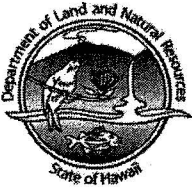


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Laura H. Thielen
Chairperson
Board of Land and Natural Resources
Commission on Water Resource Management

Russell Y. Tsuji
First Deputy

Ken C. Kawahara
Deputy Director - Water

Aquatic Resources
Boating and Ocean Recreation
Bureau of Conveyances
Commission on Water Resource Management
Conservation and Coastal Lands
Conservation and Resources Enforcement
Engineering
Forestry and Wildlife
Historic Preservation
Kahoolawe Island Reserve Commission
Land
State Parks

Department of Land and Natural Resources Testimony Transmittal Cover Sheet

Date Submitted: February 19, 2010

Testifier's Name/Title: Ed Underwood, Division of Boating and Ocean Recreation
Administrator

Committee Name: HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES
(WLO)

Day and Date: Monday, February 22, 2010

Time/Location: 10:00 AM, Conference Room 325

Measure Number: HB 2492 – RELATING TO SMALL BOAT HARBORS

Requested Copies: 1 (including original) to Room 438 in the State Capitol

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
WATER, LAND, & OCEAN RESOURCES**

**Monday, February 22, 2010
10:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2492
RELATING TO SMALL BOAT HARBORS**

House Bill 2492 requires a condition to be added to the commercial use permits issued to a permittee who provides an excursion between state boating facilities, that disembarks fare-paying passengers with the expectation that they will enter upon any public or quasi-public real property during the course of their excursion, to comply with all rules and regulations applicable to these areas. The Department of Land and Natural Resources (Department) opposes this measure.

The Department's Division of Boating and Ocean Recreation (DOBOR) cannot be responsible for monitoring, investigating, and responding to complaints about activities of passengers or alleged passengers while on any public land, which includes roads, parks, public buildings, and vast areas outside the purview of the Department's small boat harbors. Furthermore, there is no definition of "quasi-public" land so the Department and the public are unclear about how that provision would apply. Other agencies and property owners can enforce their own rules and regulations. Boaters and DOBOR tenants should not have to shoulder that responsibility.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

*Castle & Cooke
Hawaii*

300 Kalanianaʻolaha Avenue
Mililani, Hawaii 96789-3097
P.O. Box 898910
Mililani, Hawaii 96788-8910
(808) 548-4811 • Fax (808) 548-0670

Email submittal:<http://www.capitol.hawaii.gov/emailtestimony>.

Testimony by Harry Saunders
President, Castle & Cooke Hawaii
February 20, 2010

Before the House Committee on

WATER, LAND, AND OCEAN RESOURCES

February 22, 2010
10:00 am
Room 325

In Support of HB 2492
RELATING TO SMALL BOAT HARGORS

Chair Ito, Vice Chair Har, and Members of the Committee on WATER, LAND, AND OCEAN RESOURCES.

Castle & Cooke Resorts, LLC and its affiliates (including the Fours Seasons Resort Lanai at Manele Bay) support HB 2492 as it will address the serious problem of unauthorized commercial use of Hulopoe Beach Park on Lanai by Maui tour boat operators. We offer the following comments to HB 2492 for your consideration.

In 1987, Castle & Cooke Resorts, LLC (formerly known as Lanai Company, Inc.) dedicated in perpetuity a 66.33 acre parcel of land known as Hulopoe Beach Park ("Park") for park and recreational purposes, and agreed to establish a citizen-based Park Council to obtain the reasonable consensus of Lanai residents and community groups in connection with (1) the future development of the Park; and (2) the adoption of the rules and regulations relating to the use and operation of the Park. While the Park Area Rules and Regulations ("Rules and Regulations") approved by the Council forbid the commercial use of the Park without a Type IV (Commercial) permit, the Rules and Regulations recognize, and create an exception for, "tour boat operators" who had pre-existing agreements with Castle & Cooke at the time the Park was dedicated. Of the two original tour boar operators, only Trilogy remains. 100% of the revenues generated by Trilogy's permit to use a portion of the Park go toward defraying a portion of the cost to improve and maintain comfort stations, showers and other facilities.

