References
References


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Appendix A

Ordinance No. 3143, Bill No. 34
ORDINANCE NO. 3143

BILL NO. 34 (2003) Draft 1

A BILL FOR AN ORDINANCE REPEALING CHAPTER 5.24, MAUI COUNTY CODE, PERTAINING TO OCEAN RECREATIONAL ACTIVITY BUSINESS PERMITS, AND AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO RECREATIONAL AREA REGULATIONS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUl:

SECTION 1. Chapter 5.24, Maui County Code, is repealed.

SECTION 2. Section 13.04.020, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

"Business" means any enterprise or establishment, including but not limited to, sole proprietorships, joint ventures, partnerships, corporations, fraternal organizations, clubs, unorganized associations or any other entities, whether for profit or not for profit, and includes all employees of the business.

"Business location" means a permanent, fixed place of business located in the County identifiable by a tax map key number and street address. A post office box number is not sufficient to identify a fixed place of business.

"County property" means any real or personal property owned by or under the control of the County or any County agency. County property includes, but is not limited to, equipment and fixtures; streets and highways; parking areas; sidewalks, roadway shoulders, easements, and rights-of-way; recreational facilities and community centers; beach accesses; beach parks; and beaches, from the high water mark or vegetation line to the location where other private or public property rights begin or if a certified shoreline map recorded with the State of Hawaii exists, those areas indicated by the map.

"Equipment" means tangible business property except any device or conveyance that requires an operating license or permit from the State of Hawaii division of boating and recreation or from the United States coast guard.

"Ocean recreational activity" means engaging in or providing instruction or guidance regarding the use of equipment in any pursuit that is primarily conducted in or on the ocean, including but not limited to kayaking.
snorkeling, scuba diving, surfing, kite surfing, and windsurfing, excluding any pursuit requiring an operator to hold a license or permit from the State of Hawaii division of boating and recreation or the United States coast guard. Engaging in and providing instruction or guidance to any patron regarding the use of equipment in the same pursuit shall constitute no more than one ocean recreational activity.

"Rules" means administrative rules of the department of parks and recreation adopted pursuant to section 13.04.220 that implement, interpret, or prescribe policy, procedure, or practice as necessary to carry out this chapter's requirements.

SECTION 3. Section 13.04.065, Maui County Code, is repealed.

["13.04.065 Exemption from obtaining Type V permit. Provided businesses engaged in ocean recreational activity, as defined in Maui County Code chapter 5.24, have obtained an ocean recreational activities permit, those businesses are exempted from having to obtain a Type V permit as required in this chapter."]

SECTION 4. Chapter 13.04, Maui County Code, is amended by adding a new article to be appropriately designated and to read as follows:

"ARTICLE X. Commercial Ocean Recreational Activity

13.04.250 Applicability. A. This article regulates commercial ocean recreational activity in or on County property.

B. This article does not apply to competitions or events necessitating permits pursuant to article IV.

13.04.251 Definitions. For purposes of this article, certain phrases and words are defined as follows:

"Applicable rules" means rules consistent with this article’s purpose.

"Applicant" means a business applying for a permit.

"Commercial ocean recreational activity" means ocean recreational activity conducted by a business for a patron in or on a County beach park or other County property.

"Patron" means any person who contracts to participate in ocean recreational activity."
"Permit" means a permit issued pursuant to section 13.04.270, unless a different type of permit is specified.

13.04.255 Purpose. This article's purpose is to fairly and effectively regulate commercial ocean recreational activity to ensure that County beach parks and other County property are utilized for the community's maximum recreational, environmental, and economic benefit.

13.04.256 Prohibitions. Commercial ocean recreational activity is prohibited at Baldwin Beach Park, Cove Park, Hookipa Beach Park, Kamaole Beach Park I, Kamaole Beach Park II, Kamaole Beach Park III, the southern portion of Kalama Park (the section of Kalama Park from the sand beach at Cove Park to the southern most parking area adjacent to South Kihei Road), Launiupoko Beach Park, and Puamana Beach Park.

13.04.260 Permit requirement; additional regulation. A. It is unlawful for any business to conduct commercial ocean recreational activity without a permit.

B. If a business chooses not to obtain a permit pursuant to section 13.04.270, a type V permit as required pursuant to article IV shall be obtained before a business may conduct commercial ocean recreational activity.

C. A separate permit shall be required for each commercial ocean recreational activity.

D. Additional regulation of commercial ocean recreational activity shall be established by applicable rules, including but not limited to the days, time, place, and volume of use of County beach parks.

13.04.270 Permit application; issuance; denial; appeal. A. Permit applications shall be available and may be submitted at district park offices. An applicant may seek multiple permits in a single application.

B. A permit application shall be in writing, properly verified under oath, and shall not be deemed complete until such application sets forth and includes the following:

1. The applicant's name, business location address, mailing address, and telephone numbers;
2. The specific ocean recreational activity for which the permit is being sought;
3. The name of the County beach park;
4. A list stating the license number, type, description, and gross vehicle weight of all motor vehicles to be used by the applicant;
5. Any other information required by applicable rules;
6. An application fee and a permit fee as set forth in the annual County budget;
7. The number of certified copies needed for the business to comply with section 13.04.310;
8. State and federal tax clearance certificates; and
9. A list of the equipment to be used by the applicant.
C. Within five business days from receipt of a complete application, the director shall submit a copy of the complete application to the department of police. The department of police shall within twenty business days from the receipt thereof submit to the director a written report with any recommendations or special conditions that may be necessary or desirable. If the department of police does not submit a report within twenty business days, it shall be deemed to have submitted a report with no comments on the application. Upon request from the department of police, the director may grant the department additional time to review the application, in accordance with applicable rules.
D. An applicant shall notify the director within five business days of a change to any information required to be included in the application after the application is submitted for approval or after the permit has been issued. Failure to comply may result in suspension or revocation of the permit.
E. The director may issue the permit, upon payment of any required fee, with or without special conditions or requirements in accordance with applicable rules. The director shall issue or deny the permit within thirty business days of the director's receipt of the department of police's report. If the director denies the permit, the director shall notify the applicant in writing of the decision, setting forth the reasons for the denial. If the director does not issue or deny the permit within thirty business days of the director's receipt of the department of police's report, the permit shall be deemed denied.
F. Any decision by the director under this article may be appealed by the applicant in accordance with section 13.04.125.

13.04.280 Permit conditions. All permits shall be subject to following conditions:
A. The permit holder shall provide proof of current American Red Cross certification in cardiopulmonary resuscitation (CPR) and first aid, or equivalent certification;

B. All transactions necessary to entitle a patron to engage in ocean recreational activity (including but not limited to selection of activities to be engaged in, selection of equipment, execution of rental agreements, payment for services, distribution or posting of commercial notices, advertising, signage or tents) shall be accomplished at the permit holder's business location. No such transactions shall be permitted or performed in or on County property;

C. In the event applicable rules designate an exclusive area in or on County property for unloading, rigging, assembly, and disassembly of the permit holder's equipment, such activities shall be completed in that area and for no more than thirty minutes at a time; and

D. Only equipment authorized by the permit shall be unloaded from a vehicle. All other equipment shall remain enclosed in or placed on top of the vehicle used to transport the equipment. No equipment may be displayed, stored, maintained, or repaired in or on County property.

E. The permit holder shall:
   1. Name the County as an additional insured on the permit holder's general liability insurance policy of at least $1,000,000, which insurance shall include a duty to defend the County if the County is sued as the result of the permit holder's commercial ocean recreational activity. The insurance policy shall be issued by a provider that is acceptable to the County, as evaluated by standards established by applicable rules.
   2. Provide the County with a copy of the insurance policy in which the County is named as an additional insured; and
   3. Execute an indemnification agreement with the County covering any losses sustained as a result of the permit holder's commercial ocean recreational activity, over and above those losses covered by the permit holder's general liability insurance coverage.

F. The permit holder shall submit an acceptable safety policy, as evaluated by standards established by applicable rules.

13.04.290 Permit term; suspension; revocation. A. Permits issued pursuant to this article shall have a duration of up to one year pursuant to standards in
applicable rules and shall expire automatically, without notice to the permit holder, on the date specified on the permit.

B. The director may suspend or revoke any permit issued pursuant to this article if the permit holder has violated any rule, ordinance, or statute related to the commercial ocean recreational activity.

**13.04.300 Nontransferability.** Permits shall be nontransferable.

**13.04.310 Inspection of permit.** The permit holder shall at all times keep the permit in a prominent place, convenient for inspection, at the business location. Each permit holder shall also possess a copy of the appropriate permit while engaged in commercial ocean recreational activity.

**13.04.340 Ocean recreational activity fund.** There is hereby established and created a fund to be known as the "ocean recreational activity fund". Any fees collected pursuant to this article shall be deposited in the ocean recreational activity fund, are hereby deemed appropriated upon receipt, and may be expended for purposes relating to the implementation of this article, including but not limited to the provision of salaries, the purchase of equipment, and the maintenance of County property."

SECTION 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.
SECTION 7. Transition. From January 1, 2004 to June 30, 2004, permits may be obtained under either Chapter 5.24, Maui County Code, or Article X, Chapter 13.04, Maui County Code. Until July 1, 2004, a permit holder complying with Chapter 5.24, Maui County Code, shall not be prosecuted for any alleged violation of Article X, Chapter 13.04, Maui County Code, for any action or inaction relating to the permitted activity. From January 1, 2004, a permit holder complying with Article X, Chapter 13.04, Maui County Code, shall not be penalized pursuant to Section 5.24.080, Maui County Code, for any action or inaction relating to the permitted activity. Notwithstanding the foregoing, prior to the issuance of any permit pursuant to Article X of Chapter 13.04, an environmental assessment relating to commercial ocean recreational activity, as defined herein, shall be prepared and accepted in accordance with Chapter 343, Hawaii Revised Statutes.

SECTION 8. Section 1 of this ordinance shall take effect on June 30, 2004. Sections 2 through 7 of this ordinance shall take effect on January 1, 2004.

APPROVED AS TO FORM AND LEGALITY:

EDWARD S. KUSHI, JR.
Deputy Corporation Counsel
WE HEREBY CERTIFY that the foregoing BILL NO. 34 (2003), Draft 1

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on 3rd day of October, 2003, by the following votes:

<table>
<thead>
<tr>
<th>Dain P. Kane</th>
<th>Robert Carroll</th>
<th>G. Riki Hokama</th>
<th>Jo Anne Johnson</th>
<th>Dennis A. Mateo</th>
<th>Michael J. Molina</th>
<th>Wayne K. Nishiki</th>
<th>Joseph Pontanilla</th>
<th>Charmai Tavare</th>
</tr>
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<tbody>
<tr>
<td>Chair</td>
<td>Vice-Chair</td>
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2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 7th day of October, 2003.

DATED AT WAILUKU, MAUI, HAWAII, this 7th day of October, 2003.

ROY T. HIRAGA, COUNTY CLERK
County of Maui


ALAN M. ARAKAWA, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said Bill was designated as ORDINANCE NO. 3143 of the County of Maui, State of Hawaii.

ROY T. HIRAGA, COUNTY CLERK
County of Maui

Passed First Reading on September 19, 2003.
Effective date of Ordinance:
Section 1 on June 30, 2004
Sections 2 through 7 on January 1, 2004.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3143, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

DATED at Wailuku, Hawaii, on
Appendix B

CORA Operator Survey Form
March 2, 2005

SUBJECT: COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION
COMMERCIAL OCEAN RECREATION ACTIVITY (CORA) OPERATOR
QUESTIONNAIRE

Dear CORA Operator:

As you may know, the Maui County Council passed Ordinance No. 3143 in October 2003, which gave the County of Maui, Department of Parks and Recreation (Department), the authority to issue permits for Commercial Ocean Recreation Activities (CORA). Additionally, the Department is charged with the development of administrative rules and regulations governing the permit process.

Towards establishing a management framework for commercial ocean recreation activities, the Department has contracted the firm of Munekiyo & Hiraga, Inc. to collect and analyze data which will assist in the preparation of the administrative rules and regulations. Munekiyo & Hiraga, Inc.'s scope of work covers gathering information on existing park facilities and environmental conditions, and park use patterns, including use characteristics and requirements of CORA operators.

With this in mind, the Department is asking for your assistance, as a current CORA operator, in providing information pertinent to the study. We would appreciate your help in completing the attached questionnaire as the information you provide will allow us to develop a regulatory approach which is both fair and manageable. Please take a few minutes to complete the survey and return it in the attached self-addressed, stamped envelope. Please return the questionnaire by March 18, 2005.

Should you have any questions about the survey, please contact Karlynn Kawahara or Mark Roy of Munekiyo & Hiraga, Inc. at 244-2015. Should you have questions about the CORA study in general, please contact Patrick Matsui of the Department at 270-7931. Thank you in advance for your participation.

Very truly yours,

GLENN T. CORREA
Director

Enclosures
Thank you for participating in this study. Although responses are voluntary and not required, your feedback is critical in assessing the use of County beach parks for Commercial Ocean Recreation Activities (CORA). Your responses will be kept strictly confidential. The results of this survey will assist the County Department of Parks and Recreation in developing administrative rules and procedures for CORA at the beach parks.

Instructions

• Please respond to each question based on your CORA operation.
• When completing the questionnaire, reasonable estimates are acceptable.
• Please answer the questionnaire as best as you can. A partial response is acceptable.
• Please return the questionnaire in the attached, self-addressed stamped envelope by March 18, 2005.
• If you have any questions about this survey or need assistance in filling it out, please call Munekiyo & Hiraga, Inc. at 244-2015 and ask for Karlynn Kawahara or Mark Roy.

A. COMPANY INFORMATION

1. Name of Company (if DBA, please include also):

2. Physical address:

3. Mailing address:

4. Telephone contact number(s):

5. Total number of employees:

6. Breakdown of employees:
   Certified Instructors: _________ Assistants: _________
   Support/Office staff: ___________ Drivers: ___________
   Others: ___________

7. Number of years in business on Maui:

8. Number and types of vehicles used for operation at beach parks

<table>
<thead>
<tr>
<th>Type of Vehicle (e.g., vans, trucks, mini-busses)</th>
<th>Number used</th>
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<tbody>
<tr>
<td>1. _____________________________</td>
<td>____________________</td>
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<td>2. _____________________________</td>
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<td>3. _____________________________</td>
<td>____________________</td>
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<td>4. _____________________________</td>
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9. Are you a year-round or seasonal operation?
   If seasonal, during what months do you operate?
### B. OCEAN ACTIVITY INFORMATION

1. What types of Commercial Ocean Recreation Activities (CORA) do you offer? (Please check all that apply.)
   - Windsurfing
   - Surfing
   - Snorkeling
   - SCUBA
   - SNUBA
   - Kiteboarding
   - Kayaking
   - Other (Please specify) ____________

2. Do you offer instruction in the activity(ies)?
   - Yes
   - No

3. Do you offer equipment rental for the activity(ies)?
   - Yes
   - No

4. What percentage of your business would you attribute to advance reservations for rentals and/or lessons? _______%

5. What percentage of your business would you attribute to walk up rentals and/or lessons? _______%

6. Which of the following County of Maui beaches does your company utilize for CORA activities? (Please check all that apply.)
   - Kanaha Beach Park
   - Kalama Park North
   - Mai Poina Oe Iau (Memorial) Beach Park
   - D.T. Fleming Beach Park
   - Honokowai Beach Park
   - Ukumehame Park
   - Other(s) ____________

7. If more than one (1) park is checked in Question 6, does your company operate out of multiple beach locations on any given day?  
   - Yes  
   - No

8. For each park checked in Question 6, please specify the typical days and hours you utilize the beach park.

<table>
<thead>
<tr>
<th>Beach Park</th>
<th>Activities Offered</th>
<th>Days of Week</th>
<th>Hours Used (Time of Day)</th>
</tr>
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<tbody>
<tr>
<td>a. ___________________________</td>
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<td>b. ___________________________</td>
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<td>c. ___________________________</td>
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</tbody>
</table>

* Use back of this page if more space is needed.
For each park checked in Question 6, what is your average number of equipment rentals and/or lessons per day?

<table>
<thead>
<tr>
<th>Beach Park</th>
<th>Activities Offered</th>
<th># of Lessons/Day</th>
<th># of Rentals/Day</th>
<th>Type of Equipment Rented (e.g., Surfboards, Snorkeling Gear, Kites, etc.)</th>
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</thead>
<tbody>
<tr>
<td>a.</td>
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<td>b.</td>
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<td>c.</td>
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</table>

Use back of this page if more space is needed.

What is the approximate amount of space needed to set up equipment and/or give classes? Approximately how long is the area used?

