



January 30, 2011

Via Email Communication: Capitol.hawaii.gov

To: Honorable Chair Bower  
Vice Chair Tokioka

Re: HB 548 Relating to Trespass

From: Poipu Beach Resort Association & Poipu Beach Foundation

Dear Chair Brower, Vice Chair Tokioka and Members of the Committee:

On behalf of the Poipu Beach Resort Association (PBRA), a 100 member-organization based on the South Shore of Kauai, I would like to offer our support of House Bill No. 548 (HB548), relating to trespass via visitor guide publications and websites.

Hawaii visitor publications and websites often encourage readers to trespass on private property in order to experience an attraction or activity. The information presented by these websites and guide publications violate the rights of landowners and visitors and more importantly, it puts the visitor in harms way, leading to possible injury or death. Furthermore, in the case of injury or death, the reputation of Kauai as a visitor destination is negatively impacted. It is imperative that visitor guide books and websites remove areas within their materials that encourage trespass on private property. Should these entities refuse to remove said information, we believe that they should be held liable for any incidence.

Thank you for the opportunity to present testimony in strong support of House Bill No. 548.

Respectfully submitted,

Jody Kjeldsen  
Executive Director



## COMMITTEE ON TOURISM

January 31, 2011

Testimony

### HB548 RELATING TO TRESPASS

Chair Brower and Members of the Committee,

Maui County Farm Bureau on behalf of our commercial farm and ranch families and organizations on the island is in **strong support** of the intent of HB548, holding authors of publications and websites liable for readers who suffer injury or death during the conduct of trespass, while exempting property owners from liability for these incidents.

As one of the most publicized tourist destinations in the world, Maui's farmers and ranchers face significant trespass challenges, possibly more than elsewhere in the State. Some of the visitor publications are blatant in their disregard of private property, encouraging visitors to ignore any signs that warn people not to trespass. Note this excerpt from the very popular 2009, 4<sup>th</sup> edition tour guide book, "Maui Revealed, The Ultimate Guidebook":

**"....an awkward, potentially injurious five-minute walk, and a NO TRESPASSING sign. Is it worth going to? To us, it sure is!..."**

This type of completely irresponsible and potentially dangerous enticement used by tourist publications must stop.

However, there are challenges to crafting this bill so that it will not penalize the authors of a legitimate news story that inadvertently lures visitors to trespass after they read about the site. People often wonder why farmers and ranchers are reluctant to speak in public. Some of our farmers have been victims of theft after an article about their farm is published. Once bitten you do not repeat the experience. A news article normally does not encourage people to trespass; yet people do.

In addition, many of our farmers and ranchers have their own websites that describe their farms. The photos and descriptions may inadvertently entice readers to trespass. We would not want this bill to have the unintended consequence of providing a loophole to trespassers or thieves who might defend themselves by claiming that the farm website invited them to trespass on the property.

We appreciate your consideration of this measure and are willing to work with you to identify language that will not result in unintended consequences. We respectfully request dialogue between landowners, agriculture, and the travel industry, to identify workable language. We ask your support in moving this bill forward.

Thank you for this opportunity to provide our opinion on this important matter. If there are questions, please contact Warren Watanabe, Executive Director of MCFB at 2819718.

Rec'd after the  
Hearing



**KAUAI**  
Chamber  
of  
Commerce

January 31, 2011

Testimony to House of Representatives - Committee on Tourism  
January 31, 2011, 9:15 a.m., Hearing: 9:15 a.m., Capitol Conference Room 312  
Hawaii State Capitol

Honorable Representatives Chair Tom Brower, Vice-Chair James Kunanae Tokioka and members:

Dear Representatives:

**RE: House Bill 548**

My name is Randall Francisco and I am President/CEO of the Kauai Chamber of Commerce which comprises of approximately 450 members, 650+ representatives and 6000+ employees from across 119 industry sectors. 89% of the members are small businesses. The Chamber appreciates the efforts being made by members of the Legislature in addressing the budget shortfall during this tough economy.

**On behalf of the Chamber, I am writing to express support of HB548**

The Chamber supports this legislation primarily because it is about accountability and responsibility.

As someone who is also an author/writer, I never take for granted my freedom of speech and the *Kuleana* (responsibility) associated with any communication sent not only to the Chamber's membership but, also, the general public as well as our visitors to Kauai. To this end, I am writing to ask for your support to pass this much-needed legislation that will bring about a Kuleana about information that is presented in printed and other media including electronic/social media and which impacts the innocent and unbeknownst visitors and even residents who assume in the literature/media about the islands' various scenic, cultural, historic, recreational, and, 'safe' places ---- without realizing the dangers including the fact that they are possibly trespassing on private property. At a recent holiday get-together located next to the entrance to a Kauai waterfall, I heard the sounds of an ambulance and fire-rescue truck responding to a victim who visited the site and needed to be rescued. This reminder brought to my reality that we can help prevent the loss and or impairment of another life as well as the nuclear and extended ohana.

Thank you for the opportunity to submit testimony. If you have any questions, please contact me at Kauai Chamber of Commerce, 245-7363. Mahalo Nui Loa and Aloha.

Randall Francisco  
Kauai Chamber of Commerce

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Monday, January 31, 2011 6:20 AM  
To: TOUtestimony  
Cc: David@adventureskauai.com  
Subject: Testimony for HB548 on 1/31/2011 9:15:00 AM

Testimony for TOU 1/31/2011 9:15:00 AM HB548

Conference room: 312  
Testifier position: **support**  
Testifier will be present: No  
Submitted by: David Carswell  
Organization: Princeville Ranch  
Address: 3836 ahonui pl. Princeville,hi  
Phone: 808639-3686  
E-mail: David@adventureskauai.com  
Submitted on: 1/31/2011

Comments:

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Monday, January 31, 2011 8:45 AM

To: TOUtestimony

Cc: denise@adventureskauai.com

Subject: Testimony for HB548 on 1/31/2011 9:15:00 AM

Testimony for TOU 1/31/2011 9:15:00 AM HB548

Conference room: 312

Testifier position: support

Testifier will be present: No

Submitted by: Denise Carswell

Organization: Princeville Ranch

Address: P.O. Box 224 Hanalei, HI

Phone: 808-639-8504

E-mail: denise@adventureskauai.com

Submitted on: 1/31/2011

Comments:

55 GREAT HIKES



Kauai

DAY HIKES ON

## Hike 21 Kipu Falls

**Hiking distance:** 1 mile round trip

**Hiking time:** 30 minutes

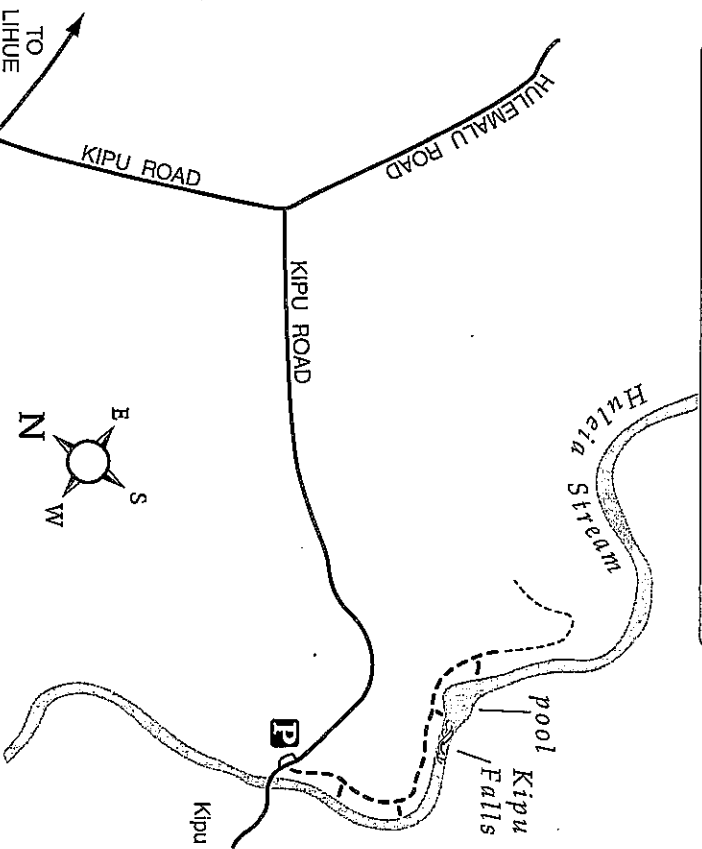
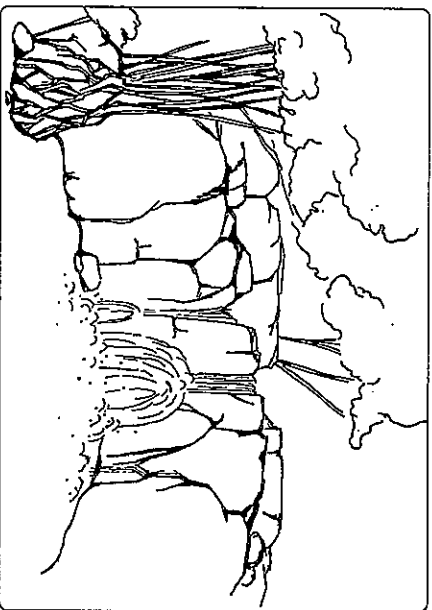
**Elevation gain:** 50 feet

**Maps:** U.S.G.S. Koloa

**Summary of hike:** Kipu Falls is a 20-foot waterfall plunging into a large, deep pool ringed by 20-foot cliffs. The trail follows a cane road parallel to Huleia Stream, a large body of water cascading through the forest. The jagged mountain ridges of the Haupū Range serve as a backdrop to the cane fields. On the weekends, locals dive and swim here, but be extremely cautious, as the footing on the cliffs around the pool can be treacherous.

**Driving directions:** From Lihue, drive 3 miles west on Highway 50 to Kipu Road across from mile marker 3. Turn left (south) and drive 0.4 miles to a road fork. Bear right on the unpaved Kipu Road 0.7 miles to a parking pullout on the right by the "one lane bridge" sign.

**Hiking directions:** The trail is the gated cane road that is directly across the road. The gate has an ancient, scratched out and disregarded "No Trespass" sign. Walk around the opening on the right side of the gate. Head south on the dirt road, following the watercourse of Huleia Stream on the right. Several side paths lead down to the stream. As you near the roaring waterfall, the cane is tall, blocking the view. Watch for a narrow opening in the brush. Bear right and descend to the top of the waterfall on the cliffs above the pool. This is the best access point from the steep cliffs. If you continue on the main trail a short distance, a second access leads to an overlook of Kipu Falls and the large pool. Return by retracing your steps.



# KIPU FALLS

Fifty-five Great Hikes - 55



19<sup>th</sup> edition

# Kauai

Underground Guide



**'a treasure'**  
- Chicago Sun-Times

**'the bible for Kauai'**  
- Travel + Leisure

**'a must for exploring'**  
- Seattle Post-Intelligencer

**'a classic'**  
- Honolulu Star-Bulletin  
& Advertiser

Lenore & Mirrah Horowitz

after rain or near where a stream flows into the sea.

**Queen's Bath is exceptionally hazardous;** numerous unsuspecting tourists have drowned there when sudden huge waves crashed over the rocky perimeter.

**Kipu Falls** has dangerous hidden boulders; licensed tours are the safest way to visit.

**Be careful when surfing.** Watch local surfers who know where to avoid strong currents, rocks, and dangerous wave breaks. Watch the interval between wave sets (as much as 30 min). Best beaches for learning are Kealia (Lifeguard), Poipu, and Hanalei in summer (Lifeguard and surf school).

**Locate the red Rescue Tube at unguarded beaches.** But read the instructions (also mounted on the post) carefully before trying to use a rescue tube to save someone, and if you yourself are not a strong swimmer, find someone who is. Use fins if possible.

**Avoid Portuguese 'men o' war,'** small blue jellyfish with trailing stinging tentacles. Don't step on

# RESCUE TUBE

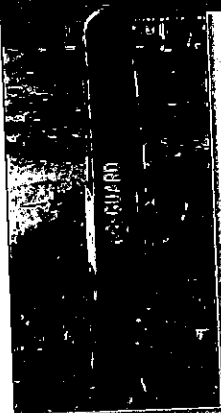
**WARNING:** Do NOT use this device if you are unsure or unable to respond to a drowning emergency (solid swimming skills required). Call 911 and keep an eye on the victim from the beach. **HOW TO USE:** Wear fins if possible. Wear the shoulder strap across your chest. Drag tube behind you until you are near the victim. Extend the tube to them. Rest and wait for help or kick to shore.



**RIP CURRENTS: KEEP CALM.** Go with the flow. It will release you just offshore. Rest, and swim perpendicular to shore and back to the beach. People who continue to fight against rip currents usually drown. Conserve your energy.

**CPR NEEDED?** Call 911. If the victim is unresponsive, open the airway and check for breathing. If not breathing, give 2 breaths and begin CPR with 30 chest compressions followed by 2 breaths. Continue until help arrives. Roll victim on side if they vomit. Recheck them.

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## Drownings 2008-2009

### North Shore

- Queen's Bath: 2008 (2)
- Haleiwa: 2008, 2009
- Kalihiwa: 2008
- Kilauea: 2008, 2009
- Ammi: 2009
- Hanalei: 2008
- Secret Beach: 2009 (2)
- Larsen's: 2009

### South Shore

- Lawai Beach: Jan, July, Aug
  - Poipu (Waiohā): 2008 (2), 2009 (2)
  - Mahaulepu: 2008
- ### East Shore
- Wailua: 2009
  - Kalapaki: 2008
  - Anahola: 2009
  - Opaekea Falls: 2009
  - Kipu Falls: 2008, 2009




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## GET PAID.

## Kipu Falls

Lihue Hawaii Hikes

Overall Member Rating: ★★★★★ (4 Member Reviews)

- Like
- Write A Review
- I've done this
- Add to Wish List

- Summary
- Trail Guide
- Topo Map
- Reviews
- GPS beta



Kipu Falls is a 20-foot waterfall plunging into a large, deep pool ringed by 20-foot cliffs. The trail follows a cane road parallel to Huleia Stream, a large body of water cascading through the forest. The jagged mountain ridges of the Haupu Range serve as a backdrop to the cane fields. On the weekends, locals dive and swim here, but be extremely cautious, as the footing on the cliffs around the pool can be treacherous.

