

Hulopoe Beach Park Fact Sheet HB 1486

1. Hulopoe Beach Park Rules incorporated with the Unilateral Agreement dated April 23, 1987 between Lanai company, Inc. and the County of Maui. (Attached)
2. Commercial tour boats with pre-existing agreements with Castle & Cooke were 'grandfathered'. The pre-existing agreements were very specific as to the number of passengers that could come to use the Hulopoe Beach Park (HBP) at any one time and was very specific as to the days access would be allowed. There would be no tour access on weekends or Holidays observed by Castle and Cooke employees. There would continue to be a per person charge to access (HBP) and this was subject to periodic increases to account for inflation. (It started at \$3.00 and is now \$8.32 per person)
3. All other commercial boat and activities were required to follow the Hulopoe Beach Park Rules. The Hulopoe Beach Park Council is a community-based organization, which includes representatives from the Lana'ians for Sensible Growth, the ILWU, the Four Seasons Resorts, Castle & Cooke (landowner) and the community-at-large, to oversee the management and use of the Hulopoe Beach Park on the island of Lanai. The Park Council supports HB 1486 as it will address the problem of unauthorized commercial use of Hulopoe Beach Park on Lanai by Maui tour boat operations.
4. The Beach Park Rules require a commercial operator to obtain a "Type 4 Permit" to bring paying guests to Hulopoe Beach Park. There is a very clear application process for use of the park for commercial purposes.
5. The HBP Rules were never intended to stop commercial activity completely - only control that activity based on seasonal considerations and the concerns of the community on Lanai. The General Public has free access seven days a week with daily ferry service from Maui five times a day.
6. The "Type 4 Permit" also allows Castle and Cooke to collect a nominal fee from the commercial operators for maintaining the Hulopoe Beach Park facility
7. Paragon and Maui Adventure Cruises have for years refused to obtain a Type 4 Permit and have never paid a dime for their use of Hulopoe Beach Park. Over the years they have brought tens of thousands of visitors to Lanai without contributing a single cent to the island of Lanai or the maintenance of the Park.
8. These two operators, as well as several others now planning to bring tourists to Lanai, send their passengers unescorted to the Beach Park, use the picnic tables, restrooms, and landscaping areas, swim and snorkel at the Hulopoe Manele MLCD and beach without adequate supervision, and put a tremendous burden on the island beach staff who are there to take care of guests and the general public who are there legally. This is dangerous plus a major human safety issue. (There are no State of County lifeguards only paid staff of the Hotel and the one licensed operator.)

9. These companies have made the argument that the Park Rules are 'inconvenient' or don't apply to them. At best, this argument is irrelevant, and at worst, an insult. No one should be above the law.
10. HB 1486 will give Castle and Cooke the necessary tools to enforce the Beach Park Rules, control the amount of commercial activity at Hulopoe Beach Park, and collect a reasonable fee for the maintenance of the area. (explanation of court ruling)
11. When Castle and Cooke brought legal action against these companies these two companies successfully argued to the Court that they were very much like a ferry because they just dropped their passengers off at Manele Small Boat Harbor and they did not escort their tours over to the Hulopoe Beach Park, therefore their guests were really just the "general public" and as such they were not subject to the Hulopoe Beach Park Rules.
12. Subsequently, at the request of the Hulopoe Beach Park Council filed February 38, 2008, the PUC did an investigation on these companies and in the October 2, 2008 PUC report concluded: "Based on the observations discussed in the enclosed memorandum, the Commission concludes that the allegedly illegal boat operators are conducting recreational and sightseeing tours, and are therefore exempt for the Hawaii Water Carrier Act under HRS 271G-6(5)." (Attached)
13. HB 1486 addresses the human safety issue as well as eliminating the loop hole currently being exploited which claims because there is no escort, these tours are not commercial.
14. DOBOR/DLNR is concerned that this will make added work for them. This is a misunderstanding on the part of DOBOR. All that is required of DOBOR is to make a condition of their permit that tour passengers must be escorted during the tour by a crew member.
It will **not** be up to DOBOR to monitor this, but in fact will be closely monitored by the HBP Ranger and the Lanai Community. Companies that refuse to comply would risk losing their commercial use permit for Manele Small Boat Harbor.