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount of Location of Use</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Space Used</td>
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<tr>
<td></td>
<td>(Square Feet)</td>
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<tr>
<td>Windsurfing</td>
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<tr>
<td>Surfing</td>
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<td>Snorkeling</td>
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<td>SCUBA</td>
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<td>Kiteboarding</td>
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<td>Kayaking</td>
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<td>SNUBA</td>
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<tr>
<td>Other</td>
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</tbody>
</table>

11. What is your average student to instructor ratio for each activity? (Please answer for all activities that apply.)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windsurfing</td>
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<tr>
<td>Surfing</td>
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<tr>
<td>SCUBA</td>
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<tr>
<td>Snorkeling</td>
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<tr>
<td>SNUBA</td>
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<tr>
<td>Kayaking</td>
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<tr>
<td>Other</td>
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</tbody>
</table>

12. What facilities, if any, do your customers utilize at the County beach parks? (Please check all that apply.)

- Showers
- Restrooms
- Changing rooms
- Parking lot
- Picnic tables
- Telephones
- Barbeque grills
- Electrical hook ups
- Pavilions
- Water faucets
C. FUTURE PLANS

13. Do you intend to expand your business in the next 5-10 years?  □ Yes  □ No

14. If you answered "Yes" to Question 12, what areas would you like to expand upon? (If you answered "No" to Question 12, please go on to Question 16.)
   □ Increased variety of ocean recreation activities offered.
   □ Increased rentals and/or lessons in current activities offered.
   □ Expand to offer activities at additional County beach parks.
   □ Other __________________________________________________________ 

15. For each beach park that you currently use, approximately how much more physical space would you estimate would be needed (in general) to accommodate your intended expansion in the provision of CORA activities?

<table>
<thead>
<tr>
<th>Beach Park</th>
<th>Additional Area Needed (square feet)</th>
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<td>a.</td>
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16. Would you support an increase in the County permit fees for CORA operators if it would allow for improved services (i.e., Park Rangers for enforcement, more restroom facilities, etc.)?  □ Yes  □ No

17. Please provide any additional comments about the CORA permit process or County beach parks. If more space is needed, please use the back of this page or attach comments.

________________________________________________________________________
________________________________________________________________________
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________________________________________________________________________

18. Can we contact you if we have any questions about your responses?  □ Yes  □ No
   Phone No. ____________________________________________

Please be sure to return the survey by March 18, 2005 in the attached self-addressed, stamped envelope. Thank you for your time.
Appendix C

Stakeholder Dialogue Meeting Notices
Commercial Ocean Recreation Activity Operators

SUBJECT: COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, COMMERCIAL OCEAN RECREATION ACTIVITY (CORA) STUDY

Dear CORA Operator:

As you may know, the Maui County Council passed Ordinance No. 3143 in October 2003, which gave the County of Maui, Department of Parks and Recreation (Department), the authority to issue permits for Commercial Ocean Recreation Activities (CORA). Additionally, the Department is charged with the development of administrative rules and regulations governing the permit process.

The Department would like to invite you, as a current CORA operator, to an informational meeting on the study it is conducting to assess the 17 County Beach parks designated for CORA operators. The meeting is scheduled for Tuesday, March 1, 2005, from 7:00 p.m. to 8:30 p.m. The meeting will be held at the Department of Parks and Recreation Conference Room, located at the War Memorial Gym Complex in Wailuku. The meeting agenda will cover a brief background of the requirements of the new Ordinance, as well as an overview of the survey that the Department will be sending out to CORA permitees.

Should you have any questions on the meeting location or the CORA study in general, please contact Patrick Matsui of the Department at 270-7931.

Sincerely,

GLENN T. CORREA
Director
April 8, 2005

CORA Operator

SUBJECT: County of Maui, Department of Parks and Recreation Commercial Ocean Recreational Activity (CORA) Study

Dear CORA Operator:

Thank you for your continued interest and participation in the CORA Study. We appreciate all input received during the informational meeting held on March 1, 2005. Enclosed please find a draft copy of Working Paper No. 1 for your review and comment. Working Paper No. 1 describes the scope of work and methodological framework for the CORA study being undertaken by our consultants. The working paper addresses some of the earlier comments received from operators regarding the parks selected for evaluation. As a result, we have revised the list of parks which will be studied by the consultant. The 17 parks selected and the rationale for beach park selection are set forth in the working paper.

Additionally, the working paper clarifies that due to funding limitations, the intent of the Department is to allow the transfer and application of the assessment methods to those parks not addressed by the study. The assessment of the parks not included in the study may be undertaken separately by the Department staff or others. In this context, it is not the intent of the study to recommend or conclude that those parks not selected for study evaluation are not suitable for CORA operations. Each of these parks must be evaluated individually. Thus, please be assured that the Department has not reached any pre-established decisions regarding permit issuance and administration for any of the beach parks.

Finally, to ensure ongoing participation and input from CORA operators, we invite you to a second informational meeting. The meeting is scheduled for Monday, April 25, 2005 from 7:00 p.m. to 9:00 p.m. It will again be held at the Department of Parks and Recreation Conference Room, located at the War Memorial Gym Complex in Wailuku. The focus of the meeting will be to receive comments from CORA Operators on Working Paper No. 1. Please bring your copy of Working Paper No. 1, with any written comments you may have.
We look forward to working closely with the CORA operator community in order to ensure the formulation of an effective permitting system that is both fair and enforceable.

Should you have any questions regarding the scheduled meeting or the CORA study in general, please do not hesitate to contact Patrick Matsui of the Department at 270-7931.

Sincerely,

GLENN T. CORREA
Director

Enclosure

cc: Michael Munekiyo, Munekiyo & Hiraga, Inc.
Commercial Ocean Recreation Activity Operators

SUBJECT: COUNTY OF MAUl, DEPARTMENT OF PARKS AND RECREATION COMMERCIAL OCEAN RECREATIONAL ACTIVITY (CORA) STUDY

Dear CORA Operator:

Thank you for your continued participation and feedback in the Commercial Ocean Recreational Activity (CORA) study. Based on the comments we received at the second informational meeting, we are moving forward with the scheduling of focus group meetings to gather more information on CORA use of the beach parks. These meetings will be an opportunity for you to provide the Department and our consultants with information on environmental conditions, more in-depth information on your use and comment on opportunities and constraints for the County beach parks included in the study.

As discussed at the April 25, 2005 meeting, these focus group meetings are being scheduled according to ocean activity. Please refer to the meeting schedule below.

**Tuesday, May 24, 2005**
5:30 pm - 7:00 pm  Snorkel Operators
7:00 pm - 8:30 pm  Scuba Operators

**Wednesday, May 25, 2005**
5:30 pm - 7:00 pm  Kayak Operators
7:00 pm - 8:30 pm  Surfing Operators

**Thursday, May 26, 2005**
5:30 pm - 7:00 pm  Kiteboarding Operators
7:00 pm - 8:30 pm  Windsurfing Operators

All meetings will be held at the Department of Parks and Recreation Conference Room, located at the War Memorial Gym Complex in Wailuku. The meetings will begin promptly and will concentrate only on the concerns for the ocean activity scheduled. If your company offers more than one (1) activity, you are encouraged to attend all meetings that are pertinent to your operation, however, we will ask that your comments reflect only the ocean activity being discussed.
Lastly, we have enclosed for your information, a summary of the comments that were received on the draft Working Paper No. 1 and the CORA study in general at the second information meeting.

Should you have any questions on the meeting location or the CORA study in general please contact Patrick Matsui, Chief of Planning and Development at 270-7931 or our consultants, Munekiyo & Hiraga, Inc., Karlynn Kawahara or Mark Roy at 244-2015.

Sincerely,

GLENN CORREA,
Director

Enclosure

c: Patrick Matsui, Chief of Planning and Development
Bob Straub, Special Events Coordinator
CORA Operator

SUBJECT: County of Maui, Department of Parks and Recreation Commercial Ocean Recreational Activity (CORA) Study

Dear CORA Operator:

Thank you for your continued interest and participation in the CORA Study. We appreciate all input received during the focus group meetings held on May 24-26, 2005. By now, you should have received a draft copy of Working Paper No. 2 for your review and comment. Working Paper No. 2 describes the results of the CORA survey. The working paper also addresses some of the comments received from operators from the CORA survey.

To ensure ongoing participation and input from CORA operators, we invite you to a third informational meeting. The meeting is scheduled for Tuesday, June 28, 2005 from 7:00 p.m. to 8:30 p.m. It will again be held at the Department of Parks and Recreation Conference Room, located at the War Memorial Gym Complex in Wailuku. The focus of the meeting will be to receive comments from CORA Operators on Working Paper No. 2. Please bring your copy of Working Paper No. 2, with any written comments you may have.

We look forward to working closely with the CORA operator community in order to ensure the formulation of an effective permitting system that is both fair and enforceable. Should you have any questions regarding the scheduled meeting or the CORA study in general, please do not hesitate to contact Karla Peters of the Department at 270-7931. If you did not receive a draft copy of Working Paper No. 2, please contact our consultants, Munekiyo & Hiraga, Inc. at 244-2015.

Sincerely,

GLENN T. CORREA
Director

Enclosure

cc: Michael Munekiyo, Munekiyo & Hiraga, Inc.
COMMERCIAL OCEAN RECREATIONAL ACTIVITY (CORA) STUDY

July 7, 2005

Commercial Ocean Recreation Activity Operators

SUBJECT: COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION

COMMERCIAL OCEAN RECREATIONAL ACTIVITY (CORA) STUDY

Dear CORA Operator:

Thank you for your continued participation and feedback in the Commercial Ocean Recreational Activity (CORA) study. Please find attached for your review, copies of the CORA focus group summaries that were distributed at the June 28th informational meeting. The focus group meetings were held May 24 to 26, 2005. Each focus group has two (2) written summaries. The comments in the table were taken directly from the post-it notes, written by the CORA operators who attended the meeting. The second bullet point summary contains the comments received during the discussion portion of the focus group meetings.

Should you have any questions about the CORA study in general, please contact Karla Peters of the Department of Parks and Recreation at 270-7931 or Mark Roy or myself at 244-2015.

Very truly yours,

Karlynn Kawahara, Planner

KK:tn
Enclosure

cc: Glenn Correa and John Buck, Ill, Department of Parks & Recreation (w/o enclosures)
Pat Matsui, Karla Peters and Bob Straub, Department of Parks & Recreation (w/o enclosures)
September 19, 2005

CORA Operator

SUBJECT: County of Maui, Department of Parks and Recreation Commercial Ocean Recreational Activity (CORA) Study

Dear CORA Operator:

Thank you for your continued interest and participation in the CORA study. We appreciate all input received during the Draft Working Paper No. 2 review meeting held on June 28, 2005. Please find attached, for your reference, a summary of comments received during the review meeting.

We are sending you this letter to also inform you that Draft Working Paper No. 3 (Beach Park Assessments) has now been completed by our consultants, Munekiyo and Hiraga, Inc., and is available for review at the following Internet links:

http://www.co.mau.i.hi.us/departments/Parks/pdf/cora3.pdf
http://www.co.mau.i.hi.us/departments/Parks/pdf/cora3.zip

Please note that, as the size of the Draft Working Paper No. 3 file is rather large (130 MB), downloading the file is likely to take some time, the length of which will depend upon the speed of your Internet connection. As you can see, two download options have been provided. Adobe Acrobat is required to read .pdf files and can be downloaded at no cost at http://www.adobe.com/products/acrobat/readstep2.html. The zip format, on the other hand, will allow you to open the file more efficiently and will require WinZip to uncompress it. A trial version of WinZip can be downloaded at no cost at http://www.download.com/3000-2250-10003164.html?tag=dir.

Should you experience problems downloading Working Paper No. 3 or do not have access to a computer, CDs/hard copies will be made available to CORA operators and other interested parties for pick-up from the permit office of the Department of Parks and Recreation (War Memorial Gym Complex, Wailuku) from September 27, 2005. To place a reservation for either a CD or hard copy of Working Paper No. 3, please call Karla Peters of the Department at 270-7931 by September 22, 2005.

A menu providing access to all working papers completed to date is available at the main homepage of the Department at the following link:

http://www.co.mau.i.hi.us/departments/Parks/index.htm
To ensure ongoing participation and input from CORA operators, a fourth informational meeting, during which comments will be received on Draft Working Paper No. 3 and Draft Working Paper No. 4, will be held in mid-October. It is noted at this point that Draft Working Paper No. 4 (Foundation for CORA Rules Formulation) is nearing completion and will soon be available for review. You will be receiving a letter providing the link necessary to download Draft Working Paper No. 4, as well as details of the upcoming meeting soon.

We look forward to working closely with the CORA operator community in order to ensure the formulation of an effective permitting system that is both fair and enforceable. Should you have any questions regarding downloading Draft Working Paper No. 3 or the CORA study in general, please do not hesitate to contact Karla Peters of the Department at 270-7931.

Very truly yours,

GLENN T. CORREA
Director

Attachment
CORA Operator

SUBJECT: County of Maui, Department of Parks and Recreation Commercial Ocean Recreational Activity (CORA) Study

Dear CORA Operator:

Thank you for your continued interest and participation in the CORA study.

We are sending you this letter to inform you that Draft Working Paper No. 4 (Foundation for CORA Rules Formulation) has now been completed by our consultants, Munekiyo & Hiraga, Inc., and is available for review at the following Internet links:

http://www.co.mauhi.us/departments/Parks/pdf/cora4.pdf

Please note that the time required in order to download the Draft Working Paper No. 4.pdf file will depend upon the speed of your Internet connection. Adobe Acrobat is required to read .pdf files and can be downloaded at no cost at http://www.adobe.com/products/acrobat/readstep2.html.

Should you experience problems downloading Draft Working Paper No. 4 or do not have access to a computer, CDs/hard copies will be made available to CORA operators and other interested parties for pick-up from the permit office of the Department of Parks and Recreation (War Memorial Gym Complex, Wailuku) from October 6, 2005. To place a reservation for either a CD or hard copy of Draft Working Paper No. 4, please call Karla Peters of the Department at 270-7931 by October 3, 2005.

A menu providing access to all working papers completed to date is available at the main homepage of the Department at the following link:

http://www.co.mauhi.us/departments/Parks/index.htm

To ensure ongoing participation and input from CORA operators, a fourth informational meeting, during which comments will be received on Draft Working Paper No. 3 and Draft Working Paper No. 4, has been scheduled for Monday, October 17, 2005 from 6:30 p.m. to 8:30 p.m. The meeting will again be held in the Department of Parks and Recreation conference room located in the War Memorial Gym Complex, Wailuku.
We look forward to working closely with the CORA operator community in order to ensure the formulation of an effective permitting system that is both fair and enforceable. Should you have any questions regarding downloading Draft Working Paper No. 4, the upcoming meeting, or the CORA study in general, please do not hesitate to contact Karla Peters of the Department at 270-7931.

Very truly yours,

GLENN T. CORREA, Director

C: Patrick Matsui, Chief of Parks Planning and Development
John Buck III, Deputy Director
Bob Straub, Special Events Specialist
CORA Operator

SUBJECT: County of Maui, Department of Parks and Recreation Commercial Ocean Recreational Activity (CORA) Study

Dear CORA Operator:

Thank you for your continued interest and participation in the CORA Study. We appreciate all input received during the Draft Working Paper No. 3/Draft Working Paper No. 4 review meeting held on Monday, October 17, 2005.

As many CORA operators and other interested parties were not able to attend the above-mentioned meeting, we are sending this letter to everyone on the CORA Study mailing list as a follow-up and to solicit written comments on Draft Working Paper No. 3 and Draft Working Paper No. 4. A compact disc (CD) containing both draft working papers in electronic format (.pdf files) has been enclosed with this letter for your reference.

We would also like to remind CORA operators that Draft Working Paper No. 3 and Draft Working Paper No. 4 will continue to be available for download at the following Internet links:


A menu providing access to all working papers completed to date is available at the main homepage of the Department at the following link:

http://www.co.mauhi.us/departments/Parks/index.htm

Please note that, as the size of the Draft Working Paper No. 3 file is rather large (130MB), downloading the file is likely to take some time, the length of which will depend upon the speed of your Internet connection. As you can see, two download options have been provided. Adobe Acrobat is required to read .pdf files and can be downloaded at no cost at http://www.adobe.com/products/acrobat/readstep2.html. The zip format, on the other hand, will allow you to open the file more efficiently and will require WinZip to uncompress it. A trial version of WinZip can be downloaded at no cost at http://www.download.com/3000-2250-10003164.html?tag=dir.
Should you experience problems downloading the working papers or do not have access to a computer with which to view the CD files, hard copies will be made available to CORA operators and other interested parties for pick-up from the permit office of the Department of Parks and Recreation (War Memorial Gym Complex, Wailuku) from Monday, October 31, 2005. To place a reservation for a hard copy of either of the working papers, please call Karla Peters of the Department at 270-7931 by Friday, October 28, 2005 to enable sufficient time for printing.

The deadline for receipt of written comments on Draft Working Paper No. 3 and Draft Working Paper No. 4 is Monday, November 10, 2005. All written comments should be mailed to our consultants, Muneklyo & Hiraga, Inc., located at 305 High Street, Suite 104, Wailuku, Hawaii 96793 and must be received by November 10th. Comments can also be faxed to them at (808) 244-8729.

A series of focus-group meetings, organized according to activity type, have been tentatively scheduled for November. During these meetings, CORA operators and other interested parties will be presented with a copy of the Draft Final Report for the CORA Study containing the finalized versions of Working Papers Nos. 1 through 4, which will appear as Chapters I through IV. Meeting participants will also be invited to provide input on the draft administrative rules, which will be contained as Chapter V of the Final Report. You will receive a letter providing further information on the date, time, and location of these meetings.

We look forward to continuing working closely with the CORA operator community in order to ensure the formulation of an effective permitting system that is both fair and enforceable. Should you have any questions regarding providing written comments on Draft Working Paper No. 3 and Draft Working Paper No. 4, please do not hesitate to contact Karla Peters of the Department at (808) 270-7931.