- [View Guide](#)
- [View Topo Map](#)

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### About This Trail Guide



**Day Hikes on Kauai**  
by Robert Stone (Day Hike Books)

This guide describes 55 day hikes with spectacular views on this popular Hawaiian island. Includes W...  
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### Popular Hotels

- Kauai Inn**  
2430 Hulemalu Rd.  
Lihue, Kauai, HI 96766  
Rates from: \$103.55  
3.6 miles away
- Banyan Harbor Resort**  
3411 Wilcox Road  
Lihue, Kauai, HI 96766  
Rates from: \$104.00  
4.2 miles away
- Banyan Harbor Resort No 1**  
3411 Wilcox Rd No 1  
Lihue, Kauai, HI 96766  
Rates from: \$175.00  
4.2 miles away
- Marriott's Kauai Beach Club**  
3610 Rice Street, Kalapaki Beach  
Lihue, Kauai, HI 96766  
Rates from: \$229.00  
4.4 miles away
- Kauai Marriott Resort & Beach Club**  
Kalapaki Beach, 3610 Rice Street  
Lihue, Kauai, HI 96766  
Rates from: \$237.00  
4.5 miles away

### Trail Statistics & Information

Got photos of this trail? [Upload Now](#)

- Activity Type: Hiking
- Nearby City: Lihue
- Length: 1 total miles
- Elevation Gain: 50 feet
- Trail Type: Out-and-back
- Duration: 30 minutes
- Season: Year-round
- Local Maps: U.S.G.S. Koloa and Lihue
- Topo Map: [Kipu Falls Topographic Map](#)
- Guide Book: [Day Hikes on Kauai Guide Book](#)
- Driving Directions: [View Guide](#)
- Trail Directions: [View Guide](#)

### Recent Trail Reviews

- akhiker**  
Rating: ★★★★★  
Date of Trip: 3/8/2009

Great, short walk through the jungle that ends at the top of the waterfalls...
- Jacqueline**  
Rating: ★★★  
Date of Trip: 5/18/2008

Short walk through cane field to top of falls. No real access to a spot at...

- [Write A Review](#)
- [Read All Reviews](#)

**Best Hotels Kauai** [www.TripAdvisor.com](http://www.TripAdvisor.com)  
Know Before You Go. Read Reviews from Real Travelers.

**Immunize Hawaii Pre teens** [hawaii.gov/health/immunization/](http://hawaii.gov/health/immunization/)

O'ahu

Hawaii

Mau

Kauai

Molokai

Lanai

Click On Name To View Site Info

Ancient Historical Sites

Bellstone

Captain James Cook Monument

Cemetery above Birthstone

Christ Memorial Episcopal Church

Coconut Grove

Fern Grotto

Grove Farm Homestead

Ha'upu Mountain Range

Hanakapi'ai Falls

Hanalei

Hanapepe

Kalaheo Town

Kalalau Lookout

Kalihiwai Falls

Kamokila Hawaiian Village

Kapa'a Town

Kauai Coffee Company

Kauai Marriott

Kauai Memorial Gardens

Kauai Museum

Kauai Soto Zen Temple Zenshuif

Keahua Arboretum

Kilauea Lighthouse

Kilohana

King Kona Profile

Kipu Falls

Knudsen Gap

Koke'e Campground

Koke'e Discovery Center

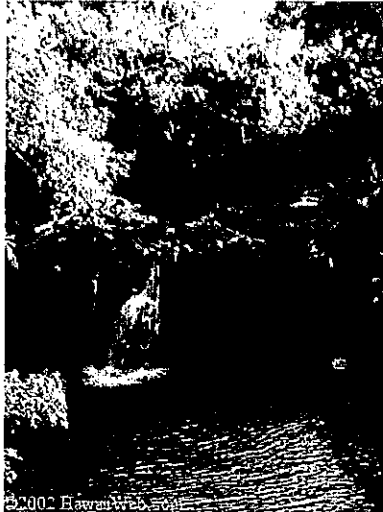
Koke'e Lodge

Koke'e Museum

Kolea Natural Amphitheater

# Sites

## Kipu Falls



There is a 5-minute hike off a dirt sugar cane road down to the waterfalls. On a hot summer afternoon, the area can become quite crowded, but the stream is wide here and the pool deep enough for everyone to enjoy.



**DIRECTIONS:**  
Take Highway 50 west from Lihu'e. One mile past Puhi, at Mile Marker #3, turn left on Kipu Road. At the 'Y', bear to the right. Turn left on the dirt road just before the bridge. Park your car by the gate and walk downstream approximately 5 minutes to the waterfall.

### Kipu Road Near Puhi, East Kauai

This terrific little waterfall is dearly loved and enjoyed by locals and tourists alike. The 20-foot rock wall surrounds most of the falls and a ropeswing dangles invitingly. The pool below is deep and crystal clear. The falls are fed by the Hule'ia Stream on its way to th Nawiliwili Bay



#### Useful Information:

- Always carefully evaluate conditions before entering the water - NEVER dive into the pool
- Remember, the leptospirosis bacteria may be present in fresh water streams and pools
- Wear reef shoes - the rocks can be very slipper and the rock wall is at least 20-feet above the pool



Click On Name To View Site Info

Kolea Sugar Mill

Kolea Town

Kukuiolono Park & Golf Course

Kukui'ula Harbor

Limahuli Garden

Lumahuili Stream

Makaha Ridge

Makawehi Lified Cliffs

Nanini-holo Dry Cave

Manoa Stream

Menehune Ditch

Menehune Fishpond

Moku'ae'ae Island

Na Pali Coast

National Tropical Botanical Garden

Nawiliwili Harbor

Ni'ihau Lookout

Ninini Point Lighthouse

Old Sugar Hill

'Opaeka'a Falls

Prince Kuhio Park

Princeville

Queens Bath

Russian Fort Elizabeth

Sea Arch at Marriott

Secret Falls

Sleeping Giant

Spouting Horn

Tree Tunnel

Waikanaloe Wet Cave

Waikapalae Wet Cave

Wallua Falls

Wallua River

Waimea

Waimea Canyon

Waimea swinging bridge



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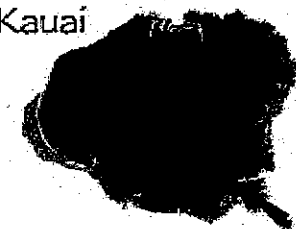


Kipu Falls, Kauai

Search our site with Google

Kipu Falls makes up in fun for what it lacks in height. The waterfall is extremely popular with locals and tourists in the know.

Kauai



A 20-foot rock wall surrounds most of the falls and the pool below is clear and refreshing. Multiple rope swings of varying heights are tied to nearby trees and there are jumping off (not diving!) points from the rocks. The scene is reminiscent of an old-fashioned swimming hole.

The falls are fed by the Huleia Stream on its way to Nawiliwili Bay. The falls are reached via a 5-minute hike off a dirt sugar cane road. On a hot summer day the area can become quite crowded, but the wide stream is roomy enough for everyone and the flat rocks are just right for a picnic lunch. Reef shoes are a good idea, as the rocks are slippery. Use common sense and caution so your swim stays safe.

Take Highway 50 west from Lihue. One mile past Puhi, at Mile Marker #3, turn left on Kipu Road. At the Y, bear to the right. Turn left on the dirt road just before the bridge. Park your car by the gate and, as always, do not leave valuables in the car.

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## Kipu Falls



★★★★★ 7 Reviews | [Add Review](#)

**ADDRESS:** Kipu Road, Lihue

**ADMISSION:** Free

Kipu Road, Lihue,

[http:// 7](#)

**ATTRACTION KEYWORDS:**

[Popular with Locals](#), [Swim & Snorkel](#), [Waterfall](#)

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Kipu Falls is a gorgeous retreat on the Huleia River, just outside Lihue.

Reached by a short walk along a former sugarcane trail, a lovely waterfall tumbles over a sheer 20-foot (6 m) cliff at Kipu, into the pool below.

Cool off with a paddle in this natural swimming pool, or join adventurous locals who fling themselves into the water using handy ropeswings attached to the surrounding trees.



9:13 PM Friday, Jan 28  
Broken clouds. Warm.

### Latest Reviews



Review by [Ana M L](#), USA, January 2010

Doing what: [Entire Kauai Island Air Tour](#)

Great tour with spectacular views of the island! Be sure to sit on the right hand side for better photos. [Continue Reading »](#)

**Kipu Road, Near Puhi, East Kauai**[Other Sites to See...](#)

This terrific little waterfall is dearly loved and enjoyed by locals and tourists alike. The 20-rock wall surrounds most of the falls and a ropeswing dangles invitingly. The pool below is deep and crystal clear. The falls are fed by the Hule'ia Stream on its way to th Nawiliwili Bay. There is a 5-minute hike off a dirt sugar cane road down to the waterfalls. On a hot summer afternoon, the area can become quite crowded, but the stream is wide here and the pool deep enough for everyone to enjoy.

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the waterfall.

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kipu falls, kauai

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**Kipu Falls - Kauai - Reviews of Kipu Falls - TripAdvisor** 🔍

**Kipu Falls, Kauai**: See 13 reviews, articles, and 13 photos of Kipu Falls, ranked No.94 on TripAdvisor among 240 attractions in Kauai. [www.tripadvisor.com/Attraction\\_Review-g29218-d565511-Reviews-Kipu\\_Falls-Kauai\\_Hawaii.html](http://www.tripadvisor.com/Attraction_Review-g29218-d565511-Reviews-Kipu_Falls-Kauai_Hawaii.html) - Cached - Similar

**Images for kipu falls, kauai** - Report images



**Kipu Falls, Kauai** 🔍

**Kipu Falls, Kauai**. Kipu Falls makes up in fun for what it lacks in height. The waterfall is extremely popular with locals and tourists in the know. ... [www.bestplaceshawaii.com](http://www.bestplaceshawaii.com) > ... > Best Hidden Places - Cached - Similar

**Waterfalls of Hawaii - Kipu Falls; Kauai, Lihue** 🔍

Location: Lihue, **Kauai**, **Kauai** County Stream: Huleia Stream Alternate Names: Height: Access: Distance: Elevation: Season: Difficulty: Form: Lat/Long: n/a ... [www.waterfallswest.com/waterfall.php?id=176](http://www.waterfallswest.com/waterfall.php?id=176) - Cached - Similar

**Hawaii Image - Kipu Falls, Kauai - Lonely Planet** 🔍

Hawaii Image - Diving off **Kipu Falls**. - Lonely Planet. [www.lonelyplanet.com/usa/hawaii/images/kipu-falls-kauai\\$26468-9](http://www.lonelyplanet.com/usa/hawaii/images/kipu-falls-kauai$26468-9) - Cached

**Videos for kipu falls, kauai**



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West Loch complex

**BY ROBBIE DINGEMAN**  
Advertiser Staff Writer

city and several contrac-  
rill pay to retrofit a city  
ent complex in Ewa Beach  
cks required disabled-ac-  
atures, under a settlement  
e federal government.

settlement, announced  
lay, calls for deficiencies to  
ed, such as moving  
ils, changing the slope of  
, widening doorways and  
at the 150-unit West Loch  
apartment complex.

settlement, filed in feder-  
t here Thursday, stemmed  
the construction of the  
och Village.

ral officials said the origi-  
mplaint was filed against  
ner, builder, architect and  
gineer "to enforce provi-  
f the federal Fair Housing  
at require recently cond-  
dwellings to include fea-

SEE DISABLED, B4

**BY JAN TENBRUGGENCATE**  
Advertiser Staff Writer

Voyaging canoes Hōkūle'a  
and Alingano Maisu were los-  
ing ground Monday in their  
sail toward the Marshall Is-  
lands, apparently tacking  
against headwinds that were  
driving them eastward.

"At last report, they were  
encountering winds this morn-  
ing out of the southwest" at 11

to 17 mph, said mission  
spokeswoman Kathy Thomp-  
son.

The canoes, which left the  
Big Island last week, had been  
sailing comfortably in light  
trade winds, but the same  
weather system that is causing  
gusty winds over the main  
Hawaiian Islands has settled  
a high-pressure ridge over the  
area where the canoes are —

roughly midway between the  
Big Island and Johnston Atoll.

The canoes' morning report  
matches what National Weather  
Service forecasters were  
seeing on computer weather  
charts.

"If the models are correct,  
they've got headwinds (a little  
more than 10 mph), and it's  
going to be that for the near  
future," said Honolulu fore-

cast office meteorologist Tim  
Craig.

Based on their automated  
position indicators, the canoes  
appeared to have tacked from  
a westerly course to the east-  
southeast overnight.

Craig said it could be Thurs-  
day or Friday before they get  
favorable winds for continu-  
ing on their preferred west-  
southwesterly course.

## Kaua'i officials fight fatal misinformation

Too many, especially  
tourists, being lured  
into dangerous waters

**BY JAN TENBRUGGENCATE**  
Advertiser Kaua'i Bureau

**NĀWILIWILI, Kaua'i** — Wa-  
ter safety officials, watching  
alarming drowning statistics,  
are sensing that they're finally  
starting to get some traction in  
warning tourists about danger-  
ous ocean conditions.

But they are still fighting  
guidebooks, Web sites and word-  
of-mouth information that leads  
unknowing visitors into danger.

A key feature of any program  
to protect visitors is informa-  
tion, and for years, lifeguards  
have been fighting a difficult bat-  
tle to educate people about ocean  
hazards. Many of them have  
launched their own individual  
efforts — often at their own ex-  
pense — to warn visitors.

"One lifeguard started going  
to activity briefings," said Kaua'i  
Councilman Jay Furfaro, a for-  
mer resort manager and also a  
former Mākaha surfer and life-  
guard.

Former firefighter Winston

SEE DROWN, B4



ADVERTISER LIBRARY PHOTO | 2002

Kaua'i County officials have closed the parking lot and posted a  
sign closing access to the trail to popular but lethal Queen's Bath.

inal Justice Data Center  
"No matter where a p  
is, my office will contin  
gressively pursue these  
tors who seek to harm  
gan's children," said Mi  
Michigan attorney gen  
want to thank the Haw  
torney General's Office  
enforcement for assistin  
fice in this arrest."

Christopher D. Young,  
attorney general in ch  
the Hawai'i Internet  
Against Children Task  
was away Monday and  
able for comment.

Michigan authorities s  
allegedly was chatting  
with a Michigan attorn  
eral's office investigator  
as a 14-year-old boy.

Neu sent an "e-ticket  
boy for a flight from De  
Honolulu "for the pur  
having sex with the  
Michigan authorities sa

He was arrested M  
morning at Honolulu I  
tional Airport, where  
legedly went to meet th  
who received the tick  
thorities said.

Honolulu police, assi  
state sheriffs executing  
tradition warrant, arrest  
at the airport after he ar  
pick up the boy, police

Reach Peter Boylan at 53  
or pboylan@honoluluad  
.com.

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HONOLULU ADVERTISER JAN. 30, 2007

they move outside the district in search of shelter.

Hawai'i receives about \$200,000 in federal money to comply with the law.

Since the suit was settled, homeless parents haven't faced as many hurdles when trying to deal with educators, said Venise Lewis, a plaintiff in the case who used to live at Maili Beach Park in Waianae.

Lewis said she was able to swiftly transfer her students from Waianae to Kapolei after moving in with relatives. Also, her 14-year-old son was allowed to have free lunch, where before only her younger daughters were getting meals at no charge.

"We told them that we were homeless and they just approved it," Lewis said.

