

**BILL048(22)**  
**Testimony**

**MISC. COMM. 304**

COUNCIL

## **COUNCIL Meeting**

Meeting Date: Aug 10, 2022 @ 10:00 AM

Support: 6

Oppose: 4

I wish to comment: 2

Name: Carey Johnson	Email: quarkcsj@hotmail.com	Zip: 96815
Representing: Custom Island Tours, LLC	Position: Oppose	Submitted: Aug 5, 2022 @ 12:29 AM

Testimony:

Before considering this bill, we need to enforce the existing laws.

The new rules that were adopted by the Parks Department in September of 2020, makes it to where in order for tour companies or any commercial activities to use the beach parks, they need a Permit. The new rules for the permit divided the island into 5 districts and makes it such that a tour company can't have more than 1 vehicle at a beach park in each district, and that the Parks Department can't issue more than 5 permits per district. I see this being violated practically every time that I drive past Kokololio beach park because there are multiple 25 passenger tour buses there, and more than one from the same company. So even if this bill were to pass, it's not going to be enforced because the laws that have already been passed are not being enforced, just like Bill 34 (2021) that was passed in December that banned commercial activities from all of the beaches from Sunset Point to Kaiaka Point. There are surf schools that have canopy tents right on the beach at Chun's Reef and inside of Hale'iwa Beach Park near Pua'ena Point where they are running their surf school operations from like a mobile office right on the beach.

This bill would add Kokololio beach to a growing list of beaches that tour companies have been totally banned from. We are not far from tour companies being totally banned from every beach on the island. They are already banned from these beaches which are also listed in this ordinance:

Kailua Beach Park,  
Kalama Beach Park,  
Waiale'e Beach Park,  
Sunset Beach Park,  
'Ehukai Beach Park,  
Pupukea Beach Park,  
Waimea Bay Beach Park,  
Hale'iwa Ali'i Beach Park, and  
Kaiaka Bay Beach Park,  
Makapu'u Beach Park,  
Kaupo Beach Park,  
Kaiona Beach Park,  
Waimanalo Beach Park,  
Hunahāhiho (formerly Waimanalo Bay Beach Park), and  
Bellows Field Beach Park.

Not mentioned here, but it was in the laws when they were passed, that they are also banned from any of the public rights of way to the beaches that are between the above mentioned beaches.

Tour companies are also banned from all state parks, so this includes beaches like Kahana, Malaekahana, and Ka'ena Point, as well as Laie Point, and Tantalus lookout, and Pu'u O Mahuka Heiau to name a few. They are also banned from 2 of the 4 City run botanical gardens.

We are running out of places that we're allowed to take the tourists. The HTA says that they want for the tourists to be immersed in the Hawaiian culture. How are we supposed to do this when we've been banned from all of the locations where we might be able to do this?! About the only places left that we can take them, are private businesses that have their own private parking lots like Dole Pineapple. These laws are forcing the tourists to rent cars in order to go to the places that tour companies aren't allowed to take them to, which makes the problem worse by adding more cars to the roads and parking lots at these locations.

The tour companies are being more and more confined by these restrictions, which makes it seem like the few places that we can still go to, are crowded with tours, but that wouldn't be the case if we were allowed to go to more spread out places.

The combination of Bills 11 and 8 that banned commercial activities from the beaches in Kailua and Waimanalo made 10 miles of coastline off limits to commercial activities. Bill 34 made an additional 8 miles of coastline off limits to commercial activities. Back in the early 90's when I was a member of the Surfrider Foundation, Hawaii was the example that was looked at because in Hawaii, all of the beaches were open to everyone. Even when I was in the military here, we used to write passes to non-military personnel to pass through the base to get to the beaches. I have to laugh every time that my tours ask me, Is that a Private beach, and I respond that there is no such thing as a private beach in Hawaii. How ironic that the City Council of such a place would pass laws against tourists going to these beaches and locations, just because they have paid a tour guide to take them there, tell them the history of the culture, and to keep them safe.