Sincerely,

GLENN T. CORREA
Director

c: John Buck III, Deputy Director
Patrick Matsui, Chief of Parks Planning and Development
Bob Straub, Special Events Specialist
Appendix D

Comments Received During Stakeholder Dialogue Meetings
Comments on Working Paper No. 1

- Definitions are required for usage codes; need to account for seasonal fluctuations.
- Need to recognize necessity for CORA industry (page 3).
- Clarify "unsuitable" in Table 3.
- Suitability ratings needs to be accurately characterized.
- Ulua/Mokapu is not necessarily representative of other Wailea beach parks.
- Ulua Park’s heavy use will be balanced with use of other beach parks nearby.
- The term “High volume” needs to be clarified. Need to look at use as well as volume.
- Concern expressed with labels used in table on page 11 (e.g., “very high volume” should be changed to “high volume”).
- Avoid use of emotionally charged language.
- Waipuilani Park as shown on Table 2 should reflect only 1 permit, not 3. Kanaha Beach Park is not representative of Poolenalena.
- There is disagreement with original premise - that no legal right to use public resources for private gain. Original premise may have no legal basis. Noted that this premise was set forth by the Corporation Counsel.
- How do you define the boundaries of the beach park being assessed?
- Report should acknowledge the need for safe instruction of the general public. Need to create professional standards.

Comments for Future Study Consideration

- Reference number of lifeguards at study parks and highlight ocean safety benefits provided by CORA operators.
- Need to quantify benefits/value of CORA industry (integrate in CORA study).
- Need to address/detail growth in infrastructure since opening of first park (park infrastructure growth).
- Consider impact on parks during special events (Whale Day at Kalama). Need to account for displacement of CORA operators by special events.
- Break up focus groups by activity (integrate for park specific issues).
- Focus groups should address all parks.
- Volume needs to be accounted for when rating parks by use intensity (some operators bring a large number of visitors to park).
- Need to evaluate how much business is generated for each permit.
Comments for CORA Administrative Rules

- CORA operators should be able to use any park for private lessons.
- County rules should require membership of CORA association as pre-requisite for permit issuance.
- Rules need to account for inherent differences/requirements for activities (i.e., tradewinds for windsurfers, clear conditions for scuba).
- Need to be kept informed in regards to progress on interim rules.
- Enforcement is a key element in beach park management.
- Allow present permit holders to keep permits and issue no new permits until a cap has been reached. Allow for attrition of CORA operators.
- Why are large companies able to operate on weekends and holidays?
- Sports usage should be separated. Amount of people in water also a factor for most sports.

General CORA Comments

- Need dialogue with Council to reopen closed/banned parks. Closure of Launiupoko and other parks increased use at other area parks, especially Kamehameha Iki.
- Request to arrange CORA meeting with DPR separately to not take time away from study.

In addition to receipt of comments, the following information was provided to the group.

1. An overview of the overall study process was presented.
2. Mayor Arakawa provided comments relative to CORA operations at County beach parks.
3. The Department of Parks and Recreation reported that work on interim rules have been put on hold, as current ordinance does not specifically provide the Department with that authority.
4. A short summary on the status of the beach park assessment and CORA survey was presented.
5. The DPR suggested that focus groups be organized by activity rather than by parks. There was general agreement that this approach would be satisfactory.
CORA Operators Focus Group Meeting (SNORKELING)
Tuesday, May 24, 2005 - 5:30 p.m. to 7:00 p.m.
DISCUSSION OF MAIN ISSUES

PARK-SPECIFIC COMMENTS

A. Ulua/Mokapu Beach Park

- Limitations on parking is a concern.
- Parking facilities are also used by non-beach users (ie. hotel workers).
- Location of reef between Ulua and Mokapu beaches creates often crowded conditions.
- Many CORA operators tend to avoid using park in the mornings due to crowds. It is a very popular CORA spot and access is based on a first-come first-served basis.
- The beach park is a popular location for sunset dinners.

B. Maluaka Beach Park

- The Department of Parks and Recreation needs to monitor the carrying capacity of Maluaka Beach Park carefully.

C. Makena Landing Beach Park

- The beach park is also used by art classes and other commercial non-permit holders.
- Frequent trash problems.
- Volunteer clean-ups are common.
- New gate for parking lot needs to be locked at night to discourage overnight camping, parties, etc.
- Makena Landing has a lot of potential but it is a dump at the present time.
- Closing Makena Landing would make situation worse as impacts would be concentrated on other parks.
- CORA operations at Makena Landing are working at the moment.
- Many companies are operating without a permit. Enforcement is needed. Also, there are problems with independent (small scale) operators, many of which are unpermitted and difficult to detect/monitor.
- Private security hired by the Department of Parks and Recreation has improved the situation at the park slightly.
- Use of parking facilities by commercial vehicles and construction trucks could increase during future housing development projects in area.
- Most visitors arrive at Makena Landing after CORA operators have left.

GENERAL COMMENTS

- Need multiple sites to choose from as weather/ocean conditions dictate the safety of CORA activities at
a particular beach park.

- Summer conditions make West Maui parks more suitable for snorkeling.
- Closure of Ahihi Kinau reserve has led to crowding of other locations such as Makena Landing.
- Easy for certain operators to manipulate the system and find loopholes in order to acquire permits.
- Vending at parks is common, especially among surf operators.

GENERAL RECOMMENDATIONS

- Remove “non-transferable” condition on permits to enable CORA operators option of selling their businesses.
- Designate certain beach parks such as Makena Landing as marine reserves. Examples include Palau and certain islands in the Caribbean. Visitors would be required to purchase a permit for entry into the marine reserve where activity will be conducted (ie. $5.00/day). A fund would then be created using the permit monies to maintain and improve the parks.
- State/County should charge a “visitor” tax to tourists at the airport specifically aimed at improving park infrastructure.
- Vending of CORA activities should be legal as long as onsite visitor calls and makes a reservation through the CORA operator’s office using his/her cell phone.
- Vending should be legal in designated park areas.
- Question: Is tipping at beach parks legal?
- Residents/tourists should have to buy tickets to use parking facilities at beach parks (ie. on a daily/hourly basis).
#1. Which County-owned beach parks on Maui have your company operated at over the past year?

- Maluaka Beach Park (3)
- Ulua/Mokapu Beach Park (3)
- Wailea Beach Park (2)
- Polo Beach Park (1)
- Keawakapu Beach Park (1)
- Po'olenalena Beach Park (1)
- D.T. Fleming Beach Park (1)
- Makena Surf Beach Park (1)
- Makena Landing (Five Caves) Beach Park (1)

#2. What are the general advantages of conducting CORA operations at County-owned beach parks on Maui?

- Parking
- Restrooms/showers
- Good snorkeling for most experience levels
- Security/safety
- Each has unique underwater features

#3. Are there specific advantages/features at the beach parks noted in question no. 1 that make them more beneficial or attractive to your company for CORA operations?

- Bathrooms
- Parking
- Sandy beach
- Restrooms and parking
- In public eye
- Early accessibility
- Decent parking
- Washroom/shower
- Good snorkeling for most experience levels
- Security/safety
- Each has unique underwater features

#4. What problems, in general, are limiting your company's ability to provide CORA services to visitors at County-owned beach parks on Maui?

- Poor reefs for snorkeling
- Cost of permits - "per site fee"
- Lack of parking at some sites
- Lack of restrooms/showers/emergency telephones
- Vandalism
- Poor maintenance of facilities
- Bad weather/sea conditions
- Not good water/reef offshore
- Competition at site from non-CORA operators
- Indiscriminate enforcement of present laws and regulations
- Abuse of resource from other users, general public
- Some operators monopolizing certain sites and space at sites

#5. What site-specific problems and/or limitations does your company experience at each of the beach parks noted in question no. 1?

- Ulua - gets crowded with tourist snorkelers early in the day. Parking also filled early.
- Makena - okay right now.
- Wailea - very little shade.
- Makena Landing - no problems.
- Wind and water conditions that are not safe.
- Note: Limits on sites that a permit allows restricts the ability to relocate to safe or optimal conditions in alternate sites.
- Makena Landing - trash and litter, poorly maintained parking lot and facilities, vandalism, competition by non-CORA authorized users.

#6. What should be done to help facilitate CORA operations, in general, at County-owned beach parks on Maui?

- Do not lock permits to pre-selected locations.
- Keep tabs on use, so over-use does not become a problem. This would mean limiting permits and numbers of people and activities and hours.
- Posting of signs alerting public users that CORA permits are required.
- Regular enforcement schedule.
- Disciplinary action on violations.
- Signs explaining safe use practices, hunting, fishing regulations.
- Affordable fee for permits.
- Industry specific rules.

#7. Do you have any site-specific suggestions that would help facilitate CORA operations at each of the beach parks noted in question no. 1?

- Parking is the only issue, but not a big problem.
- Maluaka, Ulua, Wailea, Makena Landing - limit numbers on a daily basis if sites get too crowded with CORA operators-or by hours.
- Makena Landing - clean it up. Add regular patrols.
- Ulua/Keawakapu/Polo/Wailea - regular checking of permit holders.
- Reduce fees but increase requirements to be able to get a permit.
<table>
<thead>
<tr>
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<th>#7. Do you have any site-specific suggestions that would help facilitate CORA operations at each of the beach parks noted in question no. 1?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ulua Beach, Mokapu, Keawakapu - lack of parking, use by non-CORA authorized users.</td>
<td>All places - no enforcement agency.</td>
<td>Use of sites by other activities: beach weddings, &quot;sunset dinners&quot;, art lessons, fishing excursions.</td>
<td>Local cook-outs/camp-outs overnight camping/fires.</td>
<td>Over crowding at certain times of day or year.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PARK-SPECIFIC COMMENTS

A. Ulua Beach Park
   • Non-park users utilize parking facilities at the beach park.
   • Park hours don’t allow night dives. Need to extend park hours to allow night dives past 7 pm.

B. Keawakapu Beach Park
   • Parking at beach park is limited.
   • Need to add a restroom.
   • Park facilities and parking stalls are frequently used by residents from adjacent condominiums.
   • Need to extend hours to allow night dives past 7 pm.
   • Dumpsters at park are frequently locked.
   • There is a need for additional trash cans at the park.
   • Need better maintenance of stairs near shower area.

C. Poolenalena Beach Park
   • Gate is frequently locked past designated park opening times.

D. Makena Landing Beach Park
   • All parking is frequently taken up by construction companies.
   • Kayak operators frequently reverse trucks and trailers down into landing.
   • Question: Are CORA operators allowed to utilize the showers?
   • Need to add specific wash down facilities for scuba equipment.
   • Need to fix broken pipe near bathroom to allow adequate cleaning of toilets and irrigation.
   • Large trash dumpsters are frequently locked.
   • People often use trash facilities to dump residential waste.
   • Some people hold Makena Landing permits who never use them, which inflates permit statistics.
   • There are many non-permitted operators conducting CORA operations at Makena Landing.
   • Alcohol related problems at Makena Landing (i.e., broken glass) seem to occur with after hour use.
   • Vending by scuba operators is rare but has been witnessed in the past at Makena Landing. Vending sometimes occurs with kayak operators as well.
   • Need enforcement at Makena Landing to regulate illegal CORA operators.
BENEFITS PROVIDED BY SCUBA INDUSTRY

- Scuba operators provide reef ecology preservation education for their guests.
- Scuba operations provide employment.
- Scuba operators provide free lifeguard services at County beach parks.
- Scuba operators carry raw oxygen and are trained providers.
- Scuba operators are CPR and first aid trained/equipped.
- Scuba operators possess emergency cell phones and can assist other beach users in need.
- Scuba operations install a sense of consumer loyalty in visitors, which encourages people to return to Maui each year.
- Scuba operators assist County by cleaning up beaches.
- Scuba operators enhance local experiences by providing scuba tours/instruction for residents.
- Due to the fact that scuba operations are locally owned and operated, locally generated profits are reinvested back into the community.
- Scuba companies represent the eyes and ears of the County at beach parks.
- The presence of scuba operators discourages vandalism and theft at beach parks.
- Some companies survey coral/marine life health as part of state or other agency studies.
- Scuba operators can assess long-term damage to coral reefs from golf course run-off.

GENERAL COMMENTS

- There is discrimination against CORA operators from authorities. For example, local fishermen are often allowed to park vehicles at night within beach parks but CORA operators are not (especially at Ulua Beach Park).
- Need to open more parks up for the same permit fee to distribute impacts on specific parks.
- Limited support for charging visitor/user fees as long as funds are specifically used to improve beach parks. One (1) out of eight (8) participants supported user/visitor fees (ie. general charges to visitors at the airport and/or site-specific charges for using particular beach parks).
- There are enough park rangers already. There is no need for anymore. CORA operators should not pay for the entire cost of park rangers, if they will be charged with other responsibilities beside enforcement of permits.
- Scuba operators request a meeting with staff from Department of Parks and Recreation.
- Scuba industry has safety guidelines regarding restrictions on the number of students in a class/tour. This is not the case in the kayak/surf industry.

GENERAL RECOMMENDATIONS

- Need to allocate more funds to Department of Parks and Recreation to maintain County-owned parks.
- Possible tax charge on general visitors to Maui (ie., at Kahului airport). Funds should be allocated specifically for park improvements.
## CORA Operators Focus Group Meeting (SCUBA DIVING)

**Tuesday, May 24, 2005 - 7:00 p.m. to 8:30 p.m.**

### QUESTIONS AND RESPONSES

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Makena Landing Beach Park (7).</td>
<td>Access. Parking. Facilities. When they exist: parking, bathrooms, showers. Locations are centrally located to where our customers stay (Wailea). Parking, showers. SAFETY - on May 23rd saved another drowning snorkler. Easy SAFE entry and exit. Generally calm. Condition SAFE to teach diving. Access to ocean. Showers - Parking. Access to ocean. Showers. Parking. Restrooms. Good reef structure. Safe conditions.</td>
<td>Ulua-parking, bathrooms, showers, space to set up gear. Makena Landing - same. Also, this is a location that is world renowned for its underwater formations and 3 sites can be visited from this access. Safe conditions. Makena Landing - generally good water access and conditions, good variety of marine life. Ulua/Polo/Keawakapu/Wailea - nice parking lots, good restrooms and showers, good underwater features and marine life, security.</td>
<td>County government biased against CORA businesses. All CORA operators believe this is just futile exercise and that decisions have already been made. No problems at this time! Restriction of park selection with regard to safety. Makena Landing - generally good water access and conditions, good variety of marine life. Ulua/Polo/Keawakapu/Wailea - nice parking lots, good restrooms and showers, good underwater features and marine life, security.</td>
<td>None. None. So far. None. None. Po`olenalena-no facilities, (restrooms/showers). Vandalism risk. Poor water conditions at times. Permit processing problems (Waikiki Beach Park). Makena Landing - competition of use by non CORA authorized users, litter, poorly maintained facilities, occasional vandalism and bad weather.</td>
<td>Allow scuba greater access to the ocean. A flat fee structure that gives access to all parks allowed so that we can give customer (local, tourist) best dive experience. Post signage noting that permits are required. Increase security patrols, enforcement of rules and regulations. Make permits affordable and only available to qualified applicants. Have more possible parks to dive from.</td>
<td>Ulua-extend parking hours. Keawakapu-extend parking hours; need more trash bins. Need these sites for night dives. Don’t shut us down. We are not causing problems. Fee structure acts with opposite effect to that intended - funnel people to fewer sites limits. Consumer choices. Sites are fine as they are. Makena Landing - clean it up, post signs, remove unauthorized users. Polo/Ulua/Wailea/ Keawakapu-enforce existing rules.</td>
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<td>Ulua-Mokapu Beach Park (7).</td>
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<td>Keawakapu Beach Park (6).</td>
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<td>Wailea Beach Park (4).</td>
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<td>Palauea Beach Park (3).</td>
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<td>Maluaka Beach Park (2).</td>
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<td>Polo Beach Park (3).</td>
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<td>Wahikuli Beach Park (1).</td>
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<td>Honokowai Beach Park (1).</td>
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<td>Kapalua Beach Park (1).</td>
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<td>Hanakahoe Beach Park (1).</td>
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<td>Papalaua Beach Park (1).</td>
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<td>Po`olenalena Beach Park (1).</td>
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<td>Po`olenalena Beach Park (2).</td>
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<td>Po`olenalena Beach Park (1).</td>
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</table>
#1. Which County-owned beach parks on Maui have your company operated at over the past year?
- Accessibility to beaches.
- Facilities for customers, self, when present.
- Facilities are present at most-restrooms, showers, signage.
- Good diving conditions and underwater features/marine life.
- Easy accessibility, mostly ample parking.
- Security-low vandalism risk.
- High visibility to the public.

#2. What are the general advantages/features of conducting CORA operations at County-owned beach parks on Maui?
- Po'olenalena - not much competition from others.
- Maluaka-good reef, low competition.
- Palauea-can access 2 specific dive sites from this beach.
- Keawakapu-easy entry and exit, nearby parking and bathrooms, access to multiple sites from single entry.
- Ulua-safe conditions and a "confined water" area for training as required by training agency standards.
- Lots of marine life.
- Same as Makena Landing and Keawakapu.
- Easy entry and exit with scuba equipment.
- Safe conditions.

#3. Are there specific advantages/features at the beach parks noted in question no. 1 that make them more beneficial or attractive to your company for CORA operations?
- Competition by non-CORA authorized users.
- Bad weather (occasionally/seasonally).
- Overcrowding at times, lack of parking.
- Lack of enforcement officers.
- Vandalism, crime, litter.
- My permit does not currently allow me to use all of the beaches I'd like.
- Stress from years of worry about permits!
- Biggest problem is that fee structure limits number of parks I can access. Can't afford to access additional parks.
- Fee structure acts to funnel operators to fewer, select beaches (ie. if big swell on south side need to dive on west side, but no permit there).