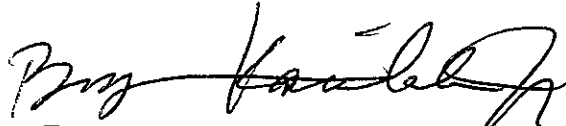
SB 2547 Was passed last legislative session but was vetoed by Governor Lingle. It was introduced again this year by request from the Lanai Community as HB 1486 with the same wording as last years bill.

1 Mar 2011

Aloha House,

I support HB1486. Please, you gotta put some kind of regulation to this boats just coming to Lana'i drop off people and probably hope they don't get hurt or even drown. These boat company's without the proper permits is total disrespectful to the people of not only Lana'i, but the United States of America! They are Americans! We are Lanaian's and we understand the law. WE display the spirit of aloha by abiding in the law of the Aina. Please support this Bill.

Aloha,


PH 559-0749
Benjamin Kaikala JK

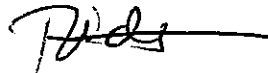
LATE TESTIMONY

27 Feb 2011

Aloha,

My family and I support the HB 1486. Please consider. We love our aina and we want to maintain its uniqueness and beauty. In order for this to happen, people operating "illegally" need to abide and follow the rules and not manipulate the legal system. We all know this, we know what is right. Lana'i has only two boats that transport guest legally – PUC authorized Expeditions Ferry and Commercially authorized – Trilogy Excursions. Trilogy operates only on week days, no holidays and no weekends. They made a personal commitment to the people of Lana'i and Castle and Cooke when Trilogy first started their business in 1973. Trilogy has been paying a fee from the beginning and this fee is used to maintain the beach, its park and comfort facilities. The Expeditions has been a super great asset to the people not only on Lana'i but world wide alike. Boats like Paragon and Maui Nui Explorer are well aware of what they are doing and how they are manipulating the system. Please help us to rid of this injustice and pass HB1486. Thank you very much.

Aloha,
Ricky Etrata Jr.



PH. # 649-9511

LATE TESTIMONY

To whom it may concern,

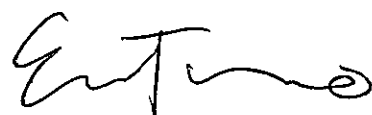
Aloha, my name is Erin Trevino and I have been a resident of Lana'i for 47 years. Living here on Lanai, it is well apparent how important the tourism economy is to our life. It's the visitors that come to see our islands beauty that helps give us jobs to pay our bills and feed our families. With that being said, it disappoints residents such as myself, to hear that some companies are bringing people to our island without giving back to the people. They come over without any agreements with the islands' company, Castle and Cooke, have their guest crowd our beach, Hulapo'e, use our facilities, and advertise activities that are not only impossible, but illegal. Companies such as, Paragon claim you'll swim with the dolphins when that is illegal. Our natural attractions are being used and abused.

Another impact of these companies to think about is the competitiveness. Companies that come to Lanai free of charge take away bussiness from Trilogy, the only company on Lanai that gives a percentage of its earnings to Castle and Cooke. Eventually this may potentially put Trilogy out of bussiness and cost the company hundreds of dollars to maintain a beach park for visitors who don't benefit the island or its' people.

Life on Lanai is unique to any other place in the world. I feel it is important to maintain its ways in any way possible for our children and future generations to come.

LATE TESTIMONY

Mahalo Nui Loa,
Erin Trevino



17 Feb 2011

To whom it may concern,

I support HB1486. There is only one boat company that pays a fee to utilize our beach, hulopoe bay. The money goes to maintain the bathroom facilities and keep our beach clean. There is 2 or 3 other boat companies that drop off the tourist and poor people, they don't know where to go and swim and they get slam into the rocks and I see Trilogy workers always running to save them and they didn't even come over to Lana'i with Trilogy! What a good company or they force to do the service cause they the only life guard on the beach? I no think so, they been around like almost 40 years, they for real. Only them should use the beach. Only they pay, the other boats come for the free ride. I don't mean to sound rough but as reality, they come ,enjoy and they go day after day. Takes away business from the legitimate company and steal from Lanaians. Still trying to figure that one out. Please help save our beach and let us keep our identity.

