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DEPARTMENT OF LAND AND NATURAL RESOURCES
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LAND
STATE PARKS

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
JUDICIARY

Tuesday, March 1, 2011
2:00 PM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1486
RELATING TO SMALL BOAT HARBORS

House Bill 1486 requires small boat harbor vessel permittees who, in the course of providing an excursion using state boating facilities, disembark fare-paying passengers in certain counties with a population of one hundred and fifty thousand or less with the expectation that they will visit state property adjacent to quasi-public property during the excursion, to accompany passengers at all times while ashore. The Department of Land and Natural Resources (Department) opposes this measure.

The Department cannot be responsible for monitoring, investigating, and responding to complaints about activities of passengers or alleged passengers while on any public land, which includes roads, parks, public buildings, and vast areas outside the purview of the Department's small boat harbors. Other agencies and property owners should be responsible for enforcing their own rules and regulations. The Department should not have to shoulder that responsibility.

Testimony in Opposition to HB1486 with a Suggested Amendment
House Committee on Judiciary
In Room 325 at 1400 on Tuesday, 1 March 2011

Chair Keith-Agaran and Respected Members of the Committee;

This bill is aimed at a fix for something that truly is a local enforcement problem, not something requiring a legislative law fix. However, if you must have this law, just amend the language by adding "Compliance with this law does not constitute engaging in business on the island of Lanai" and it will serve it's intended purpose without jeopardizing the jobs and small businesses that regularly depend on these operations covered here.

Respectfully,

Reg White
Vp, project development, Paradise Cruise, Ltd.
1540 S. King St.
Honolulu, Hawaii, 98268-1919



Fax submittal: 586-6001

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

Testimony by Steve Bumbar
President, Castle & Cooke Resorts, LLC
February 25, 2011

Testimony to the Committee on Judiciary

Tuesday, March 1, 2011; 2:00 p.m.
Conference Room 325

In Support of HB 1486 RELATING TO SMALL BOAT HARBORS

Chair Kieth-Agaran, Vice Chair Rhoads and Members of the Judiciary Committee:

Castle & Cooke Resorts, LLC supports HB 1486 as it will help to address both (1) health/safety concerns over unsupervised beach tours on Lanai and also (2) the serious problem of unauthorized commercial use of Hulopoe Beach Park on Lanai by Maui tour boat operators. We offer the following comments to HB 1486 for your consideration.

In 1987, Castle & Cooke Resorts, LLC (formerly known as Lāna'i Company, Inc.) dedicated in perpetuity a 66.33 acre parcel of land known as Hulopo'e Beach Park ("Park") for park and recreational purposes, and established a citizen-based Park Council to obtain the reasonable consensus of Lāna'i residents and community groups in connection with (1) the future development of the Park; and (2) the adoption of the rules and regulations relating to the use and operation of the Park. The Park Area Rules and Regulations approved by the Council and Maui County forbid the commercial use of the Park without a Type IV (Commercial) permit, with the objective of assuring that the Park remain primarily for use and enjoyment by residents, guests of the hotel and members of the public. 100% of the revenues generated by commercial permit use of the Park go toward defraying a portion of the cost to improve and maintain comfort stations, showers and other facilities at the Park.

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

prejudice recreational use by the community and also create health/safety issues because their customers are unsupervised.

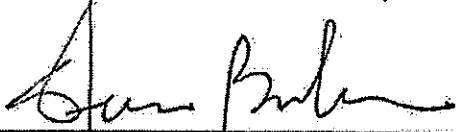
The proposed legislation would require commercial boat operators to accompany their tour customers that they deposit at the Hulopoe Beach Park This would address serious health/safety concerns over unsupervised beach park tours. It would also assist Castle & Cooke and the Park Council in clearly establishing jurisdiction over commercial operations within the Beach Park, and enforcing compliance with the Hulopoe Beach Park rules and regulations which are designed to manage this precious and unique island resource.

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

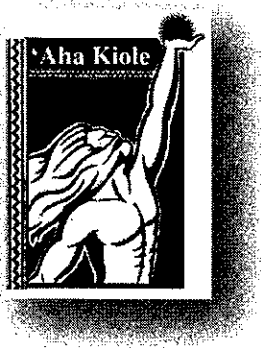
Steve Bumbar, President
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CASTLE & COOKE RESORTS, LLC

A handwritten signature in black ink, appearing to read "Steven Bumbar", written over a horizontal line.

By: Steven Bumbar
Its: President



Aha Kiolo Advisory Committee

TESTIMONY to SUPPORT HB 1486

Relating to Small Boat Harbors

Submitted to: Committee on Judiciary

Hearing Date: March 01, 2011, 2:00 p.m., Room 325

Submitted by: Winifred Basques, Kiolo, Lana'i

Aloha Chair Keith-Agaran, Vice-Chair Rhoads and Members of the Committee,

Thank you for the opportunity to testify on HB 1486 which requires small boat harbor vessel permittees providing an excursion using state boating facilities to accompany passengers at all times while ashore.