#4. What problems, in general, are limiting your company's ability to provide CORA services to visitors at County-owned beach parks on Maui?
- Polo/Ulua/Keawakapu/Wailea-overcrowded parking lot, parking lot use by non-beach users on regular basis; bad weather/rough seas, use by non-CORA authorized people.
- None.
- Palaua-car break-ins.
- Filthy bathrooms and grounds at Makena Landing.
- Mostly alcohol related.
- Makena Landing (get rid of on road solicitation!).
- Polo Beach (OK).
- Wailea Beach (OK).
- Ulua Beach (not enough parking).

#5. What site-specific problems and/or limitations does your company experience at each of the beach parks noted in question no. 1?
- Allow scuba operations to go where conditions are safe. We are already regulated by the scuba organizations. More police patrols. Enforce existing laws and regulations. Encourage commercial operations to have employees trained in safety. More police patrols (all). Makena Landing-trash containers, clean up. Keawakapu-good.
<table>
<thead>
<tr>
<th>#1. Which County-owned beach parks on Maui have your company operated at over the past year?</th>
<th>#2. What are the general advantages of conducting CORA operations at County-owned beach parks on Maui?</th>
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<th>#6. What should be done to help facilitate CORA operations, in general, at County-owned beach parks on Maui?</th>
<th>#7. Do you have any site-specific suggestions that would help facilitate CORA operations at each of the beach parks noted in question no. 1?</th>
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<tr>
<td>• Good reef structure.</td>
<td>• Restroom.</td>
<td>• Limited the parks causing possible unsafe conditions at the open parks.</td>
<td>• Trash at Makena Landing. No trash containers.</td>
<td>• More police patrolling to reduce vandalism.</td>
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<tr>
<td>• Restroom.</td>
<td>• Protected entry.</td>
<td>• Confined water.</td>
<td>• Confined water safety area for training.</td>
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<tr>
<td>• Confined water.</td>
<td>• Parking.</td>
<td>• Safety of entrance.</td>
<td>• Ulua-safest, most accessible park for scuba diving.</td>
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<td>• Safe area.</td>
<td>• Makena Landing/Ulua/Keawakapu.</td>
<td>• Access to ocean.</td>
<td>• Easy site to navigate underwater. Turtles on outer reef.</td>
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<tr>
<td>• Makena Landing/Ulua/Keawakapu.</td>
<td>• Restroom.</td>
<td>• Protected entry.</td>
<td>• Lots of parking, facilities.</td>
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<tr>
<td>• Parking.</td>
<td>• Safety of entrance.</td>
<td>• Good reef structure.</td>
<td>• Makena Landing-similar to above facilities.</td>
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<td></td>
<td>• Protected entry.</td>
<td>• Confined water safety area for training.</td>
<td>• Less traffic.</td>
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<td></td>
<td>• Safety of entrance.</td>
<td>• Good reef structure.</td>
<td>• Great, safe dive site.</td>
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<tr>
<td></td>
<td>• Good reef structure.</td>
<td>• Confined water.</td>
<td>• Keawakapu-access to wreck.</td>
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</tbody>
</table>
|  |  | • Keawakapu Beach Park - parking safe when diving.  
• Scooters access to wreck.  
• All are safe places to dive.  
• Each is different and suited to different levels of divers.  
• Ulua-safe entry and exit, parking, shower, easy fast load and unload.  
• Best suited for beginners-teaching.  
• Makena Landing - more advanced divers, parking, showers.  |  |  |  |  |
|  |  |  |  |  |  |  |
PARK-SPECIFIC COMMENTS

A. D.T. Fleming Beach Park

- It is currently unclear where CORA operators can load and unload equipment at the beach park.
- Need to designate a loading/unloading area for kayak operators.
- Lifeguards will often give inconsistent instructions regarding acceptable areas for loading and unloading of equipment.
- Operators would prefer an area close to the beach for loading and unloading of kayak equipment.
- On average, there are 2-3 kayak operations at D.T. Fleming per day.
- Lifeguards will often ask operators to move their vehicle while they are unloading due to concerns over blocking parking spaces.
- Conditions at D.T. Fleming Beach Park are seasonal. Conditions are not appropriate for kayaking during the winter due to high waves.
- There is no sign on the highway to indicate the turn off for D.T. Fleming Beach Park.

B. Makena Landing Beach Park

- Commercial scuba operators utilize showers to wash gear which prevents other park users from using showers.
- A lifeguard at Makena Landing would improve safety.
- Makena Landing needs a separate rinse station for washing down equipment.
- Shower runoff increases erosion around the landing area. Drainage is an issue at Makena Landing.
- Kayak companies have voluntarily separated so that three (3) companies operate out of Makena Landing and four (4) companies go out from the beach areas south of the landing. Kayak companies now have their own designated spots for operation at Makena Landing Beach Park.
- Keawalai Church may be willing to allow CORA-related parking in the vacant lot owned by church. This vacant lot is situated directly across from the church adjacent to the Maluaka Beach Park parking lot.
- Non-beach users (construction workers) frequently occupy parking spaces around 7 am.
- Camping at Makena Landing seems to have disappeared recently.
- Need to address the use of trailers at Makena Landing as they are too large to gain access to the designated parking lot.
- Most tourists arrive after kayak tours have finished and operators have departed for the day.
- Erosion around the landing area is from rainfall run-off, not CORA activities.
C. **Maluaka Beach Park**

- Church users often use the County parking lot. The leased lot adjacent to the County parking area is only used by the Church for overflow parking when the Maluaka parking lot is full.

D. **Ulua Beach Park**

- Storing of gear by scuba companies blocks access to beach.
- Beach park hours could be extended for night kayaking tours. Visitors staying in the hotels have access to the beach at night, but park users do not.

**GENERAL COMMENTS**

- County funding pays for electricity and water use at beach parks. Excessive use of water by CORA operators to wash equipment takes money away from funds available for park improvements.
- Parking is a problem at a number of parks. There are many non-park users currently using parking facilities at County parks.
- CORA operators provide lifeguard services for other park users.
- There is a CPR/First Aid requirement for insurance policies. Operators are required to carry CPR/First Aid and radio equipment in kayaks.
- Self-policing by CORA operators is difficult to do. Some operators will continue to break the rules.
- Need to enforce basic rules and many problems will likely go away.

**GENERAL RECOMMENDATIONS**

- Require customers to park in designated parking lots.
- Look at possibly limiting the number of trailers per commercial operation.
- Look at installing a gate in the Maluaka Beach Park parking lot.
- The Kayaking Association of Maui may be willing to assist with the opening of the gate at Makena Landing in the early morning.
<table>
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<tr>
<th>#1. Which County-owned beach parks on Maui have your company operated at over the past year?</th>
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</thead>
<tbody>
<tr>
<td>• Makena Landing Beach Park (3).</td>
<td>• Parking lots.</td>
<td>• Makena Landing - lots of parking, safe area to launch, wind protected.</td>
<td>• None.</td>
<td>• Enforcement of illegal businesses.</td>
<td>• Enforcement of non-permitted, keep numbers down, limit number of kayaks on water by each company.</td>
<td>• Makena Landing - Prioritize use for launching/landing of non motorized water craft.</td>
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<tr>
<td>• Chang Beach Park (Poollenalena) (2).</td>
<td>• Some bathrooms.</td>
<td>• Ulua, Wailea, Polo - centrally located, bathrooms, easy to find.</td>
<td>• Permit process.</td>
<td>• Better permit process.</td>
<td>• Enforcement of non-permitted, keep numbers down, limit number of kayaks on water by each company.</td>
<td>• D.T. Fleming - CORA load/unload zone.</td>
</tr>
<tr>
<td>• D.T. Fleming Beach Park (2).</td>
<td>• Safe.</td>
<td>• Makena Landing - launching is spread out for multiple kayak operators, parking, restroom/shower, cell/radio service.</td>
<td>• Gates.</td>
<td>• Enforcement of non-permitted, keep numbers down, limit number of kayaks on water by each company.</td>
<td>• Enforcement of non-permitted, keep numbers down, limit number of kayaks on water by each company.</td>
<td>• Makena Landing - enforcement of solicitation.</td>
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<tr>
<td>• Hanakaoo Beach Park (1).</td>
<td>• General location.</td>
<td>• Makena Landing - safe launch and land, close proximity to major resorts.</td>
<td>• Overuse.</td>
<td>• Limit number of kayakers for each company at each park, usage guidelines, professional standards for kayak and guides.</td>
<td>• Limit number of kayakers for each company at each park, usage guidelines, professional standards for kayak and guides.</td>
<td>• Makena Landing - limit number of vehicles/trailers per company, enforce safety certifications.</td>
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<tr>
<td>• Uluua Beach Park (1).</td>
<td>• Easy water entry/safe.</td>
<td>• D.T. Fleming - only safe launch and land with access to Honolulu Bay.</td>
<td>• Too many vehicles/trailers (of the same company) at one site.</td>
<td>• Makena Landing - parking used by residents and construction workers.</td>
<td>• Makena Landing - parking used by residents and construction workers.</td>
<td>• Makena Landing - limit number of vehicles/trailers per company, enforce safety certifications.</td>
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<tr>
<td>• Wailea Beach Park (1).</td>
<td>• Restroom/shower facilities.</td>
<td>• Hanakaoo - restroom/shower facilities, parking, lifeguard, cell service.</td>
<td>• Lacks enforcement, safety i.e. CPR and lifeguard certifications.</td>
<td>• Makena Landing - parking used by residents and construction workers.</td>
<td>• Makena Landing - parking used by residents and guests to park. No lifeguard.</td>
<td>• Makena Landing - limit number of vehicles/trailers per company, enforce safety certifications.</td>
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<td>• Polo Beach Park (1).</td>
<td>• Parking.</td>
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<td>• Ukumehame Beach Park (1).</td>
<td>• County enforcement (if needed).</td>
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<td>• Makuaka Beach Park (1).</td>
<td>• Signs (easy to find locations).</td>
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<td>• Hana Bay Beach Park (1).</td>
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<tr>
<td>#1. Which County-owned beach parks on Maui have your company operated at</td>
<td><strong>D.T. Fleming</strong> - restroom/shower, parking, lifeguard.</td>
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<td>over the past year?</td>
<td><strong>Parking, restrooms</strong> (Hana Bay has both), large beach access for launching.</td>
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<td>#2. What are the general advantages of conducting CORA operations at</td>
<td>**“Ulua Beach” - sometime scuba companies leave there tanks on path for long periods of time.</td>
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<td>County-owned beach parks on Maui?</td>
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<td>#3. Are there specific advantages/features at the beach parks noted in</td>
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<td>question no. 1 that make them more beneficial or attractive to your</td>
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<td>company for CORA operations?</td>
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<td>#4. What problems, in general, are limiting your company's ability to</td>
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<td>provide CORA services to visitors at County-owned beach parks on Maui?</td>
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<td>#5. What site-specific problems and/or limitations does your company</td>
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<td>experience at each of the beach parks noted in question no. 1?</td>
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<td>#6. What should be done to help facilitate CORA operations, in general,</td>
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<td>at County-owned beach parks on Maui?</td>
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<td>#7. Do you have any site-specific suggestions that would help</td>
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<td>facilitate CORA operations at each of the beach parks noted in question</td>
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<td>no. 1?</td>
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CORA Operators Focus Group Meeting (SURFING)
Wednesday, May 25, 2005 - 7:00 p.m. to 8:30 p.m.
DISCUSSION OF MAIN ISSUES

PARK-SPECIFIC COMMENTS

A. Kalama Beach Park
   - Larger schools are not a problem at this beach park as there is ample space for giving lessons.

B. Kamehameha Iki Beach Park
   - There are large numbers of people taking lessons at any one time. There are often many groups and teachers affiliated with a single company operating in the water at one particular point in time.
   - Conflicts (i.e., verbal abuse) between large schools are common. Some instructors have been observed harassing students from other schools.
   - Need to restrict class sizes and limit the number of students in the water at any one time. Companies conducting multiple group lessons with multiple instructors need to be specifically targeted.
   - Safety is a concern due to the large number of surfers.
   - Two (2) major surf schools have shifted operations to Kamehameha Iki because of the closure of Launiupoko and Puamana Beach Parks to CORA operations.
   - Need to look at re-opening Launiupoko to CORA operations on certain days of the week.
   - Overcrowding at Kamehameha Iki makes for a bad experience for visitors to Maui.
   - Rules should require students of CORA operations to use $3 parking area across from the park or street parking along Front Street.
   - Parking at Kamehameha Iki is not a big issue at the moment.

GENERAL COMMENTS

- Certain insurance policies specify that a maximum of 24 people/students can be in the water participating in CORA surf school classes at any particular time. Individual policy requirements may vary between insurance companies. There is a potential liability issue for the County if a CORA operator is not in compliance with terms and conditions of their insurance policy.
- Limiting surfing classes to certain times of day would affect the viability of business operations.
- Only a few parks on Maui have consistent waves suitable for beginner surf instruction.
- Enforcement is important to reduce the number of illegal operators.
- Rules need to assess the impact on CORA industry as a whole.

GENERAL RECOMMENDATIONS

- Extend the hours surf companies can operate at beach parks during weekdays (Mondays-Thursdays).
• Work with Council to re-open Launiupoko Beach Park to limited CORA use. Look at the possibility of shuttling clients to Launiupoko to ease pressure on available parking.
• Look at implementing regulations/standards for instructors.
• Regulations need to be tailored to address individual park-specific issues.
• Implementation of an education campaign, possibly in association with the Surfrider Foundation. Signs could be posted at parks informing users of etiquette, rules, how to surf, sensitivity of coral reef ecosystems.
• Need to enforce a few main rules while at the same time not over regulating CORA operators.
• Membership of Professional Association of Surfing Instructors (PASI) could be required as part of the permit process. PASI is working with Department of Land and Natural Resources on all islands except Maui. County could work with PASI on the formulation of specific standards for surf schools. PASI could provide a framework for the certification of surf instructors.
• Require ocean-certified lifeguard training for all surf instructors in addition to CPR/First Aid requirements.
• Use of parking at certain parks by commercial vehicles could be limited to specific hours of day. Time limits could also be imposed on the loading and unloading of equipment at parks.
• Permit rules could require membership of local, beach park specific organizations such as, Huliau, LLC, at Kamehameha Iki Beach Park.
| #1. Which County-owned beach parks on Maui have your company operated at over the past year? | Great parking facilities (Kalama). | Great parking facilities (Kalama). | None. Kamehameha Iki is a high volume area. There are many operators there and much of this strain is due to the closure of certain parks as well as Maui’s limited amount of suitable areas to teach beginning surfing. The County should work to be consistent. |
| Kamelameha Iki Beach Park (5). | Easy to find. | Permit process. Kalama Park ramps unsafe. | None. Kamelameha Iki is a high volume area. There are many operators there and much of this strain is due to the closure of certain parks as well as Maui’s limited amount of suitable areas to teach beginning surfing. The County should work to be consistent. |
| Ukumehame Beach Park (2). | Convenience. | Restricted hours. | Limit number of permits per park. |
| Pohaku Beach Park (1). | No other park for surfing on south side. | Permit process. | Regulation of total numbers; we can all operate happily together if we use a buoy system. |
| • Kamehameha Iki: Consistency of surf: there are waves here year round. Location: very close to Kaanapali and Kapalua where majority of tourists stay, facilities, amazing historical and cultural location. | Parking available. | Schools not using a buoy system. | Schools forming a “wall” of instructors standing on bottom blocking surfers on outside break from surfing to inside. |
| • Kalama - lots of parking, good restroom, plenty of shade. | Plenty of room. | Kamehameha Park: overcrowding of surf spot (again need to simply limit total number of students per school per day) for us not against us. | Kamehameha Park: overlooking surf spot (again need to simply limit total number of students per school per day) for us not against us. |
| • Ukumehame - ocean has lots of peaks. | Facilities: parking, restrooms, a place for nonsurfing family members to hang out during lesson. | Underqualified instructors taking out too many students (there should be no more than 5 people max per instructor). Schools not using a buoy system. | Underqualified instructors taking out too many students (there should be no more than 5 people max per instructor). Schools not using a buoy system. |
| • Kamehameha Iki: | Use of buoy system. | Schools forming a “wall” of instructors standing on bottom blocking surfers on outside break from surfing to inside. | Schools forming a “wall” of instructors standing on bottom blocking surfers on outside break from surfing to inside. |
| • Kalama Beach Park - lots of parking, good restroom, plenty of shade. | Facilities - showers, parking, location. | Certain parks (i.e., Pohaku Park) cannot be used year round. | Certain parks (i.e., Pohaku Park) cannot be used year round. |
| • Ukumehame - ocean has lots of peaks. | Centralized facilities. | Permit process. | Permit process. |
| • Pohaku Beach Park - lots of parking, good restroom, plenty of shade. | Parking. | More beach parks available for permits to eliminate crowding. | More beach parks available for permits to eliminate crowding. |
| • Kamehameha Iki: Consistency of surf: there are waves here year round. Location: very close to Kaanapali and Kapalua where majority of tourists stay, facilities, amazing historical and cultural location. | Convenience. | Bathroom. | Bathrooms dirty. |
| • Kalama Beach Park - lots of parking, good restroom, plenty of shade. | Locations pertaining to surfing or the limited areas suitable to teach surfing fall at or in county beach park areas. | Restricted hours. | Restricted hours. |
| • Ukumehame - ocean has lots of peaks. | | Permit process. | Permit process. |
| • Pohaku Beach Park - lots of parking, good restroom, plenty of shade. | | Schools not using a buoy system. | Schools not using a buoy system. |
| • Kamehameha Iki: Consistency of surf: there are waves here year round. Location: very close to Kaanapali and Kapalua where majority of tourists stay, facilities, amazing historical and cultural location. | | Underqualified instructors taking out too many students (there should be no more than 5 people max per instructor). Schools not using a buoy system. | Underqualified instructors taking out too many students (there should be no more than 5 people max per instructor). Schools not using a buoy system. |
| • Kalama Beach Park - lots of parking, good restroom, plenty of shade. | | Schools forming a “wall” of instructors standing on bottom blocking surfers on outside break from surfing to inside. | Schools forming a “wall” of instructors standing on bottom blocking surfers on outside break from surfing to inside. |
| • Ukumehame - ocean has lots of peaks. | | Certain parks (i.e., Pohaku Park) cannot be used year round. | Certain parks (i.e., Pohaku Park) cannot be used year round. |
| • Pohaku Beach Park - lots of parking, good restroom, plenty of shade. | | Permit process. | Permit process. |
| • Kamehameha Iki: Consistency of surf: there are waves here year round. Location: very close to Kaanapali and Kapalua where majority of tourists stay, facilities, amazing historical and cultural location. | | More beach parks available for permits to eliminate crowding. | More beach parks available for permits to eliminate crowding. |
| • Kalama Beach Park - lots of parking, good restroom, plenty of shade. | | Bathroom. | Bathroom. |
| • Ukumehame - ocean has lots of peaks. | | Restricted hours. | Restricted hours. |
| #1. Which County-owned beach parks on Maui have your company operated at over the past year? |
| #2. What are the general advantages of conducting CORA operations at County-owned beach parks on Maui? |
| #3. Are there specific advantages/features at the beach parks noted in question no. 1 that make them more beneficial or attractive to your company for CORA operations? |
| #4. What problems, in general, are limiting your company’s ability to provide CORA services to visitors at County-owned beach parks on Maui? |
| #5. What site-specific problems and/or limitations does your company experience at each of the beach parks noted in question no. 1? |
| #6. What should be done to help facilitate CORA operations, in general, at County-owned beach parks on Maui? |
| #7. Do you have any site-specific suggestions that would help facilitate CORA operations at each of the beach parks noted in question no. 1? |

