

'AINA • NATIVE HAWAIIAN RIGHTS

A21

THA

Family resumes fishing tradition

Permit allows limited use of state preserve

By Edwin Tanji

ADVERTISER MAUI COUNTY BUREAU

As his 12-year-old son scampered across the rugged a'a lava, tracking a school of fish in the shallow bay below, an exasperated Kalei Luuwai yelled: "No, Joey — you're doing it all wrong already! Get back! Don't let them see you!"

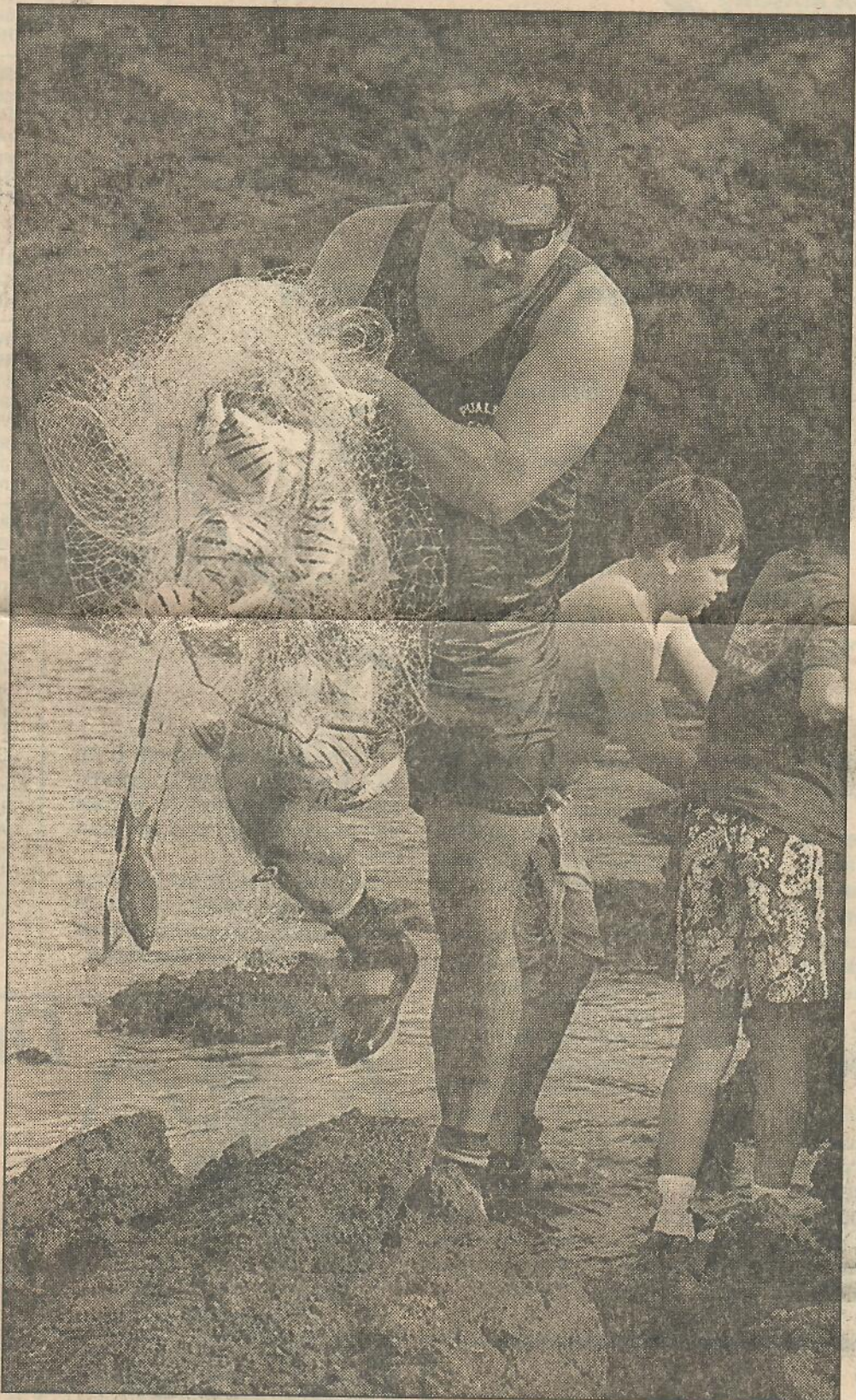
"That's why we have to come here and show them how to fish," he said.