In recent years, other Maui-based tour boat operators have been bringing customers to Lanai and directing and/or encouraging them to use the Park and its amenities, without first obtaining proper permits from Castle & Cooke. As a result many (sometimes hundreds) of customers of these commercial operators wander about the Park each day totally unsupervised. We believe that these commercial activities overburden the Park and prejudice recreational use by the community.

The proposed legislation would require the commercial operators to comply with the Hulopoe Beach Park rules and regulations which have been approved by the Park Council and the County of Maui, and enable Castle & Cooke and similarly-situated entities to manage this precious and unique island resource.

Mahalo for your consideration of our testimony. If you have any questions, please feel free to contact us:

Harry Saunders, President
Castle & Cooke Hawaii
aktsukamoto@castlecooke.com
548-4884

Gary M. Yokoyama, Vice President & Corporate Counsel
Castle & Cooke Hawaii
rmirikitani@castlecooke.com
548-2900

Carleton Ching, Vice President - Community and Government Relations
Castle & Cooke Hawaii,
cching@castlecooke.com
548-3793

Testimony HB 2492

February 22, 2010 10:00 AM Room #325

Testimony to WLO Committee
Representative Ken Ito, Chair
Representative Sharon Har, Vice Chair

Subject: **HB 2492 Relating to Harbors**
Bill Caldwell
Speaking in Strong Support

Chair Ito, Vice Chair Har and Honorable Members of the Committee on Water, Land, and Ocean Resources:

My name is Bill Caldwell, President of Hone Heke Corporation dba Expeditions-The Maui-Lana`I Ferry, which is a regulated Water Carrier, by the Public Utilities Commission since 1990. I am speaking in **Strong Support of HB 2492**.

Hulopoe Beach is Lana`i's only publicly-accessible, facility-friendly beach; however, within the past number of years, this valuable resource has been threatened by the overuse of commercial operators other than the ferry. There have been too many times when its limited facilities are over-used and abused by unregulated scheduled commercial operators in Manele Harbor. Sometimes these vessels use the ferry loading area, thereby causing the ferry to be delayed as we have to wait for them to depart before docking. These commercial operators are ignoring the Hulopoe Beach Park Rules and we feel it is unfair to Expeditions that they claim to be like the "Ferry".

The recently renovated Manele Small Boat Harbor and ferry facility, the adjacent Hulopoe Beach Park are frequently overrun by several tour boat operators from the Island of Maui and their passengers, resulting in overcrowding and misuse of Lana`i's only easily accessible beach park. These **unregulated commercial activities** have adversely impacted the residents of Lana`i who feel they are being driven away from the Harbor and the Beach by the large numbers of **unsupervised** tour boat patrons transported to Lanai by these companies claiming to be like the passenger ferry, Expeditions.

We humbly ask you to please pass HB 2492 for the People of Lanai

Mahalo for your consideration of my testimony.

If you have any questions, please feel free to contact me.

Sincerely,
Bill Caldwell
808-661-3756 ext.906
bill@go-lanai.com



House Water, Land, & Ocean Resources Committee
Representative Ken Ito, Chair
Representative Sharon Har, Vice Chair

RE: STRONGLY SUPPORT HB2492

Dear Chair Ito, Vice Chair Har and members of the WLO committee:

As president of Lāna'ians for Sensible Growth, I offer testimony in strong support of HB2492.

LSG was founded in 1987 and has been instrumental in protecting and safeguarding Lāna'i's resources (natural, cultural and historical) and advocating on behalf of initiatives to promote the overall well-being of our island and community.