<table>
<thead>
<tr>
<th>Problem</th>
<th>Suggestion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overcrowding of the water due to extremely large classes (at times up to 30 people from 1 school) should limit number that each school can take out per day.</td>
<td>Breakwall - large oversized surf schools. Walking on reef during lessons. Kamehameha Iki - lack of respect for ocean/reef from multiple businesses i.e. walking on reef while teaching surf lessons. Overcrowding of beach and water with large numbers of people in surf lessons. Overcrowding is also a problem with safety concerns for both students and locals.</td>
</tr>
<tr>
<td>Too many students in water at once. Uncertainty of future. Overcrowding from large numbers of students surfing with multiple surf schools, limited number of people with each lesson would help this situation. No one is held accountable for maintaining any standards for safety, capacity, experience of guides, impact to environment, impact on businesses because businesses have to operate in these areas together and there are CORA operators who have no standards and do not bring anything positive to Maui.</td>
<td>Regulation of number of people and incorporate “safety” into regulation. Standards of operation for CORA operators.</td>
</tr>
<tr>
<td>Information signage explaining history of surfing, surfing etiquette and most importantly info about our coral reefs, their current state and what individuals can do to make a difference (i.e. don’t walk on bottom, etc.).</td>
<td>Open up currently closed beach parks for limited beach activity i.e. Puamana Beach Park - and close them for activities on weekends - draining crowds away from one park.</td>
</tr>
</tbody>
</table>
PARK-SPECIFIC COMMENTS

A. Waipuilani Beach Park
   - Parking area is insufficient.
   - More parking stalls are needed.

B. Kalepolepo Beach Park
   - Very suitable for beginners/advanced kiteboarding under optimal conditions.
   - Good park to pair with Memorial. In good conditions, Kalepolepo is a good launch site and
     Memorial provides an easy exit point.
   - Parking is insufficient.
   - Only used for kiteboarding under south (Kona) winds.
   - One (1) operator stated that fish ponds in the area are culturally significant and pose a safety concern to
     beginner kiteboarders.

C. Memorial Beach Park
   - Use of short lines makes park a very suitable kiteboarding location.
   - Use of park is limited to certain wind/ocean conditions.
   - Key alternative location for kiteboarding if FAA decides to halt activity at Kanaha for some reason.
   - One (1) operator expressed particular concern regarding potential safety and liability issues from
     kites at Memorial Park due to proximity of powerlines and traffic on South Kihei Road.
   - Park is not heavily used for kiteboarding except in Kona winds.
   - Need for designation of launch spots along beach indicating safe entry/exit points.
   - On a busy day with good conditions, park can often get crowded, but generally user groups respect
     each other.
   - Local CORA schools take up large areas of the beach. CORA operators are in water during this time
     so there are few conflict issues.

D. Kanaha Beach Park
   - Little conflict and a lot of cooperation between users at Kanaha Beach Park.
   - FAA requires one person to sign a waiver on behalf of CORA industry (needs to be an individual)
     to officially allow kiteboarding at Kanaha Beach Park. County is refusing to accept liability and sign
     waiver.
   - County needs to pursue an exemption from the FAA rather than a waiver. Waivers are designed
primarily for events.

- Proposed Amala Place Conservation fence could force operators to park further away from area where kiteboarding lessons are given to students. This could result in possible delays in safety response in the event of injured students.
- Proposed conservation fence could also restrict future parking expansions at Kanaha Beach Park.
- Need to expand paved parking and facilities down to Kaa Point. Department of Parks and Recreation is currently formulating a masterplan in association with a consultant.
- Wetland areas restrict potential for expansion of park facilities.
- Car break-ins are becoming a problem at the park.
- Need to put up warning signs to deter criminals.
- Need to install debris screens at mouth of drainage channel as dead pigs and other debris have washed down into ocean from upper drainage areas.
- Water turbidity around Kaa drainage channel deteriorates in times of high rainfall and in the days following a storm event.
- Suitability of Kanaha is severely limited both during and after heavy rainfall events.
- Kite beach can get very crowded/overcrowded at times.

GENERAL COMMENTS

- The County needs to account for and quantify the economic benefits CORA operators provide to island of Maui.
- CORA operators need to have options for a variety of weather and ocean conditions. Safety considerations dictate the choice of beach park for kiteboarding.
- CORA operators often provide safety advice to novice kiteboarders.
- There are no lifeguards at any of the CORA permitted beach parks in Kihei.
- Kanaha is a great example for low user conflicts. User groups are respecting kiteboarding/windsurfing areas.
- Suitable conditions for kiteboarding are rare on the south shore of Maui.
- Kiteboarding is growing extremely rapidly and will continue to grow in popularity over the next few years.
- CORA operators are playing a role in reporting break-ins to the police.
- The County needs to recognize the value of the CORA industry as many operators currently feel underappreciated by the County. The CORA industry should be viewed as a viable economic asset to the County of Maui.
- Some additional services provided by CORA operators include lifeguard services, picking up trash and providing safety advice to inexperienced non-CORA users.
- The County would be regretful if all CORA operations ceased on Maui.

GENERAL RECOMMENDATIONS

- Signs designating safe kite launch spots are needed at certain beach parks, especially Memorial.
- Need to designate separate kiteboarding and windsurfing launch spots.
- Permits should be renewable and longer in duration to reduce the necessity of reapplying every year.
#1. Which County-owned beach parks on Maui have your company operated at over the past year?

<table>
<thead>
<tr>
<th>Beach Park</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kanaha Beach Park</td>
<td>4</td>
</tr>
<tr>
<td>Mai Poina Beach Park</td>
<td>3</td>
</tr>
<tr>
<td>Kalepolepo Beach Park</td>
<td>2</td>
</tr>
<tr>
<td>Waipuilani Beach Park</td>
<td>2</td>
</tr>
</tbody>
</table>

I do not have a CORA permit, I work with a manufacture that supports some of the schools that do (1).  

#2. What are the general advantages of conducting CORA operations at County-owned beach parks on Maui?

- Infrastructure such as parking, restrooms, beach access, safety officers.
- Majority of access points are located in county beach parks.
- Safety instruction and education to visiting tourists who are not aware of the local laws.
- Wind and sea conditions make the area prime.
- Access dictates where to ingress/egress the ocean.
- Theoretically to curb illegal operators and hopefully to use permit funds to maintain the parks.

#3. Are there specific advantages/features at the beach parks noted in question no. 1 that make them more beneficial or attractive to your company for CORA operations?

- Kanaha Beach Park (45°/side-on shore winds, shallow, sandy ocean floor).
- Sport-specific park - kiteboarding practiced at Ka'a Point only.
- Voted amongst the best in the world.
- Very good wind and teaching conditions.
- Popular with tourists -visitors-locals.

#4. What problems, in general, are limiting your company's ability to provide CORA services to visitors at County-owned beach parks on Maui?

- Bathrooms.
- Showers.
- Safer entry into Ka'a Point.
- Removal of exposed hazards in water.
- None at this point.
- Overcrowded conditions.
- Parking inadequate.
- Permits not issued for long enough period.
- Uncertainty reduces quality of training and other benefits that long term investment would provide.

#5. What site-specific problems and/or limitations does your company experience at each of the beach parks noted in question no. 17?

- N/A.
- Waipuilani - Tide conditions, wind conditions, parking.
- N/A.
- None at this point.
- N/A.
- Kanaha - County will not accept FAA waiver to keep sport active for both recreation and commerce.
- Kanaha - lack of parking.
- Kanaha - large park with multiple users, kiteboarding is limited to specific areas.
- Not usable during Kona (southerly) winds.
- Kanaha (Kite Beach) - parking inadequate, overcrowded at peak times.

#6. What should be done to help facilitate CORA operations, in general, at County-owned beach parks on Maui?

- N/A.
- Enforce existing ordinances - allocate permit fees, any fines assessed towards park upkeep.
- Better enforcement.
- Add more infrastructure - showers/parking/restrooms.
- Increase park funding.
- Appreciation and recognition for the net benefits of CORA operators.
- Enforcement of illegal operators.
- Fix the permit system.

#7. Do you have any site-specific suggestions that would help facilitate CORA operations at each of the beach parks noted in question no. 1?

- Not at this time! I will once I get more involved!
- Empower lifeguards to enforce ORAP regulations.
- Assist CORA to remove illegal operators.
- Better enforcement.
- Improve parking.
- Install showers.
- Control dust and erosion.
- Kanaha - Don't eliminate existing parking with the Amala Place conservation project fencing.
- Kanaha - Take out tree stumps and debris allowing users to spread out.
- Toilets at Kite Beach.
- Do not limit existing parking.
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<tr>
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<th>#2. What are the general advantages of conducting CORA operations at County-owned beach parks on Maui?</th>
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<tr>
<td><strong>Maui Poina</strong> - proximity to road and powerlines. <strong>Mai Poina</strong> - tide conditions, wind conditions. <strong>Mai Poina</strong> (Memorial) - limited launch area, site also used by windsurfers, suitable to limited range of conditions. <strong>Kalepolepo</strong> - County will not issue permits due to inadequate parking. <strong>Kalepolepo</strong> - Short length (of beach) suitable for very basic or advanced students only.</td>
<td>• Wind and sea conditions. • Available parking.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PARK-SPECIFIC COMMENTS

A. Kanaha Beach Park

- Equipment is not easily available at beach. Beach front equipment rental shops would attract more visitors to Maui and would change the way schools and shops operate. Some operators feel that equipment availability at beach will bring up additional issues.
- Lots of ‘gentlemen’s’ agreements at Kanaha Beach Park between equipment shops, CORA, and users. Windsurfing at Kanaha Beach Park is self-regulating.
- Windsurf industry came up with “regulation” for the industry (i.e., No windsurfing at Baldwin Beach Park). No teaching on Sundays and six (6) of the main holidays. The gentlemen’s agreements have existed for around 18 years. Rules are printed and also passed down via “word of mouth” to new operators.
- Kanaha Beach Park is seen as a “model” park for CORA operations on Maui. Operators have enough space to regulate themselves.
- Communication by the County regarding the closure of park in times of flooding is bad.
- Need pro-active tree trimming at Kanaha Beach Park. Arborist should tag trees for trimming prior to the hurricane season.
- Railroad track, construction rubble and other debris in the waters fronting the beach park are hazardous for ocean recreational users.
- Access to Kook’s beach is helpful when teaching beginners. At present, there is no access and students/instructors need to push/pull boards about 300 feet up the beach.
- Kook’s beach access would help spread out CORA, but would also attract the general public. Kook’s is the most suitable location for the instruction of beginners. Inability to gain access to this beach area also affects other general users.
- Three (3) main areas exist at Kanaha Beach Park: beginners at Kook’s, intermediate in near shore areas, advanced/experts beyond the reef.
- A race course is set up during the summer months.
- Windsurf season on Maui is the opposite of the tourism season.
- Maui is one of the top three (3) windsurfing destinations in the world.
- An estimated 90% of windsurfing on Maui occurs at Kanaha Beach Park.
- Harmony exists between the different user groups now.
- The activities of the Maui Board Sailing Association (MBA) include printing of guidelines, addressing user conflict issues and providing portable restrooms. Membership of MBA is voluntary at present and requires payment of dues. MBA activities have included the replacement of buoys at Kanaha Beach Park.
B. Memorial and Waipuilani Beach Parks

- Operators need to keep Memorial and Waipuilani Beach Parks as an alternate to Kanaha in times of varying weather conditions. These beach parks are good locations during southerly (Kona) winds.
- Some students request South Maui sites for classes/instruction.
- One (1) CORA operator estimated that 10% of business is done along South Maui. If CORA operator is unable to use South Maui beach parks, he will lose 10% of his business, which is a major loss for a small business.

GENERAL COMMENTS

- Windsurfing industry would rather self-police than be regulated.
- If site-specific rules are necessary, the County should look at incorporating the gentlemen’s agreements into the rules.
- Drifting debris can cause hazardous conditions for ocean recreational users.
- In addition to windsurf schools, Maui is a hotspot for research and development activities by major windsurfing equipment manufacturers.
- Question: How much money is spent by Maui Visitors Bureau to promote windsurfing?
- Teaching ratio restrictions are not needed because windsurfing industry can regulate itself. Guidelines are welcomed, but not teaching ratio requirements. Operators need some flexibility in regards to class size.
- Safety guidelines could also be developed for use by CORA operators.
- Operators worry that regulations (ie., time restrictions) will put their companies out of business.

