

Received
12-11-99
EW Center

Testimony of William Kimo Fernandes

Dated: December 11, 1999

Aloha Awenala Assistant Interior Secretary John Berry, and Tribal Justice Director Mark Van Norman, and Honored Representatives of the U.S. Dept of the Interior. I want to begin by thanking our honored Senior Senator Daniel Inouye and esteemed Senator Dan Akaka as well as our hard working House Members in Washington. This is a great Christmas gift that you are bringing to all the people of Hawaii, and a sign of hope for the New Year and the New Millenium coming up. Our land cries out for justice, and our people have been suffering for over one hundred years. The Hawaiian people are the most peaceful and patient people on the face of the Earth, and they are here today to once again plead their case to you, as our last

Queen did over 100 years ago. But maybe this time someone is listening. I hope and pray that is so.

I am here today on behalf of my wife, who is part Hawaiian, and on behalf of my four sons and one daughter, and on behalf of my two grandchildren, to tell you of a family that has struggled for five generations to lift themselves up on the Island of Kauai, and yet today is struggling and fighting for survival, just as our Queen Liliu did against outsiders who came to take away and develop the lands , and push the Hawaiians down anytime they started to get ahead.

My Grandfather, Benjamin Moku Ohai, who was the first territorial fish and wildlife warden on Kaua`i in the 1930's and 1940's had a dream to recreate a traditional Hawaiian Village and Museum on Crown Lands on the banks of the Wailua River, in the Wailua River Valley, in

an area known as Kamokila. In order to carry on that dream, my father and mother leased lands from the State in the 1960's and we started to work to improve the area and build the village (I think you should know I was a sixth grader at that time .) Despite two Hurricanes on Kauai since then we have worked constantly to make this dream live for our school children, families, visitors and tourists, and did our best to help provide jobs and help the economy of our Island.

Unfortunately, just when we were starting to succeed a rich developer who built some condos and hotels on Kauai decided to develop nearby land into house lots on the bluff overlooking our small Village by the River. He immediately started trying to stop us from using our roadway, our river access, and began objecting constantly to anything and everything we were doing to promote

Hawaiian culture and traditions, even to the canoes we launched from our dock on the river and the luaus and other activities in the village. This harassment has truly been outrageous.

But the worse thing is that his money and political power are now causing the State Department of Land and Natural Resources to come down on us. Our lease rights are being ignored, we are being forced to spend big money on traffic studies and to change our access and roadway, even though ours was the first lease in the area, and the Developer and the others in his rich subdivision are latecomers. We are suffering from the same abuses that our Queen suffered, because we are Hawaiians and can be pushed around and discriminated against there is none to take our side and defend us in the State Government. I was very hopeful that OHA might be able to act on our behalf,

however, now with the lawsuit brought by Mr. Rice, even OHA may be stopped from acting to redress the wrongs that have been and are still being done against the Hawaiian people.

If these were not Crown Lands that I am talking about, I probably would not be here today. But it is an outrage that the State and County governments that have given so much lip service to environment protection on Kauai, are right now permitting thousands of tourists and others to use the Wailua River Valley each year, without providing any bathroom facilities or other sanitation for these people, and it is just a matter of time before some kind of disease breaks out in the Valley. If the State were willing to work with me I have the facilities they need, and I would be willing to allow the Kamokila Village facilities to be used at a reasonable charge. But it really seems that the State

would rather put me and my family out of business, so others with more money and influence could come in and take over what my family has worked for five generations to build.

So if you are here to help heal the injustices that have been committed against the Hawaiian people and the culture, you could look into ways to make the State Government treat Hawaiians with justice and protection. Tell them to stop interfering with my use of the easement to the Wailua River that was sold to my family. Tell them to stop interfering with our use of the roadway easement that leads to our village. And tell them to stop micro-managing our operations at the Village, even down to telling us we can't use certain kinds of canoes on the river.

Tell them they should be supporting our efforts to better ourselves, provide an education for our children, and perpetuate the heritage and culture of us Hawaiians.

Mahalo nui loa for your time and kind attention today.