Hulopoe Beach is Lāna'i's only publicly-accessible, facility-friendly beach. It is the site for resident birthday parties, family reunions, spontaneous gatherings, and abundant camping. It is a beautiful, treasured beach, designated as a Marine Life Conservation District after much hard work by the Lāna'i community.

Within the past ten years, the overuse by commercial operators has threatened this natural resource. Too many times, the beach is overcrowded, residents are pushed aside, and its limited facilities are over-used and abused by commercial operators. The recently renovated Manele Small Boat Harbor and the adjacent Hulopoe Beach Park are frequently overrun by several tour boat operators from Maui Island and their passengers, resulting in overcrowding and misuse of Lāna'i's only easily accessible beach park. These unregulated commercial activities have adversely impacted the residents of Lāna'i who feel they are being driven away from the Harbor and the Beach by the large numbers of unsupervised tour boat patrons transported to Lāna'i by these companies.

For the following reasons, LSG strongly supports HB2492:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and

rules in force on land dedicated to public use that are “used” by their passengers during the tour.

- While most if not all parks in our state are regulated by state or county rules and regulations, not all the costs of maintaining those parks are supported by public funds. This measure would provide notice to those who would abuse lands dedicated to public use – but supported by private funds – that they must abide by properly adopted rules regulating the use of park lands made available, for whatever reason, by a private landowner, or risk losing the annual commercial use permit the state boating division provides to them.

Sincerely,

A handwritten signature in black ink, appearing to read 'DKA', with a long horizontal flourish extending to the right.

Donavan R. Kealoha, President
Lāna‘ians for Sensible Growth

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325

Testifier position: support

Testifier will be present: Yes

Submitted by: Jonona Mamolani Alconcel

Organization: Individual

Address: 284 Kamoku Pl. Lanai City.HI 96763

Phone: 808-559-0369

E-mail: pkalconcel@yahoo.com

Submitted on: 2/21/2010

Comments:

Hulopoe Beach Park is the only beach on Lana'i that offers us picnic tables, BarBQ grills, and running water(showers and restrooms). It is the most accessible beach for us residents.

My family and i have noticed that our beach is getting overcrowded by unsupervised tour boat operations to the point where we have tables and grills unavailable and as a result we many times don't go to Hulopoe and instead go somewhere else. We residents are feeling pushed out of our favorite beach. It sometimes creates ugliness where our residents lose their aloha spirit and that's not right.

Weekends many of our residents want to camp with their families and unsupervised guests walk throught our camp sites and use our tables and it creates friction.

Many times these unsupervised guests will chase after the dolphins in Hulopoe and as a resident afraid it will create an unwelcomed place for these dolphins, where they might not return to Hulopoe.

More than thirty years ago when we residents first decided to make Hulopoe into a Marine Reserve, it was thoughts of keeping boats from parking in the bay and keep shorline fishing available because Hulopoe was the most accessible beach. Now with the overcrowding it's hard to fish from the shorline.

So please help support the HB2492 Bill.

Testimony HB 2492

February 22, 2010 10:00 AM Room #325

Testimony to WLO Committee
Representative Ken Ito, Chair
Representative Sharon Har, Vice Chair

Subject: HB 2492 Relating to Harbors

Speaking in Strong Support

Chair Ito, Vice Chair Har and Honorable Members of the Committee on Water, Land, and Ocean Resources:

My name is Jonona Alconcel . I am a Lanai resident of over 50 years. I am speaking in **Very Strong Support of HB 2492.**

Hulopoe Beach is Lana'i's only publicly-accessible, facility-friendly beach. It is the site for resident birthday parties, family reunions, spontaneous gatherings, and abundant camping. It is a beautiful, treasured beach, designated as a Marine Life Conservation District after much hard work by the Lana'i community. But within the past ten years, the overuse by commercial operators has severely threatened this valuable natural resource. Too many times, the beach is overcrowded, residents are pushed aside, and its limited facilities are over-used and abused by unregulated commercial operators that are ignoring the Hulopoe Beach Park Rules.