It was no simple day at the beach for Kalei, his uncle Rudy "Boogie" Luuwai and the five children they brought with them to Kanahena Point in the Ahihi Bay-Cape Kinau Natural Area Reserve.

Yesterday was the first time the Luuwai family went into the reserve under a permit that allows them to catch fish, crabs and octopuses and gather limu and opihi, to exercise a traditional fishing right and to instruct their children in those rights.

They are allowed to use throw nets, handlines, spears or tools for prying opihi off the rocks. While they exercised their right to show their children how to fish, they also committed themselves to protecting the resources by limiting and reporting their catch.

Kalei admitted the lava coastline was attractive because fishing has been banned for 26 years. With two throws of his net, he hauled in more than 50 manini and ahole, allowing



EDWIN TANJI • The Honolulu Advertiser

Kalei Luuwai's net is full of fish gathered from Kanahena Point, part of a nature preserve on Maui. Luuwai's family received permission from the state to fish there.

See RIGHTS, A25

Rights: Allowance made for tradition

FROM PAGE A21

his son and young cousins to select the largest while releasing the rest.

The training might take some time.

After hauling out a load from the throw net, Joey Luuwai happily exclaimed, "Now, that was fun!" But he's not yet ready to make the throw himself.

"The net's too big for him," Kalei said. "My grandfather used to teach me. He would throw a bunch of slippers in the yard, and we had to throw the net over the slippers."

"Eventually, they're going to be the ones teaching the next generation," Boogie said. "Not me."

Being back on the rough lava flows inspired memories of past family fishing trips.

"The last time I came in here, we brought my grandma (Angeline Luuwai) in. We came in with a boat, set up on the beach. It was great," Kalei said.

But that was before 1973, when the state designated Ahihi Bay-Cape Kinau as a 2,045-acre reserve to protect a pristine natural area. No one was allowed to remove fish, plants or rocks.

Lots more fish now

Although poaching occurs regularly, most people respect the reserve, and the fish population has bloomed.

The silver ahole snagged in Kalei's net measured almost a foot long, a size rarely found elsewhere in Hawaii's nearshore waters.

The Luuwais' one-year permit allows them to fish in the reserve only four times, but Kalei and Boogie said they had no problem agreeing to the limit. They said they need to protect the resources as well, so their grandchildren will know what Hawaii's ocean can provide just as they learned from their grandparents.

Boogie said his great-grandparents, John and Kamaka Kukahiko, lived at Makena, fished there and taught their children how to fish there.

into a quagmire of issues involving restrictions on fishing gear, commercial versus recreational versus subsistence, size limits, seasonal bans and enforcement.

"It's all about allocation. There are only so many fishes and the population will recover only so fast, so if you're going to protect the resource, you can allocate only so many people to have access to the resource. But how do you decide who?" Hau said.

Kalei said it should be possible to create more reserves or conserva-

tion districts where fishing is prohibited. Hawaiians living in those areas still should be able to claim traditional rights, he said. But for non-Hawaiians who have no claim to traditional rights, there would be no options.

"Where do you start? Where do you stop?" he said. "It's like the haves and the have-nots," Boogie said.

"Hawaiians have (traditional rights). How do you accommodate the have-nots? It's tough. How do you do that?"

Their generations-long tradition of fishing in the area was interrupted by the designation of the reserve. But in 1997, Boogie and his brother, Bobby, filed an application for a permit to fish in the reserve based on a provision in the rules that recognizes native Hawaiian gathering rights.

After two years of discussion and review, a one-year permit was granted last October.

The family was accompanied yesterday by state aquatics biologist Skippy Hau and enforcement officer Marc Miyakawa. Although the state officials were to enforce the limits on the permit, Miyakawa said he also was responsible for explaining to other people that the Luuwais had a special permit for the fishing activity.

"These guys are not going outside their permit. It took them too long to get it," Miyakawa said.

Boogie said he has been questioned by others over his claim to a right to fish in a reserve. With other Hawaiians, he said, "I tell them they can do what we did. Trace your genealogy, apply for a permit."

But that doesn't deal with the issue that the Luuwais can claim a right to fish in an area that has been closed to the rest of the public for more than 26 years. It allows them a privilege to a prime resource.

Other controls considered

Hau noted that the state has experimented with a kapu system in Waikiki, where fishing is banned for a year and then opened for a year. But there is an overload when fishing is opened again, he said.

"The population builds up when it's closed. But as soon as it's opened again, the fishing just knocks it back down again," he said.

Protection of fish resources runs