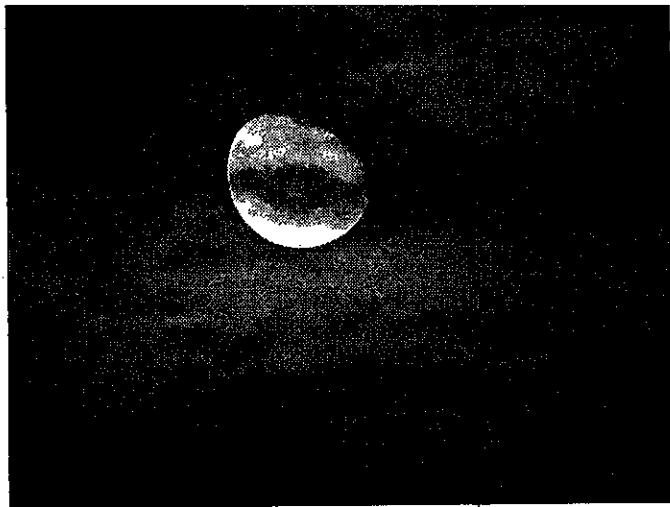
At Ka Hale A Keola Homeless Resource Center on Maui,

enched in before relocating to a shelter closer to other campuses, said children services case manager Esther Santos.

"There has been a great difference," she said. "The law states they get to stay at their home school. They don't have to transfer."

Homeless advocates say public schools should prepare for more homeless students as a result of the economic crisis, which is causing families to lose their homes.

"School districts are reporting tremendous increases (in homeless students) because of the foreclosure crisis and the economy," said Barbara Duffield, policy director for the National Association for the Education of Homeless Children and Youth. "Our numbers are going through the roof."



Dennis Fujimoto/The Garden Island

After a couple hours of high school football played under showers, the sight of the moon breaking through the clouds provided relief from the soggy conditions Friday night at Vidinha Stadium.



Cynthia Krizo/The Garden Island

ids next to his 1985 Volkswagen Westfalia, which has been modified with a n-producing cell. Green estimates the van has gotten a 30 percent boost in o water power.

process e would amount ne short tor and aid it is d in new ered pressed d tanks. systems individumcedes. ne truck-unies,

who are burning fossil fuels around the clock, could benefit greatly from the technology.

"The trickle-down effect in savings at the grocery stores could be huge for all of us right off the bat," he said. "We could be an example for the rest of the world on how to be self-sufficient on energy. A whole new energy infrastructure could take place, and we wouldn't be dependent on a fossil fuel economy anymore."

Green pointed to "politics as

usual" when asked why the concept has not gotten off the ground.

"Why aren't we doing it? Corporate politics that own our paid politicians," he said. "The technology is real. The main question is, are we going to empower ourselves or keep paying Royal Dutch Shell?"

Michael Levine, staff writer, can be reached at 245-3681 (ext. 252) or via e-mail at mlevine@kauaipubco.com

## Ocean

Continued from A1

don't know the territory," he said yesterday. "We need to be more responsible about the way that we advertise the beautiful beaches we have on Kaua'i, because they're not only beautiful but hazardous as well."

Kaua'i County Council Chair Jay Furfaro said yesterday that he hopes to get interested parties, such as the state Department of Land and Natural Resources and the Hawai'i Tourism Authority, at the table in coming weeks to discuss possible limitations to the access to Queen's Bath.

The natural pool is reached by hiking down a muddy trail from a parking lot in Princeville, then traversing the rocky shoreline.

"The next move is to get whole testimony from all parties concerned, then get it into a council agenda, and maybe it turns out to be a seasonal closure," Furfaro said, noting there are already warning signs in the county-run parking area.

Meanwhile, spokespersons for the employers of Cataldo and Westphal this week made statements regarding the tragic losses. Cataldo was a registrar for Clear Sky Elementary School in Castle Rock, Colo., where her two young children are students.

"Schools are small com-

munities and are like families. A loss like this is extremely difficult," said Douglas County (Colo.) School District Director of Communications Wheeler Wong in an e-mail. "News of her death hit the school community very hard. ... Our thoughts go out to Mrs. Cataldo's family, colleagues and friends."

Westphal had been serving as manager of Member Marketing for the Fairfax, Va.-based International Association of Fire Chiefs, according to Communications Director Edie Clark.

"All of us in the IAFC community are devastated by this news," said Mark Light, executive director of the IAFC, in a press release. "She represented the best in service and commitment to serve the IAFC and the international fire service community."

Yesterday, the Penn Athletic Club of Philadelphia dedicated its race at the 41st Annual Head of the Charles in Boston, Mass., to Westphal.

"Heather will be with us every step of the way, with her initials emblazoned on the side of the stern section of our racing shell," said 2004 Olympic Champion and IAFC member Jason Read in a Friday press release.

Michael Levine, staff writer, can be reached at 245-3681 (ext. 252) or via e-mail at mlevine@kauaipubco.com

## Pancakes

Continued from A1

Lindquist said this year's event sold some 650 tickets, about the same number as last year.

they are bad people. They've been working hard."

But Meyer also touched on one of the GOP's shortcomings, noting that Lee joined her for precinct walking three times. "I would hope that we had more volunteers that would come out, and it doesn't take the head guy" to do that, she said.

Republican Gordon Trimble of Downtown-Waikiki, who lost his re-election bid to the Senate, said his party was overwhelmed by voters who selected Democratic candidates across the ballot, starting with Obama.

"I'm not going to lay any blame at the foot of Willes Lee or the governor," Trimble said. "The governor, I think, remains amazingly popular because of her record of accomplishment, in spite of everything the Democrats have done to hamstring her."

Hemmings agreed. "It's not the Republicans' fault. It's not the governor's fault," he said. "It's something that is not being communicated adequately so the people believe the Republicans are the alternative to the status quo. Somehow it's just not getting through."

## Queen's

Continued from A1

Lifeguard instructor John Tyler Cragg, who supported increased signage and a solar-powered emergency call box among other measures, said closing the trail seems "a little extreme at this point."

Patrick Durkin, a former lifeguard who now runs Aquatic Safety Management, said a seasonal closure fails to address core drowning prevention strategies. These include lifeguards, warning signs and education, "an area we haven't put enough into."

He said lifeguards are a proven frontline of defense. But it was noted that the four recent drownings occurred at unguarded areas.

Warning signs, such as "Dangerous Shorebreak" or "Strong Rip Current," are "a litigation avoidance mechanism," Durkin said.

Others agreed that signage was important, but its impact negligible.

Signs show "a huge wave, a little man and a rock," Rapozo said. "Show some photos of some dead bodies. Let the tourists see that ... if the goal is to prevent drownings."

"Signage is a feel good measure," said Kekaha resident Bruce Pleas, an avid surfer and ocean weatherman. "People will hang towels on the signs."

Signs are posted at the Queen's Bath trailhead warning of the dangerous conditions.

Aside from signage, Durkin said the county needs to "out the guidebook."

The resolution says Queen's Bath is frequented "mainly by tourists who read about the destination in tourist guidebooks such as 'The Ultimate Kauai Guidebook.'"

It also says "the descriptions of Queen's Bath in the guidebooks do not provide sufficient information as to its dangerous nature and instead depicts it as an off-the-beaten-path paradise experience showing pictures of the area

during calm conditions."

The water safety experts, council members and Kauai Visitors Bureau Executive Director Sue Kanoho cast much blame on guidebooks, which they said fail to provide clear warnings of the dangers associated with a place.

Kanoho said the guidebooks should show pictures of Queen's Bath when it becomes "like a washing machine" in addition to how it appears on a calm day.

Andrew Doughty, author of the popular "The Ultimate Kauai Guidebook," said yesterday that the current edition, published last month, has taken a stronger stance on Queen's Bath.

The description in the book's 7th edition states: "During winter months (generally October-April), high surf often assaults the area. Even when the ocean appears calm, it's always possible for a rogue wave to snap at this part of the shoreline, knocking people around, maybe even dragging them back into the open ocean. That's why winter surf typically makes Queen's Bath unusable."

"We feel so strongly about ocean safety that we have one of the largest beach safety sections of any guidebook on the market, dedicating over 1.5 pages to the dangers that exist on Kauai and what to watch out for at all beaches," Doughty said. "This is in addition to individual beach warnings strewn throughout the book."

He noted that Queen's Bath is listed in virtually every guidebook, free publications, Web sites and was featured in some of the Hawaii Visitor's Bureau's literature.

"This has to be a joint effort," said Kanoho, who has written to a dozen guidebooks asking for their help. "We can't do it by ourselves."

Rapozo noted the DLNR's absence from the meeting. He and others who testified said the state needs to be more involved in the solution.

The resolution urges the DLNR to "consider placing

appropriate signage at the termination point of the county path easement leading to the coastline which effectively informs the public of the dangerous conditions."

Downs said signs fail to provide a "particularly good disincentive."

Yesterday was an example of a "beautiful but deadly" day, he said, noting a rapidly building north swell that could quickly transform the calm seas.

Councilman Daryl Kaneshiro suggested indicating the number of people who have drowned at the site to make signage more effective.

Downs said "underground signmakers" put up such a sign at Hanakapi'ai Beach where people had routinely died. He said the Polish visitor who drowned there last month was the first since the sign was posted five years ago.

"Everyone thinks it doesn't apply to them," Kanoho said.

Mark McKamey, the North District supervisor for the county's Ocean Safety Bureau, underscored education.

For instance, all the saves he has made near Queen's Bath have happened when the near-drowning victims swam with the current away from the coastline. JetSkis from Hanalei can reach the area within five to 10 minutes, he added.

"This is our problem ... the island's, the visitor industry's, everyone," said Kilauea resident Christopher Waite, a medic who witnessed the recent drownings at Queen's Bath. "It's a vision that stays with you a long time. ... It's not just unsuspecting visitors who are at risk."

Mayor Bill "Kaipo" Asing's administration is expected to make a presentation on ocean safety at an upcoming council meeting.

For ocean safety information and current conditions, visit [www.kauaiexplorer.com](http://www.kauaiexplorer.com)

► Nathan Eagle, staff writer, can be reached at 245-3681 (ext. 224) or [neagle@kauaipubco.com](mailto:neagle@kauaipubco.com)

## RIES

Family and friends may visit from 8:15 a.m. to 9:45 a.m. on Nov. 15, 2008 at Immaculate Conception Church where Mass will be celebrated at 10 a.m. Family requests that flowers be omitted.

Arrangements are being handled by Borthwick/Kauai Mortuary.

### Larry Saito

Larry Saito died on Oct. 21, 2008, in Las Vegas at the age of 57. Born in Lihue, on Feb. 22, 1951. Survived by wife Phyllis Saito; daughter Desaray (Robert) Brown; grandsons Keanu Saito, Ali'i Brown; aunts Alice, Jean; uncles Thomas, Robert and numerous nieces, nephews and friends.



Saito

Wilcox Health News

Kauai Medical Clinic  
at 245-3681 (ext. 224) or  
[neagle@kauaipubco.com](mailto:neagle@kauaipubco.com)

efforts will eventually pay off, President Bush insisted Friday, offering calming words to anxious Americans but no suggestion of a quick revival as Wall Street braced for another wild day.

The economy didn't falter over-

of Commerce building, a symbolic headquarters of American business.

Despite a flurry of radical actions by the Bush administration and the Federal Reserve, banks in the United States and abroad are still wary of lending money to each other

year and took a dangerous turn for the worse last month. All the fallout threatens to plunge the U.S. economy — as well as the world economy — into a painful recession.

That has led to erratic trading on Wall Street, where the Dow Jones

and negative territory in trading Friday.

Before Bush spoke, the more grim news: Home 1 back sharply, dropping 1

See



SUE KANOFO  
LOCAL  
LEADERS

## Irresponsible to promote Queen's Bath in guidebooks

Immediately following the tragic drownings of four people visiting our island last week, I received phone calls from concerned residents and government leaders asking what more could be done to prevent this heartbreaking loss of life.

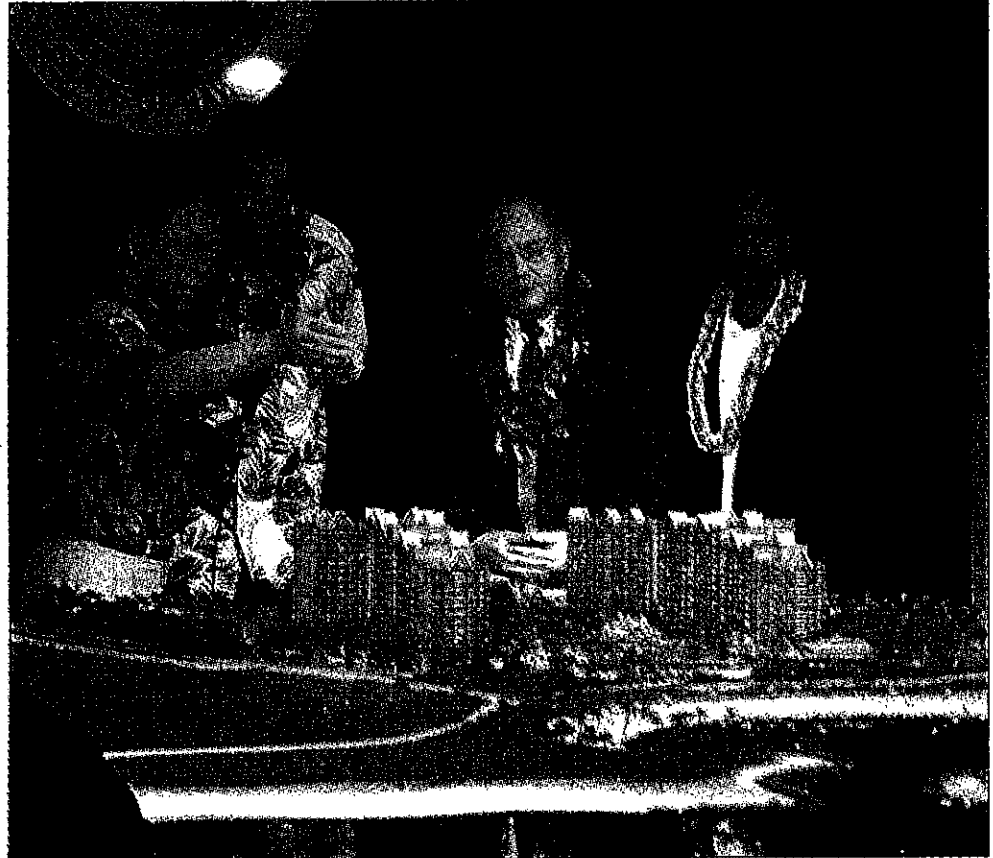
I feel the Kaua'i Visitors Bureau already does a lot to try and convey the water safety message via our travel planner, Web site, water safety brochures distrib-

I do think it's time to consider closing Queen's Bath during the winter months.

uted to visitors and travel agents, links to [www.kauaiexplorer.com](http://www.kauaiexplorer.com), daily printed water reports posted at the KVB office counter, production support of a banner at Lihue Airport, support of the WAVE (Water Awareness Visitor Education) training program, and the list goes on and on.