The Hulopoe Beach Park Council, a management Council composed of Lana'i residents and Castle & Cooke employees, has a long-established set of Park Rules, to which Maui County is a legal partner. But these rules are constantly and obnoxiously flouted by the many commercial boat operators coming from Maui to Lana'i. This legislation – HB 2492-- will require the commercial operators to comply with the Hulopoe Beach Park rules and regulations which have been approved by the Beach Park Council and the County of Maui. It is a long-needed tool for the Lana'i community to manage its threatened natural resource. **Please support this legislation HB 2492.**

Please note: the following language -- which was agreed upon by Lana'i residents, the Hulopoe Beach Park Council and Castle & Cooke, should have been substituted into HB 2492 **which we offer as an amendment:**

“As a condition of any permit issued pursuant to this chapter, a permittee who, in the course of providing an excursion involving use of boating facilities within the state of Hawaii, disembarks fare paying passengers with the expectation that they enter upon any public or quasi-public real property before conclusion of the excursion, shall be required to comply with all rules and regulations including permitting requirements that may govern such entry.”

The recently renovated Manele Small Boat Harbor and the adjacent Hulopoe Beach Park are frequently overrun by several tour boat operators from Maui Island and their passengers, resulting in overcrowding and misuse of Lana`i's only easily accessible beach park. These **unregulated commercial activities** have adversely impacted the residents of Lana`i who feel they are being driven away from the Harbor and the Beach by the large numbers of **unsupervised** tour boat patrons transported to Lanai by these companies.

We humbly ask you to please pass SB 2547 for the People of Lanai

Mahalo for your consideration of my testimony.

If you have any questions, please feel free to contact me.

Sincerely,

Name, Jonona Alconcel
Phone #808-559-0369
Email Address: pkalconcel@yahoo.com

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Ricky etrata

Organization: Individual

Address: 1572 s. hoalauna place Lanai city, hawaii

Phone: 649-9511

E-mail: Madlure@hotmail.com

Submitted on: 2/21/2010

Comments:

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Andrew Evans
Organization: Individual
Address: P.O. Box 630374 Lanai City, HI 96763
Phone: 808 565-6944
E-mail: anmevans@gmail.com
Submitted on: 2/21/2010

Comments:
COMMITTEE ON WATER LAND AND OCEAN RESOURCES
Representative Ken Ito, Chair, Representative Sharon E. Har, Vice Chair

Submitted by:

Andrew Evans
P.O. Box 630374
539 Akolu Place
Lana`i City, HI 96763
808/565-6944

I STRONGLY SUPPORT HB 2492 for the following reasons:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and rules in force on land dedicated to public use that are "used" by their passengers during the tour.
- While most if not all parks in our state are regulated by state or county rules and regulations, not all the costs of maintaining those parks are supported by public funds. This measure would provide notice to those who would abuse lands dedicated to public use - but supported by private funds - that they must abide by properly adopted rules regulating the use of park lands made available, for whatever reason, by a private landowner, or risk losing the annual commercial use permit the state boating division provides to them.

This amendment to § 200-10 may be considered a "fair share" measure, and I urge you to SUPPORT it.

Thank you for this opportunity to testify to your Committee.

Testimony for HB2492 on 2/22/2010 10:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 21, 2010 9:10 AM

To: WLOtestimony

Cc: kapalie@gmail.com

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Andrew EK Evans

Organization: Individual

Address: 3837 Monterey Drive Honolulu, HI 96816

Phone: 808 732-4045

E-mail: kapalie@gmail.com

Submitted on: 2/21/2010

Comments:

COMMITTEE ON WATER LAND AND OCEAN RESOURCES

Representative Ken Ito, Chair, Representative Sharon E. Har, Vice Chair

Submitted by:

Andrew EK Evans

3837 Monterey Drive

Honolulu, HI 96816

808 732-4045

I STRONGLY SUPPORT HB 2492 for the following reasons:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and rules in force on land dedicated to public use that are "used" by their passengers during the tour.
- While most if not all parks in our state are regulated by state or county rules and regulations, not all the costs of maintaining those parks are supported by public funds. This measure would provide notice to those who would abuse lands dedicated to public use – but supported by private funds – that they must abide by properly adopted rules regulating the use of park lands made available, for whatever reason, by a private landowner, or risk losing the annual commercial use permit the state boating division provides to them.

