



A closed and locked gate at NELHA raised the ire of some in the community who wanted access to the beach.



A portion of the crowd that showed up to talk about the closing of the NELHA gate at the Aug. 21 meeting at Kealakehe High School - Hadley Catalano

Nelha Gate: Round One Goes To The People

600 People Show To Debate Closure Of Pine Trees Gate - And Win Their Argument
By Hadley Catalano

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In one of the largest community outpours in recent years, approximately 600 people from across the island gathered Aug. 21 to argue against a public access closure of an area known as Pine Trees. Because of the heated public turnout, three days later the shoreline was opened.

The Natural Energy Laboratory of Hawai'i Authority's (NELHA) gate closure of the lateral "jeep trail" access road between the NELHA and O'oma/Kohanaiki properties spurred the onslaught, and state Sen. Josh Green, one of the meeting organizers, said credit for the gate reopening belongs to the people.

"They came and spoke loudly and clearly and freely. I'll give credit where credit is due, it was the people who made a difference," he said.

Green was surprised by the massive turnout at Kealakehe High School, calling it "almost a mob," and said he hasn't had that big of a community response since the Super ferry meetings.

The public had hoped to direct testimony and questions to NELHA's CEO, Ron Baird, who did not attend, nor did any representative from the authority. As of press time, there is no indication of whether the gate opening is temporary or permanent.

Green, Rep. Cindy Evans and Rep. Denny Coffman sponsored the meeting to hear public testimony and document concerns regarding the impact of changes to access to the shoreline area, the safety of the new access road at Kohanaiki and future shoreline access during and after the continuation of the Queen Ka'ahumanu Highway.

Shannon Rudolph, a concerned citizen who attended last week's meeting, said it is a bittersweet victory because developers are now eyeing the area for future projects.

"It might be the beginning of another battle, but it's nice to win a few," she said.

A MEETING -OF THE MINDS

Green said the meeting "provides us with information to take back to the Capitol." He began with a few briefings from Department of Transportation representative Stanley Tamura. Tamura spoke about the control of the construction access road, or secondary highway road and gate, though testimony was not clear regarding regulation of the jeep trail gate. Also in attendance was Andrea Gill from the Department of Business Economic Development and Tourism (DBEDT), who attended to gather information on behalf of Ted Liu, director of DBEDT and Baird's boss.

Former councilmember Angel Pilago spoke first, representing the Kohanaiki 'Ohana. He addressed the government officials personally, calling for them to protect citizen's rights.

"Protect your constituents. Follow and defend the Hawai'i and U.S. constitutions," Pilago passionately said, backed by a cheering crowd. "Protect our rights to gather, protect our cultural rights before there was a NELHA gate. It makes a mockery of the state and the people. They are too chicken to come out and face the people. You were elected, you have the power."

Pilago reminded the panel that the 'Ohana organization attempted to hold meetings with Baird, but he refused to participate. In response, Green said he agreed with everything and was disappointed a NELHA spokesperson did not show.

"We asked them and they did not show. I find this disrespectful and will reiterate that to them in the harshest terms," he said.

The meeting continued with commentary from residents from Hilo to Kona. Some spoke about the conflicting reasons NELHA provided for closing the gate, many more addressed the dangerous unfinished and unsafe alternative, the Kohanaiki access road that has no left turning lane and requires northbound drivers to take a U-turn on the highway. Still further discussion centered around the Kohanaiki Preservation Plan, Shoreline Management Area (SMA) plan which was documented in 1996, in which NELHA claimed that Kohanaiki had documented and seemingly approved intention of shoreline access closure. However, Pilago and others noted that in 1995 the Kohanaiki 'Ohana appealed to the Supreme Court and won the Kohanaiki Decision (PASH and Angel Pilago vs. Hawai'i County Planning Commission and Nansay, Hawai'i), ruling that limiting shoreline access was in violation of Article 12, Section 7 of the Hawai'i State Constitution and reversed the decision.

DEBATING LAND OWNERSHIP

Public testimony continued with Kaimanu Freitas, whose family still holds the original deed to the NELHA property, proving family ownership. He spoke on behalf of his father, Robert Freitas Jr.

"The gates are not only affecting our cultural rights but also breaking genealogy and history," said Freitas holding up the deed to the audience, noting that the O'oma lateral beach road is the historical shoreline access route since his family first inhabited the land. "The road is not controlled by NELHA. I ask for the immediate removal of the CEO Ron Baird. We are the family of this land."

Along with Freitas family representation, members from the Kapena and Ka'aina families and Kale Gumapac from the Kanaka Council addressed the crowd.

"This is the same thing, same issue, different place," said Gumapac, who traveled from Puna to attend. "It is the continued disrespect for Hawaiian people and citizens of Hawai'i. You already know what's right. Right to access and gather."

Councilman Kelly Greenwell of District 8, North Kona told the crowd that he was following through on his campaign slogan of "civil disobedience," saying "we all hold the key" and suggested an early morning opening of the gate.

Still, more public comments questioned NELHA's involvement with the Kohanaiki development, the effect this could potentially have on free after-school activities for children and the acceptance of acknowledging NELHA as the "rightful" gatekeeper.

"NELHA is the gatekeeper only when you acknowledge NELHA," said a representative from the Hawaiian Kingdom government. "It is when you start recognizing the families as the rightful landowners will you see this fall apart."

Following the last comment, Green, Coffman and Evans expressed that they would be pushing NELHA to reverse their decision in short-order and acknowledged that the issue rests with access rights on a much bigger scale, encompassing, the land, the people and the decreased use and entry to historical lands.

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We cannot hope to end violence against each other until we end our violence against the earth.
Wendell Berry