One area that many of us have tried to impact is the guidebooks. I have written to the guidebooks

See **Guidebooks**, C3



# Disney unveils plan for Hawai'i resort hotel

David Briscoe

ASSOCIATED PRESS

KAPOLEI, O'ahu — Seventy years after his first ride on Hawai'i surf, Mickey Mouse is finally coming back to the islands.

Disney's plan for a Hawai'i hotel complex unveiled Thursday is far from another Disneyland, both in distance and concept.

But Walt Disney Parks & Resorts' first venture in the islands will add 830 hotel and vacation time-share rooms, a fantasy-laden water play area and an 18,000 square-foot spa to the rapidly ex-

panding Ko Olina resort on West O'ahu.

A detailed scale model of the complex was displayed at a news conference with Disney officials and Honolulu Mayor Mufi Hannemann, who said the plans demonstrate how construction and business on the island continue to boom despite the global economic problems and drops in tourism.

It'll be the first such complex for Disney away from a theme park, combining a 350-room hotel with 480 vacation villas on one of Ko Olina's four man-made lagoons, which already feature a Marriott

hotel and time shares, a condominium project and chapels.

"We plan to offer the opportunity for our guests to vacation a completely new way, very different than they do at other park resorts, when they go to Hawai'i — to be sure to discover O'ahu, to discover the Hawaiian Islands," said Disney chairman Jay Rasulo.

The resort is expected to have 1,000 "cast members," Rasulo said. Many will come from O'

See

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REAL ESTATE ANSWERS

What you need to

ALL BUSINESS COLUMN

Bank bailouts con

	11.8.	11.9.	11.8.
Pig Iron, 1.0 lb. \$ per ton			
Platinum, troy oz. N.Y. (contract)	920.00	990.00	1399.00
Platinum NY Merc spot per troy oz.	882.80	882.80	1414.70
Mercury, 76 lb flask N.Y.	600.00	600.00	550.00
Scrap Steel, gross ton, composite	283.60	283.60	264.67
Zinc, \$ per lb.	0.5781	0.6275	1.4636

#### Other indexes

Standard&Poors 500 Index: 940.55  
- 5.88  
NYSE Index: 5948.80 - 22.10  
Nasdaq Composite Index: 1711.29  
- 6.42

NYSE consolidated volume:  
6,481,856,191

Total number of issues traded: 3,266  
Issues higher in price: 1,785  
Issues lower in price: 1,408  
Issues unchanged: 73

11/11	11/10	11/09	11/08	11/07	11/06
Jan	917				
Mar	920				
May	922				
Jul	928				
Nov	946	963 1/2	946	962	+ 35
Jul	942				
Nov	980	990	980	990	+ 44

Est. sales 191,682. Thu.'s sales 182,334. Thu.'s open int 355,361, up 1,113.

## Guidebooks

Continued from C1

asking them to properly cover areas on the island that deserve additional warnings or even proper notification, as well as monk seal education and requests not to take coral and rocks from the island. (So many come back to us with notes asking us to return them to their original location.)

The way some guidebooks are written invites innocent, unsuspecting people into areas that could be dangerous without proper information. I only had two of the 12 guidebooks respond and alter their publication as a result of my letter.

Kaua'i has a lot of water safety education tools available to anyone who is interested. Most of the large properties have been great about including the water safety brochures in their room compendiums. I don't know if all our vacation rentals and B&B's include the same information in their rooms, but if they don't, I hope they will in the future.

Even Kaua'i employees who come in daily contact with our visitors should be aware of what the surf is like that day. If someone hears visitors saying they are heading up to Queen's Bath during winter months and a high surf advisory, that would be a good time to share the water safety report of the day.

I do think it's time to consider closing Queen's Bath during the winter months. In general, published photos of it show that area during summer months when there is little to no surf. Each one of those photos is an invitation to an unsuspecting visitor who does not understand our ocean conditions and the possibility of

rogue waves or the impact of high surf on that area.

There is signage, but many walk right past it and think it doesn't apply to them. I hope all the parties involved can come together to see what can be done to take Queen's Bath away from the guidebooks once and for all.

► Sue Kanoho is the executive director of the Kaua'i Visitors Bureau.

She can be reached at [kauai@hvcb.org](mailto:kauai@hvcb.org)

Look for commentary from Diana Shaw, director of the Hawai'i Small Business Development Center's Kaua'i office, in next week's Local Leaders column. This will be Shaw's last contribution to the column, as she is relocating to Lana'i.

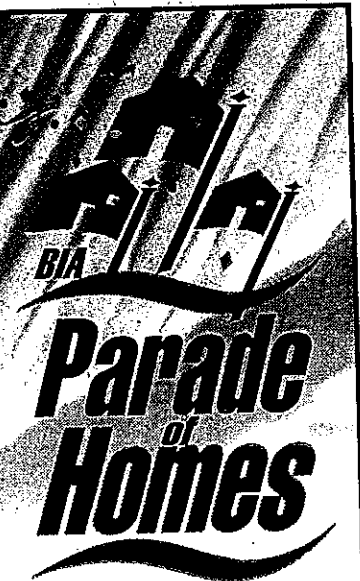


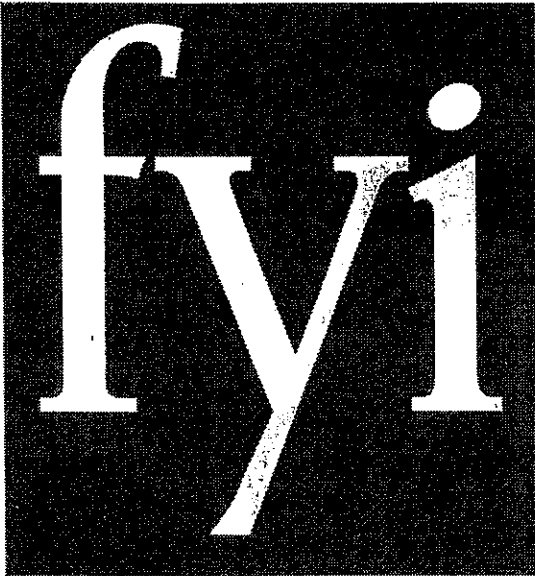
# HAWAII'S PREMIER OPEN HOUSE EVENT FOR NEW HOMES

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VISIT: [WWW.BIAHAWAII.ORG](http://WWW.BIAHAWAII.ORG) FOR MORE DETAILS

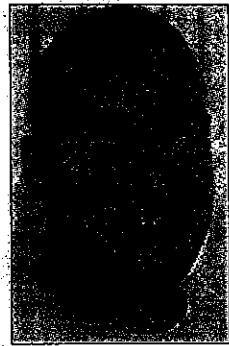
\*BIA Parade of Homes entry prices are listed as of entry submission date.





## Talk Story | Leo DuBois

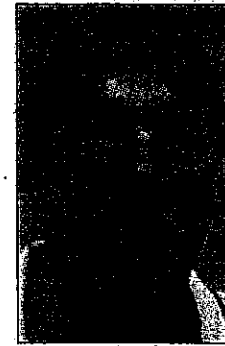
*Do you think Queen's Bath should be closed in the winter?*



**Makaia Leong**  
Kilauea  
"I think so. I think it should be closed during the winter for everyone's safety."



**Tatiana Leong**  
Kilauea  
"I think it should be closed (when it is dangerous) and if they put it in the guide books should at least put a warning about it."



**Bill Grier**  
Wailua Homesteads  
"I like Queen's Bath and take visitors there ... but I've seen the waves come up really dangerous and really fast, so during periods of high surf it should be closed."

## SENIOR CALENDAR

### Tuesday, Oct. 21

Kilauea — Enhanced Fitness, 7:30 to 8:30 a.m.  
Kapa'a — 'Ukulele, 9 to 11 a.m.; Beg. 'Ukulele, 11 a.m. to p.m.; Japanese Dance, 9 to 11 a.m.  
Lihu'e — General Assembly, 9 to 11:30 a.m.; Kelvin Moniz (Food Bank); Bingo; Yoga Class, 4 to 5 p.m.  
Koloa — Kokua Crafts, 9 to 11 a.m.; Recreational Crafts, 9 to 11 a.m.  
Kalaheo — 'Ukulele, 9 a.m.; Yoga, 9:30 a.m.  
Hanapepe — Senior Assembly, 8:30 a.m.  
Kaumakani — Craft and games, 9:30 a.m.  
Waimea — Quilting, 9 to 11:30 a.m.; Outreach Mahalona  
Kekaha — Assembly 9 a.m.; Chinese Auction; KEO Nutrition.

### Wednesday, Oct. 22

### Friday, Oct. 24

Kilauea — Enhanced Fitness 7:30 to 8:30 a.m.; Chorus w/Ed Kenney, 8:30 a.m.; Nutrition, 11 a.m.; Gateball.  
Kapa'a — Exercise with Marta, 8 to 9 a.m.; Line Dance, 9:30 to 11 a.m.; Sober Seniors & 'Ohana Talk Story, 10 to 11 a.m.  
Lihu'e — Beg. 'Ukulele, 8 to 9:30 a.m.; Inter. 'Ukulele/Performing Arts, 9:30 to 11:30 a.m.; Hawaiian Quilting, 8:30 to 9:30 a.m.; Enhanced Fitness, 1 to 2 p.m.; Filipino Dance, 2 to 4 p.m.  
Koloa — Enhanced Fitness, 8:30 to 11 a.m.; 'Ukulele 9 to 11 a.m.; KEO Nutrition, 9 a.m. to 12 p.m.  
Kalaheo — Kupuna Wellness: Total Body Conditioning, 8 a.m.  
Hanapepe — Japanese Dance, 8:30 to 10:30 a.m.  
Kaumakani — Hula, 10 a.m.; Enhanced Fitness, 9:30 to 10:30 a.m.  
Waimea — Fitness Enhancement 8 to 9 a.m.

## Island Album



## 'Ele'ele School Craft and Book Fair set for Saturday

THE GARDEN ISLAND

Tropical fish are just one of the items available at the 'Ele'ele School Craft and Book Fair coming Saturday.

Doors open at 9 a.m. and will include more than 30 vendors offering a variety of items such as handcrafted jewelry, cards, glassware, identification holders, appliqued T-shirts, quilts, University of Hawai'i apparel, and more.

One of the unique facets is the sale of tropical fish which is always a hit with customers to



updated: Oct 12, 2008 8:25AM

# KAUAI OCEAN REPORT

Supported by the Kauai Fire Department Ocean Safety Bureau.

\*Forecast and warning information provided by the National Weather Service.

## HIGH SURF WARNING



**HIGH SURF ADVISORY NORTH AND WEST FACING SHORES.** Surf exceeding the 15' advisory threshold by Sunday PM. Watch out! Always use caution & consult lifeguards before entering the water - **WHEN IN DOUBT DON'T GO OUT!**

### OCEAN REPORT DISCUSSION

Surf is rising rapidly along North and West facing shores. Expect powerful waves and currents at any N or W facing shoreline location. Waves come in sets - so exercise caution in and AROUND the ocean. Calmest conditions on South-facing shores. For safest swimming go to lifeguarded beaches like Lydgate, Poipu Beach Park, Salt Pond, Kekaha.

Outlook to Friday Oct 17: The current advisory-level NW swell will persist well into next week.

### LIFEGUARD OBSERVATIONS

STATION	SURF	WIND	VISIBILITY
1 Haena	10-12+ ft	10-20 kt	good
2 Hanalei	4-8+ ft	10-15 kt	good
3 Kealia	3-5 ft	10-15 kt	poor
4 Lydgate	3-5 ft	10-15 kt	good
5 Poipu	1-3 ft	10-20 kt	good
6 Salt Pond	1-3 ft	10-15 kt	good
7 Kekaha	1-2 ft	10-15 kt	fair

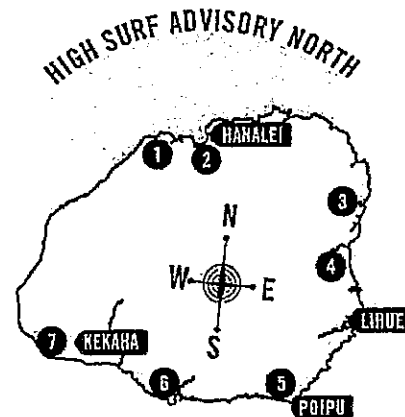
Lifeguards report on ocean conditions daily at 9AM. Please consult lifeguards on location for advice on current conditions and trends.

### FORECAST SURF HEIGHTS

North	14 to 18 ft
West	8 to 11 ft
South	1 to 3 ft
East	3 to 5 ft

### SURF ADVISORY MAP

Lifeguard tower locations correspond to those shown on the surf observations table.



## SAFETY TIPS

- ❖ **SWIM AT LIFEGUARDED BEACHES** - ask lifeguards for safety and swimming tips.
- ❖ **CONDITIONS CONSTANTLY CHANGE** - daily and seasonal changes must be monitored closely.
- ❖ **WAVES COME IN SETS** - it can look calm for up to 20 minutes between dangerous sets of huge waves.
- ❖ **HAZARDS CAN EXIST IN ANY COASTAL AREA**, not just in the water. Be careful on wet sand and rocks.
- ❖ **DO NOT FIGHT A RIP CURRENT** - if caught in a current keep calm, float, breathe, don't panic, and wait for help. Go WITH the current and conserve energy.
- ❖ Use the **BUDDY SYSTEM** - never swim alone
- ❖ **WHEN IN DOUBT - DON'T GO OUT!** Know your limits!

The Ocean Report is made possible by

**Capt. Andy's  
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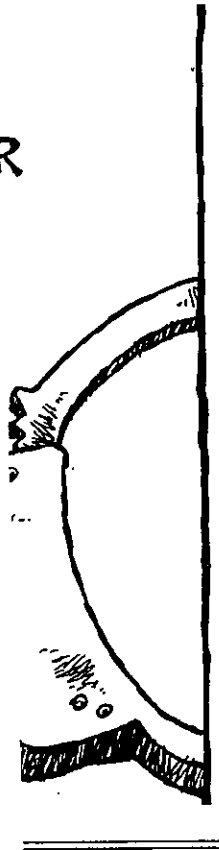
**THE GARDEN ISLAND**  
 Founded in 1902

SHANNA POLLARD *Publisher*  
 PAUL C. CURTIS *Associate Editor*

Kauai Publishing Company  
 A LEE ENTERPRISES NEWSPAPER

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**LETTERS**

**Queen's Bath should not be promoted**

On Thursday, Oct. 13, another life was lost in a drowning incident at Queen's Bath in Princeville. Sadly, this has become an almost annual occurrence there. Many Kaua'i guidebooks and activity desks promote Queen's Bath as a "must see" destination, and tragically, too many visitors, unaware of the power of the waves crashing on the lava rocks, are led there to their demise.

My family and I live nearby and have seen tourists blissfully taking their small children with floaties on down the trail to Queen's Bath during high winter surf. We have warned countless people of the dangers there.

I strongly request those who promote Queen's Bath as a tourist destination to reconsider their actions, and that the county council look into the high incidence of drownings, and at the very least close county access to Queen's Bath during the winter months. The cost has been too high. Let's try to prevent any further tragedy.