It was this Legislature who, in 2007, in answer to the critical and on-going concerns of Hawai'i residents on the continuing decline of the health of our natural and cultural resources, passed Act 212 through which the Aha Kiolo Advisory Committee (AKAC) was created. The purpose of Act 212 was to initiate the process to create a system of best practices that is based upon the indigenous resource management practices of moku (regional) boundaries, which acknowledges the natural contours of land and ocean, the specific resources located within those areas, and the methodology necessary to sustain resources and the community.

The AKAC acknowledges and is grateful to this Legislature for acknowledging the importance of site-specific resource management. On the Island of Lana'i, the traditional cultural practitioners are an integral part of the general community and interact closely with all of the inhabitants of Lana'i. Hulopoe Beach is the only public accessible beach with facilities that can be enjoyed by residents and visitors alike. Because this is such a small community, for over forty years, the long-standing relationship between the residents of Lana'i and some of the original commercial tour operators have been beneficial to the island and to its economy by operating in a way that is acceptable to the community including rendering payments for the maintenance costs of the Hulopoe Beach Park for the people of Lana'i. Unfortunately, over the past few years, new commercial boat operators coming from Maui to Lana'i have begun the practice of dropping their paying guests off on the pier and leaving them unsupervised for the duration of their visit. While this actually is a safety issue, there is also concern that strangers to

Lana'i will be unaware of the importance of protecting and sustaining the natural resources that are so important to the health of the beach.

Currently there are park rules that have been established by the residents, Castle and Cooke, the owners of the land, and the Maui County Council. These rules were put into place for safety and health reasons, and to make sure that the beach and park were not overburdened by use to the point where it cannot be sustained. Most commercial operators do not honor these rules.

The residents of Lana'i do not discourage visitors to their island. Rather, they are concerned with the safety of visitors and frown upon the unsupervised tours of large groups of people who are left on their own on a strange beach. We urge you to support the passage of HB 1486.

Mahalo nui loa,

Winifred Basques, Kiolo Lana'i

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JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 1:25 AM
To: JUDtestimony
Cc: pili_sol@yahoo.com
Subject: Testimony for HB1486 on 3/1/2011 2:00:00 PM

Testimony for JUD 3/1/2011 2:00:00 PM HB1486

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Sol P. Kaho'ohalahala
Organization: Individual
Address:
Phone:
E-mail: pili_sol@yahoo.com
Submitted on: 2/28/2011

Comments:

Please accept my testimony in support of HB1486. As a resident of Lana'i, there are concerns for safety, carrying capacity, and unsupervised guest use of the Hulopo'e Beach Park facilities by private charter boat cruises. This situation has been aggravated by overcrowding, competition for table spaces, extended shower uses, crowded toilet facilities, and accumulating trash. There needs to be more care and management of our precious beach park facility and the demand placed upon it by private boat charters with unsupervised day guests. Mahalo for your support in this measure.

My family, and I have lived on the island of Lana'i for 11 years. I am a wife, and a mother of 3. I am also a foster parent, and provide emergency shelter to children ages 0-18. A lot of the children that we have worked with in the past enjoy the Hulopoe beach, and we try to spend as much of our free time there. However, we have definitely seen the changes to the Hulopoe beach park. It has become so overcrowded by many unsupervised tour boat patrons, that it has driven us away from utilizing the only publicly accessible beach park. It saddens me that within the past few years our children have not been able to enjoy the Hulopoe beach. I have become afraid for the safety of my children, as well as the safety of the boat patrons, (who are unfamiliar with the waters, tide, and currents) due to the overcrowding. These boat patrons are equipped with a lunch, and snorkel gear, prepared to snorkel with the dolphins, and a lot of times, no identification on hand. They have no idea of what to expect, except that they should have the best snorkeling adventure at Hulopoe beach otherwise known as the Manele Bay. If a problem arises, the people who sent them here is unaware of the situation, and is not there to assist in an emergency. This makes it difficult for residents, and emergency personnel to identify these visitors. Someone needs to take responsibility for them. My fear is that our children could end up in danger as well, just trying to help (as that is second nature to them). Hulopoe is no longer a comfortable place to relax, and enjoy much needed family time, instead a day at Hulopoe is now spent sitting together in a crowded area unable to allow our children to play without fear of losing them amongst so many people in such a small area. We feel that we have been forced out of Lana'i's only beach park with facilities, and have been forced to make due with other beaches that are not properly equipped, has no restrooms, no running water, and are rather hard to access unless you are fortunate enough to own an all terrain, or a four wheel drive vehicle. Our weekend shoreline fishing, camping, and family picnics has diminished from the Hulopoe beach park for a lot of our residents. This has created an uneasy feeling for most of us island residents. We humbly ask for your support in saving our beach park from overcrowding. This will also allow the Hulopoe beach parks rules to be enforced. These rules were set up to protect this special place. Please support bill HB1486. Thank-you in advance for your time. Yasha-Ann
Kahananui-Peralta Lanai Resident

My name is William Peralta Jr, I am a resident of Lana'i City. I am asking for your support for bill HB1486. This will help our beach park council to enforce the beach park rules that were set up to protect this special place "Hulopoe Beach". The tour boat operators that are sending their guests to the beach unsupervised need to be held responsible for them, and should be required to accompany their guests for their safety. This bill has been passed and was unfortunately vetoed last year, I am asking for your support for bill HB1486.
Thank-you.