GENERAL RECOMMENDATIONS

- Rules should be site specific.
- Need for a pro-active tree trimming program at Kanaha Beach Park as it is occasionally shut down due to flooding and associated falling tree hazards.
- Need for better communication by the County on Kanaha Beach Park closures. Need to designate a contact person or hotline within County to call for information.
- Revise rules to allow removal of driftwood and other debris by CORA operators using chainsaws.
- Need for a contact person or hotline within County to report hazardous conditions. Rubble and driftwood are problematic at Kanaha Beach Park.
- Certain CORA operators would be willing to volunteer to assist in the removal of debris with the County’s permission.
- Permit requirement to be a member of a windsurfing association is not needed.
- Longer term permits such as three (3) or five (5) years would encourage more serious businesses to enter CORA industry. Permit application could involve an upfront, non-refundable charge.
- Attrition affects the less reputable businesses. Word-of-mouth reputation among CORA operators and activity desk operators also impacts the “bad” operators.
- Private lessons (one-on-one teaching) should be allowed at any beach park.
### CORA Operators Focus Group Meeting (WINDSURFING)

**Thursday, May 26, 2005 - 7:00 p.m. to 8:30 p.m.**

#### QUESTIONS AND RESPONSES

<table>
<thead>
<tr>
<th>#1. Which County-owned beach parks on Maui have your company operated at over the past year?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Kanaha Beach Park (4).</td>
</tr>
<tr>
<td>• Memorial Beach Park (3).</td>
</tr>
<tr>
<td>• Waipuilani Beach Park (2).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>#2. What are the general advantages of conducting CORA operations at County-owned beach parks on Maui?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Wind and sea conditions dictate where windsurfing is possible.</td>
</tr>
<tr>
<td>• Access dictates where windsurfers ingress/egress.</td>
</tr>
<tr>
<td>• Majority of access is located in County parks.</td>
</tr>
<tr>
<td>• Safety.</td>
</tr>
<tr>
<td>• Service to community.</td>
</tr>
<tr>
<td>• Service to park users.</td>
</tr>
<tr>
<td>• Kanaha for all levels is the best place to teach safety!</td>
</tr>
<tr>
<td>• CORA provides safety benefits to all users.</td>
</tr>
<tr>
<td>• Rescues, saving lives, safety info, site info, sea condition assessment.</td>
</tr>
<tr>
<td>• Beach clean ups, reporting and preventing crime, reporting hazardous waste dumping.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>#3. Are there specific advantages/features at the beach parks noted in question no. 1 that make them more beneficial or attractive to your company for CORA operations?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Kanaha has side onshore wind in northeast trades and northerly winds, also advanced conditions.</td>
</tr>
<tr>
<td>• Consistent wind.</td>
</tr>
<tr>
<td>• Use - accesses.</td>
</tr>
<tr>
<td>• Maipoina and Waipuilani - provide alternate locations in certain conditions (northerly winds and Kona winds).</td>
</tr>
<tr>
<td>• Kanaha - user access, predominate trade winds make it the only prime public windsurf location.</td>
</tr>
<tr>
<td>• Perfect conditions for teaching, parking, grass, water, bathroom.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>#4. What problems, in general, are limiting your company's ability to provide CORA services to visitors at County-owned beach parks on Maui?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Short permit times (i.e., 1 year).</td>
</tr>
<tr>
<td>• History of shorter lengths of permits.</td>
</tr>
<tr>
<td>• Limits on permits.</td>
</tr>
<tr>
<td>• Lack of proper facilities (i.e., Showers, restrooms).</td>
</tr>
<tr>
<td>• None (weather is biggest limiting factor).</td>
</tr>
<tr>
<td>• Kanaha - Beach Park signage at entrance, “valuables in car”, trim kiawe trees and ironwood trees (they are never trimmed, so when ground is saturated they close the park).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>#5. What site-specific problems and/or limitations does your company experience at each of the beach parks noted in question no. 1?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Kanaha - Kook's Beach is most suitable area for beginners.</td>
</tr>
<tr>
<td>• Other areas are used by other users.</td>
</tr>
<tr>
<td>• Other areas may not have sufficient wind exposure.</td>
</tr>
<tr>
<td>• Different level riders have their own areas.</td>
</tr>
<tr>
<td>• Weather conditions.</td>
</tr>
<tr>
<td>• Not enough signs to Kanaha.</td>
</tr>
<tr>
<td>• Kanaha - thievery in parking lot.</td>
</tr>
<tr>
<td>• Kanaha - flooding, lack of communication from lifeguards on closures.</td>
</tr>
<tr>
<td>• Kanaha - access to best teaching terrain.</td>
</tr>
<tr>
<td>• Kanaha - rental equipment available at park.</td>
</tr>
<tr>
<td>• Kanaha - beach access, signage.</td>
</tr>
<tr>
<td>• Waipuilani - n/a.</td>
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<tr>
<th>#6. What should be done to help facilitate CORA operations, in general, at County-owned beach parks on Maui?</th>
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<tbody>
<tr>
<td>• 5 year permits to enable growth.</td>
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<tr>
<td>• Better lawn care.</td>
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<td>• Better signage.</td>
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<td>• Bathrooms.</td>
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<td>• Simple permit process.</td>
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<td>• Inclusive permit process would identify commercial users and reduce need for enforcement.</td>
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<td>• Renewable permits.</td>
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<tr>
<td>• Appreciate and acknowledge the benefits of CORA operators.</td>
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<tr>
<th>#7. Do you have any site-specific suggestions that would help facilitate CORA operations at each of the beach parks noted in question no. 1?</th>
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<tr>
<td>• Switch lifeguard hours to accommodate peak use times.</td>
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<tr>
<td>• More signage.</td>
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<tr>
<td>• Kanaha - signs pointing to beach and windsurf area.</td>
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<tr>
<td>• Waipuilani - a shower would be nice.</td>
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Page 1
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<tr>
<th>#1. Which County-owned beach parks on Maui have your company operated at over the past year?</th>
<th>#2. What are the general advantages of conducting CORA operations at County-owned beach parks on Maui?</th>
<th>#3. Are there specific advantages/features at the beach parks noted in question no. 1 that make them more beneficial or attractive to your company for CORA operations?</th>
<th>#4. What problems, in general, are limiting your company's ability to provide CORA services to visitors at County-owned beach parks on Maui?</th>
<th>#5. What site-specific problems and/or limitations does your company experience at each of the beach parks noted in question no. 1?</th>
<th>#6. What should be done to help facilitate CORA operations, in general, at County-owned beach parks on Maui?</th>
<th>#7. Do you have any site-specific suggestions that would help facilitate CORA operations at each of the beach parks noted in question no. 1?</th>
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<tr>
<td>No specific problems.</td>
<td></td>
<td>Waipuilani - parking limited on busy days.</td>
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<tr>
<td></td>
<td></td>
<td>No problems in general.</td>
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<td></td>
<td></td>
<td>Limited to certain wind direction and tide conditions.</td>
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<td></td>
<td>Memorial - limited parking.</td>
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<td>Memorial - limited parking.</td>
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<td>Nothing.</td>
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<td>All parks - have an issue with security, theft a problem from cars.</td>
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CORA Operators Comment Meeting  
Tuesday, June 28, 2005  
7:00pm - 8:30pm  
Review of Draft Working Paper No. 2

- There are equipment operators who are selling equipment for CORA activities and offering free lessons. They are not required to have a CORA permit.
- Suggest having specific rules for each park and each activity.
- The two (2) parking spaces per operator rule is not currently being enforced, especially at Makena Landing Beach Park.
- Company vehicles should be used because of County liability. Personal vehicle should not be used. (Example: kayak operation).
- Difficult to have all instructors use company vehicles, especially if they have large equipment (exception: windsurfing gear). When one-on-one lessons are scheduled, instructor should be allowed to bring their own gear in their own vehicles.
- There is a discrepancy in the number of permits issued. (Example: some operators were not able to get permits at some parks such as Wahikuli Wayside Beach Park because they were told it was a State area, but others were able to get permits.
- Ahihi Kinau - some operators were able to get CORA permits after closure of the Bay to commercial operations.
- Look at who is actually using Makena Landing. People may also be “holding on” to permits and not actually using them.
- Look at numbers after permit renewals for 2005-2006. Attrition of CORA operators may be high and therefore less regulation may be required.
- Smaller operations may have minimal impact. Some operators will look for ways to beat the system and not get a permit.
- Look at reverting to old permit system - one (1) CORA permit to operate at all County beach parks around the island.
- County looking to collect money from CORA to assist with enforcement. Less CORA operators will mean higher fees for operators. Higher fees will likely decrease number of CORA operators. But, need to control “renegades”.
- County should require a tax clearance for CORA permit applications, an item that is already being required by other agencies.
- Example given of a surf operator trying to “strong arm” others at one (1) of the beach parks.
- Table 5 - Kanaha Beach Park is used until sunset.
- Page 11 - Windsurfing student/teacher ratio can be higher because of clinics. Sometimes as high as 12:1.
- The reason regulation of CORA was started was because there was public concern for “crowding” at beach parks. Do CORA operations affect the public’s experience at the beach park? There is no correlation between picnic tables and use at parks by CORA operations. Need to look at numbers to see if CORA operations are bringing too many surfers, taking up all parking spaces, generating too much trash at parks, etc.
• Look at population growth versus number of beach parks in Maui County over the last 30 years. Dennis Fitzpatrick is a good source of information on the beach parks.
• Page 1 - include Maui Census data. The population of Maui has increased, but the number of beach parks has not.
• The higher cost for a CORA permit that the Parks Department was proposing was significant. The County is looking for funds for parks. The County should evaluate where park assessments from development are going.
• Concern for the way State Department of Land and Natural Resources (DLNR) makes decisions on use at beach parks: 1) resource, 2) public, 3) commercial. If a beach park is at capacity, commercial operations will be the first to go.
• It is not the operators' fault that Maui has popular parks. Need to increase the number of beach parks for the tourism industry. CORA operations should not take the hit and be restricted from beach parks.
• Page 15 (Table 8) - Include whole question for increase of fees.
• There is a potential increase in CORA permit fees, but operators have not yet seen any improvements in park infrastructure.
• Look into possibility of doing a follow up survey of CORA operators after 2005/2006 permit renewals have been completed.
• Concern about surfers drifting into non-CORA permitted area at Kalama/Cove Park because of high winds. Operator asked if designation of "exit zone" with 20 minute time limit would be possible at Kalama/Cove Park because he does not want to be in violation of his permit.
• Page 1(B) - Scuba is different from other activities because participants can only buy scuba equipment if a certain level of training has been completed. Surf/kayak, etc. gear, on the other hand, can be bought by anybody at places like Costco. Not anyone can engage in scuba. Emphasize the need for instruction/qualifications and in scuba industry, proof of license.
• Unsupervised dives in dangerous ocean conditions by tourists renting scuba equipment is common. There is a need for supervision of these groups but a requirement for all dives to be supervised is unrealistic.
• Handicapped divers are not addressed in Working Paper No. 2. Ensuring easy access to the beach for handicapped user groups is essential. Federal regulations require certain access conditions. ADA requirements need to be addressed at County parks. Are CORA operations catering to disabled activity groups going to be exempt from the permitting rules? There is a need for user group specific rules. (Handicapped CORA is a good example of this).
• Page 1(A) - Introduction needs to account for benefits/services provided by CORA operators to local residents.
• Page 3, A1 - Number of employees needs to be representative of employees who work directly out of beach parks. Do not include those employees who work off boats or in retail outlets.
• Page 5 - Equipment is not always included in lessons. Students may use own equipment. Equipment rental businesses operate outside of beach parks. The County only has right to income stream generated by CORA operators within County-owned beach parks. Language in Working Paper No. 2 relating to equipment rental needs to be clarified. Equipment is
usually included in the price of lessons. For the purposes of the survey, rental income of operators renting equipment at beach park should be assumed as zero. Rentals should not be associated with CORA operators as it is usually included in price of lesson unless students choose to use their own equipment.

- Table 5 - Amend list of activities at Kanaha Beach Park to surfing, kitesurfing, windsurfing and scuba (rare). Entire table: take out number of rentals column. Change type of equipment “rented” to “included”.

- Page 11 - The scuba industry standard for student/instructor ratio is 8:1, but in reality classes are 6:1, 4:1 or sometimes 2:1.

- Page 11 - Add “in the water” to kiteboarding 1:1 student to instructor ratio.

- Page 11 (Table 6) - “Location of Use” to include ocean. (Note: CORA operators stated that the majority of a particular activity or lesson occurs in the ocean or on near shore waters).

- It is difficult to see the correlation between the number and quality of facilities at County-owned beach parks and CORA.

- Page 15 (Table 8) - The stated support for an increase in CORA permit fees is contingent on monies being used to improve parks through the development of a park specific fund.

- Page 19 - 55 businesses holding permits at Makena Beach Park are implied when in fact it is less. Need for accurate representation of statistics (page 7 vs. page 19). How many businesses are really operating out of Makena Landing Beach Park? Many of the permits for windsurfing at Makena Landing are not used. Surfing, kayaking, and snorkeling are the main activities at Makena Landing Beach Park. A number of CORA operators have many permits that they do not use on a regular basis. People tend to sit on permits in the hope of an advantage in the future.

- Study needs to recognize the benefits provided by the CORA industry.

- Contact the Department of Land and Natural Resources (Division of Aquatic Resources) to evaluate the situation before and after the closure of Ahihi Kinau area to CORA operators.

- Seasonal changes in CORA activity and beach park conditions need to be accounted for in the limitations sections of the final report.

- Need to use realistic data for permit numbers. Current permit statistics are not representative of the actual situation.

- Permits are only truly transferable if someone purchases an entire CORA company. Permits are worthless in any other situation and therefore cannot be sold. Small CORA operators need to have equal access to permits. If small businesses cannot get permits, illegal operations at County beach parks are likely to increase (i.e., scuba diving without flags to avoid enforcement).
CORA Operators Comment Meeting
Monday, October 17, 2005
6:30pm - 8:30pm
Review of Draft Working Paper No. 3

Page 340 (Bottom paragraph) Ulua/Mokapu Beach Park

- There are impacts to the reef from visitors and storm run-off.
- Reef concerns are state jurisdiction, not County.

Makena Landing Beach Park

- Previous incidence of flooding in the area significantly affected water quality. Golf course run-off is a major contributor. There are minor impact to coral reefs from visitors. Natural factors and golf course run-off need to be acknowledged.
- Report seems to be focusing blame on CORA as opposed to other concerns. Other concerns have more impact. During heavy construction, run-off affected water visibility, which ultimately affected suitability for CORA.
- Parked vehicles stated as visually unattractive; however, some people may find any building located on the makai side of Makena-Keoneoio Road as unattractive.
CORA Operators Comment Meeting  
Monday, October 17, 2005  
6:30pm - 8:30pm  
Review of Draft Working Paper No. 4

Kanaha Beach Park

Page 84, Section e

- Kiteboarding permits in undeveloped portion only. The lower portion of Kite Beach near the Wastewater Treatment Facility is a good surf spot for beginners also.
- Why is a separate permit for developed/undeveloped portions going to be required? This will increase operating overheads for CORA operators. Rules should bolster existing “Gentlemen’s Agreement,” already separating kiteboarding/windsurfing
- Request to remove “separate permit” recommendation as some operators currently offer multiple activities.

Page 88, Item 4

- Allow CORA to start earlier (i.e., 8:00 a.m.) in certain areas during summer months (June-August) for beginners/children only. Existing time restrictions are under State (HRS) jurisdiction.
- One operator considered undeveloped portion as developed due to parking along roadside. Asked whether only CORA operators would be restricted from parking along undeveloped portion of park?

Page 88, Item 7

- Is windsurfing equipment “intimidating”? CORA operators requested a different word other than “intimidating”. Also suggested deletion of sentence.
- Kanaha is a large park with lots of room for a variety of activities.
- Suggested editing sentence that stated, “A major impediment”.

Ulua/Mokapu Beach Parks

Page 21, Section e

- Concern on enforcement. Operators would like to see graduated system for violations.
Ulua/Mokapu Beach Parks (Continued)

Page 29, Item 6

- Language suggested that spear fishermen were prevented from access/activities due to other recreation activity. There are no fish on the north end. Fishermen must go around the point to catch fish. Description made it seem like a loaded issue. There is easy access to fishing areas. This comment paints a negative picture of CORA operators.
- Lots of fishermen go to park after hours and stay over night. CORA operators are not able to access park at night.
- Ulua Beach Park is busy for CORA but also popular for residents.
- Ulua Beach Park is a popular night diving location.

Page 30, Item 9

- Certified classes are implied to be hanging out in the park. There was a concern that this statement would be used as a negative generalization.

Page 31, Section d

- Relates to access/impediment issues. Is gear stored on walkway? Equipment is usually placed on periphery of pathway. Need to specify as slight impediment issue.

Page 31, Section d, Item 1

- How is beach access restricted? Gear is usually stored up against restroom and wall area, not near shower. Suggest - “Users conscious of access issue and try to work to ensure access is clear”.
- Ulua Beach Park is a popular beach for divers due to easy access.

Page 31, Section d, Item 6

- Use during peak hours. CORA operators self-regulate use. (Focus group comment).

Page 32, Section e

- Point #2 - Use of hand truck is viewed as another piece of equipment by CORA operator. Would recommend deletion.
- Point #3 - Suggest 30 minutes instead of 10 minutes prior to lesson.
- Point #5 - Shuttle service - may be a concern.
- Point #4 and #6 - Good recommendations.
Keawakapu Beach Park

- Page 26, Point #5 - Would recommend deletion of hand truck requirement for all parks.
- Night hours should be designated to allow night dives.
- No trash facilities; 2 bins, but always locked. Trash ends up on beach. Trash is an issue at all parks. Parks Department commented that illegal dumping occurs and trash cans have been stolen at the parks.
- Certain CORA operators are interested in a voluntary clean-up program in association with the Department of Parks and Recreation. Suggestions included recycling or a park stewardship program.

Makena Landing Beach Park

Page 41, Items 4 and 13

- Parking on road is an issue, but may not be related to dissuading public use of Makena Landing Beach Park. Operators park on road; customers, private users use parking lot.
- CORA business is seasonal and so is income generation. CORA operators must use busy time to make up for slower periods of demand.
- How was assumption made that parking along road dissuades private users? Revise as observation rather than implying a negative issue.

Page 41, Section c, Items 8 and 12

- Concern over fisherman observation. Fishermen usually fish at night and leave in the morning. Not a conflict issue. Suggested elimination of section implying conflict between fishermen and CORA operators.
- Launching of small boats from ramp is illegal and should be launching out of Kihei boat ramp. DLNR have enforcement powers for this problem.

Page 41, Item 6

- Relates to roadway crossing with equipment. Operators are not sure what kind of “dangerous condition” currently exists.
- Suggest speed bumps be installed to slow traffic down along Makena-Keoneoio Road.

Page 43, Section d, Item 7

- Camping in park is more of a problem these days. Parks are turning into tent cities as housing becomes more scarce.
Makena Landing Beach Park *(Continued)*

Page 45, Section e, Item 1

- Point #1 - Operators cannot force customers to ride a shuttle to beach park. Have customers coming from all over island. Some customers want to drive their own car to the beach parks. Would probably need to obtain PUC license and insurance would be high.
- Encourage, but not mandate shuttle service. “Might help alleviate traffic.” Everything else in sentence not needed.

Page 46, Section e

- Point #3 - Why is there a need to prioritize use if situation is working well now. The recommendation is vague and contradicts other points. Use of park is usually for a very short amount of time. Park is used for set up and break down of equipment only. Beach is probably least used area and is one of the few areas where canoes, kayaks, etc. can be launched.
- Point #4 - Five (5) minute time restriction is too short for unloading and loading of equipment. Ten (10) minutes is more reasonable for use of loading/unloading zone.