This amendment to § 200-10 may be considered a "fair share" measure, and I urge you to SUPPORT it.

Thank you for this opportunity to testify to your Committee.

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Martha Evans
Organization: Individual
Address: P.O. Box 630374 Lanai City, HI 96763
Phone: 808 565-6944
E-mail: anmevans@gmail.com
Submitted on: 2/21/2010

Comments:

COMMITTEE ON WATER LAND AND OCEAN RESOURCES
Representative Ken Ito, Chair, Representative Sharon E. Har, Vice Chair

Submitted by:
Martha Evans
P.O. Box 630374
539 Akolu Place
Lana`i City, HI 96763
808/565-6944

I STRONGLY SUPPORT HB 2492 for the following reasons:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and rules in force on land dedicated to public use that are "used" by their passengers during the tour.
- While most if not all parks in our state are regulated by state or county rules and regulations, not all the costs of maintaining those parks are supported by public funds. This measure would provide notice to those who would abuse lands dedicated to public use - but supported by private funds - that they must abide by properly adopted rules regulating the use of park lands made available, for whatever reason, by a private landowner, or risk losing the annual commercial use permit the state boating division provides to them.

This amendment to § 200-10 may be considered a "fair share" measure, and I urge you to SUPPORT it.

Thank you for this opportunity to testify to your Committee.

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Anela Evans
Organization: Individual
Address: P.O. Box 630374 Lanai City, HI 96763
Phone: 808 565-6944
E-mail: anelamarie@gmail.com
Submitted on: 2/21/2010

Comments:

COMMITTEE ON WATER LAND AND OCEAN RESOURCES
Representative Ken Ito, Chair, Representative Sharon E. Har, Vice Chair

Submitted by:

Anela Evans
P.O. Box 630374
539 Akolu Place
Lanai City, HI 96763

I STRONGLY SUPPORT HB 2492 for the following reasons:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and rules in force on land dedicated to public use that are "used" by their passengers during the tour.
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This amendment to § 200-10 may be considered a "fair share" measure, and I urge you to SUPPORT it.

Thank you for this opportunity to testify to your Committee.

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: David Green
Organization: Individual
Address: Lanai City, HI
Phone: PO Box 631700
E-mail: greenfamily25@hotmail.com
Submitted on: 2/20/2010

Comments:

I STRONGLY SUPPORT HB 2492 for the following reasons:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and rules in force on land dedicated to public use that are "used" by their passengers during the tour.

- While most if not all parks in our state are regulated by state or county rules and regulations, not all the costs of maintaining those parks are supported by public funds. This measure would provide notice to those who would abuse lands dedicated to public use - but supported by private funds - that they must abide by properly adopted rules regulating the use of park lands made available, for whatever reason, by a private landowner, or risk losing the annual commercial use permit the state boating division provides to them.

This amendment to § 200-10 may be considered a "fair share" measure, and I urge you to SUPPORT it.

Thank you for this opportunity to testify to your Committee.

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325

Testifier position: support

Testifier will be present: Yes

Submitted by: Yasha-Ann Kahananui-Peralta

Organization: Individual

Address: 457 Kamoku Street Lanai City, HI. 96763

Phone: 808-559-0040

E-mail: makanaakua@hotmail.com

Submitted on: 2/21/2010

Comments:

My family, and I have lived on the island of Lana'i for 10 years. We have definately seen the changes to the Hulopoe beach park. It has become so overcrowded by many unsupervised tour boat patrons, that it has driven us away from utilizing the only publicly accessible beach park.

