

**TESTIMONY**

**SB2547**

**LATE**

# LATE TESTIMONY

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

# LATE TESTIMONY

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](mailto:Bluedarling79@gmail.com)

# LATE TESTIMONY



Senate Water, Land, Agriculture, and Hawaiian Affairs Committee  
Senator Clayton Hee, Chair  
Senator Jill Tokuda, Vice Chair

**RE: SUPPORT SB 2547 WITH AMENDMENT**

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

As president of Lāna'ians for Sensible Growth, I offer testimony in support of SB2547 with AMENDMENT.

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.

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. **Therefore, please support SB2547 with the following amendment:**

# LATE TESTIMONY

“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.”

Sincerely,

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

Donavan R. Kealoha, President  
Lānaʻians for Sensible Growth

TESTIMONY – SB 2547 by Ron McOmber

One of the Lana`i Park Councils concerns over the years has been, what will we do when Maui Boaters find our quiet only beach park.

We now face an on slot of commercial boaters dumping thousands of their customers on our island to use our beach park without regard for the limited size of the park.

SB 2547 will assist by asking DOBAR to stop illegal transporting of their customers to use our only beach.

For some years, we have requested the Dept. of Boating to help us in this matter but because there are no rules to act on, they have not been able to assist.

We believe this Bill will provide The Boating Dept. tools to stop illegal ferrying of people to Lana`i with the intent of spending the day on our small beach.

The rules of our Lana`i Park Council state that a commercial operator must receive a permit from Castle & Cooke before they can use the beach area and facilities. We are not aware of any requests made to use the beach park.

In 1976 this community asked the State to create Manele-Hulopoe area a Marine Life Conservation District. This was our first attempt to conserve the area for our family's future use.

In 1987 Castle & Cooke purposed a hotel in the Hulopoe area. Again the Lana`i community stepped up and asked to intervene in the permit process. The County of Maui agreed and a community group started Lanaiians for Sensible Growth, (L.S.G.).

L.S.G. signed a memorandum of agreement (M.O.A.) in 1987, which included the formation of a Manele-Hulopoe Park Council. The Council is made up of nine members, representing 2 members from Castle & Cooke, 3 L.S.G. and 4 community members. The Council meets monthly on the third Thursday.

As the State, Maui County, and tourism has grown, so has ocean activities through out the islands.

Ron McOmber

P.O.Box 630646

Lana`i City, HI 96763

From: Robin <rkaye@mdi.net>  
Subject: **visitor counts**  
Date: February 22, 2010 5:21:55 AM HST  
To: Ron McComber <randpmcomber@gmail.com>

Ron:

Here's the last spreadsheet summary of visitor counts I could find:

**Totals, Paragon and Maui Nui only**

2003	6,803 (6 months only)
2004	7,612 (8 months only)
2005	10,909 (9 months only)
2006	15,862 (10 months only)
2007	18,030 (10 months only)
2008	8,412 (4 months only)

**Totals,  
Trilogy  
Guest  
only**

2003	12,755 (6 months only)
2004	15,357 (8 months only)
2005	18,269 (9 months only)
2006	24,080 (10 months only)
2007	23,719 (10 months only)
2008	8,024 (4 months only)

**Total "Guest" (Excluding Expeditions)**

2003	19,558 (6 months only)
2004	22,969 (8 months only)
2005	29,178 (9 months only)
2006	39,942 (10 months only)
2007	41,749 (10 months only)
2008	16,436 (4 months only)

Robin Kaye  
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808-559-6124 (m)

# LATE TESTIMONY

Senate Bill 2547

Dear Committee,

I am writing in support of Senate Bill 2547 that requires tour groups traveling to Lana'i's Hulopoe Beach to pay a user fee. I am in full support of this initiative. As a Lanaian who grew up on Lana'i; an alumni of the class of '68, and has 'ohana living there, I have a great deal of aloha for the island. Throughout my life I witnessed the repressive and exploitive nature of Castle and Cooke's management of residents. In the last 15 years Lana'i residents have organized themselves around resort and luxury home development and more recently around the proposed development of wind energy. The people of Lana'i are working to assert their right to have a voice in the affairs of their island and are no longer leaving their fate in the hands of outside interests.

Hordes of tourists have been coming over to Lana'i and inundating our beaches. They crowd out locals on the sand and in the water. They take over the corner of Hulopoe that locals have moved to since the Manele Bay Hotel was built. Locals have moved to the left side of the beach away from the hotel. Now boatloads of tourists have taken over that section too. Our once pristine beach is now noisy and crowded. When I take my family there it is no longer the enjoyable experience it once was. Hulopoe Beach has historically been the major recreational area on Lana'i and is easily accessible from Lana'i City.

My first request is to ban tour groups coming over from Maui and occupying Hulopoe Beach. Short of a total ban, I urge this committee to seriously consider imposing a user fee on commercial tour groups visiting Lana'i. These groups exploit our resources and leave behind absolutely no monetary benefits to the people there. They even bring their own food and drink and tourists do not patronize any of Lana'i's stores, restaurants, or other businesses.

User fees can go into a community account and used to support community development activities including hula halau, canoe clubs, and other cultural preservation efforts; pay legal fees of community-based organizations that have asserted themselves into the planning process to protect our precious resources; and support public education on Lana'i.

Mahalo for your time and consideration.

Lelua Mataraka  
2367 Kaunala'au Street  
Honolulu, HI 96822



**TESTIMONY**  
**SB2547**  
**LATE**  
**(END)**