► *Joe Marvin*  
 Princeville

**Mahalo for bridge**

Mahalos, Mr. Mayor, for the new 'Olo-hena bridge and freshly paved roadway! It was well worth the wait and cost.

Please continue to exercise your wisdom, courage and stamina by staying the course on the bike path and not being deterred by the nattering nabobs of negativity.

► *Jim Jung*  
 Wailua Homesteads

**Were 'doomsayers' surprised?**

Attention: Mayor and honorable members of the county council

Remember when you were opposing the Ohana Kaua'i Tax Initiative? You were all the doomsayers of how the bond rating of the county would be destroyed if the measure passed. Well, were you surprised to read the headline of The Garden Island indicating that the bond rating of the county has been raised contrary

gave us Darwin to show us how it might have happened. If I need a tooth pulled, I might go to Dr. Saker. If I want a good scientific explanation of how things came about, I might read Darwin. But please don't go to Dr. Saker for an explanation of the law of probability.

► *Paul Kelley*  
 Kalaheo

**Knows who to put his faith in**

In Saturday's Forum, Biff Whiting did not exactly say God did not exist; but, he certainly implied it. What he directly said was that if God exists, God could not be interested in human kind.

Anyone making such a call as this, when asked, would probably say that they were not religious and "simply do not believe in that stuff." However, this writer is very religious. He believes (and has put his faith in) in the Religion of Biff. Unlike the world's other principle religions, which, over centuries, have been analyzed and affirmed by some of the finest minds of their time, the Religion of Biff is based on Biff's own critical thinking skills (or the lack thereof).

I don't know about you; but, when it comes right down to it, given the certainty of mortality, I know who I will put my faith in, and I also know in whom I won't.

► *Pete Antonson*  
 Kalaheo

**Bike path is safer alternative**

My hope is that the article about the bicyclist that was killed along Kuhio Highway will make the opponents of the proposed bicycle path rethink their positions. Riding along much of the highways is just not safe, in particular that stretch from Wailua to Kealia. Without the proposed bicycle path, those people who cannot afford a car risk their lives and those who can afford a car won't consider bicycling. With the bicycle path available people will be able to leave their cars at home (thus improving the traffic situation) and those without cars will be able to travel safely. Let's get going on the bicycle path before someone else is seriously hurt or killed.

► *Alan Warwick*  
 Bellevue, Wash.



## Opinion > Letters To The Editor

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### Letters for Thursday, October 16, 2008

Print Page

Published: Thursday, October 16, 2008 12:12 AM HST

- What can I do about the recent drownings?
- Heed the warnings
- Varroa mite emergency

#### What can I do about the recent drownings?

It saddened me to hear of four drownings in two days of high surf on Kaua'i's North Shore and Eastside. As a lifeguard instructor, I'd like to offer some help free of charge.

First of all, inform visitors it's not a good idea to be near the high surf at all, or swimming in it.

If someone is caught in a current going out, the thing that kills is panic trying to get back where they started. Don't. Instead of fighting a current that's too strong directly back in, surrender to it taking you out a bit, likely only 100 to 200 yards. Most visitors panic thinking they'll be swept out to sea; that is not usually the case. The man's body at Hanakapi'ai was 200 yards out. As someone on shore, you can wave the person to swim right or left of where they are (parallel to the rip current), and then rest/float until help comes, or they can make their way in at a safe spot just a bit down the shore. Paramedic's rule: "Always take care of yourself first, so you can help take care of others."

Some 30 donated lifeguard rescue tubes are being placed at unguarded beaches all over the island. This is a pet project of mine and Dr. Monty Downs, and Hanalei Rotary are looking to sponsor more tubes as well. If you see one up, know it's for emergency use, not a play object, or a fisherman's new buoy. They need to stay in place.

Also, I am very willing to take 30 minutes at a local beach, to show any interested resident for free, how to easily use a tube in an emergency. A local resident teenager used one of the tubes at Lumahai in July to save a visitor's life who responding lifeguards said would have likely died had the tube and Good Samaritan teenager not done their thing.

The basics of using the tubes are easy:

- Wear the tube's sash across your chest.
- Swim to victim, letting the tube drag behind you.
- As you near the victim, bring the tube forward and pass an end of the tube to the victim to calm them. Some 95 percent of the drowning element is the panic.
- Always keep the tube between you and the victim.
- You both can use the tube to float until help arrives, or to kick in to shore.

Call me to set up a free 30-minute beach training at 635-7062 or e-mail: [mysticseaswimmer@gmail.com](mailto:mysticseaswimmer@gmail.com)

If you're interested in buying a tube for yourself at cost, or donating to the project, that is fine too.

Other options: Take my refresher lifeguard course in one weekend, and/or a two hour CPR course for family and friends. Info at: [www.jtacpr.com](http://www.jtacpr.com)

- *John Tyler, Anahola*

are intended to take help residents with costs while also sustainability, but been questioned by talists and others out relaxing over-development.

ocrats have been it describing their package in grand : of opening them- criticism that many are administrative pe. Senate Major- ry Hooser, D-7th ), said the package itment to sustain- es such as health- ing that are im- king families.

highlights: rned income tax d at low-income

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provision to send ace tax money to using Trust Fund 009.

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tional protection workers who re- ng, fraud or mis-

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**LIABILITIES.**  
City Deputy Corporation Counsel Marie Gavigan said the contractor and the architect are each required to contribute

And the defendants will be required to undergo training on the requirements of the Fair Housing Act.  
Gavigan said this settlement

identified at West Loch; this type of fund is a routine requirement from the Justice Department whenever they settle these types of cases.

Reach Robbie Dinger rdingeman@honolulu tiser.com or 535-2429.

# Drown

CONTINUED FROM B1

Welborn, who runs a marketing company called Wasabi Marketing Elements, launched the Web site kauaiexplorer.com, with daily updates from lifeguards around Kaua'i on beach conditions.

"He's up at 5 a.m. every morning taking calls from lifeguards. We don't have anyone willing to do that (on O'ahu)," said Ralph Goto, administrator of Honolulu's Ocean Safety and Lifeguard Services. There's a link to the site on a statewide beach safety site sponsored by the University of Hawai'i and Honolulu's city ocean safety office, he said.

Kaua'i officials are particularly concerned and involved in water safety education, in part because Kaua'i's drowning rate, as a percentage of population, is more than twice that of any other county.

Ocean safety personnel said they are thrilled Hawaiian Airlines is airing a brief water safety video on flights from the Mainland. But they are seeking other ways to get the word out.

At the Kaua'i Ocean Safety Awareness Conference at the Kaua'i Marriott Resort last week, emergency-room physician Monty Downs said water safety personnel have tried to find ways to get information to tourists at

## ON THE WEB

Guide to Kaua'i beaches, updated daily with observations: [www.kauaiexplorer.com](http://www.kauaiexplorer.com)  
Statewide beach safety site: [www.hawaiibeachsafety.org](http://www.hawaiibeachsafety.org) or [oceansafety.soest.hawaii.edu](http://oceansafety.soest.hawaii.edu)

## DROWNING RATES

Drowning rates, by county, for 2001-2005

County	Drownings	Per 100,000 population
Honolulu	149	16.3
Hawai'i	45	22.9
Kaua'i	37	48.4
Maui	33	18.9

every possible contact point. He listed some: airlines, hotel concierges, guidebooks, car rental companies, travel wholesalers, baggage claim videos, visitor information Web sites, and, of course, lifeguards.

But the job isn't easy, and it's made even more difficult by information that leads visitors directly into danger.

Kaua'i Fire Chief Bob Westerman tells of sitting next to a couple on a plane, and being told they were headed for Queen's Bath on Kaua'i.

"They had a guidebook that showed it glassy calm on a summer day. I told them it wouldn't look like that in November."

In fact, Queen's Bath, a series of coastal pools on a rock shelf below the Princeville Resort, becomes extremely hazardous in

even a small swell, as waves quickly suck bathers into deep, rough water.

Kaua'i ocean safety bureau supervisor Kalani Vierra said it is one of the island's key danger zones, and that's odd, because it's not easy to find. He said he went to Queen's Bath immediately after a recent drowning and found the area still filled with tourists. He polled them.

"Eight out of 10 said they learned about it from guidebooks," he said. "The others were word-of-mouth."

"We've got to decide how to approach things that may be misleading," said Sue Kanohe, head of the Kaua'i Visitors Bureau.

Welborn said one solution would be for every place where visitors stay — be it a big resort hotel or a tiny bed-and-breakfast

— make available to the daily updates of ocean conditions. These would be the beaches where today, where they may find calm water for surf and where the guard are, as well as safety own site has a download file that's updated daily.

"I welcome people to and slide it under every door, even if they don't a cent," he said.

"Eighty-six percent drownings on Kaua'i residents over the five from 2001 to 2005," said Galanis, a state injury tion epidemiologist.

Reach Jan TenBruggen jant@honoluluadvertis or (808) 245-3074.

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(40) days after the date of the first publication of this notice; if any interested person desires further notice concerning the estate, including notice concerning the closing and distribution of the estate, he must file a Demand for Notice pursuant to HRS § 560:3-204.

All creditors of the above-named estate are hereby notified to present their claims with proper vouchers or duly authenticated

(Hon. Adv.: Jan. 23, 30; Feb. 6, 2007) (134431)

**FIRST CIRCUIT COURT NOTICE AND NOTICE TO CREDITORS**  
P. NO. 07-1-0032  
ESTATE OF  
**BETS GASCON RICHARDSON**  
aka. BETS G. RICHARDSON, DECEASED.  
FILED, a document purporting to be the Last Will and Testa-

Hawaii Revised Statutes Section 560:3-204.

Further, all creditors of the above-named estate are hereby notified to present their claims with proper vouchers or duly authenticated copies thereof, even if the claim is secured by mortgage upon real estate, to said applicant at address above, within four (4) months from the date of the first pub-

and SHINAE GO, and there appearing to me to be good reasons for granting the same:  
NOW, THEREFORE, by virtue of the authority vested in me by law and thereunto enabling, I, James R. Aiona, Jr., Lieutenant Governor of the State of Hawaii, do hereby give public notice that the name of Kristeen Lei-Ann Alki shall be changed to Kristeen Lei-Ann Chu upon a single publication in The Honolulu Advertiser, a newspaper of

granting the same:  
NOW, THEREFORE, by virtue of the authority vested in me by law and thereunto enabling, I, James R. Aiona, Jr., Lieutenant Governor of the State of Hawaii, do hereby give public notice that the name of Kristeen Lei-Ann Alki shall be changed to Kristeen Lei-Ann Chu upon a single publication in The Honolulu Advertiser, a newspaper of

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# GARDEN ISLAND



ESDAY • OCTOBER 14, 2008 • ONLINE: WWW.KAUAIWORLD.COM

## Four visitors drown in 2 days

### Polish tourist drowns at Hanakapi'ai

Michael Levine

THE GARDEN ISLAND

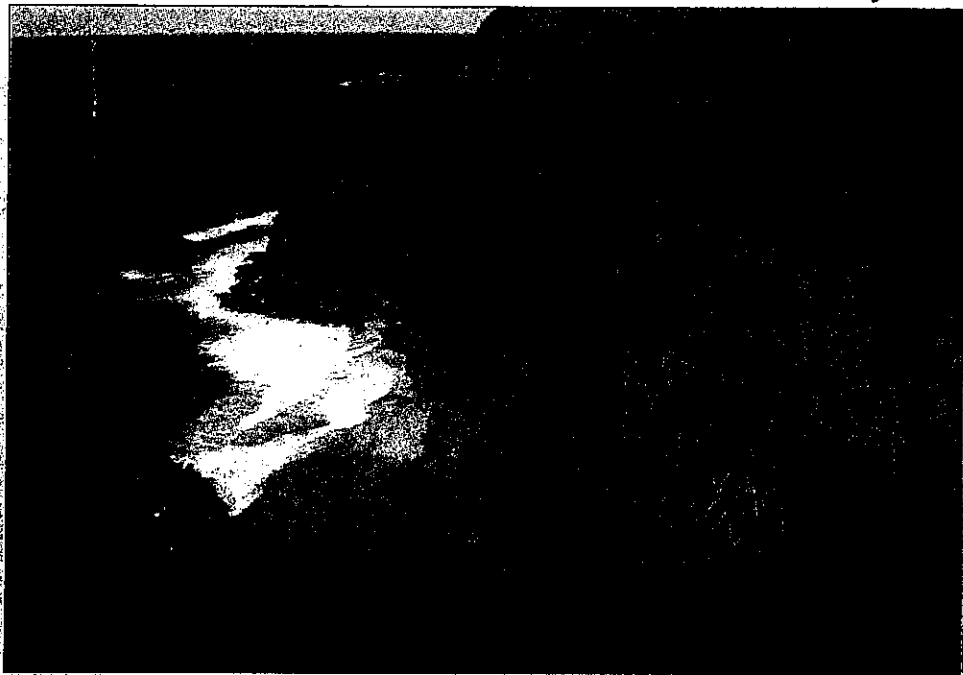
HANAKAPI'AI — A 25-year-old visitor from Poland drowned yesterday morning while swimming at Hanakapi'ai Beach, a county press release states, marking the fourth drowning death in two days on Kaua'i as the season's first major north swell rolled in.

The still-unidentified man hiked two miles in to Hanakapi'ai Valley and decided to jump in the water upon his arrival at the North Shore beach, according to witnesses.

Within minutes, he was reportedly overcome by the strong current and swept out to sea.

Someone who saw the incident hiked out and notified lifeguards.

See Tourist, A7



Nathan Eagle/The Garden Island

A Polish visitor drowned yesterday afternoon while swimming at Hanakapi'ai Beach, seen here in this photo taken last week. His death marks the fourth apparent drowning in two days on Kaua'i, where a high surf advisory on the North Shore remains in effect.

## Sunday drowning victims identified

Michael Levine

THE GARDEN ISLAND

The identities of three visitors who apparently drowned Sunday in a pair of incidents were released yesterday by the Kaua'i Police Department.

The 74-year-old victim in the incident near Kaua'i Sands in Kapa'a was identified as Hiroaki Kinjo, 74, from Japan.

Kaua'i Police Capt. Alejandro Quibilan said Sunday that emergency dispatch received a call at 2:54 p.m., and attempts to resuscitate Kinjo, who had

reportedly been snorkeling, were unsuccessful.

Police Dispatch received the call, notifying them of an unresponsive swimmer that was brought to shore in front of the Lae Nani, a condominium, according to a county news



Westphal

release.

Rescue specialists from the Lihue fire station and medics responded. When they arrived at the scene, bystanders were performing CPR on the man.

The first-responders took over and continued CPR en route to Wilcox Hospital, where the man was pronounced dead.

In the other incident, sisters-in-law Tonya Cataldo, 39, of Parker, Colo., and Heather Westphal, 33, of Washington, D.C., were walking along a ledge at Queen's Bath in

Princeville when a large wave swept them out to sea, according to a county press release.

Westphal had been serving as manager of Member Marketing for the Fairfax, Va.-based International Association of Fire Chiefs, according to Communications Director Edie Clark.