It saddens me that within the past few years my children have not been able to enjoy the beauty of Hulopoe beach. I have become afraid for their safety due to the overcrowding. We feel that we have been forced out of Lana'i's only beach park with facilities, and have been forced to make due with other beaches that are nbot properly equipted, and are rather hard to access.

Our weekend shoreline fishing, camping, and family picnics has deminished from the Hulope beach park for a lot of our residents. This has created an uneasy feeling for most of us island residents. We humbly ask for your support in saving our beach park from overcrowding. Please support bill HB2492.

Thank-you in advance for your time.

Yasha-Ann Kahananui-Peralta
Lanai Resident

Testimony HB 2492

February 22, 2010 10:00 AM Room #325

Testimony to WLO Committee
Representative Ken Ito, Chair
Representative Sharon Har, Vice Chair

Subject: **HB 2492 Relating to Harbors**

Speaking in Strong Support

Chair Ito, Vice Chair Har and Honorable Members of the Committee on Water, Land, and Ocean Resources:

My name is Yasha-Ann Kahananui-Peralta . I am a 10year Lanai resident. I am speaking in **Very Strong Support of HB 2492.**

Hulopoe Beach is Lana'i's only publicly-accessible, facility-friendly beach. It is the site for resident birthday parties, family reunions, spontaneous gatherings, and abundant camping. It is a beautiful, treasured beach, designated as a Marine Life Conservation District after much hard work by the Lana'i community. But within the past ten years, the overuse by commercial operators has severely threatened this valuable natural resource. Too many times, the beach is overcrowded, residents are pushed aside, and its limited facilities are over-used and abused by unregulated commercial operators that are ignoring the Hulopoe Beach Park Rules.

The Hulopoe Beach Park Council, a management Council composed of Lana'i residents and Castle & Cooke employees, has a long-established set of Park Rules, to which Maui County is a legal partner. But these rules are constantly and obnoxiously flouted by the many commercial boat operators coming from Maui to Lana'i. This legislation – HB 2492-- will require the commercial operators to comply with the Hulopoe Beach Park rules and regulations which have been approved by the Beach Park Council and the County of Maui. It is a long-needed tool for the Lana'i community to manage its threatened natural resource. **Please support this legislation HB 2492.**

Please note: the following language -- which was agreed upon by Lana'i residents, the Hulopoe Beach Park Council and Castle & Cooke, should have been substituted into HB 2492 **which we offer as an amendment:**

“As a condition of any permit issued pursuant to this chapter, a permittee who, in the course of providing an excursion involving use of boating facilities within the state of Hawaii, disembarks fare paying passengers with the expectation that they enter upon any public or quasi-public real property before conclusion of the excursion, shall be required to comply with all rules and regulations including permitting requirements that may govern such entry.”

The recently renovated Manele Small Boat Harbor and the adjacent Hulopoe Beach Park are

frequently overrun by several tour boat operators from Maui Island and their passengers, resulting in overcrowding and misuse of Lana`i's only easily accessible beach park. These **unregulated commercial activities** have adversely impacted the residents of Lana`i who feel they are being driven away from the Harbor and the Beach by the large numbers of **unsupervised** tour boat patrons transported to Lanai by these companies.

We humbly ask you to please pass SB 2547 for the People of Lanai

Mahalo for your consideration of my testimony.

If you have any questions, please feel free to contact me.

Sincerely,

Name, Yasha-Ann Kahananui-Peralta

Phone #808-559-0040

Email Address Makanaakua@hotmail.com

COMMITTEE ON WATER LAND AND OCEAN RESOURCES

Representative Ken Ito, Chair, Representative Sharon E. Har, Vice Chair

Submitted by:

Robin Kaye
P.O. Box 631313
511 Ilima Avenue
Lana'i City, HI 96763
808/565-6276

I **STRONGLY SUPPORT** HB 2492 for the following reasons:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and rules in force on land dedicated to public use that are “used” by their passengers during the tour.

