

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

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HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

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

**Friday, February 11, 2011  
9:00 AM  
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.

**WILLIAM J. AILA, JR.**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**GUY H. KAULUKUKUI**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

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

Leticia Castillo, Chair  
Hulopo'e Beach Park Council  
C/o Doug Stevenson, Member  
Castle and Cooke Resorts, LLC  
Lanai City, HI 96763

February 11, 2011

Representative Jerry Chang, Chairperson House Committee on Water, Land and Ocean Resources

Re: HB1486 Support

Chairperson Chang, Representative Carroll and Members, thank you for the opportunity to support HB 1486. Representative Carroll, thank you very much for supporting this bill. Last session Governor Lingle vetoed SB 2547 indicating in her opinion that the bill neither offered a correct solution nor was enforceable by DLNR.

The proposed solution presented in HB 1486 states,

“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 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 Hulopo'e Beach Park Council is a community-based organization, which includes representatives from the Lana'ians for Sensible Growth, the ILWU, the Four Seasons Resorts, Castle & Cooke (landowner) and the community-at-large, to oversee the management and use of the Hulopo'e Beach Park on the island of Lanai. The Park Council supports HB 1486 as it will address the problem of unauthorized commercial use of Hulopo'e Beach Park on Lanai by Maui tour boat operations.

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

The proposed legislation would require the commercial operators to comply with the Hulopo'e Beach Park rules and regulations that have been approved by this Council and the County of Maui.

Mahalo for your consideration of our testimony.

HULOPOE BEACH PARK COUNCIL

Leticia Castillo, Chairperson

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(Community-at-Large Representative)

George Tanzman, Member

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General Manager  
Four Seasons Resorts Lanai

Fairfax "Pat" Reilly, Member

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(Lanaians for Sensible Growth Representative)

Robin Fancy, Member

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(Lanaians for Sensible Growth Representative)

Ron McOmber, Member

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(Lanaians for Sensible Growth Representative)

Gerry Rabaino, Member

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(ILWU Representative)

Doug Stephenson, Member

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(Castle & Cooke Representative)

Maggie Masicampo, Member

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Lana'i Senior Citizens



**Fax submittal:** 586-8504  
**Email submittal:** [WLOtestimony@Capitol.hawaii.gov](mailto:WLOtestimony@Capitol.hawaii.gov)  
Testimony by Steven M. Bumbar  
President, Castle & Cooke Resorts, LLC  
February 10, 2011

Before the House Committee on WATER, LAND & OCEAN RESOURCES

February 11, 2011  
9:00 am  
Room 325

**SUPPORT** for HB 1486  
RELATING TO SMALL BOAT HARBORS.

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 agreed to establish 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. While the Park Area Rules and Regulations ("Rules and Regulations") approved by the Council forbid the commercial use of the Park without a Type IV (Commercial) permit, the Rules and Regulations recognize, and create an exception for, "tour boat operators" who had pre-existing agreements with Castle & Cooke at the time the Park was dedicated. Of the two original tour boar operators, only Trilogy remains. 100% of the revenues generated by Trilogy's permit to use a portion of the Park go toward defraying a portion of the cost to improve and maintain comfort stations, showers and other facilities.

In recent years, other Maui-based tour boat operators have been bringing customers to 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.

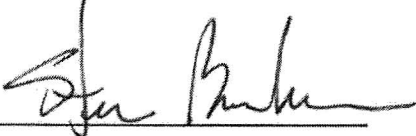
The proposed legislation would require commercial boat operators to accompany their tour customers that they deposit at the Hulopoe Beach Park This would address serious health/safety concerns over unsupervised beach park tours. It would also assist Castle & Cooke and the Park Council in clearly establishing jurisdiction over commercial operations within the Beach Park, and enforcing compliance with the Hulopoe Beach Park rules and regulations which have been approved by the Park Council and the County of Maui and 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  
Castle & Cooke Resorts, LLC  
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808.565-3831

Richard Mirikitani, Senior Vice President & Corporate Counsel  
Castle & Cooke Hawaii  
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548-2900

Very truly yours,



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My family, and I have lived on the island of Lana'i for 11 years. 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 my children have not been able to enjoy the beauty of Hulopoe beach. I have become afraid for the safety of my children, as well as the safety of the patrons, (who are unfamiliar with the waters, tide, and currents) due to the overcrowding. 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 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 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. Please support bill HB1486. Thank-you in advance for your time. Yasha-Ann Kahananui-Peralta  
Lanai Resident