Name: Alex Wilson	Email: anderwcw@gmail.com	Zip: 96815
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Representing: Self	Position: Oppose	Submitted: Aug 5, 2022 @ 09:21 AM
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Testimony:

To those would will never read this.

Your support to your local tour company's has to be the worst in all 50 states. The fact you have not thought of how we can work together, instead of an all across ban, really shows you do not understand your own state and how you can make it so much better. You allow tourists to go anywhere on island, with no supervision or education only to leave with some selfie photos, a busted window and no true understanding of the islands they just visited.

In doing these bans on the stops except for those spots where tourists can buy junk made from China, you have promoted illegally tour companies to thrive. You have wasted tons of tax payer dollars on these bills while you should have been starting programs to certify your local tour companies. Where they are to be held accountable on the services they provide and be educated on the locations they go.

It's such a shame that you all have not even thought of better ways to not only provide a greater experience to those that travel here but instead you leave an unbelievable amount of money on the table that should be use in those districts that tour companies visit.

Poor management leads to a poor product, and that's exactly where this island is headed. Sure the weather is nice but look at your facilities, look at your roads, and look at the failing business across the windward side of this island.

Support your professional tour companies and local guides instead of mainland rental car companies and the complaining two year residents.

How not a single one of you can't not stand up and say this is wrong, is terrible. You should be smarter and work together with your number one industry.

Alex

Name: Greg Arndt	Email: greg@privatetourshawaii.com	Zip: 96822
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Representing: Self	Position: Oppose	Submitted: Aug 5, 2022 @ 01:06 PM
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Testimony:

Aloha everyone,

For thirty years I have been hosting visitors around the island with small group van tours. I have a degree in Pacific Island Studies from the University of Hawaii, teach respect and culture, and empower and engage and feed back to the local community and family businesses all along my route.

But recently I do my tours with a broken heart as almost all beaches, parks, gardens, etc., are now closed to us. And for no reason. Yes there are a few hotspots that need help (engage us, the local community, see what's actually going on at any site in question, and then come up with a win-win situation, management where necessary, that empowers everyone).

But to do an island wide ban, and make it essentially a crime to be a tour guide is beyond comprehension to me.

No one will come on a tour once they realize they are not even allowed to get out of the van or see any sites (except Places like Dole Pineapple "Plantation"!).

I make a good living, I empower and give back to Hawaii, I am fulfilling dreams for our mostly nice and respectful visitors and families. No different then if your own family went to Arizona to see the wonders of the Grand Canyon.

Our government buerocracy here is mostly not creative, and very punitive to almost everything alive.

There is nothing wrong with our economy except entrenched legislatures that block everything, and create nothing. Shall we all end up working at Ross Dress For Less, as all our local creative entrepreneurs and businesses collapse?

Please keep Hawaii's future bright.