- While most if not all parks in our state are regulated by state or county rules and regulations, not all the costs of maintaining those parks are supported by public funds. This measure would provide notice to those who abuse lands dedicated to public use – but supported by private funds – that they must abide by properly adopted rules regulating the use of park lands made available, for whatever reason, by a private landowner, or risk losing the annual commercial use permit the state boating division provides to them.

This amendment to §200-10 may be considered a “fair share” measure, and I urge you to **SUPPORT** it.

Thank you for this opportunity to testify to your Committee.

COMMITTEE ON WATER LAND AND OCEAN RESOURCES

Representative Ken Ito, Chair, Representative Sharon E. Har, Vice Chair

Submitted by:

Sally Kaye
P.O. Box 631313
511 Ilima Avenue
Lana'i City, HI 96763
808/565-6276

I **STRONGLY SUPPORT** HB 2492 for the following reasons:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and rules in force on land dedicated to public use that are “used” by their passengers during the tour.
- While most if not all parks in our state are regulated by state or county rules and regulations, not all the costs of maintaining those parks are supported by public funds. This measure would provide notice to those who would abuse lands dedicated to public use – but supported by private funds – that they must abide by properly adopted rules regulating the use of park lands made available, for whatever reason, by a private landowner, or risk losing the annual commercial use permit the state boating division provides to them.

This amendment to §200-10 may be considered a “fair share” measure, and I urge you to **SUPPORT** it.

Thank you for this opportunity to testify to your Committee.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 21, 2010 8:07 PM
To: WLOtestimony
Cc: bluedarling79@gmail.com
Subject: Testimony for HB2492 on 2/22/2010 10:00:00 AM
Attachments: Testimony.doc

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Michael R. Lopez Sr.
Organization: Individual
Address: 1245 Mana Street Lanai City, HI
Phone: 808-559-0087
E-mail: bluedarling79@gmail.com
Submitted on: 2/21/2010

Comments:

TESTIMONY TO: Senate WTL Committee:
Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair

February 22, 2010
3:00 PM Conf Room 229

(Michael R. Lopez Sr.
Speaking in Very Strong Support of SB 2547

Chair Hee, Vice Chair Tokuda and members of the WTL committee:

My name is Michael R. Lopez Sr. I am a Lanai resident, third of five generations. I am speaking in **Very Strong Support of SB 2547.**

Hulopoe Beach is Lana'i's only publicly-accessible, facility-friendly beach. It is the site for resident birthday parties, family reunions, spontaneous gatherings, and abundant camping. It is a beautiful, treasured beach, designated as a Marine Life Conservation District after much hard work by the Lana'i community. But within the past ten years, the overuse by commercial operators has severely threatened this valuable natural resource. Too many times, the beach is overcrowded, residents are pushed aside, and its limited facilities are over-used and abused by unregulated commercial operators that are ignoring the Hulopoe Beach Park Rules.

The Hulopoe Beach Park Council, a management Council composed of Lana'i residents and Castle & Cooke employees, has a long-established set of Park Rules, to which Maui County is a legal partner. But these rules are constantly and obnoxiously flouted by the many commercial boat operators coming from Maui to Lana'i. **This legislation – SB 2547 – will require the commercial operators to comply with the Hulopoe Beach Park rules and regulations** which have been approved by the Beach Park Council and the County of Maui. It is a long-needed tool for the Lana'i community to manage its threatened natural resource. **Please support this legislation SB 2547**

Please note: the following language – which was agreed upon by Lana'i residents, the Hulopoe Beach Park Council and Castle & Cooke, should have been substituted into HB 2492 which we offer as an amendment:

