WHEREAS, fishers from Keawa'ula and Ka'ena beaches on
29 O'ahu's west and north shores have been especially affected,
30 with many of them believing that the State's new camping rules



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1 do not allow for sufficient protection and safety from the
2 elements when they fish at night; and
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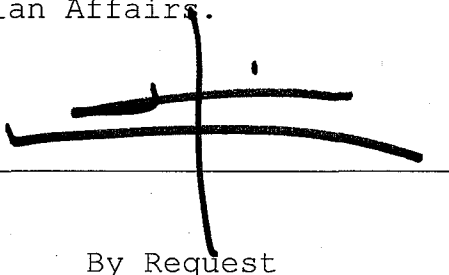
4 WHEREAS, the legislature believes that the State's
5 administrative rules relating to camping at state parks could be
6 amended to allow the public to fish in a more reasonable and
7 safe manner at night; now, therefore,
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9 BE IT RESOLVED by the Senate of the Twenty-fifth
10 Legislature of the State of Hawaii, Regular Session of 2009, the
11 House of Representatives concurring, that the Department of Land
12 and Natural Resources is requested to amend its administrative
13 rules in a way that allows:
14

- 15 (1) The State to regulate camping while not adversely
16 affecting other park uses;
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- 18 (2) The State to better differentiate between campers and
19 fishers; and
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- 21 (3) Fishers to protect themselves from the weather, while
22 assuring public safety; and
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24 BE IT FURTHER RESOLVED that certified copies of this
25 Concurrent Resolution be transmitted to the Chairperson of the
26 Board of Land and Natural Resources and the Chairperson of the
27 Board of Trustees of the Office of Hawaiian Affairs.
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29
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OFFERED BY: _____



By Request