Cataldo was reportedly the registrar of Clear Sky Elementary school in Castle Rock, Colo. According to a biography on the school's Web site,

See Victims, A7

## Opponents attack against Carvalho in debate

Mayoral candidates face off with election 22 days away



## Tourist

Continued from A1

guards at Ke'e Beach around 11:56 a.m.

Air-1 was dispatched to the scene after picking up three rescue specialists.

Ken D'Attilio of Inter-Island Helicopters said he spotted the victim, already floating, within 23 minutes of taking off from Princeville Airport.

Two lifeguards on a Jet Ski were sent out to the victim, about 150 to 200 yards from Hanakapi'ai Beach, and brought him to Hanalei firefighters who were waiting in Zodiac-1, the press release says.

The victim was then transported via Zodiac-1 to Black Pot Beach Park in Hanalei.

"We get these big swells, and people aren't heeding (the warnings) and aren't watching the ocean," said D'Attilio, who described the victim as 6-foot-3 or 6-foot-4 with the look of a strong swimmer. "They're just going out like it's any other day and it's not."

The National Weather Service announced a high surf advisory on Sunday to remain in effect until today.

"A large north-northwest swell continues to produce above-normal surf mainly along the north-facing shores of most of the smaller Hawaiian islands," states the advisory, posted on the NWS Web site. "Surf heights of 14 to 18 feet will continue along north and west facing shores of Ni'ihau and Kaua'i.

"A high surf advisory means that high surf will affect beaches in the advisory area, producing large breaking waves, dangerous rip currents and localized beach erosion. Stay well away from the shore break and do not swim anywhere near the surf zone."

Three visitors drowned in two separate incidents Sunday afternoon near Queen's Bath in Princeville and Kaua'i Sands in Kapa'a.

► **Michael Levine, staff writer, can be reached at 245-3681 (ext. 252) or via e-mail at mlevine@kauaipubco.com**

## Victims

Continued from A1

Cataldo was a long-term resident of the area and her two children are students at the school where she worked.

One of the victim's husbands attempted to rescue them, but the current was so strong that he returned to shore.

Firefighters from the Hanalei station and lifeguards from the Hanalei tower responded.

Two of the firefighters entered the water and swam out to retrieve one of the victims and waited until lifeguards arrived on a Jet Ski. The lifeguards were transporting the first victim when they found the second victim some 75 to 100 yards away.

Both victims were taken to the beach fronting Princeville,

where awaiting medics transported them to Hanalei fire station. The victims were later transported to Borthwick Mortuary.

The Queen's Bath is a natural pool carved into a lava shelf along a rocky shoreline that is most often enjoyed in the summer when the North Shore seas are calmer.

The National Weather Service had announced a high surf advisory on Sunday.

Yesterday, a 25-year-old visitor from Poland drowned off of Hanakapi'ai beach, according to a county press release, the fourth drowning in the ocean surrounding Kaua'i in two days.

► **Michael Levine, staff writer, can be reached at 245-3681 (ext. 252) or via e-mail at mlevine@kauaipubco.com**

## Murder

Continued from A1

scene subdued him. There were

walked toward Chris Gandeza, who was responding to a domestic abuse call, with two knives, a cup of gasoline and a butane lighter.

Rapozo was initially charged

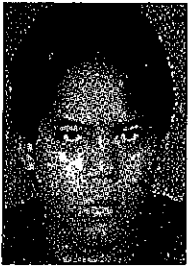
# THE GARDEN ISLAND



TURDAY • OCTOBER 18, 2008 • ONLINE: WWW.KAUAIWORLD.COM

## Student arrested after note found

The note, which was made on a paper napkin, left on a desk and signed by the student, made reference to the use of explosives and a cannon, said Perez, the Lihu'e District Commander. "(The teacher) felt afraid and threatened. She reported it and police responded. KCC administrators called a meeting to discuss this matter and took it as serious," Perez said. "We



Cabalsteja

conducted a sweep of the school for any suspicious matter or packages. Nothing was found." According to KPD records, the stu-

dent, Bryson Cabalsteja, of Hanama'ulu, was arrested at 4:29 p.m. for first-degree terroristic threatening, a Class C felony punishable by up to five years in prison. Perez said Cabalsteja posted \$5,000 bail. "There was no indication from his statement that there was any explosive," said Perez, who declined to divulge the text of the note. "It did not state

that there were any explosives planted anywhere. The message just referred to something that could possibly occur." Dean of Students Earl Nishiguchi declined to comment, saying only that the incident was under investigation. Another administrator, who asked to not be identified, said yesterday Cabalsteja has not been expelled.



Leo DuBols/The Garden Island

by police officers after allegedly attacking a woman in the parking lot ihu'e yesterday. The suspect reportedly ran from officers when they ar-near the Rent-A-Center a half-block away, according to witnesses.

## Attacking lot dispute leads to police chase

## Hanakapi'ai drowning victim ID'd

Michael Levine  
THE GARDEN ISLAND

HANAKAPI'AI — The 25-year-old visitor who drowned Monday morning while swimming at Hanakapi'ai Beach was identified yesterday by the Kaua'i Police Department as Klaudiusz Piotr Dragun, of Poland.

The release of Dragun's identity was delayed while KPD officials, cooperating with the Polish embassy, attempted to establish contact with his next of kin, county spokeswoman Mary Daubert said earlier in the week.

Dragun hiked two miles in to Hanakapi'ai Valley and decided to jump in the water upon his arrival at the North Shore beach, according to

witnesses. Within minutes, he was reportedly overcome by the strong current and swept out to sea.

Someone who saw the incident hiked out and notified lifeguards at Ke'e Beach around 11:56 a.m.

Air-1 was dispatched to the scene after picking up three rescue specialists.

Ken D'Attilio of Inter-Island Helicopters said he spotted the victim, already floating, within 23 minutes of taking off from Princeville Air-

Within minutes, he was reportedly overcome by the strong current and swept out to sea.

port. Two lifeguards on a Jet Ski were sent out to the victim, about 150 to 200 yards from Hanakapi'ai Beach, and brought him to Hanalei firefighters who were waiting

See Drowning, A6

# Drowning

Continued from A1

in Zodiac-1, a county press release said.

The victim was then transported via Zodiac-1 to Black Pot Beach Park in Hanalei.

"We get these big swells, and people aren't heeding (the warnings) and aren't watching the ocean," said D'Attilio, who described the victim as 6-foot-3 or 6-foot-4 with the look of a strong swimmer. "They're just going out like it's any other day and it's not."

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"A large north-northwest swell continues to produce above-normal surf mainly along the north-facing shores of most of the smaller Hawaiian islands," said the advisory,

sory, posted on the NWS Web site. "Surf heights of 14 to 18-foot will continue along north and west facing shores of Ni'ihau and Kaua'i.

"A high surf advisory means that high surf will affect beaches in the advisory area, producing large breaking waves, dangerous rip currents and localized beach erosion. Stay well away from the shore break and do not swim anywhere near the surf zone."

Dragun's death marked the fourth drowning death in two days on Kaua'i as the season's first major north swell rolled in. Three visitors drowned in two separate incidents Sunday afternoon near Queen's Bath in Princeville and Kaua'i Sands in Kapa'a.

Michael Levine, staff writer, can be reached at 245-3681 (ext. 252) or via e-mail at mlevine@kauaipubco.com

# Hawai'i tourism rejoices over SKorea visa

Audrey McAvoy

ASSOCIATED PRESS

HONOLULU — Hawai'i tourism officials rejoiced yesterday upon hearing President Bush decided to lift visa requirements for South Korean tourists.

The decision means South Koreans — like Japanese, Brits and citizens of other prosperous U.S. allies — will no longer have to go through the hassle of obtaining visas before they travel to the U.S. for short-term visits.

"This is a good day," said Marsha Wienert, the state's tourism liaison, adding Gov. Linda Lingle was "ecstatic."

Wienert expects the number of tourists from South Korea to double to 80,000 next year and double again to 160,000 in 2010.

This is welcome news for the

industry during a year marked by the back-to-back collapse of ATA and Aloha airlines and a subsequent plunge in visitor arrivals. The global financial crisis and economic slowdown have also weighed on the industry.

"In a time where we want for favorable news, this is an outstanding development," said Kelvin Bloom, the Hawaii Tourism Authority chair and the president of ResortQuest Hawaii.

Officials have long been preparing for the visa waiver.

The Hawaii Tourism Authority has boosted its marketing efforts in South Korea, particularly in the past two years, said David Uchiyama, vice president of tourism marketing for the HTA.

The authority has already set up a Korean language Web

site through Hawaii Tourism Korea, a vitally important information outlet in heavily wired South Korea.

Uchiyama estimates the waiver will start to take effect around January. In the months ahead, HTA will coordinate airfare and hotel package deals and keep South Korean travel agents informed about all Hawaii has to offer.

Some companies have been preparing on their own.

Bloom said ResortQuest Hawaii recently opened a sales office in South Korea in anticipation of the visa waiver.

O'ahu is likely to benefit the most from the rule change, at least in the first few years, Wienert said.

But she expects more South Korean visitors to visit the Neighbor Islands they become more accustomed to Hawai'i.

Of the 40,000 who visited last year, the vast majority came to O'ahu. About a third also made

nonstop from lulu, and has in expanding vice, Haas may join Ko enough den

South Ko not make up visitors from West Coast

South Ko numbers about — about on 125 million.

Japanese last year to while U.S. rivals taller

But an in rean visitor ism industry foundation, a recession market.

That is a learned who during Japa longed ecor

"If you ca

# HYPERMOSIS



were poor, as Ching's son, recently recalled. I remember my aunty Daisy that after her dad died, day after eating dinner her mother with a piece of ... aning up the grease from ... ing pan and that was her ... he was shocked to see ... use she did not know that ... he children were always ... d first." ... ing excelled academi-

... daughter of Kaua'i legislator Henry Kaiwi Aki. They moved to Kaua'i in 1937 to fill a management position at Kaua'i Terminal Co., later renamed Kaua'i Commercial Co. During WWII, Ching, an Army captain, saw action as an infantry company commander during the invasion of Okinawa. Earlier, at Kwajalein, while in transit to Okinawa, he and another officer convinced the captain of an LST to lend them a landing craft

in Kwajalein's vast lagoon watched and cheered. Ching entered politics after the war and was subsequently elected to the Kaua'i Board of Supervisors and the territorial and state Senate before being elected Kaua'i's second mayor for one term (1972-1973). Well liked, admired and a natural leader, he would almost always do favors, but rarely collected on them. Francis and Ruth Ching had six children. Dolly Ching was his second wife. He passed away in 1975.



Ching

## Island Album



Photo contributed by Danny Hashimoto

**Queen's Bath, Princeville** — huge north swells and a rainbow. The photo was taken about 1.5 hours after the tragic drownings there at Queen's Bath of two women visiting from Colorado. Rainbows oftentimes appear when people pass over, writes Danny Hashimoto.

## Civic Clubs hold convention on Kaua'i

THE GARDEN ISLAND

The Association of Hawaiian Civic Clubs will hold its week-long annual convention at the Hilton Kaua'i Beach Hotel, beginning Sunday.

The Association is comprised of 56 clubs located throughout Hawai'i, Alaska and the continental United States.

"Honoring our past is the foundation for our future" is the theme for the 49th annual convention.

Several convention and workshop speakers are from Kaua'i. The event is for association members, though some activities will be open to the public, including a special presentation of the "Ka Lei Maile Ali'i — The Queen's Women" at 5 p.m. Sunday at the Hilton. The one-act play is a reenactment of a now famous meeting in Hilo for the Ku'e Petition.

A legal political history of that time and its lasting impact will also be provided.

Keanu Sai, a Ph.D. candidate in Political Science at the University of Hawai'i, Manoa, will give a presentation on sovereignty and the term's use and practice since the 19th century through today.

The Association of Hawaiian Civic Clubs is a confederation of 56 Hawaiian civic clubs. As the oldest community-based grassroots Hawaiian organization, AHCC was established in 1918 by the then non-voting delegate to the United States Congress, Prince Jonah Kuhio Kalaniana'ole.

For more information, call 372-0630.

## GUEST VIEWPOINT

# Drownings highlight seductive danger

Monty Downs

Here we are again back to square one, all of us struggling together in our thoughts and in our prayers and in our guts as we try and figure out how to have meaningful empathy with the families who have been destroyed during their vacation to Kaua'i.

Like a beautiful enchantress, Kaua'i offers the most alluring beaches and scenery, but at times our beauty is itself the problem. This holds true in general for all of our beaches and since people of all sizes and ages and skill levels come here to enjoy these often-hidden-current beaches, there is an inevitability to the fact that tragedies will occur. A lot of people are valiantly working together to lifeguard our beaches (we're up to 10 now, with a highly professional Lifeguard Division that tries to impact other unguarded beaches by the use of JetSkis and ATVs and communications), but the allure of either a convenient beach or of a secluded "gem" beach — unguarded — is too tempting for many to resist. This holds especially true for a couple of specific Kaua'i locations that aren't beaches at all, namely Princeville's rock-ledge "Queen's Bath" and Puhi's "Kipu Falls."

For those of you who haven't been to these two places, they are really beautiful and dramatic. A pristine photo of Queen's Bath was recently the glossy cover of one of the top luxury tourism magazines. They are better than Disney can do; they aren't artistic stucco creations — they are real.

Yes, their beauty is enchanting and it does provide wonderful experiences for many, but lurking beneath the beauty is the truth that they are weeping, open sores festering in our collective midst, greedily and patiently awaiting their next victim. They are killing and maiming with dreadful regularity.

Those of us who can discourage the use of these two locales know who we are. In fact, there are some of us who recommend them. I'm not pointing fingers because I don't hold myself more righteous on this issue than anyone else. I haven't done enough, sometimes because I'm too lazy or busy or distracted, and sometimes because, in my advocacy position, I'm not forceful enough. I urge all of us to

come together and make the commitment, today, to do all we can to discourage, or better yet seal off the usage of Kipu Falls and Queen's Bath. Some examples of things we can do:

► We can do this one-to-one with any visitor we run into, either in our workplace or in a supermarket line. We can also say something like "Hey, there's a north swell today, do not go near any unguarded water on the North Shore."

► We can remove Kipu Falls and Queen's Bath from all the guide books.

► Suggest that each lobby, hotel or condo have an eye-catching red flag ready to set up on a day there is a swell. If there's a north swell that day, there would be a bold

sign by the flag stating: "Dangerous north swell today. DO NOT go near unguarded water on northern shores. Please ask the concierge if you have any questions, or visit [www.kauaiexplorer.com](http://www.kauaiexplorer.com)." Similarly for a south swell, or for eastern coastline tradewind chop/rip days.

Those of you who have read my columns know that there are many tools available which we can use to provide warnings. It's time again for the resorts and the visitor industry (what's left of it in these economic times) to contact Pat Durkin with his WAVE (Water Awareness/

Visitor Education) project, in order to refamiliarize yourselves with these tools. His phone number is 651-7873, e-mail is [waveproject@mac.com](mailto:waveproject@mac.com)

Doing these things and using these tools will help us have at least some degree of "meaningful empathy" with the bereft families.