Love, Greg

Name: Michael Waters	Email: memories@haliatours.com	Zip: 96815
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Representing:	Position:	Submitted:
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Self	I wish to comment	Aug 6, 2022 @ 08:57 AM
<p>Testimony:</p> <p>This is a direct consequence of Heidi's Bill 38. She was warned this would happen but didn't care.</p> <p>Bill 38 is not enforced at all and a complete joke. There are only 3 companies who voluntarily follow that joke of a law.</p> <p>You guys are going to dismantle the Kailua and Waimnalo band through pure incompetence.</p> <p>Passing this new bill is just going to further spread companies around to smaller lesser known areas.</p> <p>But you already know this,</p> <p>There is a real offer on the table that will actually help, but so far you're not interested in that.</p> <p>Every time this council/parks department has got together on the "tourism issue" all you do is prove you don't know what you're doing.</p>		
Name: Joe Wilson	Email: qwavesjoe@yahoo.com	Zip: 96712
Representing: KoÊ»olau Waialua Alliance	Position: Support	Submitted: Aug 6, 2022 @ 08:19 PM
Name: Denice Kuehu	Email: dkuehu@hmail.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Aug 7, 2022 @ 01:38 AM
<p>Testimony:</p> <p>In support of this bill. We are priority when it comes to parking space. My self and others were told by HPD to save parking for TOURISTS. Officer identified as belonging to Laie station. Reports made. We the people of this community come firs! Our parks are very small. When these busses and vans come in we have no where to park. Not enough space in parking lots of Haleiwa Beach Park and Alii beach park. Enforce restrictions.</p>		
Name: Larry McElheny	Email: lkmcelheny@gmail.com	Zip: 96712
Representing: Self	Position: Support	Submitted: Aug 9, 2022 @ 07:27 AM
<p>Testimony:</p> <p>Aloha Council Members</p> <p>I strongly support Bill 48 and the addition of Kokololio Beach Park to the list of public parks where commercial activity is prohibited.</p> <p>Please do whatever you can to insure that this ordinance is strictly enforced.</p> <p>Mahalo,</p> <p>Larry McElheny</p> <p>8082379354</p>		
Name: Lisa Cates	Email: Lisa.k.cates@gmail.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Aug 9, 2022 @ 05:03 PM
<p>Testimony:</p> <p>Aloha Council Members,</p> <p>As an active community member and advocate for the preservation of our public parks and resources, it is important to keep these lands free of commercial enterprise in order to ensure fair access to the public. During hearings for bill 5 (2011), the Kailua community fought for the city to require permits for commercial activity in all city parks. Up until then, companies were using loopholes due to broad definitions in the ROH to deliver commercial goods and services, and operate on park lands. They were</p>		

essentially using public parks as their personal satellite storefronts for free.

Here we are, over 10 years later and although things are substantially better on the windward side, there are still those that feel entitled to operate illegally since enforcement has been minimal. 9-1-1 calls to report illegal activity are non-emergency and not a priority; often by the time HPD arrives, the illegal operators are gone.

If this council moves forward with this bill, please ensure that current laws regarding parks are able to be easily and swiftly enforced by HPD. One suggestion is to amend ROH Chapter 10-1.6 so that officers can issue violators an instantaneous monetary fine or citation. Recurring citations can either lead to arrest or substantially increase fine amounts (currently up to \$500) rather than a court appearance for the misdemeanor. Issuing criminal citations for illegal commercial activity is an unnecessary burden on our police officers and the judicial system.

Mahalo,  
Lisa Cates

Name: Lynell DaMate	Email: Lynell808@gmail.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Aug 9, 2022 @ 08:56 PM

Testimony:

Aloha e Council Members,

I was born and raised on the Kahuku Sugar Plantation, the youngest of eleven siblings and nine out of eleven of us graduated from Kahuku High School. I continue to live, love, work, and play in this North Shore region. Through decades, I have witnessed and observed the transformation of this entire region, in particular the coastal shores from Kahuku to Kaena. This transformation is a sharp knife that cuts both ways. On the one hand, there's economic growth and progress. On the other hand, as we are all well aware of the explosion of tourism, the demand for more outdoor activities and entertainment has overwhelmed and overburdened our natural resources and depleted our open spaces.

Bill 48, to my mind, will support a much needed change in how "business" is conducted here on the north shore. I strongly feel that "residents first" is an appropriate measure in ensuring that we, as residents, do not feel "pushed out" from enjoying the very same natural resources. From my perspective, our beaches, and our parks have been exploited to a point that people's safety is now a major concern. Examples of this is that visitors are being off-loaded and loaded too close to ongoing traffic on Kamehameha Highway on their way to a surf lesson, darting from mauka to makai after purchasing food products and or souvenir items from food trucks and pop-up vendors, weaving in between traffic in both directions. I have personally experienced these examples time and time, again. Very scary. So unsafe. We should not and cannot wait for a tragic accident to happen in order for the council to effect change. An accident between motorists, motorists and pedestrians, You Pick the lesser tragedy OR Choose to Support Bill 48.