Mahalo,

Jenfa Sima
Jerrilyn Sima

Ph #7 808) 559-6051

LATE TESTIMONY

26 Feb 2011

Aloha,

I am resident of Lana'i for many years as far back as 1935. I retired from the State Highway Division as Supervisor for the island of Lana'i in 1988. Thus far I am a regular user of our beaches. I have been noticing there is a lot of visitors coming over to Lana'i but what really surprised me is that most of these visitors are day guest being transport from basically two specific boats by the name of Paragon and Maui Nui Explorer. As far as I can remember the only fully authorized Commercial Boat Company to do such activities is Trilogy Excursions Inc and PUC authorized Expeditions Lana'i Maui Ferry. I am quite familiar with this company.

Back when the harbor bathroom facilities was built we had no plan on how the state was going to maintain it, therefore my boss gave me orders to maintain the facilities. This is when I met the founder of Trilogy Excursions Inc Mr. Eldon Coon. This was in 1973. I made this my last stop before I knock off from work because back in those days our wages were low, so I use to bring my throw net and grab some manini and kala . I use to stop by Mr Coon as he would be just cleaning up from his BBQ with his guest and have conversation with him as he would share some of his famous Trilogy BBQ chicken. Any way over the years there were many changes, but what really sticks to me today is maintaining our beach and its facilities. Trilogy "use to" give a substantial amount of monies to help maintain the beach and its facilities, but now they are able to only give as to how many day guest they bring over to enjoy the day on our Aina due to these other boats are not abiding by the rules and law of this land. Life of the aina is preserved by righteousness. I support HB 1486. Please consider the people of Lana'i. Mahalo Ke Akua,

Respectfully Submitted,
ALFRED D. LOPEZ SR.
1328 Fraser Ave
Lana'i City, Hawaii 96763

LATE TESTIMONY

LATE TESTIMONY

Mahalo,
Mantel Unkai
649-0528

Life on this island is unique to any other place in the world. It is important to us to maintain the beauty of our beaches, not only for myself but for our children and for the next generation to come.

And cost the company to maintain the beach part for visitors. gives a percentage of its earnings to the Cattle and Cooke company. away business from Trilogy. TRILGY, is the only company that compares that come to Lanai with free of charge take

companies such as Pargen, allowed their guest to swim with the dolphins and we know that swimming with the dolphins is illegal. Our natural attraction are abused.

Living here on Lanai, is a well apparent how important the tourism economy is to our life. Visitors that come to see our island's beauty give us jobs. As a resident of this island, I feel disappointed to hear that some companies are bringing people to this island without making any agreement from the island's company such as Cattle and Cooke.

To whom it may concern;

23 Feb 2011

Aloha to whom it may concern,

I'm long time resident of Lana'i. I can only give my opinion to help Lana'i resident's especially the young kids. Hard to find jobs. One thing we get hard time with is taking care our beach. We use to have a 24 hour security and on the spot emergency service when had plenty workers at the beach. But since get all this other boats come, paragon and the long rubber raft, they take away business from Trilogy. Because Trilogy pay money to Castle and Cooke to help with maintenance, workers and what not. I use to go meeting before, old senior center, they tell us about all this kind stuff, plus we see when we go beach. Maybe cheap as why they go with the other boats to Lana'i, but they don't even get permit, so same thing, like stealing from our Aina. Maybe if they get permit and pay. I know Trilogy long time ago. They pay and help plenty. Everybody should do the same. Please help us, especially our kids. Me and my family support HB 1486.

Mahalo,

Ricky A. Santos Sr 808 559 0810

Ricky SANTOS sr.

LATE TESTIMONY