Bridges of Hawaii does a most remarkable job of this with their first-responder grief counseling service, but by the time they are called, it is after-the-fact. We need to come together to figure out how to develop proactive empathy.

Let's do it. In so doing, we can save others and we can save ourselves.

► **Monty Downs** is an emergency room doctor at Wilcox Memorial Hospital.

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and maiming  
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regularity.

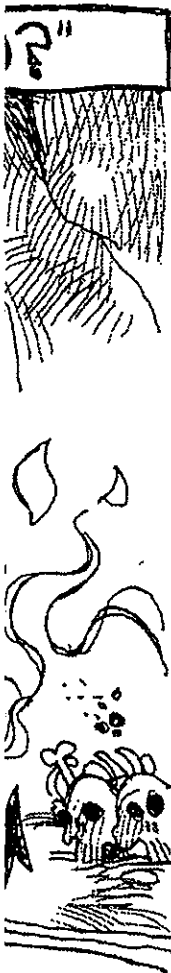
## THE GARDEN ISLAND

Founded in 1902

MARK LEWIS *Publisher*

ADAM HARJU *Editor*

Kauai Publishing Company  
A LEE ENTERPRISES NEWSPAPER



# LETTERS

## Saddened by drownings

I am so saddened to read yet again about four visitors drowning within two days in Kaua'i. Especially regarding the tourist from Poland, who was apparently a "strong" swimmer.

How are tourists to really know about the dangers of Kaua'i surf when they visit from afar? More needs to be done to protect visitors and local residents alike. Maybe the resorts could pool resources to at least guard the beaches in front of their properties?

I always feared for my guests when I lived on Kaua'i since the ocean is so dangerous and most folks are unaware of the extreme dangers.

► *Susie Wood*  
Santa Cruz, Calif.

## Stender is a liar

Office of Hawaiian Affairs Trustee Oswald Stender's Saturday ("Election-year smears," *Letters*, Oct. 11) letter against me just shows that he is living in complete denial about his friends Haunani Apoliona and Colette Machado and is terrified that when they lose this election, he will have to give up his Finance Committee where all of the excess spending has come from and will have to submit to a forensic audit.

For the record:

► I have never used OHA money to take any personal trips and have never solicited invitations to take trips anywhere.

► All of my travel has been an-

## Higher prices for those on grid?

The recent story "Lihu'e airport to harness sun," Oct. 4, A1, hints at what many of us have known from the time that KIUC bought our co-op from Citizens Communications for an inflated price of \$220 million — it was about \$50 million over book value.

All the talk about KIUC pushing for alternate energy forms is really only a myth since each time anyone turns to solar, wind, hydro or any other form of non-fossil fuel use simply means that the huge debt incurred by KIUC can only be repaid by those of us who are left on the grid and who don't have the means to go to alternative energy uses.

In other words, if PMRF, the hotels, the county and other large users of electricity decide to use photovoltaics, that means that those left on the grid will be paying astronomical rates for their electricity — probably five to 10 times the 47 cents per kilowatt hour we now pay.

It was as clear to those who fought the KIUC purchase of our utility in 2003 as it is today that the public was being deceived by the group led by Gregg Gardiner in this ill-planned takeover. Remember that these "deceivers" told the public that \$280 million was the "best" price that we could acquire the utility for, but the PUC

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# LETTERS

## Charter amendment strengthens checks and balances

The author of the Oct. 17, letter "On charter amendment wording" misunderstands the last of the proposed Kauai Charter amendments, the one that is related to implementation of the General Plan.

Contrary to the author's conclusion, that charter amendment would not give "complete and absolute power" to the County Council in granting transient accommodation permits. Exactly the opposite is true.

Today, county government can grant permits for hotels, timeshares and other transient accommodations with complete disregard for the negative impacts on our island and its residents. And, in fact, over the past eight years, the Planning Commission has done exactly that, allowing the construction of more than four times as many new tourist units as was envisioned in the high growth scenario of the county's General Plan.

The proposed charter amendment would remedy this by requiring the county to comply with the general plan's growth scenarios. Under the charter amendment, the County Council could implement the terms of the charter amendment in either of two ways. First, if the County Council passes an ordinance that requires the Planning Commission to comply with the General Plan's growth scenario, then the Planning Commission could continue to be the agency that grants permits — but subject to that new requirement. Second, if the County Council does not pass such an ordinance, then the County Council would be the agency that grants permits — but also subject to the requirement that the council must first find that approval of the permits would be consistent with the General Plan.

## Close it off, first

Reading Monday's *The Garden Island* lead story about ocean safety awareness I find myself utterly dismayed at the total lack of leadership and/or action by those purporting to "govern" this island.

Over the years I have learnt to live with, but not accept, government failure to take preventative actions with infrastructure and safety, always waiting until something serious happens.

Now it seems that even the tragic deaths at Queen's Bath of two visitors is not enough to prompt immediate action. "...limiting access may be up for discussion soon at multi-agency talks." "...hopes to get interested parties, such as the Department of Land and Natural Resources and the Hawai'i Tourism Authority, at the table in coming weeks to discuss possible limitations to the access to Queen's Bath." Meanwhile we're open for more injury and, God forbid, drownings.

Hello? Any leader out there? Get a crew to the site with a truck, strong gate and a cement mixer and close the place off. Then start up the talking clubs and decide when and under what conditions the gate will be open. Would a nice lawsuit by the victims' families help?

► Hartwin Weiss  
Princeville

## Solutions for needs

Concerns for the present and future of Kaua'i weigh heavily in the hearts of residents of the Garden Island. Kaua'i needs among other pressing needs affordable housing, solid waste management, alternative energy initiatives and drug abuse prevention.

### Preventing loss of life

Imagine if you will for a moment a family putting away their savings for a few years, hoping to finally take a trip to Hawai'i on a well deserved vacation, only to have the worst thing imaginable happen.

This scenario played itself out once again this past week as two women were swept to their deaths.

I was there to witness this horrific tragedy, and as I watched the surviving families arrive at the police station, I felt deeply saddened. The women from Bridges of Hawaii (hospice) were there to meet them and provide them with much needed consolation. My sadness gave way to anger with the thought that this awful event could have been prevented.

As an EMS worker, the call to respond to Queen's Bath occurs far too often. Extremity fractures, head injuries, life-long debilitating spinal injuries, heat exhaustion, heart attacks and death by drowning occur at an alarming rate. Extractions of injured people are extremely difficult and hazardous to rescue personnel. Extrication from the tidepool area involves 200 yards over rough, uneven, often slippery terrain. This recent event left two rescue/firemen in the ocean for over 30 minutes treading water outside the breakers. The

fearless, highly skilled, water safety personnel are also put at extreme risk during rocky shoreline rescues.

Some 90 percent of the year, this rugged coastline is impacted by rough and uneven tradewind swell. Coastline conditions worsen during fall and winter months with deep open ocean swell trains expending tremendous amounts of energy on the rocky coast with no extra words of caution or warnings to unsuspecting visitors of these deteriorating conditions.

Exclusion of these hazardous sites in visitor information/guidebooks would be a start in the prevention of these tragic events. The promotion of these treacherous areas as "visitor destinations" has got to stop. To recommend and direct people off the beaten path to these dangerous sites is way out of line and recklessly misleading to visitors. I know I would feel horrible if I directed someone to one of these areas and they lost their life. Would it be such a big put out for the visitor information books to exclude these danger zones? Kaua'i has an abundance of beauty that can be viewed from safe areas.

To not learn from this event and not act prudently would be a tragedy in itself, and would carry the awful scent of negligence.

I call on county officials to act boldly and make a critical decision to help preserve future visitors' safety. Public access is not the priority in this issue. The priority is preventing loss of life and to stop promoting such dangerous places as "must see" visitor destinations. Before this area was advertised in the visitor information books as a visitor destination, very few people went down to the Queen's Bath coastline except for the occasional shoreline fisherman, opihi picker, or skindiver who were aware of the dangers and risks. Now at times, it is a common sight to see over 60 people venturing to this danger zone. Once we close this area as a "visitor destination" the area can eventually return as an access to those who seek gathering rights.

There is much more we can do, and prevention can be the most useful tool we possess, and certainly our ounce of prevention will outweigh a ton of needless grief.

Personally, I'd rather see someone crying about a fence blocking a trailhead, instead of seeing a distraught family crying over their lost loved ones.

► Christopher Waite  
Kilauea

OCT. 18, 2008

# LETTERS

## Princeville wants ocean safety

In response to the letter by Gary Hudson ("Princeville, most dangerous community," *Letters*, Oct. 17) regarding his hostile comments condemning the residents of Princeville as neglectful about the dangers of Queen's Bath, I wish to state the following:

First of all Queen's Bath, the trail, the parking lot and the signs are all the responsibility of Kauai County, not the Princeville community. The upkeep of the trail, maintenance, including trash left by visitors, and danger signs are not due to negligence by Princeville residents.

I frequently walk by this area and have been concerned about the dangers to visitors and the signs posted being hidden by overgrowth of trees and vegetation.

I have made frequent attempts to reach the responsible authority to state my concerns. Upon my inquiries I have been referred to the County Parks division and have been advised my concerns would be relayed to the "appropriate" department. I also asked for a return call but to no avail.

I have neighbors and I know that they, and other residents, have made calls and attempts to contact various visitor promotional publications, to express their concerns about the dangers of promoting the trail and Queen's Bath pool.

These requests have all been rejected and the promotions continue to be published.

Several years ago as I was walking near the trail entrance, I observed two men dash out of a car that was dropping them off for the trail. They were laughing and anxious about the adventure. I advised them of the dangers, told them please be careful, but they smiled and ran forward. It was in *The Garden Island* the next day ... the tragic drowning of these two. They were relatives and visiting from the Mainland. Both policemen. I was saddened.

Upon reading of the recent deaths of the two ladies visiting, I once again felt sadness, but I had just returned from a Mainland visit and was not here to have warned them, just in case I was walking by this time again.

I have lived near the Queen's Bath entrance for nine years. I have never gone down the slippery trail nor into the pool of water, which in the summer months is stagnant and contaminated. Please protect our visitors from the rogue wave which can sweep them out to their deaths in the winter months.

► JoEllen Chenoweth  
Princeville

fearless, highly skilled, water safety personnel are also put at extreme risk during rocky shoreline rescues.

Some 90 percent of the year, this rugged coastline is impacted by rough and uneven tradewind swell. Coastline conditions worsen during fall and winter months with deep open ocean swell trains expending tremendous amounts of energy on the rocky coast with no extra words of caution or warnings to unsuspecting visitors of these deteriorating conditions.

Exclusion of these hazardous sites in visitor information/guidebooks would be a start in the prevention of these tragic events. The promotion of these treacherous areas as "visitor destinations" has got to stop. To recommend and direct people off the beaten path to these dangerous sites is way out of line and recklessly misleading to visitors. I know I would feel horrible if I directed someone to one of these areas and they lost their life. Would it be such a big put out for the visitor information books to exclude these danger zones? Kauai has an abundance of beauty that can be viewed from safe areas.

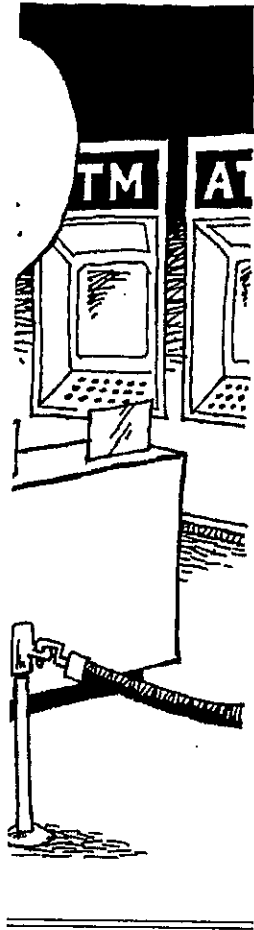
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► Christopher Waite



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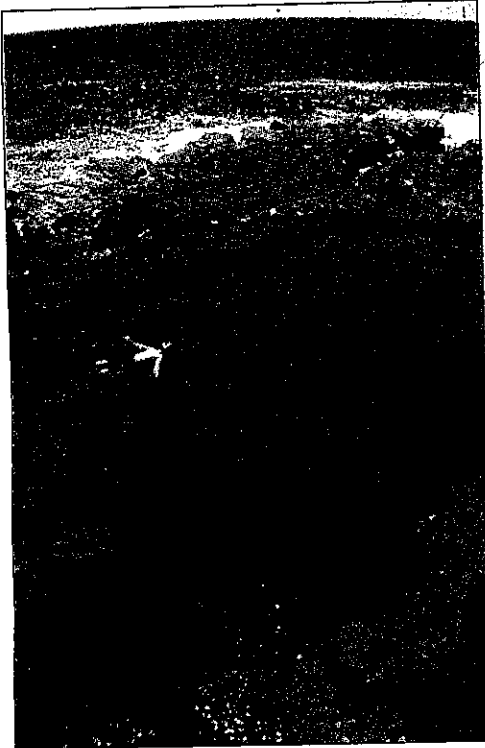
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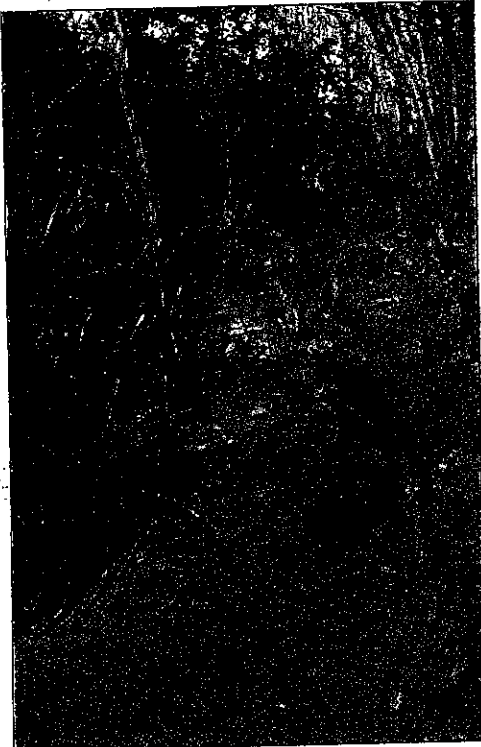
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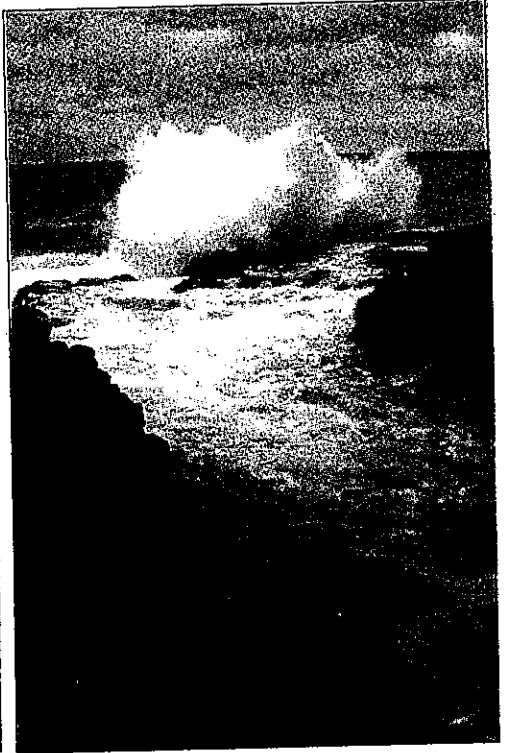
Nathan Eagle/The Garden Island

A visitor from New York floats on his back in Queen's Bath on May 30 in Princeville. The popular Kaua'i attraction is most often enjoyed during the summer when the sea is calmer on the North Shore.