Mahalo Nui Loa

Name: Kathleen Pahinui	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Aug 10, 2022 @ 06:42 AM

Testimony:

Aloha Council Chair Waters and Council Members -

Please support Bill 48 that will prevent recreational stops by commercial tour companies at any time at Kokololio Beach Park.

Our communities and parks are inundated by commercial operators that mar the beauty and peace of these beaches for our community. We need to move away from the concept of monetizing everything on this island for the sake of tourism. The residents must always come first. We must be a part of managing our natural assets or they will be degraded beyond use.

Mlama ina,

Kathleen M. Pahinui North Shore Resident		
Name: Racquel Achiu	Email: rhachiu@gmail.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Aug 10, 2022 @ 06:50 AM
Testimony: I am in support of Bill 48. Our communities and their resources are becoming overrun by commercial activity. Our local residents quality of life is negatively affected. Our resources, communities, people have to come first. Commercial activity is growing so quickly we aren't able to navigate our own lives. The relief this Bill could provide is critical MAHALO		
Name: Sylvia Craig-Kapu	Email: iroamic@gmail.com	Zip: 96717
Representing: Self	Position: Support	Submitted: Aug 10, 2022 @ 09:54 AM
Testimony: I am support of Bill 48 to stop Tour Buses at Kokololio Beach Park and also commerical activity.  My reasons are: 1. Ancient Hawaiian Iwi is documented to be found at Kokololio Beach Park, with more said to still remain there. Local families indigenous to the Koolauloa region know that they are buried along the sand berns at Kokololio Beach Park. The constant High traffic of tourists and people walking over the sand berns will cause further erosion to these ancient burial sites and devalue the sacredness of this area. Already evidence of plant coverings over sand berns are disappearing exposing sand trails causing further erosion. Water wastes through the taking of showers (sometimes showers are left running after tourists depart.) Cesspool; The Park is under cesspool limitations and now requires more than 1 cesspool pumping service a week. No Park staff. Since 2020 there has been no Park attendant posted full time at Kokololio Beach Park to ensure park rules are being followed. Violation of park rules by Tour Bus companies. Nui Tours LLC have violated park rules: A. Chaining a container to public showers so that their tourists can wash their snorkeling gear. Leaving their container chained to the Public Showers for more than 1 day. B. Tour Buses often times stay in the park for more than 15 minutes. C. Tour Buses taking up more than 3 parking stalls. Parking buses diagonally in front of restrooms blocking accessibility to public restrooms. D. Tour companies do not take these into consideration and often cause Traffic build up especially during holidays when the community use the park LifeGuard: There are no lifeguards posted at Kokololio Beach Park Impact to the beach: Overcrowding, pushing locals and other visitors out of the area, increase of trash, water pollution due to non-reef safe sunscreen. Diminishment of sea life including fish and hanu. We have witnessed the washing up of three seahorses fishes and numerous other fish as well. Impact to the community: Additional traffic congestion inside park especially on holidays. Beach overcrowding daily between 10:30am to 2pm. Noise from Tour buses when reversing in the Park can be heard by residents who live across Kokololio Beach Park		



6 August 2022

Aloha Councilmembers.

As a grassroots network of residents and community groups across O'ahu's north and windward shores that believes that the health and well-being of our communities and environment are woven together in the same cloth, that problems affecting one neighborhood in the region affect us all, we are writing in **strong support of Bill 48 (2022)**.

This effort to **prohibit commercial activities in public parks** is an essential and long-overdue step in helping to address the **negative impacts of over-tourism** and the intolerable increase in noise, traffic, parking, environmental degradation, and innumerable other problems and disruptions it brings to the stability and character of our rural communities.

Thank you for finally bringing attention to these important concerns.

We hope the bill will have your strong support too as it makes its way through the legislative process.

*Joe Wilson, Tēvita Ka'ili, Lynell DaMate,  
Angela Huntemer, Kari Labrador, Tessie Fonoimoana  
Organizing Committee*