Page 48, Section e, Item 7

- Recommend deletion of user conflicts and scheduling. Weekends and holidays should be available to operators to teach local people.

Waipuilani Beach Park

Page 16, Section e

- Point #1 - Paved walkway would be waste of money. Some operators currently use a dolly for windsurf equipment.
- Point #2 - Concern over weekend restriction of CORA use. Certain windsurf and kite board operators voluntarily don’t teach on Sundays currently.

Maluaka Beach Park

- This park was visited eight (8) times as opposed to Makena Landing which was visited only three (3) times.

Page 53, Section e, Item 4

- Opposition to time/weekend restrictions on CORA operations.
Kamehameha Iki Beach Park

Page 63, Section c

- Item #2 - There are only two (2) surfing schools operating in the 505 Front Street building.
- A public restroom is available across Front Street.
- Item #6 - One (1) surf school observed was confirmed as a major problem at the beach park. Usually 30-40 boards along beach when large school was in operation. Concern over legality of existing CORA operations from single-family duplex housing adjacent to beach park.

Page 67, Item 3

- Moving CORA operations to the south end of beach will concentrate surfers in an area frequently used by the public.

Palauea Beach Park

Page 37, Section e

- Item #2 - Opposition to set time limits as there is no problem with overuse at present.

General Recommendations

Page 93, Item 1

- Relates to certification requirement and cultural awareness training. Operators suggested Huliau, LLC and the Hui Owawakaulua canoe organization as a possible resource.

Page 93, Item 2

- Lots of certification requirements. Hard because different skill levels of instructors and some are seasonal. SCUBA has strict requirements, but other sports may not go beyond County jurisdiction. Specific requirements from insurance policies. Covered by insurance and also provide waiver to County and State. Information such as instructor/patron ratios are required to be submitted to insurance companies to maintain coverage.
- For SCUBA, CPR/Life saving certification is already required by PADI.
- For kayaking, organization has requirements that seem to minimize insurance requirements.
- All Scuba dive instructors must be CPR certified as part of training process.
General Recommendations (Continued)

Page 93, Section B

• Item #1 - Cultural/environment training is already done with SCUBA lessons because there is a need to inform users and protect resources to ensure survival of CORA business.
• Recommend deletion of recommendation for cultural/environment training requirement for CORA.
• Not all CORA operators are informing visitors of cultural/environmental impacts and would benefit from awareness training program as well.
• Big commercial vehicles sometimes occupy parking all day at certain parks.
• Rules need to be basic, enforced and require minimal red tape.
• Money should be spent directly on parks.
• Item #21 - Instructor certification hard to do for certain activities. No central agency provides certification in windsurfing on Maui.
• Permits should allow access to all parks in order to prevent “funneling” of impacts to certain parks.

Page 94

• Item #3 - Relates to parking in designated parking lots. Should be a suggestion, not mandated. Make recommendation site and activity specific.
• Item #4 - Provide designated parking. Make sure alternative parking capacity is provided if parking will be restricted from current areas now.

Page 96

• Item #8 - Concern expressed over giving authority to enforce administrative rules to OSOs. OSOs should be watching beach. Park enforcement should be left to enforcement officers.
• Item #9 - 3 strikes rules. Concern for enforcement. Recommend removal as issue needs more discussion. Depends on seriousness of infraction and statute of limitations for infractions.
• Item #10 - Tags worn by all instructors. May not help catch illegal businesses and adds more red tape for CORA operators.

Page 97

• Item #11 - A hotline to report violations is a great recommendation.
• Good idea.
• Item #12 and #13 - Already being done.
Appendix E

Agenda and Minutes for June 16, 2005 Parks and Economic Development Meeting
PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

Meeting Agenda

June 16, 2005
1:30 p.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: http://www.co.maui.hi.us/committees/PED
e-mail: ped.committee@mauicounty.us

COMMITTEE MEMBERS

Jo Anne Johnson, Chair
Charmaine Tavares, Vice-Chair
Michelle Anderson
Robert Carroll
Danny A. Mateo

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting
date and time, and for tentative scheduling of agenda items, please contact the Committee
Staff (Shelly Espeleta or Pauline Martins) at: Office of Council Services, 200 South High
Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai),
1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony
is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or
faxed, please submit at least 24 hours before the meeting so that copies can be provided to
Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE
DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council
Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence
relating to the agenda items below, may be inspected prior to the meeting date.
Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec.
2.64.010). Please contact the Office of Council Services to make arrangements for
inspection or photocopying of documents.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui
Community Television.

PED-10 OCEAN RECREATIONAL ACTIVITY PERMITS (ORAP)

DESCRIPTION: The Committee is in receipt of County Communication No. 04-143, from Councilmember Jo Anne
Johnson, relating to possible revisions to Ordinance No. 3143, which established Article X,
Chapter 13.04, Maui County Code, entitled “COMMERCIAL OCEAN RECREATIONAL
ACTIVITY”.

STATUS: The Committee may receive a presentation on the “Ocean Recreation Activity Implementation
Program Study” being conducted by Munekiyo & Hiraga, Inc. The Committee may also consider the
filing of County Communication No. 04-143 and other related action.

MORE ➔
PED-11   SEMIANNUAL REPORT REGARDING PARK DEDICATIONS

DESCRIPTION: The Committee is in receipt of County Communication No. 05-206, from Councilmember Charmaine Tavares, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.16.320, MAUI COUNTY CODE, AS IT PERTAINS TO THE SEMIANNUAL REPORT REGARDING PARK DEDICATIONS". The purpose of the proposed bill is to revise the required elements of the semiannual report on park dedications.

STATUS: The Committee may consider passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 05-206 and other related action.
MINUTES
PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui
Council Chamber
June 16, 2005

CONVENE: 1:32 p.m.

PRESENT: Councilmember Jo Anne Johnson, Chair
Councilmember Charmaine Tavares, Vice-Chair
Councilmember Michelle Anderson, Member

EXCUSED: Councilmember Robert Carroll, Member
Councilmember Danny A. Mateo, Member

STAFF: David Raatz, Legislative Attorney
Shelly Espeleta, Legislative Analyst
Pauline Martins, Committee Secretary
Kelly McGinnis, Executive Assistant to Councilmember Pontanilla

ADMIN.: John D. Kim, Deputy Corporation Counsel, Department of the Corporation Counsel
John Buck, Deputy Director, Department of Parks and Recreation
Patrick Matsui, Chief of Planning and Development, Department of Parks and Recreation
Robert Straub, Special Events Coordinator, Department of Parks and Recreation
Kalbert Young, Director, Department of Finance (Item No. 10)

OTHERS: Karlynn Kawahara, Munekiyo & Hiraga, Inc.
Michael Munekiyo, Munekiyo & Hiraga, Inc.
Mark Roy, Munekiyo & Hiraga, Inc.
David Dorn
Plus (6) other people

CHAIR JOHNSON: The Parks and Economic Development Committee meeting of June 16, 2005 will come to order. We have present today, Committee Members Michelle Anderson and also Councilmember Tavares. Excused are Councilmember Mateo and also Councilmember Carroll. So we have a bare quorum today and I apologize. From the Administration, we have with us today, Mr. John Buck, who's
Deputy Director of Parks, Mr. Pat Matsui of Parks, and we also have Mr. Kim from Corporation Counsel. We have with us from Council staff, Ms. Pauline Martins and Shelly Espeleta. Is there anyone else present? I guess we have, in the audience, Mr. Kalbert Young from Finance, and also Mr. Bob Straub from Parks. So thank you, members. We have only one request at this point for testimony and we have two committee items on our agenda today, and that is a request from Mr. David Dom to give testimony but it has been communicated to me--oh, and please turn off all cell phones and pagers, if you would. It has been communicated to me by Mr. Dom that he would like to see the presentation prior to his giving any testimony. Is there anyone in the audience who wishes to testify prior to the presentation of our first item, which is Parks and Economic Development No. 10? Seeing no one come forward at this point in time, I will read the item.

PED-10  OCEAN RECREATIONAL ACTIVITY PERMITS (ORAP) (C.C. No. 04-143)

CHAIR JOHNSON: PED-10 regards ocean recreational activity permits, which is better known as ORAP. The committee is in receipt of County Communication No. 04-143, from Councilmember Johnson, relating to possible revisions to Ordinance No. 3143, establishing Article X, Chapter 13.04, Maui County Code, entitled "COMMERCIAL OCEAN RECREATIONAL ACTIVITY". Today's status is that we are going to receive a presentation on the “Ocean Recreation Activity Implementation Program Study” by Munekiyo & Hiraga, so we thank them for participating. We have, doing the presentation, Ms. Karlynn Kawahara. We also have a representative in the audience ... uh ... two representatives: Mr. Mark Roy and Michael Munekiyo from Munekiyo & Hiraga, who will also be assisting with any additional questions. So since there are no members from the public coming forward to testify, at this point, I will reserve testimony on this one item following the presentation of the study. So without further adieu, Ms. Kawahara, if you would be kind enough to go through the presentation and Ms. Tavares is gonna take care of the lights for us.

MS. KAWAHARA: Okay.

CHAIR JOHNSON: Thank you very much.

MS. KAWAHARA: Sure.

VICE-CHAIR TAVARES: (NOTE: Councilmember Tavares dimmed the lights.) Just a little bit. Is that okay?

CHAIR JOHNSON: Thank you. Do you have any opening comments, Mr. Buck, prior to the presentation? I should offer you at least that opportunity.

MR. BUCK: Thank you, Madam Chair. I think, as part of the agenda item, I think the presentation will be pretty self-explanatory what is being done in compliance of the conditions of the ORAP when it was passed a couple years ago.

CHAIR JOHNSON: Thank you very much. Karlynn, thank you for being with us.
MS. KAWAHARA: Sure. Good afternoon, Chair Johnson and Members of the Parks and Economic Development Committee. My name is Karlynn Kawahara and I am a planner with the firm of Munekiyo & Hiraga, Inc. We are the consultants who were hired by the Department of Parks and Recreation to prepare the report regarding the commercial ocean recreational activity program or CORA at the County beach parks in relation to Ordinance No. 3143. Joining me today are Michael Munekiyo and Mark Roy also from our firm. We have a short PowerPoint presentation for you today regarding the CORA study. As I’m sure you are aware, the Council adopted Ordinance No. 3143 in 2003, which established the framework for managing CORA operations on County property, including both County beach parks and beach accesses. The purpose of Ordinance No. 3143 is noted as “to fairly and effectively regulate CORA to ensure that County beach parks and other County property are utilized for the community’s maximum recreational, environmental, and economic benefit.” The ordinance defined CORA as an ocean recreational activity conducted by a business for a patron in or on County beach park or other County property.

(NOTE: Mr. Buck turned the lights completely off.)

CHAIR JOHNSON: Can you see, Karlynn?

VICE-CHAIR TAVARES: Can you see, Karlynn?

MS. KAWAHARA: Not really. . . . (chuckled) . . .

VICE-CHAIR TAVARES: Yeah, that’s the problem.

CHAIR JOHNSON: Oh! John, Karlynn can’t see.

VICE-CHAIR TAVARES: Just turn one of the lights on.

MS. KAWAHARA: I’ll just read off the screen. . . . (chuckled) . . .

CHAIR JOHNSON: Technical difficulties. . . . (chuckled) . . .

COUNCILMEMBER ANDERSON: Madam Chair, is there a hardcopy of this that we can follow with?

CHAIR JOHNSON: Karlynn, do you have a hardcopy to distribute also?

MS. KAWAHARA: Yes. I believe copies were passed out to the members.

COUNCILMEMBER ANDERSON: Okay, thank you.
MS. KAWAHARA: Okay.

CHAIR JOHNSON: Thank you.

VICE-CHAIR TAVARES: The lighting is not set up for that.

CHAIR JOHNSON: Karlynn, staff--

MS. KAWAHARA: Oh, yeah.

CHAIR JOHNSON: --has a light available for you.

MS. KAWAHARA: Sure. That will work.

CHAIR JOHNSON: With your indulgence, Mr. Buck, if we could please have the lights turned down again. . . . (chuckled) . . . Thank you.

MS. KAWAHARA: Yeah, this works. Okay. Ordinance No. 3143 gave the Department of Parks and Recreation the responsibility for the implementation of the CORA program, transferring it from the Department of Finance. The purpose of the CORA study is to provide planning data needed for development of rules, which will govern the CORA operations. The CORA study was specifically outlined in the ordinance for the implementation of the rules. The goal of the study is to ensure that the data collection and analysis process is appropriately integrated with a sound stakeholder and public input process. There were four objectives identified for the CORA study. First, to utilize multi-pronged data collection techniques, which included: beach park assessments, interviews, and focus group meetings. Secondly, to the extent practical, utilize the knowledge base of the CORA operators in assessing the beach park operational parameters. Third, to develop and prepare working papers for review by both the stakeholders and the public. And finally, to establish an open and ongoing process for receiving stakeholder and public comments. There were 17 beach parks selected by the Department of Parks and Recreation to be included in the study. There are currently 29 County beach parks where ocean recreational activity permits or ORAP are issued. While the deciding factor in the number of parks that were ultimately selected for the study was financial, it is our goal to provide the Department of Parks and Recreation with the standard framework for analysis of the beach parks, which could be utilized at a later date to analyze the remaining beach parks for CORA activities. Further, it is our understanding that the Department of Parks and Recreation has no intention of closing the beach parks that were not included in the study to CORA activities. This is a tentative time schedule that we created for the CORA study and I have included a full-sized version of the chart in the packets that you've received. We have met the study goals for April and May and are on target for the June activities. In fact, based on feedback we received at a meeting with the CORA operators, the focus group meetings that were scheduled for June actually took place in May. Our goal is to have the draft rules and our CORA study completed by the end of September 2005.
Briefly, I would like to provide you with a summary of the working papers that we have either completed or are in process.

- Working Paper No. 1: this paper covered the study background and methodology. A draft of the report was reviewed by the CORA operators and is being finalized for Chapter 1 of the final CORA report.

- Working Paper No. 2: this paper covered the results of the survey that was sent out to the 57 permitted CORA operators. A meeting will be held at the end of this month to have the operators review the draft report and receive their comments.

- Working Paper No. 3: this paper is in progress and will contain the beach park assessments for the 17 selected beach parks. Beach parks have been grouped by community plan area and will provide general observations of conditions by community plan region as well as an individual beach park assessment. The beach park analysis covers a wide range of topics from drainage and topography to facilities and surrounding land uses.

- Working Paper No. 4: this paper will provide an analysis of the field observations at the beach parks and a summary of comments received from the CORA focus group meetings. Field observations at the County beach parks provided a picture of both CORA and non-CORA activities at the County beach parks. Field observations were conducted independently of the beach park analysis and were completed by separate staff. The purpose of the field observations was to record activities and note issues and conflicts (if any) at the respective beach parks. Visits were conducted on various days of the week, including weekends, and at various times from early morning to afternoon. It is understood that the field observations represent a point in time for the beach park and that weather conditions will affect both CORA operations and general public use of the beach parks. Additionally, summaries of the comments provided by CORA operators in focus group meetings, which were held in May 2005 will be covered in Working Paper No. 4. Input was sought from the CORA operators to gain their perspective on the benefits and challenges of conducting CORA operations at County beach parks as well as any recommendations they had to improve the CORA program overall. Based on the findings from the field observations and focus groups, Working Paper No. 4 will provide proposed recommendations for rules, revisions, or improvements at the individual beach parks.

Final report preparation will include each previous working paper as a chapter in the report. A draft of the rules will be prepared based on the study findings and results. A copy of the draft rules will also be included in the final report.

Lastly, we wanted to summarize the meetings that have been held thus far with the CORA operators.

- Our first informational meeting was held on March 1st of this year.
• A follow-up meeting was held in April of 2005 to review the draft of Working Paper No. 1, which covers study methodology.

• In May of 2005, we held six focus group sessions and this was done, not by beach park, but by activity, based on comments that we received from the CORA operators.

• Again, as I previously mentioned, we have recently scheduled a meeting on June 28 of this year to review the draft of Working Paper No. 2, which covers the CORA survey results.

• And lastly, we will be planning additional meetings to review drafts of the Working Paper Nos. 3 and 4 in August of 2005. That’s our target right now.

We thank you for your time and are available to answer any questions you may have. Thank you.

... END OF PRESENTATION ...

CHAIR JOHNSON: Thank you very much, Karlynn. Before we begin our questions of you, Karlynn, what I would like to do is offer Mr. Dom his opportunity to testify on this particular subject. So Mr. Dom if you could please come forward and ... uh ... come to podium, state your name for the record, and then give your testimony.

... BEGIN PUBLIC TESTIMONY ...