Dennis Fujimoto/The Garden Island

A muddy trail, pictured here last Sunday, leads down to the Queen's Bath area in Princeville. Locals are pushing to improve ocean safety awareness after four visitors died in two days last week on Kaua'i.



Nathan Eagle/The Garden Island

Waves pound Queen's Bath on Dec. 9 in Princeville. Winter swells often produce surf that makes the natural pool unsafe for swimming. A top county official yesterday said limiting access may be up for discussion soon at multi-agency talks.

## Drownings spur ocean safety awareness

### Seasonal closures at Queen's Bath may soon be considered

Michael Levine  
THE GARDEN ISLAND

Ocean safety is an issue often in the back of the minds of Kaua'i residents and visitors, but it comes to the forefront when tragedies force those surrounded by the Pacific Ocean to recognize the dangers it presents and the respect it must be given.

With last week's news of four visitors drowning in two days at Queen's Bath in Princeville, the secluded Hanakapi'ai Beach on the North Shore and Kaua'i Sands in Kapa'a, locals are discouraging tourists from visiting these beautiful but at times perilous unguarded attractions.

"Don't recommend going there.

There are too many injuries and deaths," water safety advocate Dr. Monty Downs said yesterday. "That's the answer we should be giving."

Queen's Bath, in particular, has been identified as a hazardous location. The natural pool carved into a lava shelf along a rocky shoreline is most often enjoyed in the summer when the North Shore seas are calmer as winter swells make it treacherous.

On Oct. 12, sisters-in-law Tonya Cataldo, 39, of Parker, Colo., and Heather Westphal, 33, of Washington, D.C., were walking along a ledge there when a large wave swept them out to sea, according to county officials.

Downs and two tourism industry employees identified "The Ultimate Kaua'i Guidebook" as the primary source of visitors' awareness of and desire to go to Queen's Bath. The book features a photograph of people enjoying the clear blue pool in calm

conditions while offering a warning.

A North Shore concierge, who spoke on condition of anonymity because she did not have her employer's permission, said guidebooks don't do enough to educate tourists about seasonal ocean conditions and dangerous locations. She said she often refuses to tell guests how to find the semi-remote Queen's Bath.

"We just tell them the truth," she said, noting co-workers who have also arrived at the personal decision to not give directions to Queen's Bath. "I say 'I'm not going to tell you where it is because it's too dangerous, there are too many drownings.' It's sad seeing everybody dying."

Also on Oct. 12, an unresponsive swimmer was brought to shore in front of the Lae Nani, a Kapa'a condominium. Attempts to perform CPR on Hiroaki Kinjo, 74, from Japan were unsuccessful, according to county officials.

Downs said beachfront hotels and condominiums should work together

to fund a pool of ocean safety officers, and encouraged the companies to have a defibrillator on hand to help maximize ocean safety.

In a letter to the editor yesterday, Ken Wayne of San Mateo, Calif., discusses his experience as an eye-witness to the Oct. 13 drowning at Hanakapi'ai of 25-year-old Klaudiusz Piotr Dragun of Poland. He suggests installing an emergency call box near the beach so witnesses could quickly reach authorities instead of hiking two miles to reach Ke'e Beach which still has spotty cellular phone reception.

Kekaha community leader Jose Bulatao said preventing and discouraging visitors from ever heading to the island's most dangerous spots would stop the problem at its source.

"If people go to these unattended beaches and don't know what the currents are like, they could step into doom and disaster because they

See Ocean, A5

## Pancakes, pickles a good mix for St. John's

Dennis Fujimoto  
THE GARDEN ISLAND

'ELE'ELE — Tradition steeped in the mix of the pancake batter and miso soup gave diners their money's worth yesterday at the Episcopal Church on West Kaua'i's pancake breakfast.

"We wanted a fundraiser, but we also



## Clean engine

Water, sun and hydrogen help Kilauea man's



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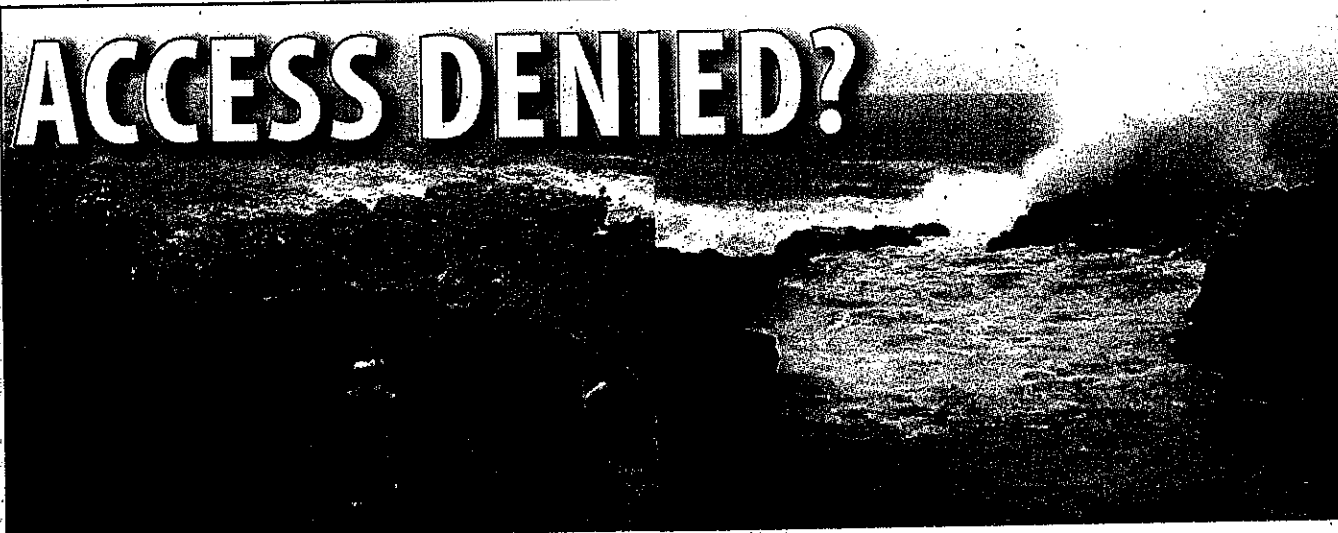
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Nathan Eagle/The Garden Island

Discussion at the county level is considering constricting access to the Queen's Bath on the North Shore during the winter after a recent spate of drownings. The popular spot is seen, above left, in June when it is calm and then in October when swells make it dangerous.

## County ponders closing Queen's Bath

### Guidebooks blamed; joint effort called for

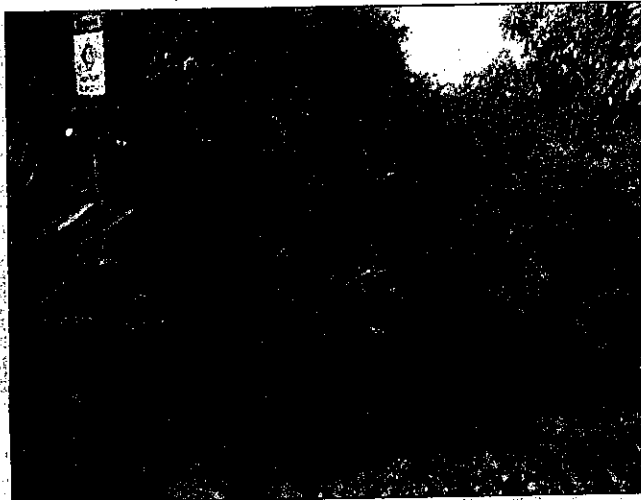
Nathan Eagle  
THE GARDEN ISLAND

After four tourists drowned in a harrowing week last month, the Kaua'i County Council yesterday buoyed the public dialogue on ocean safety by making a policy statement about the risks and responsibilities associated with certain North Shore attractions.

The seven-member legislative body unanimously passed a resolution that urges government agencies and guidebook authors to participate in a concerted effort to address the hazardous conditions at Queen's Bath and the path leading to the natural tide pool carved into a lava shelf at the base of a cliff in Princeville.

"Queen's Bath is indeed a gorgeous spot when it's calm, but it's a death trap at least 200 days a year," said Dr. Monty Downs, a water safety advocate.

The morning session discus-



Dennis Fullmoto/The Garden Island

The warning signs at the head of the path leading to Queen's Bath appears to be a target of vandalism on the day two people perished after being swept out by large waves.

sion at the Historic County Building emanated from the deaths of two visitors — sisters-in-law Tonya Cataldo, 39, of Parker, Colo., and Heather Westphal, 33, of Washington, D.C. — who were walking along a ledge Oct. 12 at Queen's Bath when a large wave swept them out to sea.

Witnesses, water safety experts and the Kaua'i Visitors Bureau offered potential solutions and identified the steps being taken to keep visitors and residents safe from such deceptive disasters.

Increased signage, guardrails, an emergency phone, an informational kiosk, tempo-

rary closures, revised guidebooks and a broad educational campaign were proposed.

The resolution specifically urges the county engineer to consider closing the county parking lot and easement path leading to the Queen's Bath coastline between the rainy, winter months of October through April for routine maintenance.

Queen's Bath is reached from a trail that starts at a parking lot in Princeville. It is steep and often slippery, following a narrow stream through lush vegetation and passing by a picturesque falls along the route. The rugged coastline, which is controlled by the state Department of Land and Natural Resources, must then be navigated some 150 yards horizontally to arrive at Queen's Bath.

Councilman Mel Rapozo indicated his support for seasonal closures of the parking lot and path easement, but water safety experts said closing the access on a day-by-day basis by "people who know what they are doing" would be a smarter move.

See Queen's, A5

## Murray, Akaka could move up in Senate shuffle

Matthew Daly  
ASSOCIATED PRESS

WASHINGTON — Washington Sen. Patty Murray could be in line for a promotion following Tuesday's election that expanded the Democratic majority in the Senate.

Murray, a three-term Democrat, could end up chairing the Veterans' Affairs Committee if party leaders demote Connecticut Sen. Joe Lieberman.

Lieberman, an independent

who caucuses with Democrats, chairs the Senate Homeland Security and Governmental Affairs Committee. But he could be stripped of the title by Democrats angry at his support of Republican John McCain in the presidential race.

Lieberman's status was in question after a meeting Thursday with Senate Majority Leader Harry Reid, who said afterward that no decisions have been made.

But an aide to the Nevada

Democrat told The Associated Press that Reid was leaning toward removing Lieberman. The aide spoke on condition of anonymity because the discussions were confidential.

"While I understand that Sen. Lieberman has voted with Democrats a majority of the time, his comments and actions have raised serious concerns among many in our caucus," Reid said in a statement.

If Lieberman is removed, the Homeland gavel could go to

Sen. Daniel Akaka, of Hawai'i, who in turn would give up the top job at Veterans' Affairs. Democrat Jay Rockefeller, of West Virginia, who also serves as Intelligence Committee chairman, is expected to pass up the Veterans' post and let it go to Murray.

A spokesman for Murray declined to comment Thursday.

If she got the promotion,

See Senate, A5



# THE GARDEN ISLAND



WEDNESDAY • OCTOBER 13, 2008 • ONLINE: WWW.KAUAIWORLD.COM



Dennis Fujimoto/The Garden Island

County emergency crews pulled two drowning victims out of the water near the Queen's Bath area, pictured here yesterday evening from the base of the trail leading to the coastal pool. A high surf advisory remains in effect until tomorrow for the North Shore.

## 3 visitors drown in ocean

Michael Levine

THE GARDEN ISLAND

Three visitors drowned yesterday afternoon in separate incidents near Queen's Bath in Princeville and Kaua'i Sands beach in Kapa'a, county officials said.

Kaua'i Police Capt. Alejandro Quibilan said emergency dispatch received a call regarding the Kapa'a incident at 2:54 p.m., and attempts to resuscitate the adult male victim were unsuccessful.

County spokeswoman Mary Daubert confirmed the victim was a 74-year-old Japanese visitor.

Police Dispatch received the call, notifying them of an unresponsive swimmer that was brought to shore in front of the Lae Nani, a condominium, a county news release states.

Rescue specialists from the Lihu'e fire station and medics responded. When they arrived at the scene, bystanders were performing CPR on the man.

The first-responders took over and con-

tinued CPR en route to Wilcox Hospital, where the man was pronounced dead.

Attempts to revive two female victims pulled out of the water near Queen's Bath after a 3:24 p.m. call were also unsuccessful.

A 33-year-old woman from Washington, D.C., and her 38-year-old sister-in-law from Parker, Colo., were walking along a ledge at Queen's Bath when a large wave swept them out to sea, a county news release says.

One of the victim's husbands attempted to rescue them, but the current was so strong that he returned to shore.

Firefighters from the Hanalei station and lifeguards from the Hanalei tower responded.

Two of the firefighters entered the water and swam out to retrieve one of the victims and waited until lifeguards arrived on a Jet Ski. The lifeguards were transporting the first victim when they found the second victim some 75 to 100 yards away.

Both victims were taken to the beach fronting Princeville at Hanalei, where awaiting medics transported them to

Hanalei fire station. The victims were later transported to Borthwick Mortuary.

The Queen's Bath is a natural pool carved into a lava shelf along a rocky shoreline that is most often enjoyed in the summer when the North Shore seas are calmer.

The National Weather Service announced a high surf advisory yesterday afternoon that will remain in effect until tomorrow evening.

"Surf will increase to heights of 14 to 18 feet along north and west facing shores of Ni'ihau and Kaua'i, as well as north facing shores of O'ahu, Moloka'i and Maui this afternoon and evening," the advisory says on the NWS Web site.

"A high surf advisory means that high surf will affect beaches in the advisory area, producing large breaking waves, dangerous rip currents and localized beach erosion. Stay well away from the shore break and do not swim anywhere near the surf zone."

More information about the drownings was unavailable at press time.

## itis walkers raise money



## Educators warn more cuts will affect classrooms

ASSOCIATED PRESS

HONOLULU — Hawai'i education officials claim they'll have to cut classroom spending if they're forced to slash any more money from their

But Lingle said Saturday she's not convinced that the Department of Education has cut as much as it could from state and district offices.

"I don't see that they're hurting the classroom yet. I'm cer-

We're down to