“As a condition of any permit issued pursuant to this chapter, a permittee who, in the course of providing an excursion involving use of boating facilities within the state of Hawaii, disembarks fare paying passengers with the expectation that they enter upon any public or quasi-public real property before conclusion of the excursion, shall be required to comply with all rules and regulations including permitting requirements that may

The recently renovated Manele Small Boat Harbor and the adjacent Hulopoe Beach Park are frequently overrun by several tour boat operators from Maui Island and their passengers, resulting in overcrowding and misuse of Lana'i's only easily accessible beach park. These unregulated commercial activities have adversely impacted the residents of Lana'i who feel they are being driven away from the Harbor and the Beach by the large numbers of unsupervised tour boat patrons transported to Lanai by these companies. I have personally witness people from other boat companies (unregulated) speak very disrespectfully to little resident children to the effect of : "Hurry up and get out, I have to catch a boat back to Maui. Little keiki gets out , go to her Mom and Mom asked I thought I told you two to go shower ? we did mommy, but the lady said to get out. Mom: what lady? The haole lady over there. Mom walks up ask the lady ,"did you tell my daughters to get out from the shower? Yes ,I did, they were taking too long and I gotta get on a boat and besides I'm your bread and butter lady. Lady husband took his wife by the arm and left Lana'i resident reported this to the park ranger. These boats bringing people over are lawless and not educated or they are totally ignoring the posted regulations. I can give you testimony after testimony, but as a true and concern resident, sharing of our pu'uwai should be enough -as we say we live in a land of Aloha so should we be full of Aloha.

We humbly ask you to please pass SB 2547 for the People of Lanai

Mahalo for your consideration of my testimony.

If you have any questions, please feel free to contact me.

Sincerely, Michael R. Lopez Sr.

Name, Michael R. Lopez Sr.

Phone #808 559 0087

Email Bluedarling79@gmail.com

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: BARBARA MC INTYRE
Organization: Individual
Address: 65 KUKUI CIRCLE, PO BOX 631345 LANAI CITY, HI
Phone: 808-565-8016
E-mail: TBMCINTYRE@AOL.COM
Submitted on: 2/21/2010

Comments:
COMMITTEE ON WATER LAND AND OCEAN RESOURCES
Representative Ken Ito, Chair, Representative Sharon E. Har, Vice Chair

Submitted by:
NAME
P.O. Box
STREET ADDRESS
Lana`i City, HI 96763
808/565-xxxx

I STRONGLY SUPPORT HB 2492 for the following reasons:

- This measure would amend § 200-10, Permits and fees for state small boat harbors by requiring commercial tour operators, who financially benefit from transporting fare-paying customers between islands, to comply with laws and rules in force on land dedicated to public use that are "used" by their passengers during the tour.
- While most if not all parks in our state are regulated by state or county rules and regulations, not all the costs of maintaining those parks are supported by public funds. This measure would provide notice to those who would abuse lands dedicated to public use - but supported by private funds - that they must abide by properly adopted rules regulating the use of park lands made available, for whatever reason, by a private landowner, or risk losing the annual commercial use permit the state boating division provides to them.

This amendment to § 200-10 may be considered a "fair share" measure, and I urge you to SUPPORT it.

Thank you for this opportunity to testify to your Committee.

COMMITTEE ON WATER LAND AND OCEAN RESOURCES
Representative Ken Ito, Chair, Representative Sharon E. Har, Vice Chair

Submitted by:
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Thank you for this opportunity to testify to your Committee.

Testimony for HB2492 on 2/22/2010 10:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 21, 2010 8:52 AM

To: WLOtestimony

Cc: tbmcintyre@msn.com

Testimony for WLO 2/22/2010 10:00:00 AM HB2492

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Thomas J. McIntyre

Organization: Individual

Address: 65 Kukui Circle Lanai City, HI

Phone: 808-565-8016

E-mail: tbmcintyre@msn.com

Submitted on: 2/21/2010

Comments: