



Protecting Native Hawaiian Traditional and Customary Rights
and Our Fragile Environment

www.KAHEA.org P.O. BOX 270112 HONOLULU, HAWAII 96827

February 8, 2008, 8:30 a.m.

Aloha Chair Ito and Representatives of the Water, Land, Ocean Resources, and Hawaiian Affairs Committee,

We strongly support the intent of H.B. 2332 because it seeks to address the abuse of Hawai'i's public trust resources for commercial purposes.

Public access mauka to makai is a fundamental right recognized in Hawai'i's constitution and regularly affirmed by Hawai'i's Supreme Court. This right is firmly based in the traditional and customary practices of Native Hawaiians, where people traversed unencumbered lands to gathered natural resources for non-commercial use.

Today, commercial entities seeking to profit from the use of these public trust resources are harming Hawai'i's unique natural resources and creating friction between protected public uses of land and private property rights. As an example, paid tour operations lead large numbers of people to remote locations via traditional public access routes for a fee. In doing so, public lands are trampled, natural and cultural resources are damaged, the surrounding community is unduly burdened by the many impacts related to increased traffic, and those for whom this right was recognized are discouraged from engaging in traditional practices. And as these harms mount, the paid tour operations gain a profit from a public trust resource that they are not helping to maintain or protect.

This cannot continue without seriously compromising Native Hawaiian traditional and customary practices and the future of Hawai'i's unique culture. Thus, we support every effort to protect the public's right to access unencumbered lands.

KAHEA: The Hawaiian-Environmental Alliance is an islands-wide network of Native Hawaiian cultural practitioners, conservationists, and concerned community members that work to protect Hawai'i's unique natural and cultural resources. We have over 2,000 members in the islands and 3,000 total around the world.

Mahalo,

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

Marti Townsend
Program Director

From: KalanaB@aol.com [mailto:KalanaB@aol.com]

Sent: Thursday, February 07, 2008 11:40 PM

To: WLHtestimony

Subject: Testimony--Support for HB 2332

Ladies and gentlemen of the committee on water, land, ocean resources and Hawaiian affairs,

Please vote to **SUPPORT** the intent of **HB 2332** and help stop businesses from setting up shop on and around our shores.

As a resident of Kailua who lives near the beach and beach park, it has become routine to see all sorts of commercial operations profiteering off public lands. It is a daily occurrence to witness hire-for-pay instruction in water sports in the beach park and environs (including equipment trailers taking up several parking spaces at a time), on the sand, and in the water. We also see tours of all sorts and attendant vehicles ranging from six-wheeler buses to stretch limousines. The beach and beach park is also being used for *commercial* wedding tours where the entire bridal party is transported and then sets up a perimeter of space for the ceremony and sometimes the after-party, complete with chairs, canopy, and alcoholic beverages.

Photos follow.

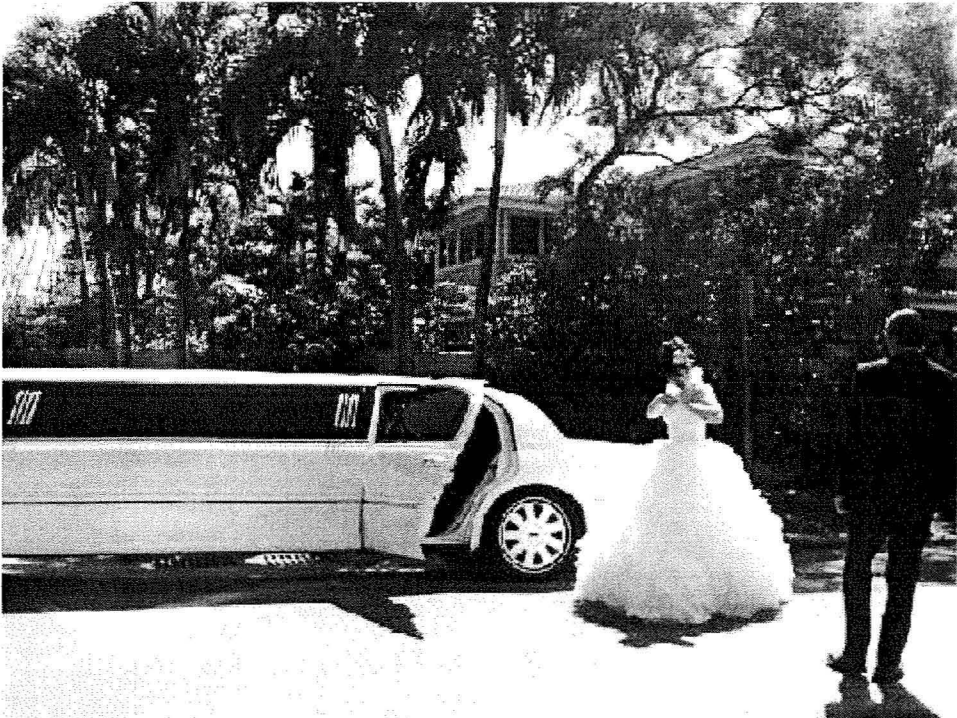
With thanks for your consideration,
Kalana Best
P.O. Box 1686
Kailua, Hawaii 96734
261-6919



Parking lot of Kailua Beach Park



Parking lot of Kailua Beach Park



Kaiolena Drive leading to Kaiolena right-of-way in Lanikai (note limo parked on street blocking stop sign)



Lanikai Beach



Boat ramp of Kailua Beach Park (all wedding-party vehicles parked illegally since boat hitches are required in this area; see sign below)

**RESERVED
PARKING**

**VEHICLES WITH
BOAT TRAILERS**

DEPT. OF PARKS & RECREATION
CITY AND COUNTY OF HONOLULU



Commercial vehicle parked for business at Kailua Beach Park



Tour bus parked on shoulder of Kailua Beach Park



Windsurfing instructor with student off-shore at Kailua Beach Park

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.