MR. DORN: Hello, my name is David Dom. I’m an ORAP holder and a CORA operator and I’m here to testify a little bit. It’s a shame that more of my colleagues aren’t here today but they have ... several of them have expressed that they are just flat out busy. I can relay some of the information to them and ... uh ... I have a general consensus on some of the feelings on certain issues. I would just like to say from the outset that this CORA study seems to be going in the right direction and obviously, it has plenty of opportunity for the input from the operators, which is a wonderful thing. It’s a good feeling to have a voice in the process and I really think that we’re gonna make a difference. This has been a process that’s been in cooperation for some period of time and I think we’re finally getting there. The last time I testified I had some feedback that perhaps, you know, I put the Parks Department on the back foot, like I perhaps was making them feel attacked ... uh ... in response, particularly, to we’re talking about the enforcement and giving the Parks some teeth to enforce the regulations. It’s not my intention to ... um ... take any of the power away from the Parks Department to enforce their rules but our initial reaction--and speaking to my colleagues and myself--was that the enforcement would have been premature at that time and without any safeguards, we couldn’t support it in its current form. But I would just like to say, having reflected on that since my last thing, I would want the Parks Department to know that in theory we support it if there were some safeguards put in place like a third-strike rule or I don’t know how it would have to be implemented to comply with the legal conditions, it could be something we could get behind more. I don’t think we’re that far apart on the issue. Enforcement’s
obviously something we’ve requested and the Parks are trying to implement, where there are distinctly, there are reservations in our industry that we will be ... could be exposed when it comes to maybe overzealous enforcement. A couple of examples we’ve had in the past, especially the longer term operators, some of 15 years. We’ve had people enforcing rules that nobody was sure about and ... uh ... if we had some assurances of safeguards, it could be something we could get behind.

This week, we will be meeting with the kite school owners. We are discussing issues of self-regulation. I know that when we’ve been submitting to the CORA study, we might have been vague on what our self-regulation is. I will be getting together with all of the school owners or getting feedback on them on ... uh ... what our position is, whether we want to have a degree of self-determination self-regulation within our industry. We have, you know, as I mentioned before, three associations. I know that there are people in both camps and we just have to discuss that and see ... um ... what we want to put forward. I think, in addition, the windsurfing schools, they are pretty much on the same page. I’m also a member of the windsurfing schools, the Maui Board Sailing Association, which have had long-term rules in existence, some of which have become Hawaii Revised Statutes with the operations in the swim zones at Kanaha Beach park. They’ve become law and that helps with the self-regulation on that point of view. There are some other self-regulation guidelines and gentlemen’s agreements that we abide by, which makes it a lot more user friendly down at the beach for the public and what have you. However, I think there’s a feeling amongst our industry to wait and see what the CORA study recommends. So we’re not ... um ... we’re waiting to see what their perhaps limitations or the administrative rules are, so we decide what further concessions we’ll make because there’s a real danger for us because we’re basically operating on a pretty thin line there for making our businesses viable. If for instance, days off, vacations, public holidays, which ones are recognized? If it’s the State, or if it’s the County, or both combined, that would make a real difference to the viability of our businesses. So before we offer it up (our concessions), it would be kind of nice to know what the limitations that are going to be demanded from us in the administrative rules would be. So we are moving in the same direction but it’s kind of a, you know, wait to see who makes the first move. That’s my general observation. I’m not speaking for everybody but that is what I get from speaking to people. Being regulated out of existence is the biggest fear of the majority of CORA operators that I have spoken to. Some are part of the process. Some are anti- any regulation and some are all behind it. Some are just ... let the County take care of it all. I think it needs constructive input from us and, you know, that’s why I’m here.

This week, we received the instructions for the Parks permits for existing permit holders, a day or so ago. I have a question for the Parks Department, that maybe they could ... if it comes up, it would be good to know. Everything seems pretty basic, just a repeat of what we had under the Finance Department. There is an additional thing in there, which I think is good in theory, the certification of life-guarding certification is in there. I spoke to other people and said “how do you read this; is it ... ?” They said “oh, you just need either CPR or First Aid from the lifeguards or another recognized body”. You know, I didn’t read it like that. I read it as we needed full lifeguard certification for all our instructors plus the CPR and First Aid. So if it is the life-guarding thing, we’ve got what, you know, 12 days to comply or something like that? So if that is the case, I would support it. It’s a wonderful idea. We are really utilizing the resource of instructors as quasi-lifeguards. In fact, they will be lifeguards as far as their training is concerned. However, I know there are going to be a lot of people--if
that is the case—that are gonna be stalled off the blocks. They will need a grace period, perhaps, to get that full certification. I don’t know if you’ve ever dealt with the Red Cross but Tweet down at the Red Cross there, but scheduling a lifeguard course, I’ve been on the waiting list for six months. I will put all of my current (seven) instructors through that program before the end of the month if it’s possible but if it is actually a new condition, then perhaps a grace period would help us out, but I actually think it’s a wonderful idea. More training is better. That’s it.

CHAIR JOHNSON: Thank you, David. Do the members have any questions of Mr. Dorn? Thanks very much for giving your testimony and we’ll try to get an answer. If not during this meeting, we’ll try and get an answer after. Are there any other individuals in the audience who wish to testify on either subject that’s on our agenda today (Parks and Economic Development No. 10 or Parks and Economic Development No. 11)? Seeing no one coming forward at this time, public testimony will be closed if there’s no objection.

VICE-CHAIR TAVARES: No objection.

... END OF PUBLIC TESTIMONY ...

CHAIR JOHNSON: Thank you.

MR. BUCK: Madam Chair?

CHAIR JOHNSON: Yes.

MR. BUCK: I have an answer to what Mr. Dorn’s concern was.

CHAIR JOHNSON: If it’s appropriate, you know, if you want to put that on the record.

MR. BUCK: I would like to put it on the record.

CHAIR JOHNSON: Yes.

MR. BUCK: Basically, what the new condition is—and hopefully it’s something that the dealing with tourists and the risks involved, that all we are asking for is—not the life-guarding but it’s the CPR and the First Aid. And usually a life-guarding class does cover that, so that’s why that statement’s in there. So it’s the CPR and the First Aid is what it should be and not the life-guarding class, if I can clarify that.

CHAIR JOHNSON: Oh, okay. Thank you very much. And hopefully, that answered Mr. Dorn’s question. And I do think, though, that when you are drafting the administrative rules too, which is all part of the input here, that it’s gonna be really important to be real clear and then if there are additional things that need to be added in, such as, the certification, which Mr. Dorn mentioned, I think that would be helpful. Members, do we have questions of Karlynn or any other representatives with regard to the study or
VICE-CHAIR TAVARES: Not further clarification, but I would just like to thank Karlynn for giving us a status report of where they are in the process and what exactly the methodology is that is being used and what kind of reports we can expect. Normally, when we have these kinds of studies or reports required or contracted for, you know, we approve the money and the next thing, we see the report. We have no idea what happened in between here and there and then we get antsy when it takes a long time, so I would just like to share, I think, the whole committee’s appreciation for the work that you’ve done on this. Thank you.

CHAIR JOHNSON: And the Chair also wishes to thank Karlynn. Actually, our staff thought it would be helpful for all of us because if there are certain elements or components that, at this point in time, we would even like to inject and ask questions about that perhaps had not been thought about or, you know, well it has to stay within the parameters of the study. I think that sometimes taking into consideration our approach or maybe how we might address particular issues, I really welcome that and I thank staff for that suggestion too because I think that I would like to know what the progress is that’s coming on and I think it’s really helpful to know that these are ongoing meetings and what comes out at the end hopefully will be something that’s a useful tool for all of us. And particularly, because there has been oftentimes criticism of government not including the stakeholders and, you know, just developing ordinances and isolation, I think this is particularly good for this to have come forward. Councilmember Anderson, do you have any questions or anything at this point? Karlynn, my only question would be that when you’re going forward with this, will you be actually drafting then? From my understanding, you would be drafting in cooperation with Parks Department and the public as well as the operators, the administrative rules, which—will you be actually taking those out and assisting our Department (our Administration) with taking those out to public testimony?

MS. KAWAHARA: Yes. I believe that is the goal of . . . um . . . I guess, that is the end product of our study, is to create a draft set of rules and assist the Parks Department in their public hearing.

CHAIR JOHNSON: Great. Great. I think that’s wonderful. Is there anything further members? Is there anything additional that you wish to add, Karlynn?

MS. KAWAHARA: No. Thank you.

CHAIR JOHNSON: Okay. Thank you. Mike, any comments? Seeing none. I really appreciate the presentation and I want to thank you for keeping us updated and so if there’s no objection, members, of course, this item—because it will eventually come back to us—the item will be deferred.

COUNCIL MEMBERS VOICED NO OBJECTIONS.
COUNCIL MEMBERS VOICED NO OBJECTIONS. (PRESENT: ANDERSON, JOHNSON, AND TAVARES)

ACTION: DEFER.

CHAIR JOHNSON: Okay. Thank you very much. And thank you for the presentation. Would staff like just a brief recess to take away the equipment? Okay, about a two-minute recess.

RECESS: 1:58 p.m.

RECONVENE: 2:03 p.m.

CHAIR JOHNSON: The Parks and Economic Development Committee meeting for June 16, 2005 will come back into order. Just prior to the recess, we had concluded the PED-10 but Mr. Buck had a brief comment that he also wanted to put on the record.

MR. BUCK: Yeah. I just want to put on the record that when these working papers that we’re working on get posted on the County website under the Parks Department. The Working Paper No. 2 that she’s talking about is currently on the website.

CHAIR JOHNSON: Great. Thank you. He just wanted that to go on the record so that we know that we’re being as open and transparent as we can to the public, so that there’s no miscommunication.

PED-11 SEMI-ANNUAL REPORT REGARDING PARK DEDICATIONS (C.C. No. 05-206)

CHAIR JOHNSON: Members, our final item is Parks and Economic Development No. 11, which is the semiannual report regarding park dedications. The Committee is in receipt of County Communication No. 05-206 from Councilmember Charmaine Tavares, transmitting a proposed bill, entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 18.16.320, MAUI COUNTY CODE, AS IT PERTAINS TO THE SEMI-ANNUAL REPORT REGARDING PARK DEDICATIONS”. The purpose of the proposed bill is to revise the required elements of the semiannual report on park dedications. And at this point, I will turn the issue over to Councilmember Tavares.

VICE-CHAIR TAVARES: Hi, Madam Chair. You may go for a record meeting this afternoon because ... uh ... I’m almost hesitant to say that this is a no-brainer but ... um ... as promised, in an earlier Parks meeting, I volunteered to take this on to fix it up, to just further clarify that the report that comes to the County Council actually contains not just money, land, and improvement, but any combination of those groups. Thank you to Mr. Kim, who has worded it in a way that I think is quite clear. I also want to thank David Raatz from our staff for helping to work on this. What seemed to be a really simple thing to do ended up being a little more involved but I think what we have here is a product where it’s clear, first of all, that the report is transmitted to the Council, which was not stated earlier; and that
secondly and most important, that it would also require a reporting of combinations of cash, land, and/or improvements.

CHAIR JOHNSON: Uh-huh.

VICE-CHAIR TAVARES: And anytime you are ready for a motion, Madam Chair, I am happy to make it.

CHAIR JOHNSON: Yes. Are there any items, Mr. Kim, anything that you want to go over specifically with regard to the bill? It's pretty much self-explanatory.

MR. KIM: Yes, ma'am.

CHAIR JOHNSON: Thank you very much. Councilmember Anderson, did you have anything?

COUNCILMEMBER ANDERSON: No.

CHAIR JOHNSON: Okay. Members, at this point, the Chair will entertain a motion to pass the bill for an ordinance amending Section 18.16.320, Maui County Code, as it pertains to the semiannual report regarding park dedications and the filing of County Communication No. 05-206.

VICE-CHAIR TAVARES: Madam Chairman, so moved.

COUNCILMEMBER ANDERSON: Second.

CHAIR JOHNSON: It's been moved by Councilmember Tavares and seconded by Councilmember Anderson. Is there any discussion on the item?

VICE-CHAIR TAVARES: No discussion, unless there's a question someone wants to ask.

CHAIR JOHNSON: The Chair has no questions and I thank you for bringing this forward, as promised, for clarification. Seeing that there's no discussion, all those in favor of the measure, please signify by saying "aye".

COUNCIL MEMBERS VOICED AYE.
PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

June 16, 2005

VOTE: AYES: Councilmember Anderson, Vice-Chair Tavares, and Chair Johnson.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Mateo and Carroll.

MOTION CARRIED.

ACTION: FIRST READING AND FILING OF COMMUNICATION.

CHAIR JOHNSON: And of course, the Chair votes "aye" so it's unanimous.

COUNCILMEMBER ANDERSON: Yeah. I would have liked an opportunity to say something but _______. I guess.

CHAIR JOHNSON: Oh, I'm sorry.

COUNCILMEMBER ANDERSON: And we'll be done with it.

CHAIR JOHNSON: I'm sorry. I thought that there was no discussion. Would you like to reconsider the item?

VICE-CHAIR TAVARES: Yes, please.

CHAIR JOHNSON: It is the Chair's recommendation, at this point, that we reconsider this particular item. So I'll make a motion for reconsideration.

VICE-CHAIR TAVARES: So moved.

CHAIR JOHNSON: So it's been moved by Councilmember Tavares. May I have a second?

COUNCILMEMBER ANDERSON: Second.

CHAIR JOHNSON: So it's been seconded. All those in favor, please signify by saying "aye".

COUNCIL MEMBERS VOICED AYE.
VOTE: AYES: Councilmember Anderson, Vice-Chair Tavares, and Chair Johnson.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Mateo and Carroll.

MOTION CARRIED.

ACTION: RECONSIDERATION.

CHAIR JOHNSON: So the motion is being reconsidered. Now—excuse me—Councilmember Anderson, you may proceed.

COUNCILMEMBER ANDERSON: I just wanted to thank Charmaine for doing this. I think that the ordinance as it read was a little weak and this puts some teeth in it and actually some good directives. So I thank her for doing that. It's improving it quite a bit.

VICE-CHAIR TAVARES: Thank you.

CHAIR JOHNSON: Thank you. Is there anything further to, is there anything—I noticed that we have Aquatics in the audience. . . . (chuckled) . . . Was there any comment with regard to this particular report?

MR. BUCK: She's late for the other one.

CHAIR JOHNSON: Oh, she was here for the other one. So you're late for PED-10.

VICE-CHAIR TAVARES: Madam Chairman.

CHAIR JOHNSON: Yes?

VICE-CHAIR TAVARES: Yes, Madam Chairman. I believe that now there's no motion on the floor.

CHAIR JOHNSON: There's no motion. So we are going to entertain a motion, again.

VICE-CHAIR TAVARES: Okay. You can go ahead and read it. . . . (chuckled) . . .

CHAIR JOHNSON: I know. I will read it back into the record. And I apologize, you know, sometimes, I get moving a little bit fast on these things. So anyway, at this time, the Chair would entertain a motion that
we transmit the bill entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 18.16.320, MAUI COUNTY CODE, AS IT PERTAINS TO THE SEMIANNUAL REPORT REGARDING PARK DEDICATIONS” and including the filing of this communication.

VICE-CHAIR TAVARES: I so move, Madam Chair.

COUNCILMEMBER ANDERSON: Second.

CHAIR JOHNSON: So it’s been moved by Councilmember Tavares and seconded by Councilmember Anderson. Is there any additional discussion?

VICE-CHAIR TAVARES: Oh, Madam--if I may, Madam Chair?

CHAIR JOHNSON: Yes.

VICE-CHAIR TAVARES: As the maker of the motion, I want to thank you, Michelle, for your comments. It was something that we had discussed in committee and I think the members were in agreement that it needed some clarification. I don’t remember if it was last term? I guess it was last term.

CHAIR JOHNSON: It was last term.

VICE-CHAIR TAVARES: Yeah. So it was last term and, you know, I stuck my hand in the air, I guess, at that time and said “oh, I’ll remember to take care of it”. And then I couldn’t find the paper that I wrote all my notes to myself about things I said I was gonna do. Then I found it. ... (chuckled) ... So, I got to it. But I want to thank the members for the discussion in last term and also from the Parks Department, which led us to clarifying it further, so it’s real clear. No matter who’s in the Parks Department or who’s in ... uh ... sitting in the Council at that time, that it is very clear where this report goes and what shall it contain. So I thank everyone who worked on it. It was really a joint effort with the last Council and this Council.

CHAIR JOHNSON: And I thank you too because I know sometimes these seem like little small things but the institutional memory goes on once certain people go off the Council. And unfortunately, then the laws are left in a very vague state and sometimes, that’s where the loopholes are created. So I think it’s really important to have that in place. So I want to thank the members and I also want to thank staff for their participation today, the members of the Administration and Parks, and of course, Corporation Counsel. I especially want to thank the members. Even though these may not seem like pressing issues that we had on our agenda today, I do want to thank the members, who ... um ... you know, stuck with this and didn’t go on to other things because sometimes, it is really hard to get everyone together at the same point in time. But I want to thank those individuals too that always come from the public to bring their testimony forward as well. So is there any other announcements? Or is there any further business?

VICE-CHAIR TAVARES: Let’s vote on it.
CHAIR JOHNSON: Oh, I’m sorry. I didn’t even take the vote on that. That would have been inappropriate. 
... (chuckled) ... So I get distracted on my own accord. So are there any other comments? Seeing none. All those in favor, please signify by saying “aye”.

COUNCIL MEMBERS VOICED AYE.

VOTE:  
AYES: Councilmember Anderson, Vice-Chair Tavares, and Chair Johnson.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Mateo and Carroll.

MOTION CARRIED.

ACTION: FIRST READING AND FILING OF COMMUNICATION.

CHAIR JOHNSON: And the Chair votes “aye” so it’s unanimous.

VICE-CHAIR TAVARES: Thank goodness.

CHAIR JOHNSON: Thank you very much for attending this meeting. Is there any other further business or any other announcements? Nothing from staff? Thank you very much. And with that, this meeting is adjourned.

ADJOURN: 2:11 p.m.

APPROVED BY:

JO ANNE JOHNSON, Chair
Parks and Economic Development Committee

Transcribed by: Pauline Martins