Ocean Tourism Coalition

Shining Light on Ocean Tourism Concerns
P.O. Box 546, Lahaina, Hawaii 96767
(808) 205-1745 Phone (808) 661-0654 Fax
office@oceantourism.org

Committee on WLH

Date: Monday February 04, 2008

Time: 8:30 AM

Place: Conference Room 312

Speaking in Opposition to HB 2332

Chair Rep. Ken Ito, Vice Chair Rep. Jon Riki Karamatsu and members of the WLH Committee:

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC) Hawaii's State-wide organization. We represent the 300 Small Commercial Passenger Vessels operating out of State Harbor facilities. We speak in **Opposition to HB 2332**.

To prohibit any commercial access on all Public Lands without a CDUP is casting the net too far. We ask you to not pass this bill. If you do decide to pass it, then we would like to see an amendment that recognizes existing uses as a "non conforming use".

Sincerely,

James E. Coon, President OTC

From: zelei7 ke [mailto:zelei7ke@yahoo.com]
Sent: Thursday, February 07, 2008 9:24 PM
To: WLHtestimony
Cc: Rep. Jon Karamatsu
Subject: Testimony in support of HB 2332

February 8, 2008

Zelei Abordo
1727 S. Beretania St.
Hon Hi 96826

Testimony in regards to HB 2332

Dear Representatives,

I have read HB 2332 regarding: Transiting Public Lands and Commercial Activity. I offer these remarks for your consideration. First I would ask if it's possible that this bill could be annulled by other bills moving through the legislature. Senator Trimble for example has indicated he will be introducing a bill that calls for all monies generated on public lands via commercial contract to go to the related "special fund." Senate Bill 3100 calls for a more considerable increase in penalties for commercial encroachment type violations. The intent being to regulate the improper, unlawful use of public lands etc. So when this bill says 'No person shall transit unencumbered public lands for the purpose of any commercial activity without first obtaining a conservation district use permit, *"unless the unencumbered land is within an area that is regulated through a management plan that permits the commercial activity,"* do you mean and are you referring specifically to Waikiki, which is regulated under DOBOR? If so would DLNR officials construe the intent of this measure to mean that the Waikiki commercial area can now be considered exempt from the intent of this provision? And will the unregulated activity (the grandfather system) continue to be regulated through the hotels as is now the case? What if boating rules and regulations contradicts the amended HRS, which one will prevail then? I'm trying to understand how Boating and or Land Division would deal with this measure if it became law. As we speak the "Waikiki Commercial Zone" is not properly outfitted with rules, making me wonder if legislators are deliberately wording this bill to remedy what is obviously a contradiction in terms of rules, and LEGISLATIVE INTENT. Land Division for example has insisted that "no commercialism is occurring on Waikiki beach," while simultaneously attempting to say that such commercialism is "comparable to other illegal activity for which fines must also be issued." Abuses noted in other legislation about the roving surf-kite school phenomenon, and the problems associated with unregulated activity are attributable in part to the overlapping of jurisdictions that force internal contradictions to be ignored, explained away, and ultimately exploited. The courts moreover seem to be systematically rejecting citations issued by DOCARE, DOBOR, and Land Division, according to staff at DOBOR. For these and many other reasons I hope to support this measure as it makes it way to the

Senate. I do urge this committee to use this opportunity to correct the situation in Waikiki which has become the strongman in terms of loop holes and favoritism. Mahalo!!!!

May the Lord be with you during your decision making process.

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Hawaii's Thousand Friends

25 Makani Ave., Suite 102, PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@java.net

February 8, 2007

Testimony via email

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

Rep. Ken Ito, Chair

Rep. Jon Riki Karamatsu, Vice Chair

HB 2332

RELATING TO PUBLIC LANDS

Committee Chairs and members:

Hawaii's Thousand Friends, a statewide non-profit land use organization, supports HB 2332 that prohibits a person from transiting unencumbered public lands for any commercial activity purpose without a conservation district use permit unless the land is regulated through a management plan that permits commercial activity.

More and more Hawaii's public lands are being used for unauthorized commercial uses. People buy a van slap a tour sign on it, print a brochure promising to show tourists the "hidden treasures" of these islands and off they go over and through public land with little or no regard of the impacts their actions have on natural or cultural resources.

Some of the hidden treasures advertised are Hawaii's secluded beaches. Usually these beaches do not have lifeguards or restrooms yet, tourists are dropped off by the busloads and left on their own. Not only does the lack of lifeguards present a safety issue but the lack of restrooms presents potential environmental problems that are not being addressed.

Without regulation of commercial uses on public lands it is impossible to understand what singular or cumulative impacts these activities are having on Hawaii's finite natural and cultural resources.

Requiring Conservation District Use Permits for **all** commercial uses that traverse public land gives the Department of Land and Natural Resources the ability to regulate commercial activities on public land, provide a safe experience for tourists and ensure that the island's natural and cultural resources are protected from serious negative impacts.